

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 10TH MARCH 2015, 5.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

I am now able to enclose, for consideration at the above meeting of the Development Control Committee, the following reports that were unavailable when the agenda was published.

Agenda No	Item	
3C	14/01279/FULMAJ - LAND 200M SOUTH EAST OF 132 CHORLEY LANE, CHARNOCK RICHARD	(Pages 3 - 18)
3D	14/01157/FULMAJ - LAND WEST OF 77 DOCTORS LANE, ECCLESTON	(Pages 19 - 34)
3J	15/00058/FUL - THE BARN, DEAN HALL LANE, EUXTON, CHORLEY - REPORT DEFERRED	
	Since the publications of the agenda, consideration of the above planning report has been deferred until a future meeting of the Development Control Committee.	
3M	14/01297/OUT - ST PETER'S VICARAGE, HARPERS LANE, CHORLEY	(Pages 35 - 44)

GARY HALL
CHIEF EXECUTIVE

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Item 3c **14/01279/FULMAJ**

Case Officer **Caron Taylor**

Ward **Chisnall**

Proposal **Erection of 18 affordable homes (bungalows and two-storey houses), including construction of an access road off Chorley Lane.**

Location **Land 200M South East Of 132
Chorley Lane
Charnock Richard**

Applicant **MCI Development Ltd.**

Consultation expiry: **19th February 2015**

Decision due by: **13th March 2015**

Delegated		Delegated following Chairs Brief		Committee	X
Date: 24 th February 2015					

	Case Officer	Authorising Officer
	CT	
Date	4 th March 2015	

Recommendation
That the application is refused.

Representations

Charnock Richard Parish Council

The Parish Council strongly objects to these proposals as there are more appropriate sites within the Parish for affordable homes which would not harm the Green Belt and, allowing this development would constitute inappropriate development in the Green Belt.

The proposal to construct a new access in such close proximity to 3 already existing accesses (Charter Lane, Southgates and Robin Close) will seriously compromise highway safety for other road users and would create an extremely dangerous junction.

Councillors are of the opinion that this would be a significant over development of a site which would result in a loss of amenity to neighbours on Southgates by overview from the proposed two storey houses onto the existing bungalows in Southgates.

In total 21 representations have been received which are summarised below

Objection

Total No. received: 21

- The site is Green Belt and there are no very special circumstances;
- The main purpose of Green Belt is to prevent urban growth by keeping the land permanently open and maintaining it and it a designated area for forestry and agriculture;
- Any permission will set a precedent for developing former Green Belt surrounding the village;
- The village should not be allowed to ever expand;

- More traffic onto an already dangerous length of Chorley Lane, a stretch that has seen several road traffic accidents. Another access in close proximity to Southgates is going to create a potential accident in the area;
- There need to be long term plans to stop traffic overtaking and speeding on this particular before more vehicles can use the lane;
- Their open views of the fields will be spoiled;
- The value of their property will be affected;
- Pressure on education system in village;
- It will ruin eco systems;
- It will ruin the landscape;
- The site is habitat for wildlife including protected species;
- The drainage and sewer facilities for the houses in the vicinity already have problems without adding to them;
- It will result in loss of light to them, result in noise pollution and overlooking;
- The scale of the development is out of proportion, infill plots would be better;
- There are no facilities in the village and the bus service is minimal;
- Affordable housing scheme should not be set up in desirable locations such as this;
- Affordable housing has already recently been provided in the village;
- There are better alternatives for affordable housing development elsewhere;
- It should not be assumed that the site off Charter Lane within the village will only be developed for market housing;
- The village does not have a centre and the statement says the sites location will encourage walking to the shops – the village has no shops;
- The sheltered accommodation for older residents in the village is not fully used;
- They would be surprised if the quota for new housing in these areas has not already been met or exceeded;
- It would change the character of the area;
- The entrance to the estate would be near their driveway and they have to reverse onto the main road;
- If approved there will be a lot of noise from site traffic;
- There is clear intention for further incursion into the Green Belt as it has an open-ended road leading to the fields beyond;
- There is no need for more housing in the village and many remain unsold;
- It will cause light pollution;
- There are inaccuracies in the report – it states there is a railway station within 800m when there is not and state that there are buildings on three sides when there isn't.

Consultees

Consultee	Summary of Comments received
Police Architectural Liaison Officer	<ul style="list-style-type: none"> • From the plans submitted a proportion of agricultural land will remain with proposed gated access to it from the end of the road of the proposed development. However this would result in large agricultural vehicles with trailers or other equipment traveling through a residential area; • A bat survey is required; • No reference is made by the applicant to the proposals for both natural and physical security (enhanced security measures incorporated into the build). The two parts combined make and have been proved statistically to reduce crime and the fear of crime; • As this site is in a location that almost makes it self-contained they feel that both design and physical security should be incorporated into the development so that crime and disorder, fear of crime does not undermine the quality of life or community cohesion. This

	<p>would also contribute to reduced demand for emergency services and repair costs in general.</p> <ul style="list-style-type: none"> They strongly recommend that the whole development is built to Secured by Design standard, however if it is not the intention to build Secured by Design Standard they recommend security measures considered as a minimum to reduce greatly the risk of the occupants becoming victims of crime.
United Utilities	Have no objection to the development subject to conditions.
Council's Contaminated Land Officer	Have reviewed the desk study report and are happy with this report in making an initial appraisal and risk assessment for the site. There are some recommendations made in section 6 of the report, which are designed to confirm the initial desk-based findings. They would like to see the applicant fulfil the basic recommendations as suggested.
LCC Education	See body of report.
LCC Highways	The proposed development is acceptable. The 'existing Leyland cypress hedge' at the northern corner of the site should however be removed to allow the footway to be extended to tie-in with the existing. As the existing field access is proposed to be closed, the closure should be permanent with the dropped kerbs reinstated. The applicant should check whether parking space number 14 is wide enough to accommodate 2 vehicles and make adjustments as may be necessary. The proposed internal carriageway and footway widths of 5.5m and 2.0m are acceptable, but the development should be constructed to the Lancashire County Council Specification for Construction of Estate Roads to ensure satisfactory access and in order to be acceptable for adoption under the Section 38 agreement of the Highways Act 1980. They suggest conditions and advice notes if the application is approved.
Council's Ecology Advisor	See body of report.
LCC Archaeology	The line of the Roman road from Wigan to Preston, Margary 70c, a non-designated heritage asset on the Lancashire Historic Environment Record, PRN 26143 is recorded as possibly running through the proposed development. Any surviving archaeological evidence for the road would be considered to be of local significance only and could therefore be adequately dealt with by means of an appropriate scheme of archaeological mitigation (geophysical survey, archaeological excavation and recording). They therefore recommend that should the local planning authority be minded to grant planning permission to this or any other scheme that the applicants be required to undertake a phased programme of archaeological work, and that such works be secured by means of a condition.
Environment Agency	Have no comments to make on the application.

Applicant's Case

- The applicant has put forward their case they wish Members to consider, please see the committee addendum for this.

Assessment

Principle of the Development

2. This proposal is located in the Green Belt adjacent to the settlement of Charnock Richard. The Core Strategy directs housing growth to the most sustainable settlements in the Borough. Charnock Richard has a limited number of facilities and services and is not identified as a location for housing growth in Central Lancashire Core Strategy Policy 1. Criterion (f) of Policy 1 states that development in locations that are not identified for growth (other places) should typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.
3. However, this proposal is not located within the Charnock Richard settlement boundary. It is located in the Green Belt adjacent to the settlement and as such criterion (f) is not applicable to this development. The proposals are therefore contrary to Policy 1.
4. The Council's emerging Local Plan is at a very advanced stage and in accordance with the Inspector's Partial Report, its policies, except for matters on Gypsies and Travellers, can be given significant weight.
5. Paragraph 47 of the Framework states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework.
6. In the October 2013 Partial Report, the emerging Local Plan Inspector considers whether the Plan allocates sufficient land in the right locations and to accord with the requirements of the Core Strategy and with paragraph 47 of the Framework. She concludes in paragraph 111 that it is unnecessary to allocate any additional or 'alternative' housing sites to make the Plan sound. She further concludes that incorporating the main modifications the Plan allocates sufficient housing land in the right locations to accord with the Core Strategy and to accord with paragraph 47 of the Framework. The Inspector was aware of the 2011 Rural Housing Needs Study and the fact that it identifies a shortfall of affordable properties in rural areas over the period 2011 – 2016. However, she took the view that it was not necessary to allocate any additional land to meet housing needs and that the Council's approach accorded with the requirements of the Framework.
7. The emerging Local Plan does incorporate a modest element of windfall housing in its identified housing supply and includes policies that are supportive of new housing in principle, provided that it is of an appropriate scale and in the right locations. This enables market and affordable housing to come forward on sites that are not allocated, provided that proposals accord with other Local and national policies.
8. The application site is in the Green Belt. Paragraph 89 of the Framework states that the construction of new buildings is inappropriate in the Green Belt, but an exception is limited affordable housing for local community needs under policies set out in the Local Plan.
9. Therefore, national policy restricts new built housing development in the Green Belt, unless it is limited in nature and meets local community needs under a policy set out in the Local Plan.
10. Policy HS8 of the emerging Local Plan is Chorley's rural exception site policy. This states that a limited number of dwellings exclusively to meet a local need for affordable housing may be allowed adjoining a number of settlements, including Charnock Richard, providing the following criteria are met:
 - a) There is no suitable site available within the village;
 - b) The scale and nature of the development would be in character with the settlement;
 - c) The development would significantly contribute to the solution of a local housing problem that cannot be solved in any other way;

- d) The occupancy of the dwellings would be limited to people with a close local connection and who are unable to afford market housing;
- e) The development is managed by a Registered Provider or similar body.
11. The supporting text for the policy states that in Chorley rural exception sites are considered to be sites outside of the village boundaries, but which adjoin the village built-up area. This site is outside of the Charnock Richard settlement boundary, but adjoins the village built-up area, so accords with this provision.
12. There is no definition of 'limited' in the Framework, but the supporting text to Policy HS8 states that for the purposes of development management a limited number of dwellings is considered to be a maximum of ten units. This proposal is for 18 units so does not accord with this provision. Therefore, this proposal is not considered to be limited in nature under the policy set out in the emerging Chorley Local Plan. It is therefore contrary to the Framework and is inappropriate development, which is by definition harmful to the Green Belt. This proposal is not consistent with policy on the Green Belt in the Framework.
13. The criteria in the policy are considered in turn.
- a) **There is no suitable site available within the village:** The applicants have undertaken a sequential site assessment and state that there is no suitable site available in the settlement. However, there is land allocated and therefore suitable for housing development within the settlement at Pole Green Nurseries (29 units), which has previously had planning consent and would trigger affordable housing contributions. It does not appeal from the applicant's submission that this site is available however.

It is noted that there is land within the settlement area (non-Green Belt) that has not been developed, including land that was put forward by the landowners for housing development as part of the emerging Local Plan process. Any applications on these sites would be subject to assessment against the Development Plan noting that Charnock Richard is not an area identified for growth within the Core Strategy.

- b) **The scale and nature of the development would not be in character with the settlement:** This development is for 18 units, which is of a scale that is considered greater than that considered appropriate for rural exception sites in the emerging Chorley Local Plan, which specifies a maximum of 10 units. The application site is in the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. This application is for 18 units, which would have a significant impact upon the openness of the Green Belt in this location and would lead to encroachment into the countryside, so would conflict with one of the purposes of the Green Belt. Charnock Richard also has a limited range of services and facilities (for example, whilst there is a primary school, there is no convenience store or doctor's surgery) which is reflected in the Core Strategy Policy 1, as it is not a village identified for growth.
- c) **The development would significantly contribute to the solution of a local housing problem that cannot be solved in any other way:** The applicants refer to the 2011 Rural Housing Needs study which indicates an affordable housing requirement of 13/14 dwellings annually in Charnock Richard over the period 2011/12 to 2015/16. However, they do not supplement this with any more up-to-date evidence about the need in Charnock Richard, or appear to have undertaken dialogue with the Council's Strategic Housing Team to get their views on current need within the locality. Information on the recent take-up of affordable housing developed in Charnock Richard would also be useful. Rural Exception sites are not a preferred location for rural affordable housing; they are located in the Green Belt and should only be developed if they would significantly contribute to the solution of a local housing problem that cannot be solved in any other way and all of the other criteria in

policy HS7 are satisfied. Further evidence on the extent of the local housing problem should be supplied to justify this development.

Affordable housing has been developed in Charnock Richard in recent years without the need to develop Green Belt land. The applicant's supporting statement indicates that 10 affordable units have been constructed as part of the Arley Homes scheme at the Dog and Partridge site on Chorley Lane, 3 units built at Leeson Ave and 2 units are under construction at 18 Chorley Lane. Therefore, affordable homes are actively being delivered in the settlement, without resorting to Green Belt development.

- d) The occupancy of the dwellings would be limited to people with a close local connection and who are unable to afford market housing:** The applicants state the houses will be allocated to local people in need according to a 'cascade' system, with priority given under a legal agreement to those currently or recently residing in the Parish of Charnock Richard or with a strong local connection to the village. However, whilst this would ensure that people with a close local connection get 'priority', it also leaves potential for people without a close local connection to secure houses, if not enough 'priority' residents are secured to reside in all 18 dwellings. In these circumstances, residents without a close local connection could end up living in these houses.

The Council's Strategic Housing Officer advises there are currently 7 households currently seeking social housing via Select Move (the Council's Housing Register) in the parish, none of which are in preference categories, with 5 in no housing need. A recent garage site on Leeson Avenue saw two new build properties let to tenants with no local connection to Charnock Richard demonstrated (moving from Coppull and Astley Village), so a site of 18 properties is likely to be let mainly to households from outside the Charnock Richard parish contrary to criterion (d).

Rural exception sites in the Green Belt are not identified to meet general affordable housing need; this would be contrary to national policy in the Framework which states that only limited affordable housing development for local community needs (under policies set out in the Local Plan) is appropriate. It would also be contrary to local planning policy in policy HS7 which states that such dwellings should be exclusively to meet a local need for affordable housing. The Affordable Housing SPD confirms that a rural exception site policy should seek to address the needs of the local community by accommodating households who are either current residents, or who have an existing family or employment connection.

- e) The development is managed by a Registered Provider or similar body:** The applicants state that the development would be managed by a local Registered Provider (Adactus Housing Association), which would comply with this criterion of the policy.

14. In summary, this proposal is not limited in nature and is considered to be contrary to national policy on Green Belt development and Local Plan policy HS8 on rural exception sites for the reasons as stated above. It is therefore considered inappropriate development in principle.
15. Although it has been established that the development is inappropriate in principle it must also be considered what other harm to the Green Belt, if any (in addition to the in-principle harm arising from the fact of inappropriateness), is caused by it. Harm in this context relates to the purposes of including land in the Green Belt, of which there are five:
- To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns from merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns;
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

16. In terms of this application it is the third purpose above that is most pertinent, especially as the Framework states that the essential characteristics of Green Belts are their openness and their permanence.
17. It has been established in case law that openness and visual impact are different concepts in terms of Green Belt Policy. However they can relate to each other and as such the visual impact is a material consideration. Any construction harms openness irrespective of its impact in terms of its obtrusiveness or its aesthetic qualities. The proposal will therefore result in harm to the openness and this harm must be weighed together with the harm from inappropriateness in the Green Belt.
18. Turning to the separate issue of visual amenity the main views of the site are from the southwest on Chorley Lane where it will be viewed in the context of the existing properties fronting Chorley Lane and those on Southgates. It will also be viewed in the context of an existing stable type building immediately against the site used to house animals in conjunction with a small holding. There are views from the site of Coppull Enterprise Centre (Coppull Ring Mill) and there are a number of Public Rights Of Way close to this so there may be views of the site from this direction, however from this direction the proposal will again be viewed in the context of existing development around Chorley Lane and Southgates. As such it is not considered that the visual impact of the development will be adversely affected by the construction of dwelling houses as they will be viewed in the context of the existing built development
19. To conclude it is considered the proposal is inappropriate development in the Green Belt. It is not considered that very special circumstances have been put forward that would outweigh the harm to the Green Belt by reason of its inappropriateness and other harm that would be caused to its openness. The proposal is therefore considered unacceptable in principle.

Density

20. The proposed development would be equivalent to 31.5 dwellings per hectare. It is considered that the density is in keeping with the surrounding area. In accordance with Policy 5 of the Adopted Core Strategy.

Levels

21. Proposed slab levels have been provided with the application proposal and are considered acceptable.

Impact on the neighbours

22. The layout shows the proposed properties will all face onto the access road that will serve it. This would result in the rear elevation of plots 1 and 2 facing towards the side elevation of number 115 Chorley Lane, however the house type proposed on these plots are bungalows and would not therefore result in overlooking to this property.
23. The properties proposed on plots 3-8 are two-storey and would face towards the existing properties on Southgates to the north east of the site. These properties are bungalows and back onto the application site. There will be over 10m (between 12m and 13m) between the boundaries of these properties and the first floor windows of the proposed properties. This is in accordance with the Council's Interface guidelines.
24. There are also properties on the opposite side of Chorley Lane from the site (to the North West) that would face toward the side elevations of the properties proposed on plots 1 and 18. Both of these proposed properties are bungalows and have windows in their northwest elevation, however there would be over 20m between them and the existing properties. This relationship is therefore considered acceptable.

Design and Layout

25. The scheme proposes a mixture of semi-detached and mews bungalows and houses. The properties on plots 1, 2 and 16-18 all nearest Chorley Lane will be bungalows and the rest of the plots will be two-storey houses.
26. The proposed houses will be two-storey with a gable roof, arched heads above the windows at ground floor with canopies over the front door and a feature string course of bricks between ground floor and first floor.
27. The proposed bungalows on plots 1 and 18 have been designed so that their side elevations facing Chorley Lane are not blank, but rather have windows with a small gable above to add interest to the main elevation that will be visible from Chorley Lane. Their roof will be hipped away from Chorley Lane.
28. In-curtilage parking is provided for each of the properties and each has a rear garden.
29. The properties are traditional in their design and layout. The bungalows on the site are positioned closest to Chorley Lane and this is considered acceptable as they will be mainly viewed in the context of the dormer bungalow of 113/115 Chorley Lane and the existing bungalows backing onto the site on Southgates. It will also give the appearance in the street that the massing of the properties reduces towards the edge of the village when viewed from Chorley Lane. Although there are two-storey properties further into the site there is a range of house types in the area including two-storey properties to the east on Southgates and on Chorley Lane.
30. The proposal will be visible from the south-west across the fields, and the site boundaries to the southwest and south-east are considered important. A Secured by Design fence is proposed to the south-west to the rear garden boundaries of plots 9-18, however the existing Hawthorne field hedge will be retained to filter views of it. To the south-east there will be a 1.8m fence along the side boundaries of plots 8 and 9, however on the outside of this a new hedge would be planted beyond which would be a 1.2m post and rail timber fence with stock mesh. It is considered the hedging on the outside of the proposed boundary treatments will soften views of the fencing from outside the site.
31. The proposal is therefore considered acceptable in this respect.

Open Space

32. Policies HS4A and HS4B of the emerging Local Plan cover open space and playing pitch requirements in new housing developments. They set out on-site provision and/or financial contributions for off-site provision or improvements
33. In relation to amenity greenspace the emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in the Chisnall ward in relation to this standard; a contribution towards new provision in the ward is therefore required of £140 per dwelling.
34. In relation to provision for children/young people Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a surplus of provision in Chisnall in relation to this standard so a contribution towards new provision in the ward is therefore not required. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study so a contribution towards improvements is not required from this development.
35. There is no requirement to provide a new park or garden on-site within this development using the standards and there are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study, therefore a contribution towards improving existing provision is not required.

36. There is no requirement to provide new natural/semi natural greenspace on-site within this development and there are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study, therefore a contribution towards improving existing provision is not required.
37. There is no requirement to provide allotment provision on site within this development. The site is also within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Land at Sylvesters Farm, Euxton (HW5.2). A contribution towards new allotment provision or improving existing provision is therefore required from this development of £15 per dwelling.
38. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.
39. The total financial contribution required from this development is therefore £31,572.
40. The applicant states that in their experience rural exception schemes generally attract hidden households (i.e. people already living in the village such as grown up children living with parents still) who wouldn't leave their existing property empty and they do not therefore consider that the above payment is justified. They advise however that their client will accept payment of the contribution based on its scheme of 18 units as the viability shows the scheme can afford the contribution (in the interests of resolving the remaining issues prior to the committee meeting), but it would not be viable with one less unit.
41. To respond to this it is considered that even if all the houses were occupied by families already living in Charnock Richard, it is still likely to lead to an increase in the population of Charnock Richard overall as existing properties will become vacant and new people will move into those properties. All new housing developments lead to an increase in the population and as such create further pressure on infrastructure. Furthermore, there is no exception for affordable housing in the policy or Supplementary Planning Document which has been found sound by an Inspector. It is therefore considered that the payment is required and justified.

Trees, Landscape and Ecology

42. Ecology and tree survey reports have been submitted with the application.
43. There is only one tree within the application site that is category B (trees of moderate quality with a remaining life expectancy of at least 20 years). This is a mature Alder in the west corner of the site which is visible in the street scene on Chorley Lane. This is to be retained as part of the scheme and the nearest proposed property – the bungalow on plot 18 is shown to be outside the root protection area for the tree.
44. A condition would be necessary that all trees/hedgerows to be retained on the site should be protected from the development to prevent damage to the root system.
45. The Council's ecology advisor states that the roadside hedge may qualify as important under the Hedgerow Regulations due to the number of species recorded together with the associated features and is therefore of high ecological value. A section of this hedgerow is to be lost to the development but the rest is to be retained and maintained and this could be controlled by a condition.
46. The mature alder was found to have a high potential to support roosting bats. This tree is due to be retained as part of the development. However if the tree requires any work, for

example pruning, then a bat survey would be required prior to any works which could be controlled by a condition.

47. The hedgerows, trees and scrub on the site have the potential to support nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). A condition to prevent works to trees, hedgerows and site clearance during the main bird breeding season (March to July inclusive), unless birds are found to be absent, by a suitably qualified person could be applied in order to protect wild birds.
48. The Council's ecology advisor states that artificial lighting can affect the feeding and commuting behaviour of bats. Bats are likely to use the hedgerows and retained trees on site for commuting. They therefore recommend that any lighting (during construction and post development) be directed away from any of the retained trees/hedgerows. This could be controlled through a condition requiring submission and agreement of a lighting plan.
49. Paragraph 118 of the Framework states that when determining planning application, local planning authorities should aim to conserve and enhance biodiversity by encouraging biodiversity in and around developments. It is advised this could be achieved through:
 - Bat bricks and/or tubes within the new development
 - Bat boxes
 - Bird boxes
 - Native tree and shrub planting
 - Bolstering of hedgerows
50. A condition could be applied requiring details of biodiversity enhancements to be submitted and implemented.
51. The proposal is therefore considered acceptable in this respect subject to conditions.

Flood Risk

52. The site is not within Flood Zone 2 or 3 as identified by the Environment Agency and is not over 1 hectare in size, therefore a Flood Risk Assessment is not required.

Traffic and Transport

53. Each of the proposed properties would have two off road parking spaces which is in line with the Council's parking standards set out in Policy ST4 of the emerging Local Plan and its associated appendix. The parking is therefore considered acceptable and the size of the parking spaces has been checked as requested by LCC Highways.
54. The site is to be accessed via a new cul-de-sac off Chorley Lane. There is an access of Southgates that leads to the site, however there is an intervening strip of land between the end of this existing road and the site boundary which is not controlled by the applicant and looks to be outside the extent of the adopted highway.
55. In term of the access LCC Highways advise that the application is acceptable following amendments being made to the plans to re-orientate the bungalows on plots 1 and 2 so that the driveway for plot 1 is now accessed from the internal road rather than Chorley Lane and a footway is implemented across the full frontage of the site.
56. The applicant states that the existing Leyland cypress hedge at the northern corner of the site will be cut back to allow the footway to be extended to tie-in with the existing in front of 115 Chorley Lane.
57. The existing field access is shown to be closed and new hedgerow planting introduced into the gap left.

58. The proposal is therefore considered acceptable in highway terms subject to conditions.

Contamination and Coal Mines

59. In terms of contamination a desk study report has been submitted with the application. This has been reviewed by the Council's Contaminated Lane Officer who finds it acceptable subject to the recommendations made in section 6 of the report, which are designed to confirm the initial desk-based findings. The implementation of these recommendations can be controlled by a condition.
60. The site is in a Low Risk Area in terms of coal mining as identified by The Coal Authority. This requires an informative note to be placed on any permission.

Drainage and Sewers

61. United Unities have no objection to the proposal subject to conditions requiring submission of details of foul and surface water drainage to be submitted (surface water to be restricted to existing runoff rates unless agreed by the Council). Subject to such conditions the proposal is considered acceptable in this respect.

Other Issues

62. Lancashire County Council as Education Authority has requested a financial contribution towards education of £42,185.38. The request is noted, however education requests such as this are included in the Community Infrastructure Levy, even if, as in this case relief from the levy could be applied for under the exemption for affordable housing.
63. Policy 27 of the Core Strategy requires all new dwellings built prior to January 2016 to be built to Level 4 of the Code for Sustainable Homes and any built from January 2016 to be built to Level 6. It also requires proposal for five or more dwellings to have either additional building fabric insulation measures or appropriate decentralised, renewable or low carbon energy sources install to reduce carbon dioxide emission of predicted energy use by at least 15%. This can be controlled by conditions.
64. The applicant submitted a financial viability assessment following the Council advising of the public open space contribution figure and questioning why the Planning Statement stated that the properties were to be built to Code Level 3. This shows that the scheme can afford to pay the financial contribution of £31,572 but only if the scheme is built to Homes and Communities Agency standards i.e. Housing Quality Indicators and Code Level 3, rather than Code Level 4 currently required by Policy 27 of the Core Strategy.
65. The financial viability assessment has been sent to the Council's surveyors for review. The Council have accepted lower standards in relation to other affordable housing schemes based on viability assessment in the Borough, so subject to the surveyors agreeing with the figures the code level reduction is likely to be acceptable. This will be reported on the addendum.

Overall Conclusion

66. The proposal is contrary to Policy 1 criterion (f) of the Core Strategy as it is not considered it would meet local need. It is inappropriate development in the Green Belt as it does not meet any of the exceptions set out in Paragraph 89 of the Framework and further harm would be caused to the openness of the Green Belt. It is not considered there are very special circumstances that would outweigh the harm. At a local policy level the proposal would be contrary to Policy HS8 of the emerging Local Plan 2012-2026. The application is therefore recommended for refusal.

Planning Policies

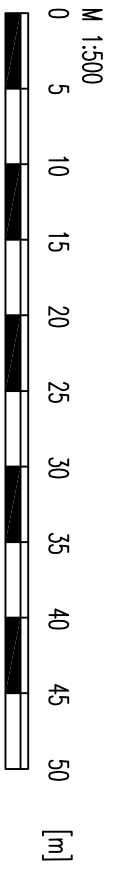
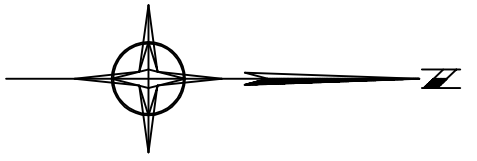
67. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the

emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

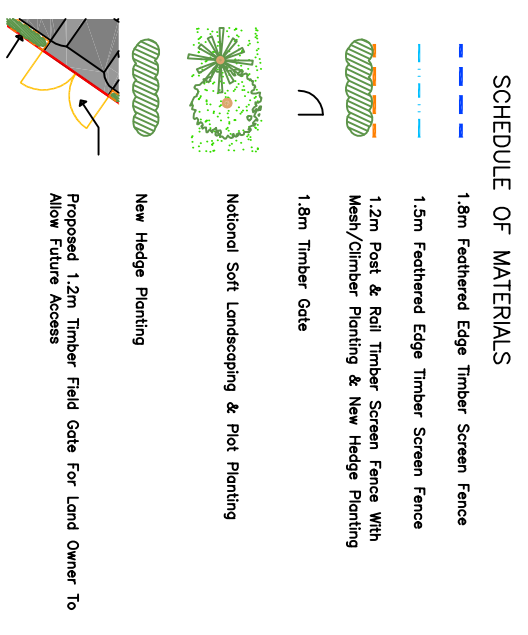
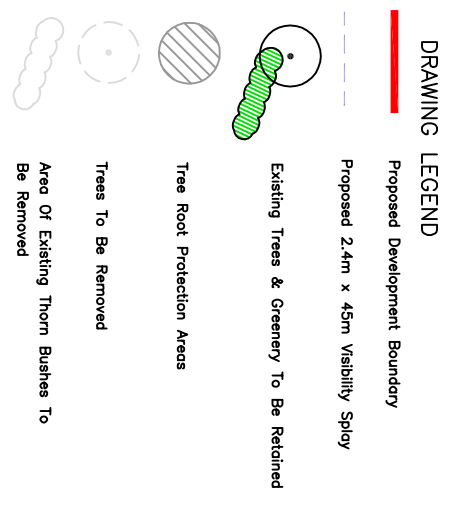
There is no planning history relevant to the current application.

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SCHEDULE OF ACCOMMODATION

RSL HOUSES	2 BED	3 PERSON BUNGALOW	5
2B3P 59 (59.00 Sq.m)	--	2 BED 3 PERSON BUNGALOW	5
2B4P 70 (70.00 Sq.m)	--	4 PERSON SEMI/SEMI	4
3B5P 85 (85.00 Sq.m)	--	5 PERSON SEMI DETACHED	4
TOTAL NO. OF UNITS =			18



PLANNING LAYOUT

REV	DATE	DRAWN	DESCRIPTION	CHECK	DATE
A	28.01.15	AD	Plans 1 & 2 amended in line with LA Highway comments.		

M.C.I. DEVELOPMENTS

PROJECT Chorley Lane,
Charnock Richard.

1 Beecham Court,
Smithy Brook Road,
Wigan, WN3 6PR

tel: 08448871467
fax: 08448871468
web: www.mci-developments.com
email: admin@mci-developments.com

DRN BY	AD	SCALE	1:500	JOB REF	-	DRAWING NUMBER	ChorleyLane/SK06	REV	A
DATE	Aug 14		@ A3						

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Item 3d **14/01157/FULMAJ**

Case Officer **Paul Whittingham**

Ward **Eccleston And Mawdesley**

Proposal **The erection of 18 affordable homes with associated parking, landscaping and access.**

Location **Land West Of 77 Doctors Lane Eccleston**

Applicant **Partner Construction**

Consultation expiry: **4 March 2015**

Decision due by: **12th February 2015**

Recommendation
That the application is refused

Representations

Eccleston Parish Council - Object on the following grounds:-

- The application is contrary to Policy HS8: Rural Affordable Housing – Rural Exception Sites of the Chorley Local Plan 2012-2026. The proposed number of dwellings exceeds the 10 units quoted as a maximum for purposes of development management (para 5.40).
- lack of a demonstrable local need for affordable housing.

In total 42 representations have been received which are summarised below

Objection

Total No. received: 42

- Land is within the Green Belt and the NPPF and the letter to the Planning Inspectorate from Nic Bowles dated 3 March 14 highlighted the importance of the Green Belt and “we were always very clear that we would maintain key protections for the countryside and, in particular, for the Green Belt”. The development will erode green fields to build houses and would be a major extension into the Green Belt and would encourage further such development.
- Prime Minister says local people should decide and therefore this application should be refused. Money seems to be more important than the views of constituents, our voice never seems to be heard.
- The development is changing a small village into a town.
- The application would add to an unfairly high concentration in Eccleston of the type of development especially when other major developments are taken into account. Another development of affordable housing is unnecessary and unwelcome.
- Affordable starter homes are inappropriate on a green field at the edge of the village and would clash with the character of the area.
- Whilst in favour of affordable homes for local young people, why build on farm land.
- There are other brownfield sites eg Windmill that should be used first. Should concentrate on brownfield sites.
- How many short-sighted decisions will our planners make before they totally destroy the local environment.
- Any consent will open the gate for the rest of the field to be developed.
- The developer should be honest about the true intentions for the rest of the field.
- Eccleston is identified within the CLCS to be suitable for limited growth and Policy HS8 only refers to development being appropriate where there are no alternative sites.
- There is an impact upon the character and appearance by reason of scale, size & massing resulting in a strident feature in the locality. This would reduce the openness of the area and result in harm to the intrinsic character of the area.
- Rural Housing Needs survey identifies a need for 22 units per annum and there are lots of affordable homes being provided
- The traffic infrastructure and roads cannot cope, the position of the proposed access opposite Banner Close and volume of traffic at school times is dangerous and there is a need for greater traffic calming and a reduced speed limit and improvements to footways if the application goes forward.
- The proposed junction is 10meters from the junction opposite at Banner Close and does not meet the standards in the LCC document Residential Road design guide.
- The proposed development will impact on both schools and doctors which are full and 200 new properties within the whole of Eccleston, an increase

of 14% will result in the need for 50 primary school places and 18 homes will make this worse.

- There is a tree being removed and also part of a hedgerow.
- There will be an impact on the wildlife including Barn Owl's and bats
- There will be an impact on properties nearby including noise, light and overlooking.

Consultees

Consultee	Summary of Comments received
LCC Highways	No objections – the comments of the Highway Authority will be dealt with within the body of the report
Ecology	No objections subject to tree remaining and conditions
United Utilities	No objections subject to conditions and the foul sewerage being drained on a separate system with surface water being restricted to existing runoff rates.
CBC Waste & Contaminated Land Officer	No objection subject to conditions
CBC Tree Officer	Object to removal of Oak tree but other works are acceptable
Police Architectural Liaison Officer	No objections and recommend that the development is built to “secure by design” standards, that the design provides appropriate access to the field that would be left and that a bat survey is undertaken.

The Development Plan

1. The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003 and the Adopted Central Lancashire Core Strategy.
2. The starting point for assessment of the application is Section 38(6) of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Adopted Chorley Borough Local Plan Review 2003

3. The 2003 Local Plan Review and the 2012 Adopted Core Strategy comprise the statutory development plan relevant to the application. The Framework confirms that for 12 months from the day of publication of the Framework (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The Framework also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans. The emerging plan is later in this report.
4. The relevant policies of the Local Plan are as follows:
 - GN5 - Building Design and Retaining Existing Landscape Features and Natural Habitats
 - DC1- Green Belt
 - EP4 - Species Protection
 - EP9 - Trees and Woodlands
 - EP12 – Environmental Improvements
 - EP17- Water Resources and Quality
 - EP18 – Surface Water Run Off
 - TR1 – Major Development – Tests for Accessibility & Sustainability
 - TR4 – Highway Development Control Criteria

Adopted Central Lancashire Core Strategy 2012

5. The following Core Strategy Policies are of relevance to this application:
 - **Policy MP** clarifies the operational relationship between the Core Strategy and the National Planning Policy Framework. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. Planning policies that accord with the policies in the Core Strategy will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date the Council will grant planning permission unless material considerations indicate otherwise taking into account Policy MP a) and b).
 - **Policy 1** Locating Growth
 - **Policy 22** Biodiversity and Geiodiversity
 - **Policy 29** Water Management
 - **Policy 31:** Agricultural Land

Emerging Policy Considerations
Emerging Local Plan 2012-2026

6. The Inspector has issued her Partial Report on her findings into the soundness of the emerging Chorley Local Plan which is a material consideration in the assessment of any planning application.

7. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers.
8. Paragraph 18 of the Partial Report states: "For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers."
9. The Council accepted the Inspectors modifications for Development Control purposes at its Executive Committee on 21st November 2013 and as such the Policies can be afforded significant weight subject to the main modifications.
10. The following emerging Local Plan Policies are of relevance to this application:
 - BNE10: Trees
 - BNE11: Species Protection
 - HS8: Rural Affordable Housing – Rural Exception Sites

Assessment

Background Information

11. The application site is currently laid to grass and is used for agriculture. The application site has a field gate with access from Doctors Lane and the surroundings to the site consist of detached houses on Chaucer Close to the east and a Cricket field to the west. To the north of Doctors lane are detached houses fronting Doctors Lane and within a Cul-de-Sac, Banner Close.

Principle of the Development

12. This proposal is located in the Green Belt adjacent to the settlement of Eccleston. Eccleston is not identified as a location where growth and investment should be concentrated in Central Lancashire Core Strategy Policy 1. Within Chorley most growth is directed to Chorley Town and Buckshaw Village and then some growth is directed to the Borough's six Urban Local Service Centres. Eccleston is identified as a Rural Local Service Centre where limited growth and investment to help meet local housing needs and to support the provision of services to the wider area is encouraged. However, this proposal is not located within the Eccleston settlement boundary. It is located in the Green Belt adjacent to the settlement.
13. The Council's emerging Local Plan is at a very advanced stage and in accordance with the Inspector's Partial Report, its policies, except for matters on Gypsies and Travellers, can be given significant weight.
14. Paragraph 47 of the Framework states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework.
15. In the October 2013 Partial Report, the emerging Local Plan Inspector considers whether the Plan allocates sufficient land in the right locations and to accord with the requirements of the Core Strategy and with paragraph 47 of the Framework. She concludes in paragraph 111 that it is unnecessary to allocate any additional or 'alternative' housing sites to make the Plan sound. She further concludes that incorporating the main modifications the Plan allocates sufficient housing land in the right locations to accord with the Core Strategy and to accord with paragraph 47 of the Framework. The Inspector was aware of the 2011 Rural Housing Needs Study and the fact that it identifies a

shortfall of affordable properties in rural areas over the period 2011 – 2016. However, she took the view that it was not necessary to allocate any additional land to meet housing needs and that the Council's approach accorded with the requirements of the Framework.

16. In terms of Eccleston, the Inspector expressly considers alternative site AL18, east of Tincklers Lane (BNE3.7) in her report, which was suggested for housing development by landowners. This is a large site (of approximately 5.6ha in total but which could be split into smaller parcels) that is slightly to the north- west of the application site. This land was safeguarded for future development needs in the 2003 adopted Local Plan, so was not Green Belt, unlike the application site. The Inspector was aware of the findings of the Rural Housing Needs study and Core Strategy Policy 8, which requires 35% affordable housing on sites of appropriate size in rural areas. However, in the Partial Report the Inspector concludes that Eccleston is a Rural Local Service Centre where only limited growth is encouraged by the Core Strategy and that three housing sites are allocated in Eccleston by the Plan. She states that there is no necessity to allocate site AL18 to provide additional housing supply in Eccleston. Consequently the site has not been allocated for housing in the emerging Local Plan and remains designated as Safeguarded Land.
17. Therefore, the Inspector expressly considered whether additional land was needed to provide additional housing supply in Eccleston, which would have included a proportion of affordable housing. Site AL18 was not in the Green Belt (unlike the application site) but she concludes that there is no necessity to allocate any additional land. She takes the view that the Council allocates sufficient housing land in the right locations to accord with paragraph 47 of the Framework.
18. The emerging Local Plan does incorporate a modest element of windfall housing in its identified housing supply and includes policies that are supportive of new housing in principle, provided that it is of an appropriate scale and in the right locations. This enables market and affordable housing to come forward on sites that are not allocated, provided that proposals accord with other Local and national policies.
19. The application site is in the Green Belt. Paragraph 89 of the Framework states that the construction of new buildings is inappropriate in the Green Belt, but an exception is limited affordable housing for local community needs under policies set out in the Local Plan. Therefore, national policy restricts new built housing development in the Green Belt, unless it is limited in nature and meets local community needs under a policy set out in the Local Plan.
20. Policy HS8 of the emerging Local Plan is Chorley's rural exception site policy. This states that a limited number of dwellings exclusively to meet a local need for affordable housing may be allowed adjoining a number of settlements, including Eccleston, providing the following criteria are met:
 - a) There is no suitable site available within the village;
 - b) The scale and nature of the development would be in character with the settlement;
 - c) The development would significantly contribute to the solution of a local housing problem that cannot be solved in any other way;
 - d) The occupancy of the dwellings would be limited to people with a close local connection and who are unable to afford market housing;
 - e) The development is managed by a Registered Provider or similar body.

The supporting text for the policy states that in Chorley rural exception sites are considered to be sites outside of the village boundaries, but which adjoin the village built-up area. This site is outside of the Eccleston settlement boundary, but adjoins the village built-up area, so accords with this provision.

21. There is no definition of 'limited' in the Framework, but the supporting text to Policy HS8 states that for the purposes of development management a limited number of dwellings is considered to be a maximum of ten units. This proposal is for 18 units, so does not

accord with this provision. Therefore, this proposal is not considered to be limited in nature under the policy set out in the emerging Chorley Local Plan. It is therefore contrary to the Framework and is inappropriate development, which is by definition harmful to the Green Belt. This proposal is not consistent with policy on the Green Belt in the Framework.

22. The criteria in policy HS8 are considered in turn.

a) There is no suitable site available within the village: The applicants have undertaken a sequential site assessment and state that there is no suitable site available in the settlement. However, there is non-Green Belt land designated as safeguarded for future development needs on the edge of Ecclestone. The Council received site suggestions for housing on safeguarded land at Tincklers Lane and land south of Parr Lane as part of the emerging Local Plan process. These landowners put forward non-Green Belt land for housing development, which would have been subject to Core Strategy housing affordable housing requirements. However, the Local Plan Inspector considered but rejected the allocation of safeguarded land for housing in Ecclestone on the basis that there was no necessity to provide additional housing supply in the settlement. There are also currently sites within the settlement that are actively delivering affordable housing (HS1.50, Carrington Centre and HS1.51, Sagar House).

b) The scale and nature of the development would not be in character with the settlement: This development is for 18 units. Applications for a greater number of units have been approved at the Carrington Centre and Sagar House in Ecclestone in recent years. However, these sites were in the settlement boundary and both contained significant elements of previously developed land. Ecclestone is only identified for limited housing growth. This application is of a scale that is considered greater than that considered appropriate for rural exception sites in the emerging Chorley Local Plan, which specifies a maximum of 10 units. The application site is in the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. This application is for 18 units, which would have a significant impact upon the openness of the Green Belt in this location and would lead to encroachment into the countryside, so would conflict with one of the purposes of the Green Belt.

c) The development would significantly contribute to the solution of a local housing problem that cannot be solved in any other way: The applicants refer to the 2011 Rural Housing Needs study which indicates an affordable housing requirement of 22 dwellings annually in Ecclestone Parish over the period 2011/12 to 2015/16. However, they do not supplement this with any more up-to-date evidence about the need in Ecclestone, or appear to have undertaken dialogue with the Council's Strategic Housing Team to get their views on current need within the locality. Information on the recent take-up of affordable housing developed in Ecclestone would also be useful. If 18 affordable units are built in Ecclestone, will there be local people who will take up all 18 units? Rural Exception sites are not a preferred location for rural affordable housing; they are located in the Green Belt and should only be developed if they would significantly contribute to the solution of a local housing problem that cannot be solved in any other way and all of the other criteria in policy HS7 are satisfied. Further evidence on the extent of the local housing problem should have been supplied to justify this development and have not.

Affordable housing has been developed/is being developed in Ecclestone without resorting to Green Belt development, including at the former Sagar House site and at the Carrington Centre. Therefore, affordable homes are actively being delivered in the settlement, without resorting to Green Belt development. It is concluded that the housing market in Ecclestone has not failed to deliver market housing and affordable housing such that a rural exception site is required in order to deliver affordable housing that cannot be delivered in any other way.

d) The occupancy of the dwellings would be limited to people with a close local connection and who are unable to afford market housing: The applicants state the houses will be allocated to local people in need according to a 'cascade' approach, with priority

given to those currently or recently residing in the Parish, to eligible individuals with close employment links to the Parish and if no applicants qualify priority to eligible families and individuals who have a local connection to adjoining parishes. If there are still vacant properties then they may be allocated to other eligible individuals in housing need. However, whilst this would ensure that people with a close local connection get 'priority', it also leaves potential for people without any connections to Ecclestone to secure houses, if not enough 'priority' residents are secured to reside in all 18 dwellings. In these circumstances, residents without any local connection could end up living in these houses and the homes would effectively be meeting general affordable need as opposed to those with a close local connection as required by the Local Plan..

Rural exception sites in the Green Belt are not identified to meet general affordable housing need; this would be contrary to national policy in the Framework which states that only limited affordable housing development for local community needs (under policies set out in the Local Plan) is appropriate. It would also be contrary to local planning policy in policy HS8 which states that such dwellings should be exclusively to meet a local need for affordable housing. The Affordable Housing SPD confirms that a rural exception site policy should seek to address the needs of the local community by accommodating households who are either current residents, or who have an existing family or employment connection. Rural Exception sites are not a preferred location for rural affordable housing; they are located in the Green Belt and should only be developed if they would significantly contribute to the solution of a local housing problem that cannot be solved in any other way.

e) The development is managed by a Registered Provider or similar body: The applicants state that the dwellings will be constructed by Partner Construction, who work with Registered Providers to deliver affordable housing schemes and that the homes would be acquired and managed by an affordable housing partner of Chorley BC. Therefore, providing this takes place, this should accord with the policy however there is no confirmation from an RP that they will manage the housing in the future.

23. Will the development preserve the openness of the greenbelt? Whilst the test for sites such as this relates to preserving openness it is important to note that the framework contains no specific definition of 'openness'. It is considered that there is an impact to openness simply because buildings/structures exist and openness generally means the absence of development.
24. The development of 18 units on this site will impact on openness. As such the proposal falls to be considered inappropriate development. Consequently, the tests of paragraph 88 of the Framework are engaged. In this case very special circumstances need to be demonstrated which outweigh the harm the development will have to the green belt.
25. In summary, this proposal is not limited in nature and is considered to be contrary to national policy on Green Belt development and Local Plan policy HS8 on rural exception sites for the reasons as stated above.

Visual Impact

26. The proposals result in encroachment of built development into the Green Belt and as such the visual impact of the development is a key consideration.
27. It has been established in case law that openness and visual impact are different concepts in terms of Green Belt Policy. However they can relate to each other and as such the visual impact is a material consideration. In *Heath & Hampsted Society v LB of Camden* [2007] EWHC 977, the difference between openness and visual impact was explained as follows:

21. Paragraph 3.6 is concerned with the size of the replacement dwelling, not with its visual impact. There are good reasons why the relevant test for replacement dwellings in

the Green Belt and Metropolitan Open Land is one of size rather than visual impact. The essential characteristic of Green Belts and Metropolitan Open Land is their openness ... The extent to which that openness is, or is not, visible from public vantage points and the extent to which a new building in the Green Belt would be visually intrusive are a separate issue...

The fact that a materially larger (in terms in footprint, floor space or building volume) replacement dwelling is more concealed from public view than a smaller but more prominent existing dwelling does not mean that the replacement dwelling is appropriate development in the Green Belt or Metropolitan Open Land.

22. The loss of openness (ie unbuilt on land) within the Green Belt or Metropolitan Open Land is of itself harmful to the underlying policy objective. If the replacement dwelling is more visually intrusive there will be further harm in addition to the harm by reason of inappropriateness, which will have to be outweighed by those special circumstances if planning permission is to be granted (paragraph 3.15 of PPG 2, above). If the materially larger replacement dwelling is less visually intrusive than the existing dwelling then that would be a factor which could be taken into consideration when deciding whether the harm by reason of inappropriateness was outweighed by very special circumstances.

28. . When interpreting paragraph 89 of the Framework the Judge in *Timmins v Gedling BC and Westerleigh Group Limited* [2014] analysed the relationship between openness and visual impact. He held inter alia:

74. Any construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities. A beautiful building is still an affront to openness, simply because it exists. The same applies to a building this is camouflaged or rendered unobtrusive by felicitous landscaping.

29. In this case the Judge concluded that:

78. In short it seems to me that there are three points which arise from the above analysis. First, there is a clear conceptual distinction between openness and visual impact. Secondly, it is therefore wrong in principle to arrive at a specific conclusion as to openness by reference to visual impact. Thirdly, when considering however whether a development in the Green Belt which adversely impacts upon openness can be justified by very special circumstances it is not wrong to take account of the visual impact of a development as one, inter alia, of the considerations that form part of the overall weighing exercise.

30. As the development falls to be considered inappropriate development the landscape/visual impact of the proposed development is a key material consideration in terms of the overall balance of harm.
31. The application site and proposed development will be visible from the following receptors:
1. Properties and the street frontage of Doctors Lane along the south side of Southport Road (east of Lydiate Lane) and from the Cricket field to the west.
32. No mitigation measures have been proposed, however the amended plans do retain a tree fronting Doctors Lane and there is also the potential to retain the existing hedge fronting Doctors Lane and this could be covered by condition. The boundary to the west with the Cricket field is an existing sparse hedge line that is within the boundary of the cricket field and so would not provide mitigation to this development. The rear boundaries adjacent to the cricket field show a 1.8 metre rear fence which would be a solid boundary

feature. The harm by reason of the visual impact of the development is most pronounced on the west with limited potential for mitigation to be imposed by condition and limited scope to amend the development layout to introduce additional landscaping that would mitigate the visual impact of the development.

33. In respect of visual impact it can be concluded that the impact is of moderate significance for the visual receptors to the west.

Impact on the neighbours

34. The layout shows that 2 pairs of semi-detached houses will front Doctors Lane but be accessed from the rear with the other proposed properties all facing onto the access road that will serve it. This would result in the rear elevation of plots 5 to 11 facing towards the rear garden of number 77 Doctors Lane. However this is a long garden that separates this site from properties on Chaucer Close and would not therefore result in overlooking to this property.
35. The plots 12 to 18 would have a rear boundary with the cricket field and would not overlook any neighbours.

Design and Layout

36. The scheme proposes a mixture of semi-detached and blocks of 3 houses. The properties on plots 1 to 4 and all nearest Doctors Lane will be semi-detached that front Doctors Lane and this layout is considered appropriate. The houses and the rest of the plots will be two-storey houses that face onto the cul-de-sac, this layout is considered appropriate.
37. In-curtilage parking is provided for each of the properties and each has a rear garden.
38. The proposed design and layout is therefore considered acceptable in this respect.

Traffic and Transport

39. The applicant proposes to alter the existing field access opposite 80 Doctors Lane into a simple priority junction arrangement with the C192 Doctors Lane for use as the site access. The access will have visibility splays of 2.4m x 43m with 6.0m corner radii to assist safe transition of vehicles in and out of the site. It is considered that the geometry of the access is in line with the recommendations on the Manual for Streets and the Highways officer, having visited the site has confirmed that the existing mature trees on both sides of the access are not within the access visibility splay and should not result in sightlines being obscured when the access is brought into use.
40. As regards a concern expressed by a resident of the area and detailed within the objections above, regarding the proposed access being too close to the existing junction of Doctors Lane and Banners Close, that considering the local context, the proposed access is not out of character with the rest of the area. The greater section of Doctors Lane is subject to 30mph speed limit and built up on both sides with mix of residential and local facilities and has a high place function, e.g. direct frontage accesses and on-street parking.
41. This therefore means that the proposed access must be designed in line with the appropriate parts of the Manual for Streets 1 and 2. The Lancashire County Council document 'Residential Road Design Guide' cited by the resident has long been outdated and replaced by the Manual for Streets. As such, while it is appreciated that a minimum junction spacing of 40m is specified in the Residential Road Design Guide, this is no longer an essential requirement under current guidance. The Manual for Streets (MfS1&2) are now the nationally recognised government guidance used predominantly for design, construction and maintenance of new residential streets and for existing residential streets subject to redesign. The Manuals place high priority on meeting the needs of pedestrians, cyclists and public transport users to encourage growth in these modes of travel. In addition to the MfS1&2, the County Council uses its own guidance

called 'Creating Civilised Streets' and the 'Specification for Construction of Estate Roads'. The proposed development including the site access arrangement are therefore required to accord with the MfS1&2 and the above LCC documents, but not the Residential Road Design Guide which is no longer in use. The Manual for Streets require the need for provision of additional junctions on existing roads to be assessed in the round, considering a wide range of factors such as need for access at particular locations, the impact on the size of development blocks, the potential for interaction between adjacent junctions and the consequent effects on user delay and road safety.

42. It is concluded that, although the additional traffic to be generated by the proposed development will result in higher flows on the surrounding highway network, any impact as a result of this increased flows should not adversely affect the operation of the local highway network. LCC, as the Highway Authority therefore have no objections to the proposed development subject to the imposition of conditions.

Ecology

43. The main ecological issues arising from the proposal include impacts on a mature Oak tree and hedgerows (Habitat of Principal Importance). It seems reasonably unlikely that the proposals would result in other adverse impacts including on amphibians (including Great Crested Newt) or bats.
44. Conditions are proposed having regard to the amended proposal to retain the tree as part of the development and in order to make the development acceptable.

Open Space

45. Policies HS4A and HS4B of the emerging Local Plan cover open space and playing pitch requirements in new housing developments. They set out on-site provision and/or financial contributions for off-site provision or improvements
46. In relation to amenity greenspace the emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in the Eccleston and Mawdesley ward in relation to this standard; a contribution towards new provision in the ward is therefore required from this development. The amount required is £140 per dwelling.
47. In relation to provision for children/young people Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a surplus of provision in the Eccleston and Mawdesley ward in relation to this standard; a contribution towards new provision in the settlement is therefore not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. A contribution towards improvements is therefore also not required from this development.
48. There is no requirement to provide a new park or garden on-site within this development using the standards and there are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study, therefore a contribution towards improving existing provision is not required.
49. There is no requirement to provide new natural/semi natural greenspace on-site within this development and there are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study, therefore a contribution towards improving existing provision is not required.
50. There is no requirement to provide allotment provision on site within this development. The site is within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Station Road, Croston (HW5.4). A contribution towards new allotment provision is therefore required from this development. The amount required is £15 per dwelling..

51. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling..
52. The total financial contribution required from this development is therefore £31,572.

CIL

53. The development will be CIL liable, however as the development is for affordable housing then the development can be registered as being exempt from CIL liability.

Sustainability

54. The applicant in this instance has proposed to develop the scheme to Code level 3 which is inconsistent with Policy 27 of the Central Lancashire Core Strategy which requires all new dwellings built after 2014 to be built to Code level 4 and after 2016 to be built to Code Level 6.

Scheme Viability

55. The applicant in submitting the supporting evidence for this application has submitted a Viability Assessment for the development of the scheme. The submitted assessment is an assessment based on applications submitted by a Registered Provider however the applicant is not a Registered Provider and would sell the site to the Registered Provider at a level that with a grant from the HCA that the scheme would have a break-even point of less than 30 years and provide for a positive 'Net Present Value'(NPV).
56. This RP style assessment of viability does state that a scheme of 10 units would not break even within 30 years and would not have a positive NPV.
57. The applicant has been asked for a revised assessment of viability that relates to the circumstance of this application and whilst one has been received it is evaluated and the conclusions and assessment will be reported on the addendum.

Overall Conclusion.

58. The proposal is contrary to Policy 1 criterion (f) of the Core Strategy as it is not considered it would meet local need. It is inappropriate development in the Green Belt as it does not meet any of the exceptions set out in Paragraph 89 of the Framework and further harm would be caused to the openness of the Green Belt. It is not considered there are very special circumstances that would outweigh the harm. At a local policy level the proposal would be contrary to Policy HS8 of the emerging Local Plan 2012-2026. The application is therefore recommended for refusal.

Planning Policies

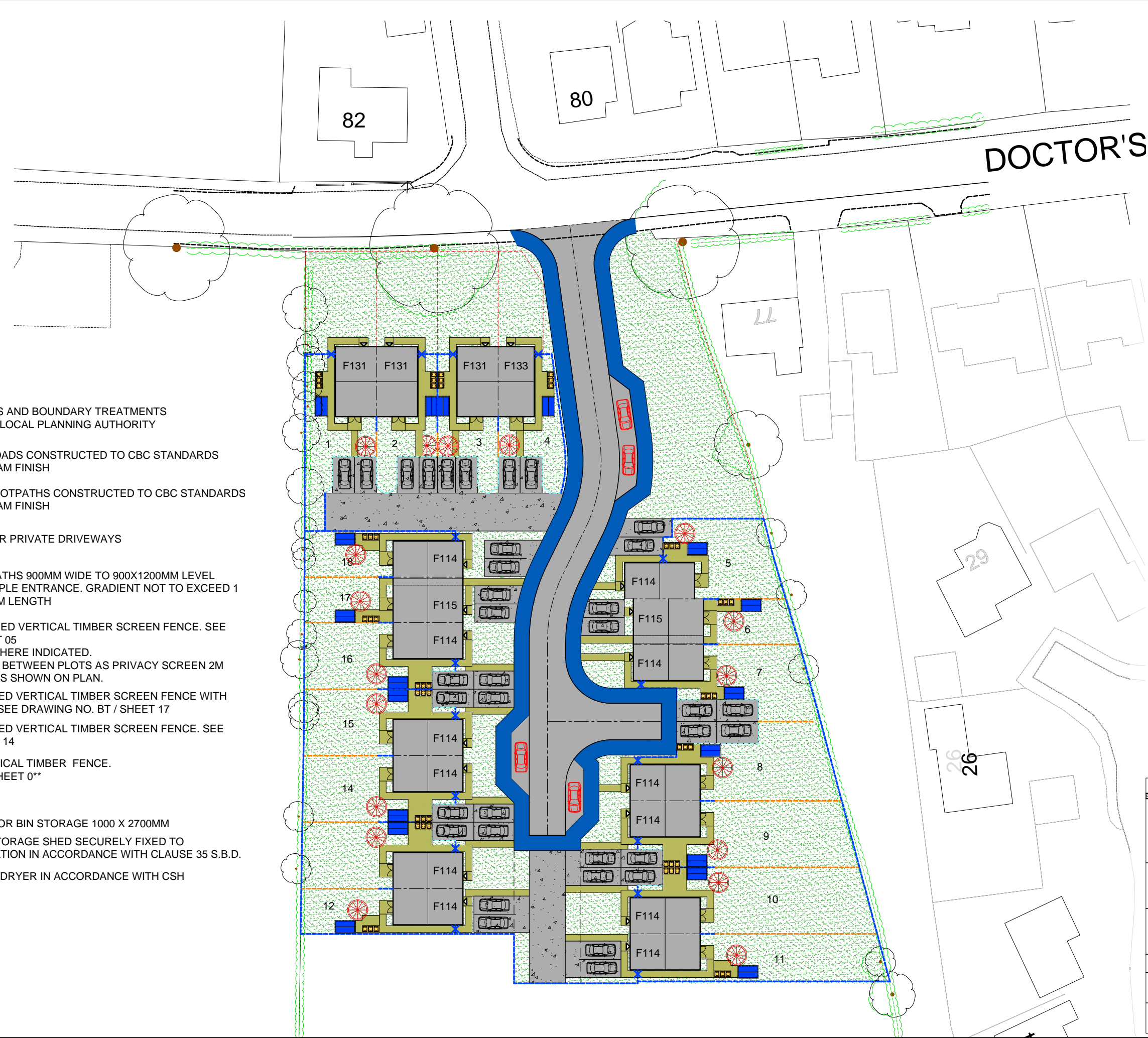
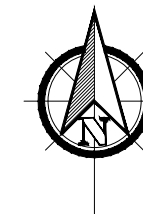
59. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

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Note:
All dimensions are structural. Please allow for internal wall finishes.



THE CLIENT:
Partner
CONSTRUCTION LTD



KEY

NOTE:
ALL MATERIALS, LANDSCAPE DETAILS AND BOUNDARY TREATMENTS ARE SUBJECT TO APPROVAL BY THE LOCAL PLANNING AUTHORITY

- PROPOSED ADOPTED ROADS CONSTRUCTED TO CBC STANDARDS WITH BLACK TARMACADAM FINISH
- PROPOSED ADOPTED FOOTPATHS CONSTRUCTED TO CBC STANDARDS WITH BLACK TARMACADAM FINISH
- BLACK TARMACADAM FOR PRIVATE DRIVEWAYS
- PAVING SLAB ACCESS PATHS 900MM WIDE TO 900X1200MM LEVEL THRESHOLD FOR PRINCIPLE ENTRANCE. GRADIENT NOT TO EXCEED 1 IN 12 FOR MAXIMUM 5.00M LENGTH
- 1.8M HIGH CLOSE BOARDED VERTICAL TIMBER SCREEN FENCE. SEE DRAWING NO. BT / SHEET 05 WITH LOCKABLE GATE WHERE INDICATED.
NOTE: ALSO TO BE USED BETWEEN PLOTS AS PRIVACY SCREEN 2M FROM REAR OF HOUSE AS SHOWN ON PLAN.
- 1.5M HIGH CLOSE BOARDED VERTICAL TIMBER SCREEN FENCE WITH 300MM TRELIS ON TOP. SEE DRAWING NO. BT / SHEET 17
- 1.5M HIGH CLOSE BOARDED VERTICAL TIMBER SCREEN FENCE. SEE DRAWING NO. BT / SHEET 14
- 1M HIGH HIT & MISS VERTICAL TIMBER FENCE. SEE DRAWING NO. BT / SHEET 0**
- GRASSED AREAS
- HARD STANDING AREA FOR BIN STORAGE 1000 X 2700MM
- 2134 X 1372MM CYCLE STORAGE SHED SECURELY FIXED TO CONCRETE PAD FOUNDATION IN ACCORDANCE WITH CLAUSE 35 S.B.D.
- 2.7M DIAMETER ROTARY DRYER IN ACCORDANCE WITH CSH REQUIREMENTS LEVEL 3

- ALLOCATED PARKING BAY
- VISITOR PARKING BAY

TOTAL SITE AREA
= 1.48 ACRES - 0.60 HECTARES

A Footpath width increased from 1.8m to 2m
21.01.15

ergo PROJECT
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Land Agency - Planning - Architecture
Project Management - Design

PROJECT:
DOCTORS LANE
ECCLESTON CHORLEY
PR7 5QZ

TITLE:
PROPOSED HARD LANDSCAPE &
BOUNDARY TREATMENT PLAN

DRAWING PURPOSE: FEASIBILITY	DATE OF DRAWING 02.2014	DATE OF ISSUE: -
SCALE 1:500	SHEET SIZE: A3	REVISION: A
PROJECT NO: 122	DRAWING NO: 003	

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Item 3M	14/01297/OUT
Case Officer	Helen Lowe
Ward	Chorley North East
Proposal	Outline application for the erection of up to three dwellings, including details of the means of access
Location	St Peters Vicarage, Harpers Lane, Chorley, R6 0HT
Applicant	Blackburn Diocese Board of Finance
Consultation expiry:	Insert date
Decision due by:	31 March 2015
Recommendation	Approve outline consent subject to conditions
Executive Summary	This is an outline application for the erection of up to three dwellings, with all matters reserved except for access. The application site forms an area of vacant land adjacent to St Peters Vicarage. The proposal would not have a harmful impact on the character of the area and is considered to represent sustainable development as set out in the Framework. The proposal would not give rise to undue harm to the amenities of neighbouring residents or highway safety and is accordingly recommended for approval.

Representations

Cllrs Adrian and Marion Lowe have made the following comments on the application:

They have concerns over the impact of the development on: access to the proposed site; impact on Harpers Lane; neighbour amenity as the footpath leading to Vicarage Street could be unduly affected; threat to trees and access to Harpers Lane recreation ground

In total four representations have been received which are summarised below

Objection

Total No. received: four

- There is more than enough housing in this small area;
- The area does not need any further development, parking and traffic congestion have noticeably increased due to the new estate on Railway Road;
- There should be no removal of TPO'd trees;
- Removal of trees will reduce wildlife and reduce privacy;
- Planning permission has been previously refused on this site and nothing has changed in the intervening period;
- The proposed entrance is through parking spaces previously allocated to residents of Vicarage Street, how would proposed new residents access their homes when residents of Vicarage Street are parked;
- The proposal would overlook their back garden and lose privacy;
- It would be impossible to carry out construction works safely with large plant and vehicles having to access across the frontage of properties occupied by small children. The noise impact alone of the construction work would mean the disturbance of several other forms of wildlife;
- They feel very disappointed that the applicants have not had the courtesy to speak to us as directly affected residents;
- The scale of development on such a restricted site with extremely limited access is out of proportion;
- The number of car movements adjacent to the access to the recreation ground would increase causing risks to children and a loss of amenity;
- There is not enough space for vehicles to pass between cars to go into the rear of the Vicarage grounds;
- Emergency services would be unable to gain entry;
- Refuse collection would have to taken off site, potentially more litter, possible damage to parked cars having been pulled through a narrow gap.

Consultees

Consultee	Summary of Comments received
Lancashire County Council Highways	The existing access is wide enough to safely accommodate the passage of vehicles and the proposal is acceptable in principle from a highways perspective. It is recommended that a number of conditions are attached.
Chorley Council Tree Officer	Recommend that trees T10 and T14 (as numbered in the submitted Tree survey) are retained.
Waste and Contaminated Land Officer	Recommend an informative is attached to the decision
Environmental Health	State that they have no comments to make upon the proposals
GMEU	Comments awaited

AssessmentPrinciple of the Development

1. This is an outline application for the erection of three dwellings, with all matters reserved except for access. The application site is vacant land, located to the side of St Peters Vicarage which is located within the settlement boundary of Chorley. It is located to the east of the vicarage and to the south of the Church and Church Hall. The land is physically separated from the garden of the vicarage and overgrown, although it is possible that this once formed land associated with the vicarage. It is proposed to access the site from Vicarage Street to the south. In accordance with the Framework the site is therefore considered to be previously undeveloped land.
2. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location with easy access to public transport and amenities such as shops, a school, church and public house nearby. The Framework also states that development in sustainable locations should be approved without delay.
3. The Inspector has issued her Partial Report on her findings into the soundness of the emerging Chorley Local Plan which is a material consideration in the assessment of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers.
4. Paragraph 18 of the Partial Report states: "For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers."
5. The Council accepted the Inspectors modifications for Development Control purposes at its Executive Committee on 21st November 2013 and as such the Policies can be afforded significant weight subject to the main modifications.
6. Policy V2 of the emerging Local Plan states that within settlement areas, there is a presumption in favour of sustainable development.

Highway Safety

7. The outline application includes consideration of the access arrangement and the application details access to the site from Vicarage Street to the south. The LCC Highways Engineer has advised that they have no objections to the proposed development and do not require any alterations to the junction of Vicarage Street and Corporation Street.

Neighbour Amenity

8. BNE1 of the emerging Local Plan states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact. Although the application is in outline only, an indicative site layout has been provided, to demonstrate how three, two storey dwellings may be accommodated within the site.
9. The indicative plan provided shows that the rear elevation of one of the proposed dwellings would be approximately 11.2 m from the north facing side elevation of no. 7 Vicarage Street. However, there are no windows in this facing elevation and as such this relationship accords with the Council's interface standards. Oblique views of the rear garden area of no. 7 Vicarage Street would be afforded if a dwelling was located within this position. The indicative plan submitted shows a minimum distance of 12m between the rear elevation of the proposed dwelling and the boundary with no. 7 Vicarage Street. This is in excess of the Council's Guideline of a minimum of 10m between the windows to habitable rooms at first floor level and the boundaries they face. It is also proposed to retain the protected mature Sycamore (T11 in the accompanying tree survey, T2 on the TPO Schedule) along this boundary. This would provide some screening.

10. The other dwelling adjacent to the application site is the Vicarage of St Peters Church. The proposed development would cause a degree of overlooking for the occupants of this property, however it is considered that it would be possible to comply with the Council's interface standards and this property is owned by the applicant.
11. Subject to the imposition of suitable conditions to ensure appropriate boundary treatments are implemented and tree protection methods are put in place during construction it is considered that the proposed development could be accommodated in accordance with the Council's interface standards and there would not be an undue loss of privacy for neighbouring residents. No details of ground levels have been provided with the application therefore it is also considered appropriate to attach a condition requiring these details to be provided.

Design and appearance/Impact on the character of the area

12. As the application is in outline only no details of design have been provided, although the planning, design and access statement submitted with the application indicates that the properties are likely to be two storey in scale, with an eaves height of 6m and a ridge height of 9m. The surrounding area is characterised by largely two storey terraced housing, with some more recent developments of semi detached properties such as those on St Joseph's Place. It is considered that an appropriate design could be achieved.
13. The loss of the trees within the site would alter the character of the application site, however the majority of these are smaller trees, such as fruit trees and hawthorn. The majority of trees along the boundaries would be retained. The principle impact will arise from the loss of the protected Sycamore in the south east corner of the site. The impact of the loss of this tree is discussed below.

Trees

14. The proposed development would necessitate the removal of a number of trees within the site (13), one of which is protected by a Tree Preservation Order. The protected tree that is proposed to be felled is a mature sycamore located in the south east corner of the application site, adjacent to the boundary with the recreation ground to the east. The tree is identified as being in good condition in the tree survey submitted with the application by the applicants.
15. The Council's Tree Officer has advised that this tree and T10 in the submitted survey (a sycamore located adjacent to the western boundary of the site with the garden of St Peters Vicarage) should be retained. The applicant has put forward the following in response:
 - The removal of the two trees is necessary to enable the development;
 - They are retaining as many trees as reasonably possible;
 - Both trees are sycamores, a common variety with limited local interest;
 - The site and its boundaries are reasonably wooded, such that the loss of the two trees is unlikely to have a significant impact on the overall
 - They would offer appropriate compensatory planting for their loss if required.
16. Whilst it is acknowledged that the trees in question are in good condition, only one is protected by a TPO and it is this tree that provides a degree of public amenity value. All other trees to be felled, including T10, are located within the site and provide little public amenity value. Policy BNE10 of the emerging Local Plan states that proposals that would result in the loss of trees which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. It is considered that the loss of the non-protected trees could not be reasonably resisted.
17. The Government's Planning Practice Guidance states that in considering an application for tree works to a protected tree, the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it.
18. Policy BNE10 of the emerging Local Plan states that replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows. Tree planting will be required as part of new development proposals.

19. With regard to the protected tree it is acknowledged that the loss would be regrettable, however, the tree is viewed as part of a wider group of trees along the rear of Corporation Street and compensatory planting could be sought. The degree of public amenity provided by this tree is considered to be limited and appropriate mitigative planting can be secured by condition.

Ecology

20. A number of residents have raised concerns regarding the impact of the loss of trees on local wildlife. It is considered that the loss of habitat would be limited and the proposals would not be contrary to policy BNE11 of the emerging Local Plan. According to standing advice previously issued by LCC Ecology a bat survey would not be required in this instance. However, Greater Manchester Ecology Unit have been consulted on the proposals. Their comments will be reported on the addendum

CIL

21. The Chorley CIL Charging Schedule provides a specific amount for housing - £65 per sq m. This was adopted in July 2013 and charging commenced on 1 September 2013. As the proposal results in new residential floor space being a CIL liability notice will be issued for the development. The amount of levy cannot be confirmed at this stage as this is an outline application. However, as an estimate for a 90 sq m house the levy from this development would be £17, 550.

S. 106

22. The NPPG was updated by Government on 28 November 2014 in respect of contributions for affordable housing and tariff style planning obligations. These measures were introduced to support small scale developers by reducing what are in the Government's view disproportionate burdens on developer contributions. The updated guidance confirms that such contributions should not be sought from small scale and self-build development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m².
23. This development is for three dwellings which is below the 10 unit threshold and also has a gross floorspace of less than 1000m². In the case of this development there is no evidence at this time, which is directly related to the development, to seek a contribution towards public open space contrary to the national guidance.

Other Matters

24. A reserved matters application for the site was refused in 2006 (ref. 05/01205/REM). This application was for a greater number of houses and was refused on the basis that the application could be fully assessed due to a lack of required information, the design of the properties did not reflect the character or appearance of the surrounding residential properties, the proposals resulted in the loss of a number of protected trees which had high amenity value and the proposed highway layout was not acceptable. As the current application is in outline only a number of these matters would be addressed at the reserved matters stage. The current proposal now only proposes the removal of one tree and the highway matters have been resolved.

Overall Conclusion

25. It is considered that the proposal would have a very limited impact on the character of the area and would accord with the aims of policies within the Framework and Local Plan that seek to achieve sustainable development. It is also considered that the proposal would not give rise to undue harm to the amenities of neighbouring residents or highway safety and is accordingly recommended for approval.
26. Subject to the receipt of satisfactory comments from the Greater Manchester Ecological Unit the application is accordingly recommended for approval.

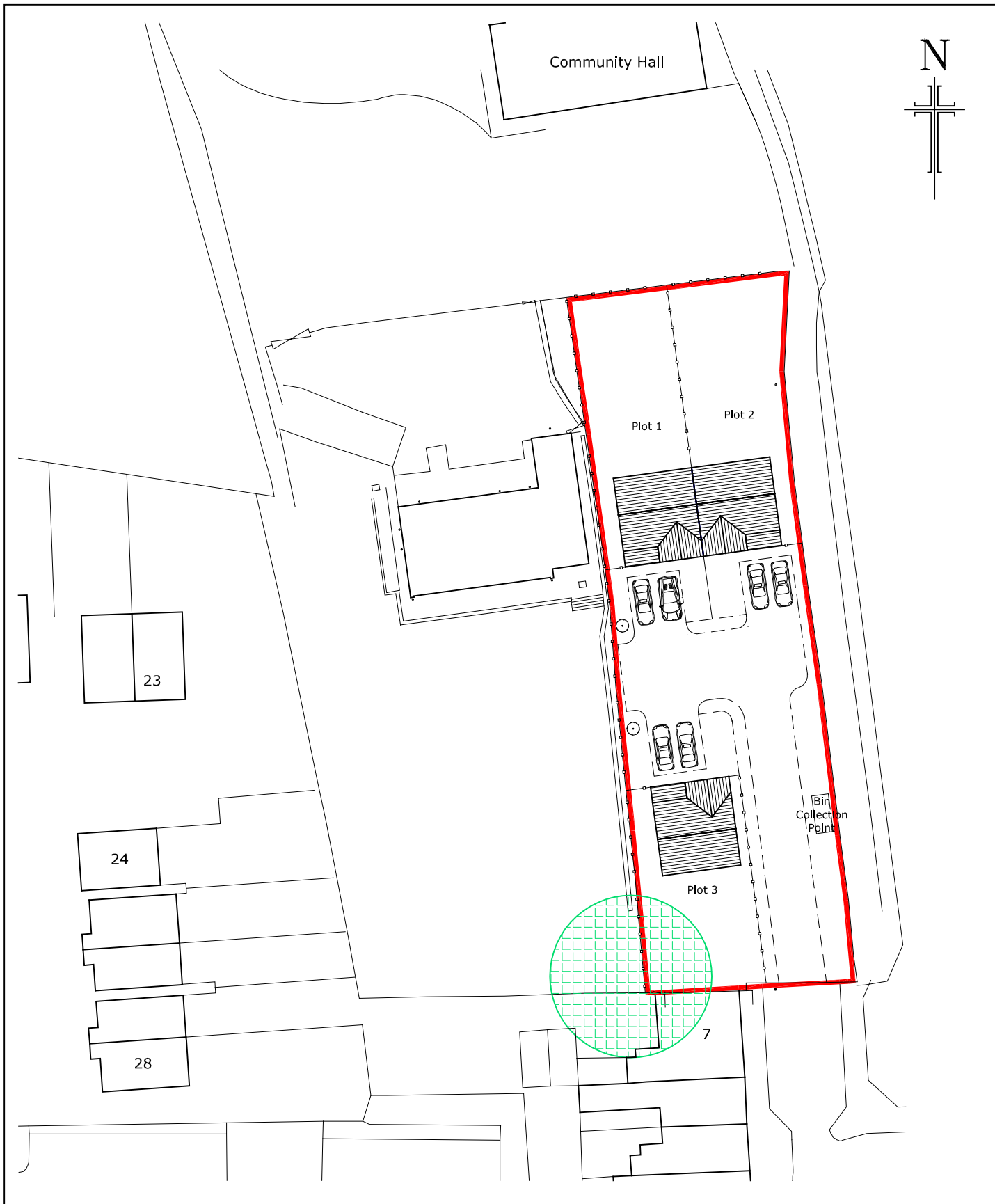
Planning Policies

27. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
01/00667/OUT	Outline application for erection of seven dwellings	Withdrawn	7 th March 2002
02/00398/OUT	Erection of three mews dwellings and one pair of semi detached dwellings	Approved	18 th December 2002
05/01205/REM	Erection of 3 mews dwellings and 1 pair semi-detached dwellings.	Refused	8 th February 2006

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PLAN REFERRED TO:

St Peter's Vicarage, Harper Lane,
Chorley, PR6 0HT.

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