

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 26TH MAY 2015, 6.30 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	
4B	15/00089/FULMAJ - LAND NORTH OF UNITS A1- A4 BUCKSHAW LINK ORDNANCE ROAD, BUCKSHAW VILLAGE	(Pages 75 - 100)
4C	15/00294/FUL - LAND TO THE WEST OF 8 CHESTER PLACE, ADLINGTON	(Pages 101 - 116)
4D	14/00974/FUL - LAND NORTH OF THE WALLED ORCHARD, BERKELEY DRIVE, CUERDEN	(Pages 117 - 130)
4E	15/00152/OUTMAJ - GOODYEAR BUSINESS PARK, GORSEY LANE, MAWDESLEY	(Pages 131 - 144)
4G	15/00140/FUL - CLAYTON BROOK PRIMARY SCHOOL, GREAT GREENS LANE, BAMBER BRIDGE, PRESTON, PR5 8HL	(Pages 145 - 146)
4H	14/01331/FUL - THE WINDMILL HOTEL, 311 THE GREEN, ECCLESTON	(Pages 147 - 164)
4I	15/00281/REM - H W MOON LTD, 56 WOOD LANE, HESKIN, CHORLEY	(Pages 165 - 174)
5A	ENFORCEMENT REPORT - LAND AT SKEW BRIDGE, BOLTON ROAD, HEATH CHARNOCK	(Pages 175 - 178)
5B	ENFORCEMENT REPORT - SIRLOIN INN, STATION ROAD, HOGHTON	(Pages 179 - 182)
5C	ENFORCEMENT NOTICE - 17 WITHNELL FOLD	(Pages 183 - 184)
7	APPEALS AND OTHER DECISIONS	(Pages 185 - 186)
	Report of the Director of Public Protection, Streetscene and Community enclosed.	

GARY HALL
CHIEF EXECUTIVE

Meeting contact Cathryn Filbin on 01257 515123 or email cathryn.filbin@chorley.gov.uk

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Item 4b	15/00089/FULMAJ
Case Officer	Nicola Hopkins
Ward	Astley And Buckshaw
Proposal	Erection of foodstore (Use Class A1), community centre (Use Class D2), flexible use divisible unit (Use Classes A2, A4 or A5) with vehicular access, car parking, servicing area, and hard and soft landscaping.
Location	Land North Of Units A1- A4 Buckshaw Link, Ordnance Road Buckshaw Village
Applicant	Aldi Stores Limited and Primrose Holdings 1995 Limited
Consultation expiry:	10th March 2015
Decision due by:	6th May 2015 (time extension agreed until 29th May)

Recommendation
Permit full planning permission

Executive Summary

The proposed development results in the loss of employment land. However the assessment in respect of the proposals is whether there are material considerations which outweigh the loss of the employment land. In the case of the foodstore proposal, the development will also secure the provision of an additional community centre on the village where there is an identified capacity issue. This is considered to be a significant material consideration in favour of the proposed foodstore.

Representations

<p>Euxton Parish Council supports this application in principle (of a large store and divisible units) but reserves its position on the Community Centre element as it needs to find out more information on what Euxton needs regarding a community centre.</p> <p style="text-align: center;">In total 88 representations have been received which are summarised below</p>		
Objection	Support	Not specified
Total No. received: 3	Total No. received: 80	Total No. received:5
<ul style="list-style-type: none"> • Further facilities are needed and hope current issues at the existing community centre can be prevented at the new site. • Residents adjacent to the current community centre report issues with noise nuisance and anti-social behaviour sometimes into the early hours. • The issues can be easily solved by having the car park adjacent to Buckshaw Avenue and the centre moved across towards the commercial side of the land (towards Ordnance Road). • There is no need for footpath access from Buckshaw Avenue. Residents currently walk from the Hardfield close area around into the commercial side which is not an issue. • No current evidence for an additional community centre, no consultation has been provided or conducted. • Anecdotal evidence from a user group (one which has the means to fund and build their own community centre) does not constitute a requirement for an additional building at all. 	<ul style="list-style-type: none"> • Praise this new and growing Buckshaw Scout colony. • The Scouts have visited local groups and supported local businesses (The Cowshed, Tiny Rockers, Residential/Nursing home at Xmas). • Will promote community cohesion and a friendly, neighbourhood community feel to Chorley and its many boroughs • There is no space/waiting list too long currently and there are more young people out there who'd benefit from joining the Scouts and being active • Having no storage at the school is very difficult to have a store for regular popular sports would be fab • Parking is a concern - the community centre/Doctors' surgery/Hub is very busy with one-way traffic at 6.30pm, 7.30pm and 8pm and there are road safety hazards with crossing safely. • There needs to be progression for older Scout/Venture Scout groups - and the current group is already full/limited for places. • An additional community centre is greatly needed in Buckshaw and will benefit both the residents (of BV) and the sounding parishes. • It is urgently needed to support the 	<ul style="list-style-type: none"> • Request that more trees are planted on the side of the road opposite the Stewart Milne Homes development as this would improve the appearance of the area • Disappointed that the drive-thru coffee shop has been removed from the plans-completion would have been good • Concerns about the community centre and potential for raise in service charge for Buckshaw residents if use of the existing hall falls • Would Aldi allow parents to park in their car park when dropping children off at school? • Has the Council considered constructing another primary school? • Concerned about potential traffic • A new community centre in the village without consultation with residents who will have to carry the ongoing financial risk of this building, and the original community centre which all residents pay an annual maintenance charge for. • It would be the Council's intention to transfer the management of this facility into a community management arrangement, as per the Council's policy • This transfer of risk is unacceptable, has not been consulted on with residents and is an

<ul style="list-style-type: none"> • If this additional community centre was built on the village it would have a dramatic financial disadvantage to every resident on Buckshaw Village who pay a management fee. • Does the council understand that approving this application will place the existing management fee funded community centre into potential financial difficulties? • Do not want the management fee to go up because a new community centre is built to pacify £50million bank account scout group • Community Centre: no mention of how the centre would be funded. • Assumed that as the council were putting up 600k, they had conducted some form of needs analysis, business impact analysis, full options appraisal, put together a business case, and they would also run the centre. None of the issues above have been answered by the Council. • Most people when asked if a new community centre would be a good thing would on the face of it say yes, and assume all of the above has been looked at. • They would also assume that if the new community centre would have an impact on the existing centre or the RMG management charge, they would be told- have been misled. • This proposal should be halted until 	<p>development of the community spirit, and meet the needs of the youth and community organisations that are growing in Chorley.</p> <ul style="list-style-type: none"> • Many local organisations are unable to find enough, suitable or indeed any meeting places to offer community based activities which concerns me with the growing number of families in the area. • Support the addition of the supermarket to complement the current offering, and also the included and shops in the plans. • As a resident that moved into the first phases of Buckshaw Village in 2004, I have been waiting for a comprehensive community resource for my family for many years. • The new community building will need to be managed by the community and not a 'for profit' entity. • The new community resource should also not be paid for out of village residents pockets by a stealth 'tax' and the residents should be fully consulted on the proposition and any impact it may or may not have on them. • Any facility should be open to all facets of the community. • We are so fortunate to live in an area where there are a lot of children and adults that have a real zest for life, running an array of activity, sport, leisure and community groups. • An additional community space would allow these groups to grow and also allow additional services be available to the residents of Buckshaw and the surrounding area. • Aldi have listened to the local views and 	<p>attempt to bypass democratic scrutiny.</p> <ul style="list-style-type: none"> • Despite being asked for on numerous occasions, Chorley Council has not made available any feasibility study for expansion of the current community centre nor a detailed impact assessment or building study.
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<p>FULL consultation has taken place on the community centre. A consultation run by Aldi with no Council representative available for comment is not the appropriate vehicle for this major change.</p> <ul style="list-style-type: none"> • The process does not seem transparent at all. • In times of austerity surprised the council can fund a new centre without a solid business plan. How has this budget been approved? • Surely all proposals should have a solid case, not based on a wish list-would like to see this. • Support community activities, but not at the expense of due process and a good business plan. • The Council should call a residents meeting and provide all of the above information to residents BEFORE the meeting to ensure we all fully understand what we are committing to. • Would like to see statistics of usage of the existing community centre. I understand that the current centre could be extended and there are other public facilities that could be utilised. • The planning proposal should either be halted or split to ensure the community centre issues have been resolved to the satisfaction of all residents. 	<p>amended their plans to suit</p> <ul style="list-style-type: none"> • Store will be an asset to the local area • A one way system should be introduced and there shouldn't be loads of disabled/ parents/ toddler parking spaces • Store will reduce the need to travel • A drive-thru facility would have attracted a totally different clientele than the existing facility. • Parking issues need to be addressed • Not sure about the mixed units <p>A representative from the Buckshaw Scout Group has made the following comments:</p> <ul style="list-style-type: none"> • The venues the Buckshaw Scout Group have access to do not meet the public demand for activities in the 6 – 18 age range due to the lack of venues. • There is a need for additional community spaces. • Buckshaw Scout Group has over 100 children attending presently plus around 50 adults, and has offered Scouting to around 200 residents (youth/adults combined) in their 2 years of operation. • Due to lack of space the Buckshaw Scout Group has a waiting list that represents an additional 45% of their current membership size. • The group offer activities to residents of Buckshaw, Euxton, Whittle, Clayton Astley and more but currently have waiting list members from all these areas. • The overflow into our neighbouring Groups which are full often due to our lack of 	
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	<p>capacity.</p> <ul style="list-style-type: none"> We have had offers of volunteers to allow us to take more youth members but have been unable to find any suitable meeting space. Therefore it is our hope that the addition of a community centre in the proposal will meet some of the demand that is currently present locally. 	
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Consultees

Consultee	Summary of Comments received
Council's Environmental Health Regulatory Services Officer (Noise)	No objections
Architectural Liaison Officer	Has commented that the security proposals contained within the DAS illustrate that security and crime reduction have clearly been considered in the planning of this development. The recommendations that the Officer would propose have been included and the Officer is supportive of these measures.
United Utilities	No objection subject to conditions in respect of foul and surface water
Environment Agency	No objections subject to conditions in respect of contamination, surface water and foul drainage
Lead Local Flood Authority	No objection subject to conditions in respect of drainage and the use of SUDs
LCC Highways	No highway objections overall to the proposed development, however approval should be subject to the implementation of the highway improvement measures detailed further within the assessment below.

AssessmentPlanning Policies

1. The Development Plan consists of the Chorley Local Plan Review 2003 and the Adopted Central Lancashire Core Strategy 2012. The Chorley Local Plan Review was adopted in August 2003. It was saved in September 2007. The relevant saved Local Plan policies are:
 - GN1: Settlement Policy
 - GN2: Royal Ordnance Site, Euxton
 - GN5: Building Design & Retaining Existing Landscape Features.
 - TR1- Major Development – Tests for Accessibility & Sustainability
 - TR4- Highway Development Control Criteria
 - TR18: Provision for Pedestrians and Cyclists in New Development
2. The Central Lancashire Core Strategy was adopted in July 2012 the relevant policies are:
 - Policy MP - clarifies the operational relationship between the Core Strategy and the National Planning Policy Framework.
 - Policy 1 - Locating Growth
 - Policy 9 - Economic Growth and Employment
 - Policy 10 - Employment Premises and Sites
 - Policy 11 - Retail and Town Centre Uses and Business Based Tourism
 - Policy 17 - Design of new buildings
 - Policy 27 - Sustainable Resources & New Developments
3. The Central Lancashire Design Guide Supplementary Planning Document (adopted October 2012) is relevant as it aims to encourage high quality design of places, buildings and landscapes in the Borough along with the Central Lancashire Controlling Re-use of Employment Premises Supplementary Planning Document (adopted October 2012).
4. In October 2013, the Local Plan Inspector issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration 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 and Travellers.
5. 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 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 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.”*
6. The Council accepted the Local Plan Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
7. Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector’s Supplementary Report on Gypsy and Traveller and Travelling Showpeople was issued (08 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.
8. The Policies relevant to this application are as follows:
 - ST3: Road Schemes and Development Access Points
 - ST4: Parking Standards
 - BNE1: Design Criteria for New Development.
 - EP1. Employment Site Allocations

- EP9: Development in Edge of Centre and Out Of Centre Locations

Proposed Development

9. There are three elements to the proposals as follows, each of which will be considered individually:
- Erection of a foodstore
 - Erection of a community centre
 - Erection of a speculative divisible retail unit

Foodstore

10. In accordance with the Framework the proposed A1 retail use falls to be considered a main town centre use which should be located within town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
11. This site is outside of the defined Buckshaw Village local centre and as such is considered to be an edge of centre site and as such any retail proposal at this site will be subject to a sequential test as set out with the Framework. The proposed store is less than 2,500m² (1,802m² Gross External Area (GEA), 1,725m² Gross Internal Area (GIA), and, 1,254m² Net Sales Area (Net)) which ensures that a full impact assessment is not required however the sequential assessment is necessary to demonstrate that there are no more centrally located sites available for this part of the development.
12. In this regard the application is supported by a Planning and Retail Statement. The Statement confirms that the core retail offer within an Aldi store (approximately 80% of the net sales area) seeks to replicate the most regularly purchased items within a family's weekly or 'bulk' food shopping trip. However, Aldi do not stock goods that are normally found in mainstream supermarkets, including tobacco and unwrapped bread/cakes. There is no store butchery, fishmonger, delicatessen or hot food-counter, and Aldi's foodstore format does not accommodate cash dispensers, customer restaurants, or in-store franchises such as pharmacies, dry-cleaning, opticians or photo processing. As such the potential for cross-over with the offer of independent high-street retailers is far less than it is for 'mainstream' food retailers that stock a far wider spectrum of goods.
13. This notwithstanding however, Aldi stores do also stock non-food goods (approximately 20% of the net sales area). The goods stocked mainly mirror seasonal demand such that there is a constant variety in terms of range and choice, with no particular type of comparison goods predominating.
14. National Planning Practice Guidance (NPPG) provides further guidance on the requirements for sequential tests and confirms that the application of the test should be proportionate and appropriate for the given proposal. The NPPG includes the following checklist in respect of sequential tests:
- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
 - Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
 - If there are no suitable sequentially preferable locations, the sequential test is passed
15. Policy EP9 of the emerging Local Plan reinforces the guidance contained within the Framework and permits such development within accessible locations, which do not harm

the amenity of the area and which do not detract from the function, vitality and viability of the town centre.

16. The application is supported by a sequential assessment which concludes that there are no sequentially preferable development sites within or on the edge of Buckshaw Village District Centre, Runshaw Lane Local Centre and Balshaw Lane Local Centre which could accommodate the proposed Aldi store.
17. The Adopted Local Plan allocates this plot of land under policy GN2 as part of the Royal Ordnance site where high quality and phased development will be permitted for purposes appropriate to the concept of an Urban Village. The development of the site will be of mixed uses and include, amongst other uses, retail uses. This policy is supported by Policy 1 of the Core Strategy which identifies Buckshaw Village as a Strategic Site where growth and investment will be focused.
18. Given the stage at which the emerging Local Plan has reached it is considered that significant weight can be afforded to the policies contained therein. The emerging Local Plan allocates this site for employment uses (policy EP1.13). Policy 10 of the adopted Core Strategy seeks to protect employment sites and states:

All existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will need to be assessed under the Policy 10 criteria:

- (a) there would not be an unacceptable reduction on the type, quality or quantity of employment land supply;*
- (b) the provision and need for the proposed use;*
- (c) the relative suitability of the site for employment and for the alternative use;*
- (d) the location of the site and its relationship to other uses;*
- (e) whether the ability to accommodate smaller scale requirements would be compromised;*
- (f) there would be a net improvement in amenity.*

Any proposals for housing use on all employment sites/premises will need to accommodate criteria (a)-(f) above and also be subject to:

- (g) convincing evidence of lack of demand through rigorous and active 12 month marketing period for employment re-use and employment redevelopment;*
- (h) an assessment of the viability of employment development including employment re-use and employment redevelopment.*

19. The Central Lancashire Supplementary Planning Document (SPD): Controlling Re-use of Employment Premises, Oct 2012 develops Core Strategy policy 10.
20. The proposals do not fall within the employment definition in Core Strategy Policy 10 which protects sites and premises for B1, B2 and B8 uses. The loss of this site from an employment allocation would render a reduction in the overall employment allocations for Buckshaw Village and in particular in the Southern Commercial area. Whilst a proposed retail store would generate both full time and part time jobs, the proposals are contrary to policy 10 of the Core Strategy and policy EP1 of the emerging Local Plan.
21. The adopted Core Strategy sets the overall employment requirement for Chorley as 112ha to 2026. The Inspector's partial report is accompanied by an appendix containing the main modifications. In respect of employment, the Inspector concluded "*that allocations accord with the quantum and locational strategy of the CS for employment development, and that the range and of site sizes and types provide a flexible portfolio of sites*". The main modifications provide a Chorley employment land supply for the period 2010-2026 as 100.61ha with commitments (MMEC48). This figure does not take into

account vacant stock in the Borough. This figure does include policy EP1 employment site allocations amounting to 88.74ha.

22. The proposed Aldi store is contrary to policy 10 of the Core Strategy which forms part of the Development Plan. Additionally the proposals are contrary to emerging policies which are afforded significant weight in decision making. As such in accordance with s.38 (6) of The Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.
23. The benefits of the scheme put forward by the agent for the application in respect of this element of the proposals are as follows:
- It offers the guarantee of deliverable economic development on a site close to Buckshaw Village District Centre within a short-term timescale which will help boost the local economy and will assist Buckshaw Village in attracting further investment;
 - It will create in the order of 50 full and part-time quality retail jobs, delivering indirect jobs through services supporting the new store, divisible unit, and providing temporary construction jobs;
 - It will enhance consumer choice in Buckshaw's convenience goods retail sector and take pressure off Aldi's existing Chorley store;
 - It will improve competition between the catchment's national mainstream food retailers in terms of pricing and offer, to the benefit of consumers;
 - It will result in the redevelopment of a vacant and under-utilised site to provide a high-quality retail development in a prominent location; and,
 - It will offer the provision of free car parking which will enhance the prospects of linked trips between the retail development and surrounding existing businesses.
24. The above points are all material considerations in support of the proposed foodstore. Additionally, the scheme includes a proposed community centre which has been provided by the applicants as a material consideration in support of the proposed foodstore. It has been identified within Buckshaw Village that there are capacity issues within the current community centre and as such part of the Council's 2015/16 budget funding has been allocated to ensure the delivery of a new community centre on the Village. As such the provision of the community centre is considered to be a significant community benefit in favour of the proposals. The community centre is considered further below.
25. The proposed foodstore and community centre are proposed to be located adjacent to the existing industrial units to the southern boundary and will act as a transition in scale from the industrial units to the south to the public house and residential properties to the north of the site. The store entrance is located on the northern elevation and its shop front located along Ordnance Road.
26. The Aldi foodstore will be clad in a mix of light and dark grey cladding panels and terracotta tiles. The store will have large elements of shop front glazing, together with a contemporary glazed entrance canopy. From a design perspective this is considered to be an appropriate treatment reflecting the character of the surrounding area and providing a modern design solution.
27. Policy ST4 of the emerging Local Plan sets out the Council's Parking Standards. For the proposed store there is a requirement to provide 121 parking spaces plus 7 disabled bays and 12 cycle bays. The proposed scheme includes 114 parking spaces, 9 parent and toddler spaces, 7 disabled spaces which equates to 130 spaces in total (including 12 staff parking spaces). This provision is considered to be acceptable and 14 customer cycle stands are located between Aldi and Ordnance Road where they are visible from the public highway.
28. Although the proposed Aldi foodstore on this site will result in a reduction in the Council's employment land supply, it is considered that the benefits listed above, including the delivery of a community centre, along with the fact that there are no sequentially

preferable sites for the store and the fact that the store will generate employment opportunities are material considerations in favour of the proposals.

Proposed Community Centre

29. The scheme involves the erection of a community centre which will be single storey and provide 298m² of floorspace. As with the proposed Aldi foodstore a community centre is contrary to the same employment policies (set out above) and as such there is a requirement to consider whether any other material considerations exist in accordance with section 38 (6).
30. It is understood that there is an identified capacity issue at the current community centre on Buckshaw Village. The Council's Community and Neighbourhood Team undertook a Community Facilities Capacity Audit at the Village which identified that the existing community facilities are well used at the times that community groups want to use them (e.g. the Community Centre, Trinity Buckshaw School and The Hub). The audit also identified that groups are struggling to develop their activities given the pressure on community space and also ancillary storage space that many groups require. This pressure will only continue to grow as the population at Buckshaw Village increases.
31. It is noted that concerns have been raised by residents about the proposed community centre and in particular the potential impact on the existing centre which is funded by the estate rent charge that all the residents of the village pay. It is important to note however that the proposed community centre is only related to addressing the identified capacity issues within the existing community centre and will be operated in the first instance by Chorley Council (with future potential to be passed on for community management), the estate rent charge residents at the village currently pay will not be used in respect of the proposed centre. The existing community centre is managed by RMG however the management arrangements for all of the open space and community facilities on the village, including the existing community centre, are set out within a Management Plan for the Village which was agreed by the Council on 14th January 2011. The agreed plan provides confirmation that Redrow/Barratt, as the owners, elect to maintain the existing community centre and this document includes details of the funding for the future maintenance and management (derived from the estate rent charge). However this document requires the centre to be managed, including any fee charged, in line with the Council run centres. As such the operation of the proposed community centre will match that of the existing centre and enable space for community groups to meet addressing the capacity issues.
32. The provision of a community centre is considered to a material consideration in favour of the proposed foodstore and as such these 2 elements are intrinsically linked. Given the fact that the community centre is considered to be a benefit in respect of the proposed foodstore (and the fact that such a proposal is contrary to current and emerging planning policies) a suitable method of control is necessary to ensure the delivery of the community centre. This will be controlled by the following condition:
- The foodstore shall not open to the general public until the legal contract for the construction of the community centre has been entered into by all parties and a copy submitted to and approved in writing by the Local Planning Authority.
- Reason: The erection of a foodstore on this site is contrary to Policy 10 of the Adopted Central Lancashire Core Strategy 2012 however the provision of a community centre on the site is considered to be a material consideration in favour of the proposed foodstore. As the provision of the community centre is a material consideration in respect of the provision of the foodstore a restriction on the opening is considered necessary to ensure the community centre can be delivered.*
33. For a community centre there is a requirement to provide 1 parking space per 22m². The community centre has a floor area of 294m² which requires 14 parking spaces. 38 spaces are provided – this is in excess of the requirement; however it is noted that there are parking issues at the current community centre and as such it is not considered that overprovision for a use of this nature is unacceptable within this location.

34. In terms of design, the relationship with Buckshaw Avenue is particularly important given the prominence of this site within the surrounding area. As such the design of the building is a key consideration. The building as designed is very modern with the use of glazing, tiles, render and red brick. The building reflects the design of the adjacent industrial units albeit to a higher specification with a mix of treatments on all visible elevations. This is considered to be a high quality solution which reflects the surrounding area and ensures that the elevations that are visible within the surrounding area are designed to provide interest and reflect the high quality of design already secured on the Village.
35. The provision of a community centre on this site will result in a reduction in the Council's employment land supply however it is considered that the benefits of the proposed centre which include assisting in addressing the capacity concerns at the current centre and ensuring that more community groups have available space outweigh the small loss of employment land.

Proposed speculative divisible retail unit

36. The proposed development also includes the erection of a divisible retail unit which is submitted speculatively with no end retailer identified. The retail unit will be single storey and provide 334m² of floorspace. This element of the scheme is also contrary to Policy 10 of the Core Strategy as although it would generate some employment, it would result in the loss of land for B1, B2 and B8 uses. This element of the scheme is also a main town centre use which is subject to the requirements for a sequential assessment as with the proposed foodstore.
37. Within the supporting statements, the applicants are relying on the disaggregation test in respect of all three elements of the scheme, in that all three elements need to be considered as a whole and there are no sequentially preferable sites for all three elements.
38. The applicants cite the Supreme Court's Judgement of 21st March 2012 in relation to the case of Tesco Stores v Dundee City Council. With regards the assessment of a site's 'suitability' for retail development, the Judgement made by Lord Hope was that: *"It is the proposal for which the developer seeks permission that has to be considered when the question is asked whether no suitable site is available within or on the edge of the town centre"*. He went on to explain that, *"the issue of suitability is directed at the developer's proposals, not some alternative scheme which might be suggested....these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so"*.
39. The agents for the application assert that the relevance here is that to 'disaggregate' the divisible retail unit would result in development that the applicant would not realistically pursue.
40. The agents for the application have also cited the Secretary of State call-in decision relating to Northampton Road, Rushden (APP/G2815/V/12/2190) which dealt with whether there remains a requirement to consider 'disaggregation' when demonstrating flexibility as part of the sequential test outlined in the Framework. The Inspector states at Paragraph 8.47 of his report that *"there is no longer any such requirement stated in the NPPF"* and that *"had the Government intended to retain disaggregation as a requirement it would and should have explicitly stated this in the NPPF"*.
41. The agent has stated that the removal of the divisible retail unit would render the delivery of the community centre unviable given the need to release the land for the community centre is an intrinsic part of the scheme. However no evidence in respect of viability has been provided to support this assertion.
42. The NPPG is clear that there is a requirement to demonstrate flexibility and it is considered the divisible retail unit which covers 334m² is not an essential constituent part

of the application; and this could easily be accommodated within the western retail block of Buckshaw local centre (this is the block opposite the already constructed retail parade which has yet to be constructed but has consent and includes 370m² of A1 floor space, 155m² of A2 floorspace, 287m² of A3 floorspace and 92m² of A5 floorspace). Also it is considered that Aldi would still pursue this site without the flexible retail units as it meets their commercial requirements (i.e. location, size, visibility etc.).

43. Concerns were raised with the agent for the application that the divisible retail unit will negatively impact on the vitality and viability of both the existing small shops and the western retail block and as such it was considered that there are more sequentially preferable sites for the small retail units proposed as part of this planning application.
44. In response to this concern, the agent for the application considers that the proposed divisible units will not prejudice the delivery of the second phase of the local centre and there is no evidence that there would be an impact on existing, committed and planned public and private investment in one of the centres. The agents for the application consider that the nature and configuration of the application proposal is different to the second phase of the local centre and the applicants for the current proposals are not competing for the same market opportunity or retailers/ occupiers.
45. This assertion was queried however, as the western part of the local centre incorporates 8 small/ medium retail units similar to what is proposed as part of this application and as such there is the potential that the proposed units would be competing for the same market opportunities, notwithstanding the fact that no objections have been received on the grounds of impact on the vitality and viability of the local centre.
46. In response to this, the agent for the application has confirmed that the applicant is willing to remove A1 and A3 use classes out of the proposed mix and restrict the subdivision of the units to a maximum of 2 units. This would ensure that the vitality of the local centre is protected by ensuring that uses which create daytime footfall are located within an appropriate location to compliment the mix of existing uses. By restricting the uses to A2, A4 and A5; this would enable choice for such occupiers who may prefer to be located on a high street or on a site such as the application site and provides further choice in respect of unit size, given that the majority of the units within the village centre, which are allocated for A2/A5 uses, are small units.
47. The end occupiers and use of these units are unknown, however in accordance with policy ST4 of the emerging Local Plan, A4/ A5 uses require 1 parking space per 6m² of public floor space and A2 uses require 1 parking space per 32m². This equates to a requirement of between 10 and 56 parking spaces. 30 parking spaces are proposed which is within the range required and as such is considered appropriate having regard to the scale of parking across the wider application site and the good accessibility within Buckshaw Village by both foot and cycle.
48. In design terms, the proposals reflect both the community centre and the proposed foodstore and as such are considered appropriate on this site and in accordance with Policy 17 of the Adopted Central Lancashire Core Strategy.
49. It is considered that the amendment made to the scheme during the consideration of the planning application to remove Use Classes A1 and A3 results in a scheme which can be considered favourably on this site. The amendment ensures that the retail uses which will benefit Buckshaw local centre (A1: retail and A3: cafes and restaurants) will not be adversely impacted upon as part of the proposals but also ensures further choice for other potential occupiers (such as A2: financial and professional services and A5: hot food takeaways).
50. The provision of retail units on this site will result in a reduction in the Council's employment land supply. However it is considered that the benefits of the proposed units (which include an element of job creation) and further choice for retailers at the village outweigh the loss of employment land.

Other ConsiderationsHighways

51. In terms of the highway implications of the proposed development the application is accompanied by a Transport Assessment (TA) and a Travel Plan (TP).
52. As part of the TA, the applicant has carried out a study of the existing highway network including the junctions of the Ordnance Road and the site access and the Buckshaw Avenue / Village Way / Ordnance Road roundabout. The study includes a traffic survey to establish peak hour traffic flows, a review of traffic accidents in the area, trips to be generated by the proposed development taking into account trips associated with the approved adjacent public house/restaurant, how the trips will be distributed on the existing highway network, and an estimate of traffic growth 5 years on from year of the planning application.
53. The conclusion of the assessment undertaken as part of the TA is that the total trips associated with the development can be accommodated by the existing highway network without adverse impacts. The site layout shows separate pedestrian walkways and crossing points which should ensure pedestrian safety due to the potential reduction in pedestrian/vehicular conflicts. There is also permeability within the site and through the site from surrounding public highways that is a positive contribution to reducing reliance on car trips.
54. The Highway Engineer has assessed the proposals and identified the following issues with the proposals although overall the Highway Authority raise no objection to the scheme:
1. Provision of motorcycle parking within the site;
 2. Informal crossing provision on Buckshaw Avenue to the east of the development site;
 3. Provision of a 3.0 metre access from Buckshaw Avenue along the eastern boundary of the site to facilitate pedestrian and cycle access;
 4. Removal of two spaces located within the centre of the Flexible Divisible Unit car park;
 5. Relocation of the northern most splitter island on Ordnance Road further from the proposed vehicular access / egress;
 6. Installation of a pedestrian refuge to the north of the proposed vehicular access / egress as part of the above splitter island relocation works;
 7. Financial contribution for the delivery of additional bus stops; and
 8. Travel Plan monitoring contribution of £12,000.
55. In respect of points 1-4, a plan has been provided which addresses these issues. Additionally, the parking spaces within the car park to the flexible divisible unit have been adjusted to a standard 2.4m x 4.8m size to enable their retention.
56. In respect of point 5, the applicants appointed Highway Consultants have commented that the relocation of the splitter island may not be necessary. The track plot analysis has to date been undertaken on OS Base mapping, which does not give an absolutely accurate representation of the highway. Accordingly, at the appropriate time following the grant of planning permission the foodstore operator will attend site with an articulated vehicle and undertake the right turn out manoeuvre. This will determine whether or not a 16.5 metre articulated vehicle can turn without striking the splitter island. Therefore resolution of this matter should be left to the detailed design stage. This can therefore be secured via necessary legal agreement with the Highway Authority.
57. In respect of point 6, the Highway Consultants consider that the proposed pedestrian refuge to the south combined with the existing pedestrian refuge at the roundabout splitter island, provides sufficient crossing facilities for future customers.
58. The Highway Engineer has been forwarded these comments and in response he has confirmed that points 1-4 above are acceptable.

59. The Engineer is concerned that points 5, 7 and 8 are not being taken forward. In respect of point 5 the Engineer comments that the auto-track plans are substantive documents forming part of the planning application submission and clearly demonstrate that the island cannot be safely negotiated by large goods vehicles in its present location. The Engineer considers that safety needs to be considered fully prior to determination and that if the traffic island is proposed to remain in-situ, then LCC would require a safety audit, at the applicant's expense to confirm that the present location has no inherent safety implications. In terms of point 6 the Highway Engineer comments that should the traffic island be relocated but not converted to a pedestrian refuge or should the safety audit confirm that the current location poses no safety risks, it is highly likely that some pedestrians would attempt to cross the road at the traffic island. Therefore, the merits of relocating the island away from the access and converting it to pedestrian refuge should be given careful consideration. Although it is noted that this information is requested prior to commencement it is considered that this can adequately be conditioned as any works to the highway need separate consent from the Highway Authority.
60. The nearest bus stop to the site is approximately 400m away on Village Way which is within the recommended walking distance to a bus stop as per Manual for Streets. Whilst the Highways Engineer has commented that shoppers who travel to the site by bus may be returning with heavy loads and may find the 400m walk distance arduous; and has requested a financial contribution towards provision of at least a bus stop each on Ordnance Road and Buckshaw Avenue within close proximity of the site; it is not considered that such a request would meet the requisite s106 tests given that there are bus stops in the vicinity of the site. As such a contribution to bus stops is not required as part of the proposals.
61. The Highway Engineer has queried the need for the proposed 'No Entry' carriageway marking at the entrance to the staff car park, given that staff and delivery vehicles have to enter to park. More appropriate signage will be subject to separate advertisement consent.
62. The Framework Travel Plan submitted meets the Highway Authority's submission criteria for an acceptable Framework Travel Plan. The Highway Engineer has requested a Full Travel Plan building on the initiatives outlined in the Framework Travel Plan which can be secured by condition. Whilst the Engineer has requested a contribution of £12,000 for the travel plan to enable the Lancashire County Council Travel Planning Team to provide a range of services, a condition is considered to be sufficient. This is particularly relevant as Aldi Stores have a standard approach to the production of travel plans for their stores throughout the region.
63. In respect of highways and traffic the proposals are considered to be acceptable subject to conditions.

Sustainable Resources

64. The proposed buildings on this site in excess of 500m² will be required to achieve BREEAM rating 'Very Good'. Policy 27 also includes the following requirements in respect of the proposed buildings:
- Criteria (a) - Evidence is set out to demonstrate that the design, orientation and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change;*
- Criteria (b) - Prior to the implementation of zero carbon building through the Code for Sustainable Homes for dwellings or BREEAM for other buildings, either additional building fabric insulation measures,*
- Or*
- appropriate decentralised, renewable or low carbon energy sources are installed and implemented to reduce the carbon dioxide emissions of predicted energy use by at least 15%;*
- Criteria (c) - Appropriate storage space is to be provided for recyclable waste materials and composting;*

Criteria (d)- If the proposed development lies within a nationally designated area, such as a Conservation Area or affects a Listed Building, it will be expected to satisfy the requirements of the policy through sensitive design unless it can be demonstrated that complying with the criteria in the policy, and the specific requirements applying to the Code for Sustainable Homes and BREEAM, would have an unacceptable adverse effect on the character or appearance of the historic or natural environment.

65. Policy 27 also requires a reduction in carbon emissions over and above BREEAM however it is considered that both parts of Policy 27 can be addressed by condition.

Landscaping

66. In accordance with the original outline planning permission at Buckshaw Village (02/00748/OUTMAJ), a Design Code was published for the Southern Commercial Area. Although the outline consent is no longer extant the design principles established as part of this Design Code are still relevant to ensuring a high quality design and layout is secured across the whole of the Village. In terms of landscaping, the frontage to both Buckshaw Avenue and Ordnance Road are very important focal points within the Village and as such the scheme has been designed with structural landscaping around the edges of the site and internally between the proposed buildings to screen the parking, to respect the landscaping already secured on the Village, and to provide a visually attractive scheme.

Community Infrastructure Levy (CIL)

67. The Chorley CIL Charging Schedule provides a specific amount for convenience retail floorspace (Aldi) - £160m². The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013.
68. The original outline planning approval for across the whole of the Village pre-dates the levy and as such was not subject to CIL. However the outline consent has expired and there was no detailed permission on this part of the Village which could be considered to be a deliverable fallback permission, as such the retail elements of the proposal are liable for CIL.
69. The proposed Aldi store has a net sales area of 1,254m² which will generate a CIL levy of £200,640.
70. The divisible retail units would not be CIL liable as the use of the units would be restricted to A2, A4 and A5 uses and as such do not fall within the definition of a retail warehouse, retail park or neighbourhood convenience store that is the only other related CIL chargeable development.

Noise

71. The application is supported by a Noise Impact Assessment which concludes that subject to implementation of the recommendations for noise mitigation, the proposed commercial development would not result in any unacceptable harm to residential amenity by reason of noise.
72. The proposed service yard will be located at the eastern end of the building and approximately 90 metres from the nearest dwelling. As such, there is potential for noise impact associated with service yard activities. However the submitted report confirms that service yard noise levels outside the nearest dwellings will be low. It is however recommended that there should not be any use of a PA system in the service yard area, apart from in emergencies.
73. Refrigeration units on HGVs are located at height and as such the assessment recommends that:
- Refrigeration units on HGVs are turned off when at the site; and,
 - Engines of HGVs are turned off upon arrival and when unloading.

74. Some external refrigeration equipment will be required for the proposed Aldi foodstore. The mechanical services plant will be located on the eastern side of the building (approximately 100m from the nearest dwellings) and will comprise of the following equipment;
- 1 Fridge Pack and Condenser;
 - 2 Cold Room Condenser units.
75. The assessment concludes however that there will be no adverse impact from the operation of the equipment. The recommendations in terms of noise will be secured by condition.
76. There is no proposed service yard for the flexible use unit. Due to the size of this unit deliveries are likely to be infrequent and carried out using small vans rather than larger HGVs. Therefore there is unlikely to be any significant noise impact from these activities.
77. The Council's Environmental Health Officer has no comments to make in respect of the proposed foodstore and community centre however he has visited the site in respect of the proposed divisible retail units and commented that it is reasonable to have separate conditions for the different potential uses of the divisible retail units. The Officer has recommended that conditions are considered on the A4 and A5 uses only and it would be reasonable and consistent to attach the same conditions as with the existing adjacent public house to any future A4 use of the premises.
78. The Officer does however have concerns if the units were occupied by an A5 use regarding the potential for noise disturbance at nearby noise sensitive dwellings from the vehicles (slamming doors and moving off) and potential anti-social behaviour, especially in the early hours. The Officer has commented that it is difficult to determine the extent of this potential disturbance due to the unknown type of occupants in the divisible retail units. There are 30 parking spaces proposed and it must be considered that these will be used to the full potential.
79. In order to safeguard the amenities of the local residents, the Environmental Health Officer has made the following recommendations:
- A new acoustic report which explores the potential for noise disturbance at sensitive dwellings from potential activities associated with the use of the car park of the divisible retail units and until at least 03.00hours.
 - Redesign the layout of the proposed development so that the actual units are in between the nearest sensitive properties and the car park.
 - Install a close boarded fence along the perimeter of the carpark for the divisible retail units.
 - Restrictions of hours of operation until 01.00hours on any day in line with other premises nearby
80. The installation of a fence is not considered appropriate along this prominent visual frontage and the agents for the application have confirmed that their clients are willing to accept hour's conditions specific to both A4 and A5 uses. These are set out below within the conditions section.

Community Consultation

81. Prior to the submission of this application Aldi undertook a public consultation event. The responses were reported as positive in general which is evidenced by the level of support submitted in respect of this application. Concerns were raised by the inclusion of a drive-thru coffee shop on the pre-application plans in respect of the impact on the existing coffee shop. This element of the proposals has however been removed from the application proposals. It is noted that when the divisible retail units were originally submitted all A use classes were applied for which could have included a coffee shop use however Use Class A3 (restaurants and cafes) has been removed from the proposals along with Use Class A1.

Drainage

82. In respect of drainage the application is supported by a Flood Risk Assessment and comments have been received from the Environment Agency, United Utilities and LCC as the Lead Local Flood Authority. All of the comments include suggested drainage conditions. Given that United Utilities will be responsible for any drainage; their suggested conditions will be on the basis of the drainage conditions attached to the recommendation.
83. Plans have been provided in respect of both the foul and surface water drainage arrangements for the site. United Utilities have confirmed that if the proposed drainage design drawing is extended to show the extent of the whole development with clear boundaries for each parcel of development, so that the allocation and rate of discharge for each parcel is clear, then suitable compliance conditions can be attached to the recommendation.

Overall Conclusion

84. In conclusion, the proposed development involves the loss of land which is allocated for employment purposes within the emerging Local Plan. However in accordance with section 38 (6) of The Planning and Compulsory Purchase Act (2004), it is considered that the material considerations outweigh the loss of the land by providing more retail choice in the Village, in the form of an Aldi foodstore and more choice in respect of A2/A5 units, and by providing additional meeting space for the community as a whole. As such subject to a condition ensuring the delivery of the community centre, the application is recommended for approval.

Planning History

Reference	Description	Decision	Date
97/00509/OUT	Outline application for mixed-use development	Approved	August 1999
02/00748/OUT	Modification of conditions on outline permission for mixed use development	Approved	December 2002
Adjacent plot (Plot 4400):			
07/01420/REM	Reserved matters application under outline ref 9/02/00748 for a proposed spur road	Approved	January 2008
08/00396/REMMAJ	Reserved Matters application for the erection of a public house on plot 4400, Buckshaw Village	Approved	July 2008
10/00975/REM	Application to extend the time limit for implementation of extant planning permission 07/01420/REM for the construction of a spur road at Buckshaw Link, Buckshaw Village.	Approved	December 2010
11/00554/REMMAJ	Application to extend the time limit for implementation of extant planning permission 08/00396/REMMAJ for the erection of a public house on plot 4400, Buckshaw Village.	Approved	August 2011
14/00278/REM	Reserved matters application (pursuant to outline planning approval 02/00748/OUTMAJ) for a proposed spur road	Approved	May 2014
14/00514/REMMAJ	Reserved matters application (pursuant to outline planning	Approved	August 2014

	approval 02/00748/OUTMAJ) for the erection of a public house/ restaurant on plot 4400, Buckshaw Village		
14/01037/REM	Section 73 application to vary condition 8 (opening hours) attached to reserved matters approval 14/00514/REMMAJ to extend the opening hours for the approved public house	Approved	November 2014
14/01176/DIS	Application to discharge conditions 3 (street lighting), 4 (drainage) and 5 (ground levels) attached to reserved matters approval ref: 14/00278/REM	Discharged	January 2015
15/00010/MNMA	Minor non-material amendments to approved public house (reserved matters approval 14/01037/REM) including deleting the first floor managers accommodation, reducing the height of the roof and a reduction in the footprint of the approved scheme	Approved	January 2015
15/00081/FUL	Erection of a pergola, outside children's play area and external terrace area	Approved	March 2015

Suggested Conditions

No.	Condition																																																						
1.	<p>The proposed development must be begun not later than three years from the date of this permission. Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</p>																																																						
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 501 1302 1290"> <thead> <tr> <th data-bbox="320 501 644 533">Title</th> <th data-bbox="644 501 1011 533">Drawing Reference</th> <th data-bbox="1011 501 1302 533">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 533 644 564">Location Plan</td> <td data-bbox="644 533 1011 564">1279 MIDW 100</td> <td data-bbox="1011 533 1302 564">31st January 2015</td> </tr> <tr> <td data-bbox="320 564 644 595">Proposed Site Plan</td> <td data-bbox="644 564 1011 595">1279 MIDW 101 Rev F</td> <td data-bbox="1011 564 1302 595">31st January 2015</td> </tr> <tr> <td data-bbox="320 595 644 658">Aldi- Proposed GA Floor Plan</td> <td data-bbox="644 595 1011 658">1279 MIDW 102</td> <td data-bbox="1011 595 1302 658">31st January 2015</td> </tr> <tr> <td data-bbox="320 658 644 721">Aldi- Proposed Elevations</td> <td data-bbox="644 658 1011 721">1279 MIDW 103</td> <td data-bbox="1011 658 1302 721">31st January 2015</td> </tr> <tr> <td data-bbox="320 721 644 784">Community Centre Plans and Elevations</td> <td data-bbox="644 721 1011 784">1279 MIDW 104 Rev C</td> <td data-bbox="1011 721 1302 784">13th May 2015</td> </tr> <tr> <td data-bbox="320 784 644 846">Proposed Boundary Treatments</td> <td data-bbox="644 784 1011 846">1279 MIDW 107</td> <td data-bbox="1011 784 1302 846">31st January 2015</td> </tr> <tr> <td data-bbox="320 846 644 878">Landscape Plan</td> <td data-bbox="644 846 1011 878">V1279 L01</td> <td data-bbox="1011 846 1302 878">31st January 2015</td> </tr> <tr> <td data-bbox="320 878 644 940">Proposed Site Elevations</td> <td data-bbox="644 878 1011 940">1279 MIDW 106 Rev A</td> <td data-bbox="1011 878 1302 940">31st January 2015</td> </tr> <tr> <td data-bbox="320 940 644 972">Divisible Retail Units</td> <td data-bbox="644 940 1011 972">1279 MIDW 105 Rev A</td> <td data-bbox="1011 940 1302 972">13th May 2015</td> </tr> <tr> <td data-bbox="320 972 644 1003">Off site highway works</td> <td data-bbox="644 972 1011 1003">186-01/GA-01 Rev A</td> <td data-bbox="1011 972 1302 1003">1st April 2015</td> </tr> <tr> <td data-bbox="320 1003 644 1034">Existing Drainage</td> <td data-bbox="644 1003 1011 1034">8306/D/101 Rev A1</td> <td data-bbox="1011 1003 1302 1034">13th May 2015</td> </tr> <tr> <td data-bbox="320 1034 644 1066">Proposed Drainage</td> <td data-bbox="644 1034 1011 1066">8306/D/102 Rev T2</td> <td data-bbox="1011 1034 1302 1066">13th May 2015</td> </tr> <tr> <td data-bbox="320 1066 644 1097">Typical Manhole Details</td> <td data-bbox="644 1066 1011 1097">8306/D/401 Rev T1</td> <td data-bbox="1011 1066 1302 1097">13th May 2015</td> </tr> <tr> <td data-bbox="320 1097 644 1128">Typical Drainage Details</td> <td data-bbox="644 1097 1011 1128">8306/D/402 Rev T1</td> <td data-bbox="1011 1097 1302 1128">13th May 2015</td> </tr> <tr> <td data-bbox="320 1128 644 1191">Attenuation Tank and Oil Separator Details</td> <td data-bbox="644 1128 1011 1191">8306/D/403 Rev T2</td> <td data-bbox="1011 1128 1302 1191">13th May 2015</td> </tr> <tr> <td data-bbox="320 1191 644 1223">Manhole Schedule</td> <td data-bbox="644 1191 1011 1223">8306/D/404 Rev T2</td> <td data-bbox="1011 1191 1302 1223">13th May 2015</td> </tr> <tr> <td data-bbox="320 1223 644 1285">Proposed Site Plan- drainage</td> <td data-bbox="644 1223 1011 1285">1279 MIDW 201 Rev T</td> <td data-bbox="1011 1223 1302 1285">13th May 2015</td> </tr> </tbody> </table> <p data-bbox="320 1290 1302 1323">Reason: For the avoidance of doubt and in the interests of proper planning</p>	Title	Drawing Reference	Received date	Location Plan	1279 MIDW 100	31st January 2015	Proposed Site Plan	1279 MIDW 101 Rev F	31st January 2015	Aldi- Proposed GA Floor Plan	1279 MIDW 102	31st January 2015	Aldi- Proposed Elevations	1279 MIDW 103	31st January 2015	Community Centre Plans and Elevations	1279 MIDW 104 Rev C	13th May 2015	Proposed Boundary Treatments	1279 MIDW 107	31st January 2015	Landscape Plan	V1279 L01	31st January 2015	Proposed Site Elevations	1279 MIDW 106 Rev A	31st January 2015	Divisible Retail Units	1279 MIDW 105 Rev A	13th May 2015	Off site highway works	186-01/GA-01 Rev A	1st April 2015	Existing Drainage	8306/D/101 Rev A1	13th May 2015	Proposed Drainage	8306/D/102 Rev T2	13th May 2015	Typical Manhole Details	8306/D/401 Rev T1	13th May 2015	Typical Drainage Details	8306/D/402 Rev T1	13th May 2015	Attenuation Tank and Oil Separator Details	8306/D/403 Rev T2	13th May 2015	Manhole Schedule	8306/D/404 Rev T2	13th May 2015	Proposed Site Plan- drainage	1279 MIDW 201 Rev T	13th May 2015
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3.	<p>Before each phase of the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles. Reason: To ensure adequate on site provision of car parking and manoeuvring areas.</p>																																																						
4.	<p>Prior to the commencement of each phase of the development (excluding the foodstore) a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li data-bbox="344 1666 1011 1697">i. the parking of vehicles of site operatives and visitors <li data-bbox="344 1697 1075 1729">ii. hours of operation (including deliveries) during construction <li data-bbox="344 1729 916 1760">iii. loading and unloading of plant and materials <li data-bbox="344 1760 1203 1792">iv. storage of plant and materials used in constructing the development <li data-bbox="344 1792 676 1823">v. wheel washing facilities <li data-bbox="344 1823 1203 1854">vi. measures to control the emission of dust and dirt during construction <li data-bbox="344 1854 1299 1886">vii. a scheme for recycling/disposing of waste resulting from construction works <p data-bbox="320 1886 1318 2024">Reason: The development hereby approved incorporates 3 different elements which could result in 3 different developers on the site at the same time. As such in the interests of highway safety and to protect the amenities of the nearby residents the above information is required prior to the commencement of each individual part of the development to ensure that works will not disrupt the surrounding area</p>																																																						

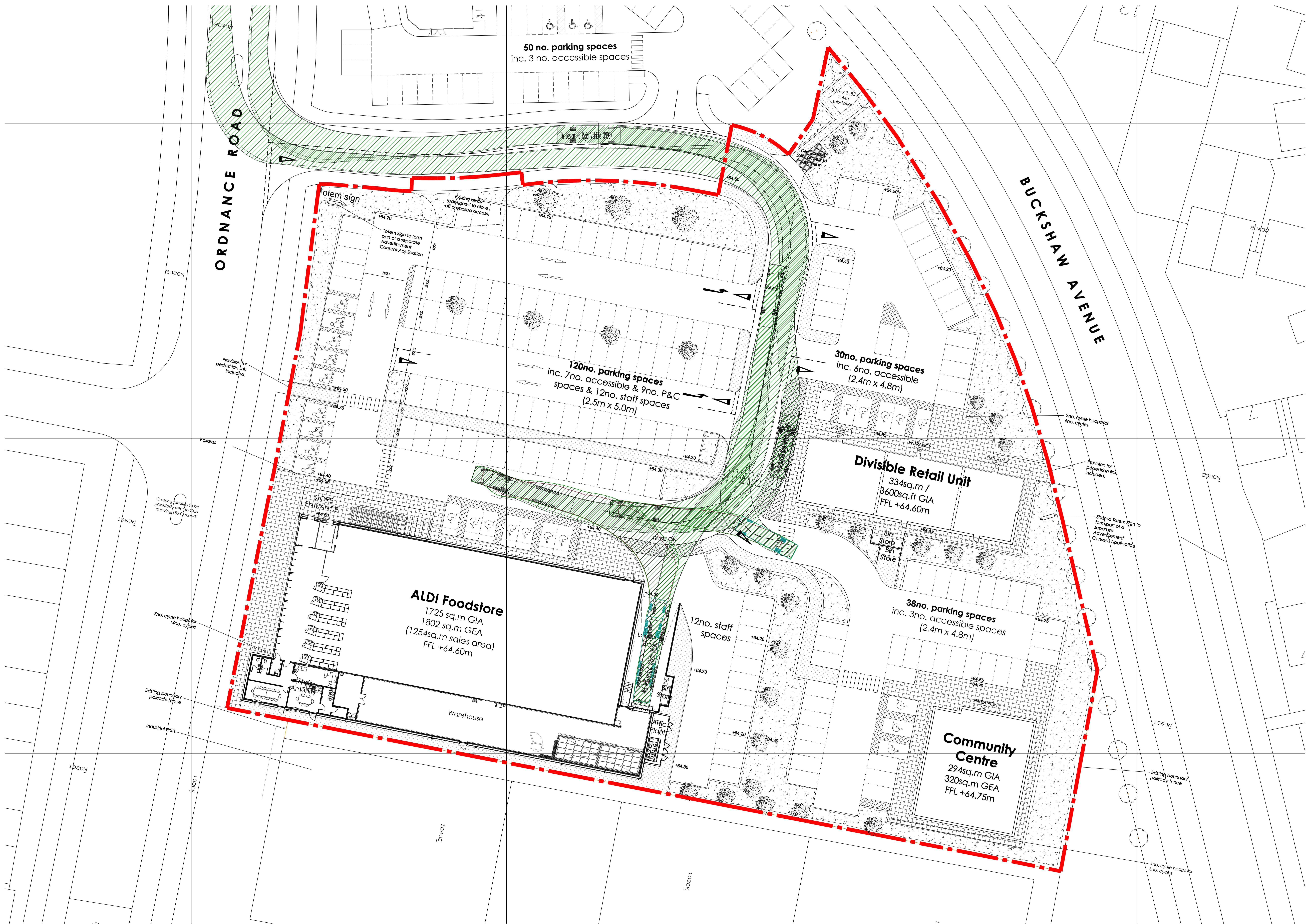
<p>5.</p>	<p>Prior to the commencement of each phase of the development full engineering, drainage, street lighting and constructional details of the access roads to be constructed shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details and made available for use prior to the first use of the foodstore, community centre and/or divisible retail unit. Reason: This information is required in the interests of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway and is required prior to commencement to ensure that an acceptable highway arrangement will be secured for each phase of the development</p>
<p>6.</p>	<p>Within three months of the occupation of the foodstore a Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be generally in accordance with document submitted with the application entitled Framework Travel Plan. The development thereafter shall be carried out in accordance with the approved details. Reason: The application was supported by a Framework Travel Plan which seeks to reduce the number of car borne trips and to encourage the use of public transport. The final Travel Plan is required once the foodstore is open and staff appointed.</p>
<p>7.</p>	<p>Prior to the commencement of the development the recommendations of the Phase 1 desk study (undertaken by Earth Environmental (Report No. A0703/14 December 2014)), which includes intrusive investigations to determine the presence of residual soil and groundwater contamination, shall be undertaken. If any significant contamination risks are identified then a report setting out the necessary remediation measures shall be submitted to and approved in writing by the Local Planning Authority. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority for approval. Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012). This information is required prior to commencement to ensure that any necessary remediation measures can be undertaken at an appropriate time.</p>
<p>8.</p>	<p>No building shall be occupied pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times. Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.</p>
<p>9.</p>	<p>The foodstore hereby permitted shall be constructed to achieve a minimum Building Research Establishment (BREEAM) standard of 'very good'. Within 6 months of occupation, a 'Post Construction Stage' assessment and a Final Certificate shall be submitted to the Local Planning Authority certifying that a BREEAM standard of 'very good' has been achieved. Reason: In the interests of minimising the environmental impact of the development.</p>
<p>10.</p>	<p>Prior to the commencement of the foodstore, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification. Reason: The foodstore will be constructed to BREEAM 'Very Good' standards in the interests of minimising the environmental impact of the development. The Design Stage Assessment is required prior to commencement to ensure the required standard is met</p>
<p>11.</p>	<p>Prior to the occupation of the foodstore hereby permitted, a letter of assurance</p>

	<p>detailing how the building has achieved BREEAM has been issued by a licensed BREEAM Assessor/Auditor and approved in writing by the Local Planning Authority</p> <p>Reason: In the interests of minimising the environmental impact of the development.</p>
12.	<p>Prior to the commencement of the foodstore, a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant BREEAM rating.</p> <p>Reason: In the interests of minimising the environmental impact of the development.</p>
13.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species..</p> <p>Reason: In the interest of the appearance of the locality</p>
14.	<p>The external facing materials detailed on the approved plans and the submitted Design and Access Statement (reference MIDW DAS01 Issue 1 27.01.15), shall be used and no others substituted.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality</p>
15.	<p>The foodstore hereby permitted shall be restricted to opening hours of between:</p> <ul style="list-style-type: none"> • 08:00 to 22:00 Monday to Saturday and • 09:00 to 18:00 on Sundays. <p>Reason: To safeguard the amenities of local residents and in accordance with the submitted information</p>
16.	<p>Deliveries, servicing and collections to and from the retail units hereby permitted, including waste collections, shall not take place outside the following hours: 06:00 to 23:00 – Monday to Saturday 08:00 to 18:00 – Sundays</p> <p>Where exceptional circumstances require deliveries/servicing/collections to take place outside these stated hours, full written permission will firstly be sought from the Local Planning Authority.</p> <p>Reason: Based upon the submitted information and to safeguard the amenities of the occupiers of nearby residential accommodation</p>
17.	<p>Before the foodstore hereby permitted is first occupied, provision for cycle parking, in accordance with the approved details, shall have been provided in all respects and made available for use, and shall thereafter be retained.</p> <p>Reason: To ensure adequate on site provision for cycle parking.</p>
18.	<p>The development hereby permitted shall accord with the recommendations contained within the Noise Impact Assessment. In particular there should not be any use of a PA system in the service yard area, apart from in emergencies .The recommendations shall be fully implemented in accordance with the approved details and retained in perpetuity.</p> <p>Reason: to safeguard the amenities of the neighbouring residents</p>
19.	<p>The divisible retail unit hereby approved shall be used for Use Classes A2, A4 or A5 and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).</p> <p>Reason: To protect the vitality and viability of the nearby local centre and in accordance with the submitted supporting information</p>

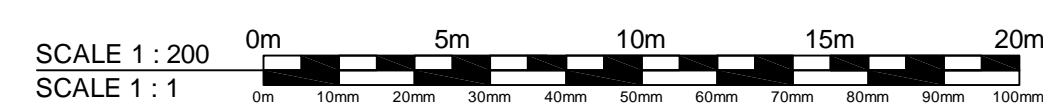
<p>20.</p>	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order, no internal alterations involving the erection of internal dividing walls which would result in the creation of more than 2 units shall be carried out in respect of the divisible retail unit to which this permission relates without the prior submission to and approval in writing by the Local Planning Authority.</p> <p>Reason : To restrict the number of retail units which can be provided on the site in the interests of the vitality and viability of the nearby local retail centre</p>
<p>21.</p>	<p>Prior to the use of any of the buildings hereby permitted the off-site highway works detailed on the approved plans (ref: 186-01/GA-01 Rev A) shall be completed in accordance with the approved details.</p> <p>Reason: In the interest of highway safety</p>
<p>22.</p>	<p>The surface water drainage scheme for the foodstore hereby permitted shall incorporate surface water discharge to the public sewerage system at run-off rates not exceeding those set out in the agreed Partington and Associates Limited drainage strategy drawing 2377-14 and shall be completed, maintained and managed in accordance with the approved details.</p> <p>Reason: In the interests of the proper drainage of the site</p>
<p>23.</p>	<p>In the event that any of the divisible retail units hereby permitted are occupied by an A4 occupier the unit(s) shall be restricted to the following hours:</p> <ul style="list-style-type: none"> ⌈ between 8am and 12am (midnight) on Monday to Thursday, ⌈ between 8am and 1am Friday and Saturday and ⌈ between 9am and 12am (midnight) on Sundays. <p>On the following dates the use hereby permitted shall be restricted to the hours between 8am and 1am: New Year's Day; Valentine's night; Burns night; St David's Day; St Patrick's Day; Good Friday; Easter Sunday; Easter Monday; Boxing Day, Halloween and Bank Holiday Mondays.</p> <p>On the following dates the use hereby permitted shall be restricted to the hours between 8am and 2am: Christmas Eve and New Year's Eve.</p> <p>On the following dates the use hereby permitted shall be restricted to the hours between 9am and 1am: the three Sundays of the year prior to the two bank holidays in May and the one bank holiday in August.</p> <p>The use hereby permitted shall be restricted to the hours listed.</p> <p>Reason: To safeguard the amenities of local residents and in accordance with the submitted information</p>
<p>24.</p>	<p>In the event that any of the divisible retail units hereby permitted are occupied by an A5 occupier the unit(s) shall be restricted to the following hours:</p> <ul style="list-style-type: none"> · between 8am and 12am (midnight) on Monday to Thursday, · between 8am and 1am Friday and Saturday and · between 9am and 12am (midnight) on Sundays. <p>Reason: To safeguard the amenities of local residents and in accordance with the submitted information</p>
<p>25.</p>	<p>The foodstore shall not open to the general public until the legal contract for the</p>

	<p>construction of the community centre has been entered into by all parties and a copy submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: The erection of a foodstore on this site is contrary to Policy 10 of the Adopted Central Lancashire Core Strategy 2012 however the provision of a community centre on the site is considered to be a material consideration in favour of the proposed foodstore. As the provision of the community centre is a material consideration in respect of the provision of the foodstore a restriction on the opening is considered necessary to ensure the community centre can be delivered.</p>
26.	<p>Within two months of this planning consent the foodstore operator shall attend the site with an articulated vehicle and undertake the right turn out manoeuvre to determine whether or not a 16.5metre articulated vehicle can turn without striking the existing splitter island.</p> <p>In the event that a vehicle cannot manoeuvre without striking the splitter island then full plans of the relocation of the island shall be submitted to and approved in writing by the Local Planning Authority within three months of this planning approval. Consideration should also be given the converting the splitter island into a pedestrian refuge. The highway works thereafter shall be completed in accordance with the approved plans prior to the opening of the foodstore.</p> <p>In the event that an articulated vehicle can manoeuvre out of the site without striking the splitter island and as such the splitter island will remain in situ then a full safety audit shall be undertaken , submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of highway safety and to ensure that the types of vehicles which will use the site can safely negotiate the road network.</p>
27.	<p>Foul sewerage shall be drained on a separate system. The foodstore hereby permitted shall not be occupied until the approved foul drainage scheme has been completed to serve the foodstore, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.</p> <p>Reason: In the interests of the proper drainage of the site</p>
28.	<p>Prior to the commencement of the community centre a surface water drainage scheme and means of disposal shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The surface water drainage scheme shall incorporate surface water discharge to the public sewerage system at run-off rates not exceeding those set out in the agreed Partington and Associates Limited drainage strategy drawing 2377-14</p> <p>The development shall be completed, maintained and managed in accordance with the approved details</p> <p>Reason: In the interest of the proper drainage of the site</p>
29.	<p>to the commencement of the community centre details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Foul sewerage shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details.</p> <p>This development shall be completed maintained and managed in accordance with the approved details</p> <p>Reason: In the interests of the proper drainage of the site</p>
30.	<p>Prior to the commencement of the divisible retail units a surface water drainage scheme and means of disposal shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The surface water drainage scheme shall incorporate surface water discharge to the public sewerage system at run-off rates not exceeding those set out in the agreed Partington and Associates Limited drainage strategy drawing 2377-14</p>

	<p>The development shall be completed, maintained and managed in accordance with the approved details Reason: In the interests of the proper drainage of the site</p>
31.	<p>Prior to the commencement of the divisible retail units details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul sewerage shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details Reason: In the interests of the proper drainage of the site</p>
32.	<p>The construction of the foodstore hereby permitted shall be carried out in accordance with the submitted Construction and Environmental Management Plan, received 13th May 2015 and the following hours of operation (including deliveries):</p> <ul style="list-style-type: none"> • Monday to Friday – 07:00 hours to 18:00 hours. • Saturdays – 08:30 hours to 14:00 hours. • Sundays and Public Holidays – No work will occur unless approval has been given by the Local Authority. <p>The plan shall be adhered to throughout the construction period. Reason: In the interests of highway safety and to protect the amenities of the nearby residents a plan is required to ensure the development does not disrupt the surrounding area</p>



PROPOSED SITE PLAN



Proposed Site Area
2.98acres (12,087m²)

Rev	Date	Description	Rev By	Check By
F	28.01.15	Retain all accessible parking, amend & complete signage layout	RE	RJPE
E	27.01.15	Retain all accessible, hatching, paving, parking	RE	RJPE
D	22.01.15	Commercial unit amended	RE	RJPE
C	20.01.15	Boundary amended	RE	RJPE
B	14.01.15	Coffee Pod put back to original location and re-amend	RE	RJPE
A	13.01.15	Coffee Pod included in program	RE	RJPE

PROPOSED DEVELOPMENT
ORDNANCE ROAD
BUCKSHAW VILLAGE
CHORLEY

Client: ALDI STORES LTD & PRINROSE HOLDINGS 1995 LTD

Stage: PLANNING

Scale: 1:200 Drawing No: A0

Drawn By: RE Checked By: RJPE Date: Jan '15

Drawing No: PROPOSED SITE PLAN

Job/Client No: 1279 MIDW 101

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THE HARRIS PARTNERSHIP

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Item 4c	15/00294/FUL
Case Officer	Nicola Hopkins
Ward	Adlington And Anderton
Proposal	Erection of 6 two storey dwellings with car parking and associated landscaping
Location	Land To The West Of 8 Chester Place, Adlington
Applicant	Chorley Community Housing
Consultation expiry:	4th May 2015
Decision due by:	26th May 2015
 Recommendation	
Approve full planning permission	

Representations

<p>Adlington Town Council have made the following comments:</p> <ul style="list-style-type: none"> • Although the Town Council welcomes the provision of additional affordable housing in Adlington, at its meeting concern was expressed regarding the ability of large construction vehicles to access this site, particularly in view of the number of vehicles which are regularly parked nearby. • If Chorley Council is minded to approve the application, the Town Council suggests that a restriction on the times construction vehicles are allowed access to the site (9.30am until 2.30pm) is included in the conditions in order that road safety is not adversely affected, particularly for school age children. • In addition, the Council suggests that priority is also given to provision of off-road parking for the current residents of Chester Place, which would improve access to the development site.
<p>Councillor Kim Snape has raised the following objections:</p> <ul style="list-style-type: none"> • Firstly the entrance to the proposed site for housing is a very restricted and narrow road with one way traffic as it is due to all the parked cars from houses down there. Residents currently struggle to negotiate leaving and entering drives down there as it is. To make that junction a junction for a number of houses like this I feel is a serious safety issue as the sight line will be very restricted. • Construction traffic – where will construction traffic park, unload and load their vehicles? As mentioned above the entrance to the site is very narrow as is Chester Place itself. • Trees – residents in the locality have raised concerns with me about the tree that was in existence next to number 8 just as you go down on your right hand side. I understand some time ago they approached Chorley Borough about cutting it back as it was over hanging the garden and they were told it is protected. However, contractors on behalf of Chorley Community Housing have recently come down and chopped the tree down. Please can this be clarified?
<p>In total 7 representations have been received which are summarised below</p>
<p>Objection</p>
<p>Total No. received: 7</p> <ul style="list-style-type: none"> • The felling of the tree one day before residents were officially informed about the proposal was extremely underhand and sneaky- felling could have waited till the application was passed as this is presumptuous. • It appears to residents that the tree was felled in order to avoid consultation and conflict about it- was this tree protected? • There is only one access road which is extremely narrow and was not intended for this kind of traffic. • How are long and wide lorries going to get down there? • Chester Place is already too busy and narrow and parking is restricted. Will Chester Place be widened and the grass verges reduced? • Impact on adjacent house's foundations with all the additional and heavy traffic • 6 houses is quite a squeeze. • Actively welcome a better use of the land but not convinced that this is the way forward. • Parking issues in the area

- Access is very restricted from deliveries, emergencies, bin wagons etc.
- Noise impacts during construction
- Loss of light
- Footpath diversion- need to approved by LCC
- Another place for rubbish to be dumped
- Loss of privacy
- The proposed houses are too high
- The drive for number 10 crosses the new road- likely to cause an accident.
- The street needs traffic calming measures as speeding is frequent
- There is a public garden which has access straight on to the access road. Children play on this-likely to run out of the garden and be harmed.
- Stop use of back gates

Consultees

Consultee	Summary of Comments received
Council's Waste and Contaminated Land Officer	Originally objected to the proposed waste collection point however these concerns have been addressed
Council's Waste and Contaminated Land Officer	Requested a condition in respect of ground contamination
LCC Highways	Initially raised concerns with the proposals which resulted in the production of amended plans. The Highway Engineer has confirmed that the amended plans are acceptable subject to conditions.
Architectural Liaison Officer	Has commented that the architect for the development has contacted me with regard to the development achieving Secured by Design, therefore I have no comments to make that would assist the planners.
Council's Tree Officer	T1 Mature Oak located adjacent access road has been removed. T2 Early Mature London Plane, T3 Early Mature London Plain, T4 Early Mature London Plain, T5 Early Mature London Plain are all outside the planned development area and are unaffected.
United Utilities	No objection subject to conditions

Assessment**Proposed Development**

1. The proposed scheme will provide 100% affordable housing, with all 6 units providing affordable rented accommodation funded through the Homes and Communities Agency Affordable Homes Programme 2 and consists of 6 two bedroom 4 person dwellinghouses.

Principle of the Development

2. The site is located within the settlement area of Adlington as identified within both the existing and emerging Local Plan. In October 2013, the Local Plan Inspector issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration 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 and Travellers.
3. 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 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 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.”*
4. The Council accepted the Local Plan Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
5. Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector’s Supplementary Report on Gypsy and Traveller and Travelling Showpeople was issued (08 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.
6. The emerging Local Plan identifies that development within settlement areas may be for an appropriate use such as housing, offices, community facilities or Green Infrastructure. This should be read in conjunction with other policies and proposals in the emerging plan and with Core Strategy Policy 1: Locating Growth. Within Core Strategy Policy 1 Adlington is identified as an Urban Local Service Centre where some growth and investment will be encouraged to help meet local housing and employment needs.
7. The area of land is an area of hardstanding which historically has been used for parking and is adjacent to an existing area of open space (located to the south of the site and allocated as POS within the emerging Local Plan). In principle it is considered that developing the site for housing accords with Policy 1 of the Adopted Core Strategy.

Impact on the Neighbours

8. The application site is surrounded by the following residential properties, all of which are two storey properties:
 - 2-10 Chester Place
 - 15-27 The Avenue
 - 1 and 3 Derby Place

2-10 Chester Place

9. The proposed accessway to the site is situated between 8 and 10 Chester Place and is a relatively narrow single width accessway already in existence. There are no windows on

the gable ends of either neighbour and as such there will be no loss of amenity in terms of side windows.

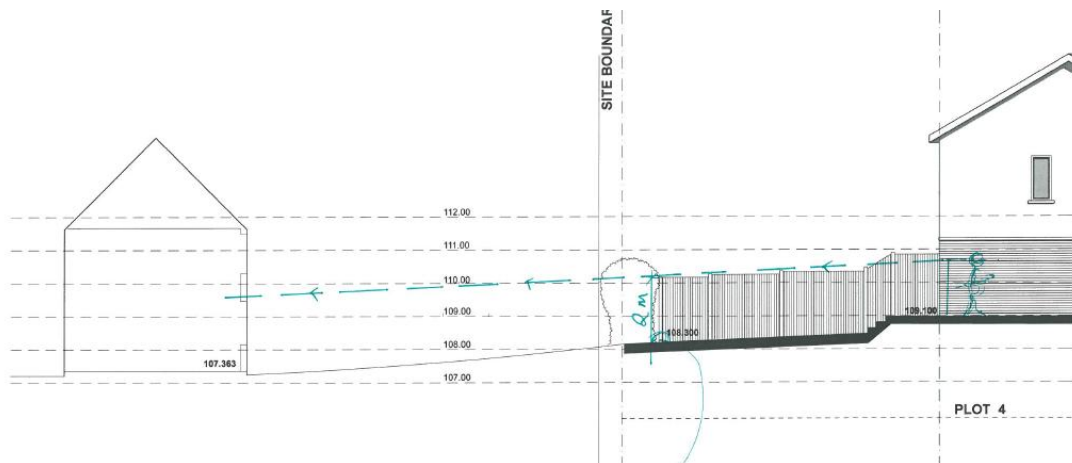
10. Proposed plot 2 is located approximately 16.3 metres to the rear of 8 Chester Place and approximately 3.5 metres from the boundary. There are no windows proposed within the side elevation of plot 2 and as such no overlooking will be created. 8 Chester Place is located at a higher land level than the application site and is approximately 1.5m higher than the finished floor level of plot 2. Given the level difference there is a requirement to retain 16 metres from the rear of 8 Chester Place and the side of plot 2 (window to gable distance) and 14 metres from the rear of 8/10 Chester Place to the garden boundary (window to garden boundary) of plot 2. These distances are maintained in respect of the window to gable distance and whilst the window to garden distance falls below that required by approximately 0.3 metres given that the distance retained is approximately 13.7 metres it is considered that the amenities of the future residents will be maintained.

15-27 The Avenue

11. 15-27 The Avenue are located along the northern boundary of the site. 17 and 19 The Avenue are located approximately 8.5 metres from the boundary with the site and approximately 9.8 metres from the garden boundary of plots 1 and 2. This distance is slightly short of the required 10m window to garden boundary distance however it is noted that the very rear of the gardens for plots 1 and 2 will be used for bin storage and the garden shed (plot 1) and as such over 10 metres is maintained from the rear of 17 and 19 The Avenue to the main usable area of private amenity space associated with plots 1 and 2.
12. 21 and 23 The Avenue border with proposed plot 6 however the required 12 metres is maintained between the first floor rear windows on the rear elevation of 21 and 23 The Avenue (there are no first floor windows in the rear outriggers of these properties) and the side gable of plot 6. There are no windows in the side elevation of plot 6 to ensure the neighbours' amenities are maintained. Plot 6 will be constructed with a floor level approximately 0.5 metres lower than 21 and 23 The Avenue which ensures that no greater spacing distances are required.
13. 25 The Avenue borders the boundary of the rear garden of plot 6 however the rear elevation of 23 The Avenue is approximately 11 metres from the garden boundary and although the garden will be at a lower land level than the floor level of 25 The Avenue (by approximately 0.5 metres) the distance maintained ensures the amenities of the future residents are maintained.

1 and 3 Derby Place

14. Derby Place is located along the western site boundary. The Council have standard spacing distances which need to be adhered to in respect of new housing schemes however these distances increase where there is a level difference. There is a standard requirement to provide 21 metres between parallel habitable room windows and 10 metre long gardens however as plot 4 will have a finished floor level which is 1.7 metres higher than Derby Place there is a requirement to provide 26 metres between parallel habitable room windows and 15 metre long gardens. This was not achieved on the originally proposed layout which was a concern. In response to this issue the plans have been amended obscuring glazing the first floor rear bedroom windows to ensure no overlooking is created. Whilst it is not ideal to have obscure glazing within habitable rooms the plans now include roof lights into these bedrooms which do not enable overlooking to the detriment of the neighbours but still allow for natural light into the bedrooms to ensure that the amenities of the future residents are not affected.
15. At ground floor level of the proposed dwellings on plots 3-6 there is a rear kitchen/ dining window and door and a W/C window facing Derby Place. The W/C window will be obscurely glazed however the window and door serving the kitchen/ dining room will not be obscurely glazed. The agent for the application has provided the following sketch which demonstrates that even with the level difference the boundary fence will act as a screen between the neighbours.



16. Concerns were also raised about the original proposals which resulted in the creation of a terraced garden area to the rear of plots 3-6. The highest part of the rear garden was approximately 1 metre higher than the neighbours' garden with only 5 metres retained between the terrace and the neighbours' garden. To overcome this issue the levels of the gardens have been dropped to the lower land level removing the proposed terrace. There is a path around the dwelling proposed to enable level access/ egress to the dwellinghouse which has steps down to the gardens. The garden slopes down towards the common boundary however the amendments ensure that the impact from overlooking is reduced. Although the garden slopes down to the common boundary it is noted that the proposals involve replacing hard standing with grass which will enable surface water to drain away naturally and not onto the neighbours' gardens.

Highways and Access

17. The Highway Engineer initially raised concerns about the access to the site and the ability for 2 cars to pass each other. However the plans have been amended to address these concerns. The Highway Engineer has no objection subject conditions in respect of off-site works of highway improvement (dropped kerbs and tactile paving) and wheel wash facilities.
18. A number of concerns have been raised about the suitability of this site for housing in respect of the additional traffic generation impacting on the capacity of the surrounding road networks and the ability for construction traffic to access the site. The Highway Engineer has raised no concerns in respect of traffic generation and as the scheme is only for 6 houses it is considered that the impact on traffic will be minimal. It also important to note that it appears that the site was historically occupied by 4 rows of garage accommodation which have been replaced with space available for a number of vehicles to park. The erection of 6 dwellings on this site will generate less vehicular movements than if the site was fully used for its established use as parking.
19. However the access to the site is relatively restrictive which could hinder larger construction traffic. The length of the access road to the first dwelling is approximately 32m (Members may recall that the recently approved site at the garage site on Pear Tree Road in Croston will be accessed via an existing vehicle access which extends approximately 45m from Pear Tree Road into the site). The agents for the application have confirmed that timber frames will be used in the construction with a truss rafter roof, both of which will be manufactured in panels off site to ensure the construction period is as short as possible. Typically a Construction Management Plan would be required by condition on these types of schemes however the information has been provided prior to determination as follows:
- The site office and welfare accommodation will initially be provided by a self powered unit positioned on site to allow the construction of the car parking spaces. These will be

relocated onto the new car parking spaces and connections made to the existing electric and water supplies and will remain on site for the duration of the construction period.

- Works are expected to take an approximate period of 28 weeks from start to finish. Working hours will be limited to 8:00am to 6:00pm Monday to Friday and 8:00am to 2:00pm Saturday.
- Construction traffic and larger deliveries will travel to site along Chester Place; they will come along level with site, make the delivery and exit in the same direction. Due to the size of the site it will not be possible for large delivery vehicles to access onto site.
- Stone and concrete wagons will be reversed onto site onto a temporary access road and car park utilising a banksman thereby allowing all leaving vehicles to exit site in forward gear.
- Delivery times will be scheduled wherever possible to avoid School and busy rush hour periods.
- On the completion of the new car parking and sewer connection, construction materials and plant for the properties will be stored on the new car parking spaces and on the side areas of landscaping which will be temporarily stoned up for this period until its removed and planted.
- Material will be off loaded by use of either a lorry mounted Hiab crane or the site forklift truck.
- During dry periods, dust suppression will be utilised by water spraying to keep the dust down and all wagons entering and leaving the site will be sheeted over. All mechanical cutting equipment will be fitted with a water suppression kit. All in accordance with the Adactus policies and compliance with the Considerate Constructors Scheme --- which the project will be registered with.
- Throughout the construction period, and in particular during wet periods when 'muck shifting' is occurring, waggon wheels will be power washed and brushed down just before leaving site. Adactus will also ensure that the surrounding public highways remain clean, safe and in a road worthy condition.
- Provision has been made to employ a mechanical road sweeper which will sweep the highway as required.
- Adactus shall endeavour, so far as is reasonably practicable, that all vehicles coming onto site use the designated road/hard standings and temporary haul roads to minimise the mud and debris accumulation on the vehicle tyres.
- Before any vehicle leaves site it will be held on site by a secure gate system which is controlled by an operative who will ensure the vehicle is checked before the gates are opened and the vehicle allowed to proceed on to the highway.
- Provision for Contractor and Visitor parking will be made available on site at the early stages of the construction period, Adactus intend to allow the majority of the vehicles to use the newly constructed car parking spaces which will be available for use before the construction of the properties commences.
- On occasions, where not possible, some vehicles will park on the highway Adactus will ensure they park safely with due consideration to local residents and other road users--- not on any foot paths and all within the requirements of the Highway Regulations. The use of car sharing will be promoted and compliance with the Considerate Constructors Scheme will be required.
- The site will be made secure by temporary heras fencing, the existing rear and side fence is high enough to provide the required security to this boundary, however.

20. The above will be secured by condition

Footpath

21. A public right of way (Footpath 5) runs along the southern boundary of the application site. The route however will not be affected by the proposed development. One right of way (which runs from footpath 5) to the northern boundary of the site will be extinguished however the remaining routes will be retained ensuring the surrounding area is still accessible.

Public Open Space

22. The site is located adjacent to a piece of amenity open space which is allocated as existing open space (Policy HW2) within the emerging Local Plan. This piece of land will be retained and still fully accessible as part of the proposed scheme.
23. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013 and open space requirements relating to new housing schemes accord with emerging Local Plan Policies HS4A and HS4B and the approach in the SPD. However this development is for 6 no. dwellings which is below the 10 unit threshold set out within the NPPG and also has a combined 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.

Parking

24. The scheme involves the erection of 6 two bedroom dwellings. In respect of parking, in accordance with Policy ST4 of the emerging Local Plan, there is a requirement for 2 off road parking spaces for 2 bedroom dwellings. The scheme incorporates 12 parking spaces which accords with the Council's Parking standards and as such is considered to be acceptable.

Trees

25. The Council's Tree Officer has visited the site and confirmed that there was only one tree previously on the site (a Mature Oak) located adjacent access road however this was removed prior to the submission of the application. The other trees located within the vicinity of the area (4 Early Mature London Plains) are all located outside the planned development area and are unaffected.
26. Concerns have been raised about the removal of the Oak Tree along the accessway to the site. The submitted Arboricultural Impact Assessment/Method Statement includes this tree and categorises it as a B quality tree (trees of moderate quality and value, effective for more than 20 years). The report states that the tree was located within narrow linear roadside verge with hard standing over primary roots to south and there was stem abrasion from vehicle strike to south. The report recommends that this tree is removed for the proposed road widening.
27. Whilst it is preferable to retain trees particularly native species such as this Oak tree the tree was not protected by a Tree Preservation Order and as such could be removed by the land owner without the need for consent. Additionally the loss of this tree can be mitigated for by a replacement tree planting scheme secured by condition.

Design

28. The application site is surrounded by traditional semi-detached and terraced two storey dwellinghouses. The proposals involve the erection of three pairs of semi-detached 2 storey dwellinghouses which include a mixture of red brick and white render. The brickwork reflects the character of the surrounding area and the inclusion of a rendered element will provide a modern element to these new houses within an area of older houses adding to the character of the area. This is considered to be an appropriate design solution for this site.

Sustainable Resources

29. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

"For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in

the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent."

"Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance."

30. As such there will be a requirement for the dwellings hereby approved to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.
31. The agent for the application has raised concerns with this requirement as it is understood that the 19% improvement would be largely generated through the use of PV panels which renders the development unviable. The submitted viability assessment has been forwarded to the Council's Property Services Section and their comments will be reported on the addendum with any suggested condition changes.

Waste Collection

32. As set out above the Council's Waste and Contaminated Land Officer originally raised concerns with the waste collection facilities at the site. However the plans have been amended to address these concerns. In respect of waste collection the following is proposed:
- Plots 5 and 6: Waste collection will be from the kerbside at Derby Place. The rear access point to each of these units is within 25m of the waste collection point.
 - Plots 1-4: Waste collection will be from a communal refuse store adjacent to Plot 1 - as this is the closest point to Chester Place for waste operatives to collect from. It is not intended for a refuse vehicle to access the site or for wheelie bins to be left on Chester Place. Plots 1-4 are all within 30m of this communal refuse store. The refuse store is 25m from Chester Place.
33. There is a footpath link through from the site to Derby Place which will be retained and enable the future residents to located their bins on Derby Place on bin collection days.
34. In response to this the Council's Waste and Contaminated Land Officer has confirmed that this is an appropriate solution for this site.

Community Infrastructure Levy

35. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sq m. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed housing development will be chargeable development.
36. The total residential floor space proposed of is 438m² which equates to a CIL charge of approximately £28,470 however as this is a 100% affordable housing scheme it is likely that the scheme will benefit from discretionary Social Housing relief (on the proviso that the correct procedures are adhered to) which will result in a nil CIL liability.

Management of Site

37. It is noted on the proposed layout plan that 2 parts of the site fall outside the defined residential curtilages. In terms of the future for these 2 areas of land the agent for the application has confirmed:

- The strip of land to the left (west) is left undeveloped at the request of Electricity North West – who have a cable under this piece of land. It will be maintained by the applicant, most likely by the same team who maintain the POS to the south.
- The strip of land to the right (east) is essentially working space for erection of the boundary fence/retaining wall. It is common practice for the applicant to erect a new fence immediately within the site boundary abutting an existing fence; this avoids protracted discussions with neighbours. The agent has commented that quite often neighbours then take down their fence and extend their gardens up to the new fence (however this would be subject to a future planning application).

38. The above ensures that these 2 pieces of land do not become 'no man's land' and will be maintained by the applicants/ potentially the existing neighbours in the future.

Overall Conclusion

39. The proposals result in the redevelopment of previously developed land within a sustainable location in accordance with national and local planning policy. It appears that the site was historically occupied by 4 rows of garage accommodation which have been replaced with space available for a number of vehicles to park. It is considered that the constraints to developing this site have been addressed by the proposed amendments, the erection of 6 dwellings on this site will generate less vehicular movements than if the site was used for its established use as parking and as such the proposals are recommended for approval.

Planning Policies

40. 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.

Suggested Conditions

No.	Condition																								
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</p>																								
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 568 1182 1249"> <thead> <tr> <th data-bbox="320 568 592 629">Title</th> <th data-bbox="592 568 906 629">Drawing Reference</th> <th data-bbox="906 568 1182 629">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 629 592 730">Proposed Site Layout</td> <td data-bbox="592 629 906 730">P1240 103 Rev G</td> <td data-bbox="906 629 1182 730">13th May 2015</td> </tr> <tr> <td data-bbox="320 730 592 790">Location Plan</td> <td data-bbox="592 730 906 790">P1240 P01</td> <td data-bbox="906 730 1182 790">31st March 2015</td> </tr> <tr> <td data-bbox="320 790 592 891">Proposed Site Layout- Extract</td> <td data-bbox="592 790 906 891">P1240 SK11</td> <td data-bbox="906 790 1182 891">5th May 2015</td> </tr> <tr> <td data-bbox="320 891 592 992">Proposed Site Sections</td> <td data-bbox="592 891 906 992">P1240 105 Rev B</td> <td data-bbox="906 891 1182 992">13th May 2015</td> </tr> <tr> <td data-bbox="320 992 592 1093">Proposed Elevations</td> <td data-bbox="592 992 906 1093">P1240 111 Rev C</td> <td data-bbox="906 992 1182 1093">13th May 2015</td> </tr> <tr> <td data-bbox="320 1093 592 1153">Existing Site Layout</td> <td data-bbox="592 1093 906 1153">P1240 102 Rev B</td> <td data-bbox="906 1093 1182 1153">31st March 2015</td> </tr> <tr> <td data-bbox="320 1153 592 1249">Proposed Floor Plans</td> <td data-bbox="592 1153 906 1249">P1240 110 Rev B</td> <td data-bbox="906 1153 1182 1249">13th May 2015</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>	Title	Drawing Reference	Received date	Proposed Site Layout	P1240 103 Rev G	13th May 2015	Location Plan	P1240 P01	31st March 2015	Proposed Site Layout- Extract	P1240 SK11	5th May 2015	Proposed Site Sections	P1240 105 Rev B	13th May 2015	Proposed Elevations	P1240 111 Rev C	13th May 2015	Existing Site Layout	P1240 102 Rev B	31st March 2015	Proposed Floor Plans	P1240 110 Rev B	13th May 2015
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3.	<p>The intrusive investigations, to determine the status of contamination and geotechnical properties for foundation design identified within the submitted Phase I Desk Study, shall be undertaken at the site prior to the commencement of the construction of the dwellings hereby approved. Any necessary remediation measures identified as part of the intrusive investigations shall be carried out in accordance with the identified mitigation measures.</p> <p>Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority for approval.</p> <p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures identified.</p> <p>Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use</p>																								
4.	<p>The communal bin collection points to serve plots 1-4 shall be provided in accordance with the approved plans prior to the occupation of the dwellings hereby approved. The collection point shall thereafter be retained in perpetuity.</p> <p>Reason: To ensure adequate refuse collection facilities are provided on site and in</p>																								

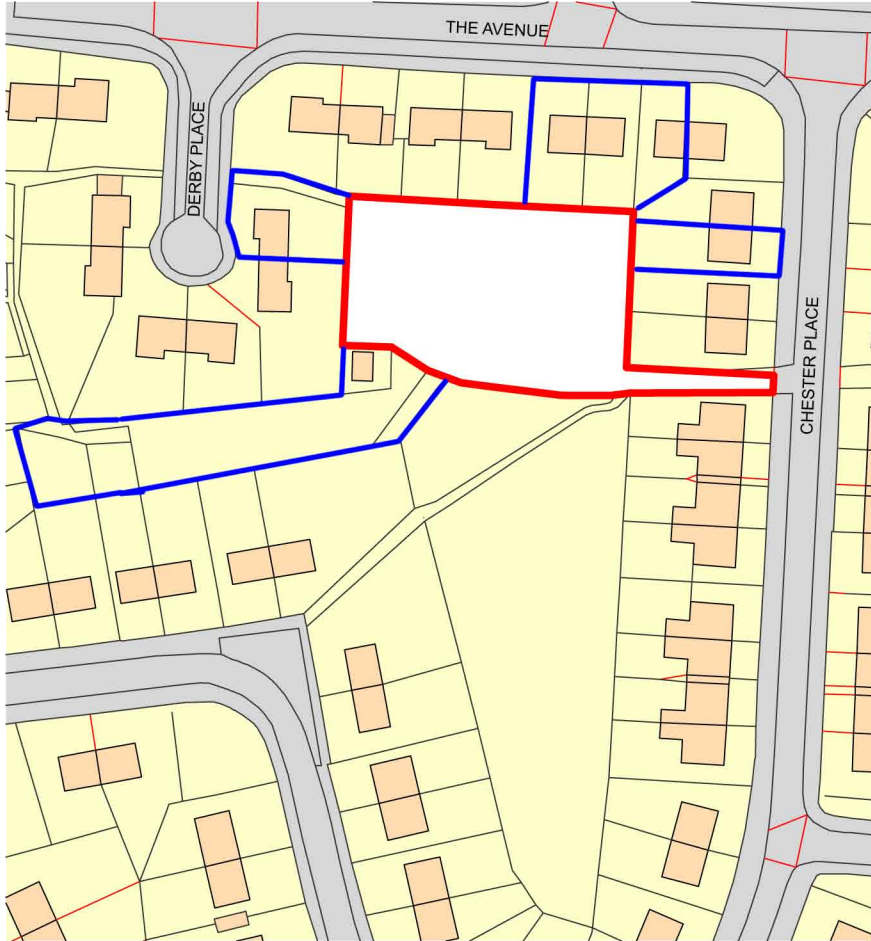
	the interests of the visual amenities of the area..
5.	<p>Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p>Reason: Full details of the proposed external facing materials was not provided as part of the application and in order to ensure that the materials used are visually appropriate to the locality samples are required.</p>
6.	<p>No dwelling shall be occupied until all fences and railings shown in the approved details have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</p>
7.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.</p> <p>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</p>
8.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: In the interest of the appearance of the locality</p>
9.	<p>During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.</p> <p>Reason: To safeguard the trees to be retained</p>
10.	<p>The site shall be developed in accordance with the submitted Construction Method Statement, received 13th May 2015, and shall be adhered to throughout the construction period.</p> <p>Reason: The site is located within a densely populated residential area and the submitted information takes into account highway safety and the protection of the amenities of the nearby residents.</p>
11.	<p>Prior to the commencement of the development a scheme for the construction of the site access and the off-site works of highway improvement (dropped kerbs and tactile paving) shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed prior to the occupation of the dwellinghouses hereby approved.</p> <p>Reason: The details are required prior to commencement in order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</p>
12.	<p>Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning</p>

	<p>Authority.</p> <p>Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details.</p> <p>This development shall be completed maintained and managed in accordance with the approved details.</p> <p>Reason: To ensure suitable drainage is provided for the dwellings hereby approved, this is required prior to the commencement of the construction of the dwellinghouses to ensure that a suitable scheme can be put in place at the appropriate time.</p>
<p>13.</p>	<p>Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.</p> <p>The development shall be completed, maintained and managed in accordance with the approved details.</p> <p>Reason: to ensure that suitable drainage is provided for the dwellings hereby approved this is required prior to the commencement of the construction of the dwellinghouses to ensure that a suitable scheme can be put in place at the appropriate time.</p>
<p>14.</p>	<p>All windows in the first floor of the rear elevation of plots 3-6 (inclusive) (excluding the roof lights) hereby approved shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.</p> <p>Reason: In the interests of the privacy of occupiers of neighbouring property.</p>
<p>15.</p>	<p>Prior to the commencement of the development full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details as part of the approved landscaping scheme for the site.</p> <p>Reason: To safeguard the visual amenity of the area and to mitigate for the loss of the mature tree on the site. The tree was felled prior to submission of the application to facilitate the proposed access to the site. The tree was classified as category B and to mitigate the loss full details of a replacement scheme are required prior to commencement to ensure that adequate mitigation can be secured.</p>
<p>16.</p>	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of</p>

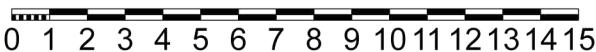
	<p>19% above 2013 Building Regulations.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>
<p>17.</p>	<p>Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</p>
<p>18.</p>	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>

General Notes :

Do not scale off this drawing. Do not rely on this drawing for purposes other than that stated in the title block Status.
 Read this drawing with all other project related architects drawn and specified information including risk assessments.
 Constructors must be familiar with the client's building asbestos register ahead of facilitating work contained on this drawing.



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Revisions

Client		Title Location Plan				Dwn. Chk.	
Project Chester Place		Status PRELIMINARY		SG	Date		
		Job No. P1240	Drwg No. P01	Rev.	Scale @A4 1:1250	21.03.14	



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Item 4d	14/00974/FUL
Case Officer	Helen Lowe
Ward	Clayton le Woods West and Cuerden
Proposal	Change of use of land to forest nursery and siting of nursery building
Location	Land north of The Walled Orchard, Cuerden Valley Park
Applicant	Mr Dean Barlow
Consultation expiry:	19 May 2015
Decision due by:	3 November 2014
Recommendation	Refuse full planning permission
Executive Summary	The proposed development would be inappropriate development within the Green Belt. It is considered that it has not been adequately demonstrated that sufficient very special circumstances that outweigh the harm caused by that inappropriateness have been demonstrated. Whilst there may be limited visual harm, harm to the openness of the Green Belt would arise as a result of the proposals. It has not been adequately demonstrated that the proposed development will support the functioning of the Valley Park. The proposal is accordingly recommended for refusal.

Representations

<p>Cuerden Parish Council This application is on Green Belt land. There has been an increase in commercial development over the past 12 months that is not in keeping with the area. Concerns have been raised in relation to traffic along Shady Lane, Nell Lane and Berkley Drive. Question health and safety issues that would arise from having heavy machinery and small children sharing the same space. There are currently no facilities for car parking for the extra vehicles. The area is not served by any public transport, meaning the majority of visitors will be driving. The current level of traffic that presently utilise these routes make walking along these lanes very dangerous.</p>
<p>Lancashire Wildlife Trust No objection to the principle of the development proposed, however raise concern as to whether the established and proposed transport infrastructure is sufficient to cope with any significant increase in motor vehicle traffic. No ecological survey has been submitted. The application site is close to a Biological Heritage Site, identified for its breeding population of Great Crested Newts and there is also a 2013 record for slow worm nearby. The application suite has the potential to provide hibernation sites for both species. The application would need to satisfy your authority that either these species are not present on the application site at any time of year, or that adequate avoidance and/or mitigation measures would be put in place.</p>
<p style="text-align: center;">In total representations have been received from seven people (some of whom have provided multiple representations) which are summarised below:</p>
<p>Objection</p>
<p>Total No. received: seven (individuals)</p>
<ul style="list-style-type: none"> • It would cause a drop in the value of my property; • It would cause traffic congestion. This could also prevent emergency vehicles entering the site. • It would cause noise and an invasion of privacy; • It is not in keeping with the surroundings; • The existing barn and events cause lots of noise and congestion; • The address is incorrectly described as Shady Lane, it should be Berkeley Drive as this will be where the facility is based. Berlely Drive is an unadopted road, whereas Shady Lane is owned and maintained by the Council. • Dog walkers and horse riders use this road and an increase in daily traffic will be a further burden to regular users; • The plans do not make adequate contingency for parking and daily dropping off of children plus staff commuters; • It is inappropriate to run a business in the Green Belt. Development should only take place in exceptional circumstances. • The site is on the boundary of a biological heritage site in the walled orchard where Great Crested Newts and slow worms have been

- recorded. An ecological report should be submitted with the application
- Cuerden Valley Park Trust's staff and the Wildlife Trust at the barn visitor centre already provide similar experiences for school children and younger ones - is it necessary to provide more in this area?
 - There should be more public consultation;
 - No waste storage information has been provided;
 - A transport report should be provided;
 - A tree survey should be carried out;
 - Berkeley drive is unlit;
 - A new gate should not be made in the wall;
 - Is safe to have the outdoor area of the nursery in the service yard, where will things that are currently stored in the service yard go;
 - Where will water come from and who will pay for it?
 - The proposed building will not be in keeping with the walled orchard;
 - It could open the floodgates to other developers to do the same thing;
 - A sequential test should have been applied;
 - No additional parking is being proposed, there are often times when the existing car park is full;
 - There is mention of a septic tank being installed but none is shown on the plans;
 - Mitigation measure proposed by the Highways Engineer should be included as conditions.

Four further responses (from three individuals) received following the provision of additional supporting information have been received. These make the following comments:

- There are no exceptional circumstances demonstrated;
- No ecological report has been submitted;
- There are several inaccuracies in the application (such as the application form stating that there are no trees on the site and no protected species affected);
- The additional information does not take into account existing day to day traffic on Berkeley Drive;
- Placing a business such as this on the park would increase traffic and affect the 'very sedentary use of the park'
- The irretrievable damage to the listed Walled Garden to create access for the nursery, for which an environmental grant has already been received by CVP, is needless and cannot justify this application;
- If permission is granted it will set a very dangerous precedent and will giving the Green light for any other business to be developed on precious Green belt in Chorley Borough;
- There is still no statement from Cuerden Valley Park Trust how they will allocate parking for nursery staff and parents;
- The traffic survey fails to take account of the fact that Cuerden Valley park Trust will move out of the Lancashire Wildlife Trust premises and visitors to the new Centre when it open or the additional traffic travelling on surrounding roads;
- The Forest Scholl running toddler sessions at weekends will exacerbate parking problems caused by weekend events (such as the Park Run);
- Cuerden Valley park Trust hold many events that will encroach in the use of the nursery, such as the Beer Festival which take place in the Walled

Garden from Friday to Sunday.

- It should be noted that the barn and storage area will be built without planning permission and retrospective application had to be sought (03/00005/FUL);
- The money offered to Cuerden Valley Park Trust is too low;
- No consultation has taken place with the Parish Council, local councillors and residents;
- Will the Walled Garden be available to the public while the nursery is open?

Consultees

Consultee	Summary of Comments received
Chorley Council Parks and Open Spaces Officer	Have stated that they do not have any comments to make on the proposals.
Lancashire County Highways	Have advised they do not consider that the proposal would significantly impact on the surrounding highway network and raise no objections to the proposals. In response to concerns raised by residents they advise that they consider that few new vehicular trips will be generated by the nursery.
Greater Manchester Ecological Unit	The development would not have any impact on the special interest of the adjacent Biological Heritage Site and the existing structure on the site have low potential to support bats. Provided that no mature trees are to be felled to facilitate the development then there is no need for an ecological survey/assessment.
Conservation Officer	No comments received
Planning Policy	No comments received

AssessmentBackground

1. This application proposes the change of use of land and siting of a building to be used as a children's day nursery, within the maintenance depot of Cuerden Valley Park. The site is located adjacent to the walled orchard and it is proposed that a new entrance is formed through the northern wall of the orchard. The proposed building would be flat roofed and constructed from concrete rendered panels.
2. Planning permission was previously granted for the erection of a single storey building also within the maintenance depot to be used as a facilities block for the Wildlife Trust at Cuerden Valley Park in July 2012 (ref. 12/00553/FUL). The building was intended to provide ladies, gents and disabled toilets with a baby changing area and a separate kitchen area for plating up food by caterers at events. This building has not been erected, but the permission remains extant.
3. The building that was previously approved would have measured 12.7m by 4.8m (6.8m when including the roof overhang) , with a ridge height of 3.8m. It would have been constructed from rendered blockwork with a grey tiled concrete roof.
4. The proposed building would be located approximately 6m further to the west, within the maintenance depot, than the previous proposal, with the resulting gap between the side of the building and boundary wall of the depot forming an outdoor play area measuring approximately 9.6m by 15.2m. The proposed nursery building would measure 12m by 9.6m, with a height of 2.9m, however due to the difference in land levels approximately 1m of the building would be visible above the wall of the walled orchard.
5. The applicant has put forward the following information in support of the application:
 - The site is within the Green Belt, but constitutes previously developed land;
 - The site is well hidden behind considerable established trees and shrubs;
 - Whilst the approved facilities block had a smaller footprint than that proposed now, it would have been taller and more prominent;
 - The maintenance yard is already home to garages and a substantially larger agricultural type storage building, and home to open outside storage;
 - The existence of planning permission for a taller building on the site which has an impact itself on openness is a material planning consideration. The fallback position is in law something which Local Planning Authority's must give due weight to. A recent High court judgement found that the prospect of a fall back does not have to be probable, or even have a high chance of occurring. Rather it has to be only more than a merely theoretical prospect.
 - This area is already used for similar sorts of outdoor educational activities (the proposed use is similar to that of a forest school);
 - There are financial benefits to Cuerden Valley Trust through a rental income and wider benefits to new residents in the vicinity;
 - The proposal will initially be on a time limited basis to allow the business to develop and allow the LPA to assess the effect on the environment;
 - There is significant existing car parking;
 - The proposed location and the scale is such that the building will actually be entirely hidden from outside the maintenance yard. The visual impact is therefore less than that for the facilities block;
 - The service yard will remain operational and access to the nursery would be via the walled garden.

A letter of support from Cuerden Valley Park Trust has also been provided.
6. Further supporting information has been provided by the applicant in response to some of the queries raised by neighbouring residents. Two traffic counts have been carried out, one during the Easter Holidays, one outside of the Easter Holidays. Both were carried out on weekdays and on an evening and morning. The number of vehicle movements in and out of the park and number of cars in the car parks (public and private) were recorded. The results of the survey showed that at all times surveyed there were parking spaces available.

7. The applicant has also put forward further very special circumstances for consideration:
- The site is previously developed land, with unrestricted open storage on it;
 - There will be physical and visual enhancement of the site if the scheme is permitted;
 - The applicant envisages making a monthly contribution to Cuerden Valley Park Trust (in the first instance this may be around £100 per month, rising potentially to £2000 and possibly the employment of caretaker for the nursery who would also do work in the park);
 - Timmins V Gedling (2014) makes it very clear that where the visual amenity is improved or the impact on visual appearance is limited, this can be something that contributes towards very special circumstances
 - The loss of openness with this small -scale building is relatively small. Whilst the approval for the new visitor and facilities centre means that the fall back position is somewhat diminished, the approval of the much larger structure on the grounds that the benefits clearly outweigh the loss of openness is a clear indication that development in the park that brings benefits to the use of the park and its future upkeep are material planning considerations.
 - The applicant is willing to agree to a temporary 3 year permission to ensure that the business works and provides that income to the upkeep of the park. If not, because it is a temporary structure its removal will not result in any loss.
 - Some examples of other Forest Nurseries have been given. Children spend the majority of the day outdoors, in all weather conditions. A significant amount of this time will be spent in the wider park, not just the outdoor area attached to the nursery building.

Principle of the development

8. The application site is located within the Green Belt. The erection of new buildings within the Green Belt is considered to be inappropriate, except in a very limited number of circumstances, as set out in the National Planning Policy Framework and the emerging Local Plan. One of these exceptions is the infilling or redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it. The purposes of including the land within the Green Belt include safeguarding the countryside from encroachment. Policy BNE5 of the emerging Local Plan deals with the redevelopment of Previously Developed Sites within the Green Belt. It states that in the case of infill, the proposal should not lead to a major increase in the developed portion of the site, resulting in a greater impact on the openness of the Green Belt, and the purpose of including land within it.
9. It is accepted that the maintenance yard constitutes previously developed land. The proposal could be considered to be either the partial redevelopment or infill of that land. It is accepted that a degree of outside storage takes place in the location where the building and outdoor play area would be sited, however the proposal would introduce a building where there is currently none and a change of use of an area of land to one considerably different in character to the existing use, and in particular a use which is more urban in character. An indicative layout of the types of equipment that would be located within the play area has been provided, showing a number of different types of structures (such as benches, animal hutches and play equipment). The loss of openness (i.e. unbuilt on land) is of itself harmful to the underlying policy objective of Green Belts. It is therefore considered, that although the proposal may utilise previously developed land, the proposals would be harmful to the purpose of including land within it, and the proposal is therefore inappropriate development within the Green Belt.
10. It therefore falls to be considered whether there are any very special circumstances that outweigh the harm to the Green Belt by reasons of the inappropriateness (and other harm) of the proposal.

11. As the applicant indicates, a material consideration is the existence of the extant consent (ref. 12/00553/FUL) for a facilities block in a similar location within the maintenance yard. This was also considered to be inappropriate development, but the following reasons were considered to constitute very special circumstances:
 - the small scale of the building proposed,
 - its location, and
 - the benefits it would bring in supporting Cuerden Valley Park Trust and the continued running and operation of the park.
12. The case law that the applicant has provided in support of the weight that must be given to a fallback position is noted. The likelihood of the earlier proposal being implemented is considered to be significantly diminished now that planning permission for an Eco-Friendly Visitor Centre for the Cuerden Valley Park Trust has been approved (ref. 14/00977/FUL).
13. Furthermore, it is considered that there are fundamental differences between the two applications. The current proposal would be for a larger building and includes an outdoor play area and is therefore considered to have a greater impact on the openness of the Green Belt than the previous proposal. The level of activity that would be associated with the proposed building would also be significantly greater, as it is proposed to be used on a daily, rather than occasional basis.
14. Therefore, although a fallback position may exist, it is considered that this can only be given limited weight.
15. Some information has been provide by Cuerden Valley Park Trust regarding their support for the proposals, however it does not express how the proposal would support the running and operation of the park. It is acknowledged that there would be some financial benefit to the Trust as result of letting this facility. Unfortunately it is difficult at this stage to have a degree of certainty and the information supplied by the applicant indicates that this would be of a notional financial amount initially.
16. The location of the proposed building is such that it would have a limited impact upon the visual amenity or the open character of the area, being within an already enclosed compound and adjacent to a high wall and existing store building. It has been established however, in case law, that openness and visual impact are different concepts in terms of Green Belt policy.
17. The fact that the proposed dwelling could be less visually intrusive than the previously approved building, does not, necessarily, mean that it would cause less harm to the openness of the Green Belt (similar to the findings in *Timmins v Gedling BC* and *Westerleigh Group Limited* [2014]). Taking into consideration the nature of the proposal (in particular the size and scale of the building, the outdoor play area now proposed and the proposed use) it is, on balance, considered that the proposal would have a greater impact on the openness of the Green Belt than the both the present situation and the previously approved proposals.
18. The nature and ethos of the facility that the applicant intends to run, a Forest Nursery, is such that easy access to an area such as Cuerden Valley Park would be beneficial to the applicant. However, in some of the examples cited by the applicant children are bussed from a base location to a woodland location.
19. The applicant has also expressed concern that there has been a degree of inconsistency between how this particular application has been assessed and application 14/00977/FUL, the Eco-friendly Visitor Centre for the Trust. As this building is to be used to provide facilities to enhance the visitor offer at Cuerden Valley Park it is considered to be a facility for outdoor recreation which is considered to be appropriate development within the Green Belt, provided that such facilities do not impact on the openness of the Green Belt. The design of the building is such that it takes advantage of the topography of the site, being effectively set down into the landscape and set into the corner of the side

immediately adjacent to a large number of mature trees. Therefore, whilst the proposed visitor centre may be larger in size than the proposed nursery, the building is not considered to be inappropriate development within the Green Belt and is designed in such a way as to minimise its impact on the openness of the Green Belt. The assessment of the two applications is therefore fundamentally different.

20. The applicant has accepted that the proposed development is inappropriate in the Green Belt, as defined in the Framework. It is not considered that sufficient very special circumstances that outweigh the harm caused by that inappropriateness have been demonstrated.
21. Policy HW3 of the emerging Local Plan also states that proposals to enhance the recreational value of Valley Parks at Yarrow Valley, Cuerden and Chapel Brook will be permitted if it can be demonstrated that they would not detract from the amenity, recreational and wildlife value of the Valley Parks.
22. Whilst the users of the proposed nursery would undoubtedly benefit from the location of the facility within the park, this is a private facility that would only be of benefit to those specific customers. There would be very limited enhancement to the recreational value of the park as a whole. It is not considered that this would be sufficient reason to outweigh the harm arising from the inappropriate nature of the proposals.

Neighbour Amenity

23. The walled garden itself is some distance from neighbouring residential properties (the nearest being The Cottage on Berkeley Drive approximately 70m away), although noise and disturbance may arise from increased vehicle movements to and from the proposed nursery.

Highways

24. It is proposed that the nursery would provide spaces for up to 30 children, with four full time and three part time staff. Opening hours of 7.30am-6pm Monday to Friday are suggested, as is the possibility of weekend opening for classes. It is anticipated that the existing parking spaces within the park, close to the walled garden would form the location for dropping off and picking up children. They indicate that two parking permits for staff would be obtained and the rest of the staff would have to access the site by other means. The applicant also mentions the possibility of negotiating with the adjacent office building, Parkwood Holdings, to use some of their spaces and the provision of a shuttle bus for children.
25. Cuerden Valley Park has a number of pay and display parking spaces close to the application site. The applicant states that there are 32, although information submitted with application 10/00049/FUL suggests that there may be more. An additional 27 parking spaces are proposed as part of application 14/00977/FUL.
26. Policy ST4 of the emerging Local Plan states that proposals for development should make provision for parking in accordance with the standards set out in the Plan. Taking into account:
 - The level of existing parking provision;
 - That the timing of the majority journeys to and from the nursery is likely to be outside of the timing of the majority of journeys for recreational use of the park;
 - The comments of the LCC Highways Engineer;
 - The location of the nursery, away from the road network
 It is considered that it would be difficult to refuse the application on the basis that it would cause undue harm to highway safety or that there is inadequate parking provision.
27. The use of adjacent parking spaces on land that is not owned by the applicant or Cuerden Valley Park Trust is considered to be of limited weight as this is outside of the control of the applicant and its availability could not be secured.

Design

28. The design, scale and appearance of the proposed building is considered to be appropriate. The building is functional in its form and nature and its appearance is not unusual for this type of use. No details of the design of the treatment of the entrance from the walled garden to the nursery (although a wrought iron gate is suggested). This could be secured by condition. Only a small portion of the roof of the building would be visible above the existing wall. The rest of the building would only be visible from within the maintenance depot and would therefore not be on view to members of the public using the park. The proposal is therefore considered to comply with policy BNE1 of the emerging Local Plan.

Ecology

29. The concerns of the neighbouring residents are noted with regard to the impact of the proposals on protected species. The application site is not located within the Biological Heritage Site, but is adjacent to it. However, Greater Manchester Ecology Unit have advised that the proposal is unlikely to cause any undue harm to protected species and therefore the proposal complies with policy BNE11 of the emerging Local Plan.

Overall Conclusion

30. The proposed development would be inappropriate development within the Green Belt. It is considered that it has not been adequately demonstrated that sufficient very special circumstances that outweigh the harm caused by that inappropriateness have been demonstrated. Whilst there may be limited visual harm, harm to the openness of the Green Belt would arise as a result of the proposals. It has not been adequately demonstrated that the proposed development will support the functioning of the Valley Park. The proposal is accordingly recommended for refusal.

Planning Policies

31. 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.

Note on the Emerging Chorley Local Plan 2012-2026

32. In October 2013, the Local Plan Inspector issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration 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 and Travellers.

33. 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 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 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."

34. The Council accepted the Local Plan Inspector's modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.

35. Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector's Supplementary Report on Gypsy and Traveller and Travelling Showpeople was issued (08 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.

Planning History

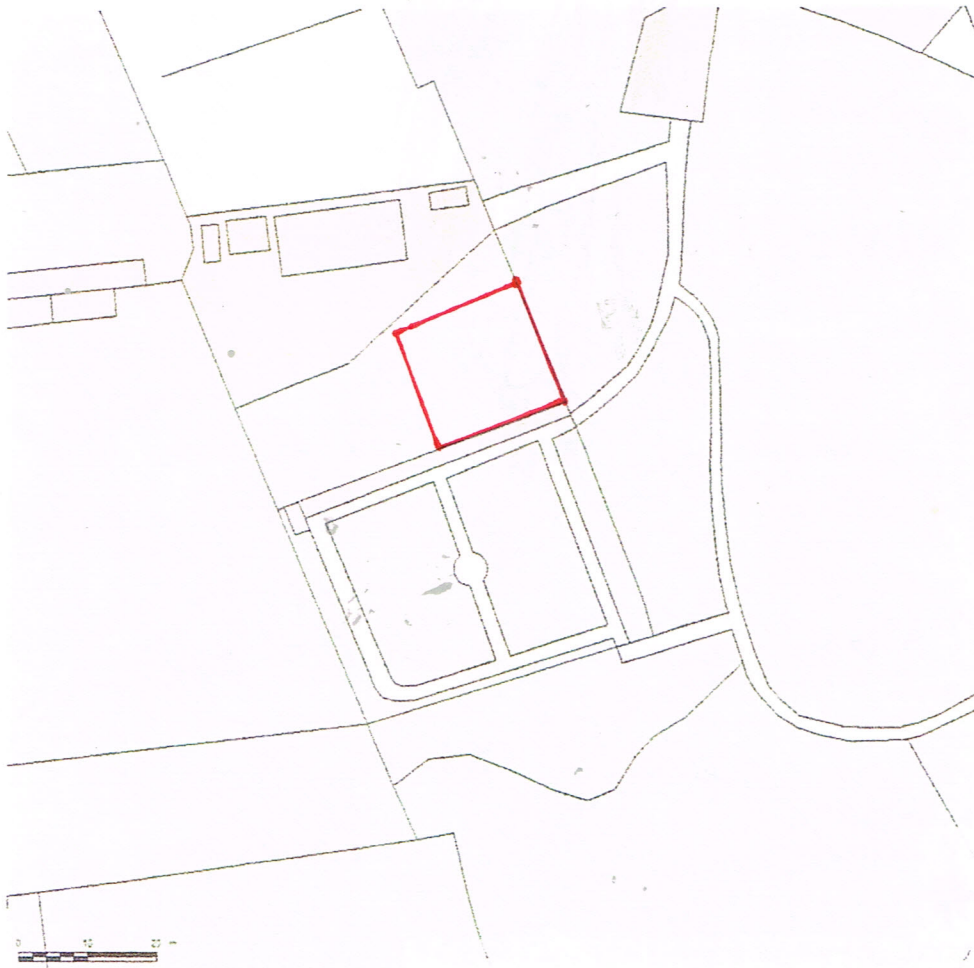
Reference	Description	Decision	Date
14/00977/FUL	A single storey Eco-Friendly Visitor Centre including a cafe with kitchen, toilet facilities (male, female, disabled, and baby changing) administration/office space a classroom and storage space.	Approve	24 th October 2014
12/00553/FUL	Erection of a single storey facilities block comprising of ladies, gents and disabled toilets with baby changing area and a separate kitchen area for plating up food by caterers at events.	Approve	20 th July 2012
11/00277/FUL	Application to hold a Farmers Market on the last Sunday of each month in The Barn visitor centre, car park and grassed area behind. Including utilising the car park at Parkwood Holdings and Cuerden Valley Park for visitors attending the market (previously approved as part of application 10/00049/FUL).	Approve	28 th July 2011
10/00049/FUL	To hold a Farmers Market on the last Sunday of each month in The Barn visitor centre, car park and grassed area behind. To utilise the car park at Parkwood Holdings and for Cuerden Valley Park for people attending the market.	Approve	8 th April 2010
03/00005/FUL	Retrospective application for erection of storage building for stock/machinery/woodchip,	Approved	31 st March 2003
00/00711/FUL	New park operations centre with associated car parking and garage,	Approve	25 th October 2000
0/00193/FUL	Erection of two-storey building for use as park operations centre with ancillary car park	Withdrawn	15 th June 2000

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Cuerden Valley Park
Day Nursery Temp Building Proposal
Site Location Plan @ 1:1250

SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250

CENTRE COORDINATES: 356399, 423694



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Item 4e	15/00152/OUTMAJ
Case Officer	Adele Hayes
Ward	Eccleston and Mawdesley
Proposal	Section 73 application to vary condition 18 (Code for Sustainable Homes) attached to outline planning approval 14/00022/OUTMAJ.
Location	Goodyear Business Park, Gorse Lane, Mawdesley
Applicant	Bloor Homes North West
Consultation expiry:	10 April 2015
Decision due by:	3 June 2015

Recommendation

It is recommended that this application is granted conditional planning approval subject to an associated supplemental Section 106 Agreement.

Proposal

1. The application site is located within the defined settlement boundary of Mawdesley. It is bound, in broad terms, by properties along Gorse Lane to the south, a mix of commercial, industrial and residential properties along New Street to the west, an agricultural/wooded area also within the settlement boundary to the north and industrial premises and Green Belt agricultural land to the east.
2. The application site is essentially flat, with some undulations and there is a small pond to the rear of the existing premises occupied by Goodyear Furniture. There are mature trees and shrubs adjoining the field boundaries and there are woodland copses beyond the north and east boundaries.
3. The primary access to the site is from Gorse Lane. A secondary access is also available from New Street, and this will continue to serve the remaining section of Goodyear Business Park as it does currently.
4. Outline planning permission was granted in November 2014 for the means of access to a mixed use development comprising up to 56 residential units, a community building with car park and public open space and change of use from B1 (office) / B8 (storage) use to a retail showroom (14/00022/OUTMAJ).
5. A subsequent application for all reserved matters was approved in April 2015 (14/01218/REMMAJ).
6. The approved development is subject to a number of planning conditions and a separate S106 Obligation.
7. This application seeks to vary condition no. 18 attached to the outline planning approval that relates to the Code for Sustainable Homes standards.

Representations

8. The application has been publicised by way of individual letters and site notices have been displayed. Three letters have been received reiterating objections previously raised regarding the acceptability of the development in principle and the impact on existing infrastructure and increased flood risk.

Consultations

9. Mawdesley Parish Council – have commented that they welcomed the thorough detail that went in to specifying the conditions applied to the planning decision for the Goodyear Business Park development back in 2014. They have stated that a Section 73 application to vary one of the conditions, and in this case remove one of the key clauses set out in the Central Lancashire Adopted Core Strategy LDF 2012 should be rejected on the following grounds:
 - The Parish Council fully supports the Central Lancashire Core Strategy and the incorporation of sustainable resources set out in Policy 27. Stating "All new dwellings will be required to meet Level 3 (or where economically viable, Level 4) of the Code for Sustainable Homes. This minimum requirement will increase to Level 4 from January 2013 and Level 6 from January 2016. Minimum energy efficiency standards for all other new buildings will be 'Very Good' (or where possible, in urban areas, 'Excellent') according to the Building Research Establishment's Environmental Assessment Method (BREEAM)."
 - The applicant was well aware of the Core Strategy Document at the time of the planning submission and therefore should have fully understood and assessed the "viability" for a development proposal based on this, knowing

full well that some of the development works would not begin until after January 2016.

- The applicant is correct when quoting from "The Housing Standards Review Detailed Implementation Consultation" Paragraph 28. From 2016 local authorities will not be able to require energy efficiency measures above Building Regulations. There will be a national standard for all new homes set at around the level in the Code for Sustainable Homes level 4. Until such time as zero carbon policy is in place nationally from 2016, local authorities will be able to continue to ask for higher standard on energy but have been encouraged to not go above Code level 4". HOWEVER, the application was prepared in 2013, validated and granted in 2014, before the review had taken place. The decision by the planning authority to include the Condition 18 is fully justified seeing as this review had not been published at the time. The review clearly states "FROM 2016", this application was granted in 2014. It is not the Government's intention for developers to retrospectively apply the above to already granted applications.
- The Parish Council believes the above application is merely an attempt to construct all dwellings to code 4 thus increasing PROFIT by not having to undertake the additional sustainable recourses to meet code 6.

Assessment

Principle of the development

10. The principle of redeveloping the site with housing was originally established as being acceptable by the grant of outline planning permission in 2014.
11. The applicant will also be required to discharge conditions placed on the outline permission which requires a number of issues to be approved by the Council, including surface water drainage details and foul water drainage details.

Planning Policy Context

12. The outline planning permission was assessed against the provisions of the Core Strategy that was adopted in July 2012. Policy 27 of the Core Strategy relates to 'Sustainable Resources and New Developments'. The aim of the policy is to incorporate sustainable credentials into all developments through a variety of measures including compliance with the Code for Sustainable Homes.
13. The first part of Policy 27 states that: All new dwellings will be required to meet Level 3 (or where economically viable, Level 4) of the Code for Sustainable Homes. This minimum requirement will increase to Level 4 from January 2013 and Level 6 from January 2016. Minimum energy efficiency standards for all other new buildings will be 'Very Good' (or where possible, in urban areas, 'Excellent according to the Building Research Establishment's Environmental Assessment Method (BREEAM)').
14. The explanatory text for Policy 27 explains that the requirement to meet the provisions of the Code for Sustainable Homes will apply unless it can be demonstrated (including through the use of open book accounting) that the circumstances of an individual site are such that development would not be economically viable if the policy were to be implemented.
15. The Core Strategy makes provisions for the relaxation of Code for Sustainable Homes requirements where it can be demonstrated that the economic viability of any development is prejudiced. In the case of the development no relaxation of the requirement of the policy was sought on viability grounds and hence condition no. 18 was imposed at outline stage.

16. However, recent legislative changes have impacted on how Core Strategy Policy 27 should be implemented, particularly in matters relating to the determination of planning applications.
17. In particular, the Deregulation Act 2015 received Royal Assent on 26th March 2015. Amongst other things, it proposes changes to the Planning and Energy Act 2008 which will result in local planning authorities no longer being allowed to include policies in their development plans requiring energy efficiency standards for dwellings that exceed building regulations, such as the Code for Sustainable Homes. It is proposed that all energy efficiency standards will be included in building regulations.
18. Until this time, the Government have set out transitional arrangements that allow local planning authorities to continue to apply policies in their adopted Local Plans which require compliance with energy efficiency standards that exceed building regulations. Where a local planning authority has an existing policy that sets requirements relating to the Code for Sustainable Homes, as is the case in Chorley, they can continue to require dwellings to achieve an energy efficiency equivalent to Code for Sustainable Homes Level 4, but they will not be able to require compliance with other aspects of the Code for Sustainable Homes as it has now been withdrawn.
19. A separate report is included on this agenda that sets out the Council's proposed transitional arrangements.

Other Issues

20. The issues raised by objectors have already been considered or will be considered as part of conditions and the associated legal agreement.
21. The applicant will be required to discharge conditions placed on the outline permission which requires a number of issues to be approved by the Council, including surface water drainage details and foul water drainage details.

Conclusion

22. It is recommended that condition 18 of the outline planning permission is removed and substituted with the following:

All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

23. In addition it is recommended that conditions 19 and 20 be varied as follows:

- *Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.*

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

This needs to be provided prior to the commencement so is can be assured that the design meets the required dwelling emission rate.

- No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

24. Permission granted under Section 73 results in a new `stand-alone' planning permission and therefore a short supplemental Section 106 Agreement will be required.

Conditions

1. The development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission.

Reason: To define the permission and in the interests of the proper development of the site.

2. An application for approval of the reserved matters (namely appearance, layout, scale and landscaping of the site) for the residential dwellings and community / scout building, hereafter called the reserved matters, must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The outline planning permission hereby approved relates to the erection of up to 56 residential units and a community / scout building. The application for reserved matters shall not exceed 56 residential units.

Reason: In the interests of the appropriate development of the site, to prevent intensification in the development of the site and in the interests of the visual amenities of the area.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing Reference	Received date
Site Location Plan	GL/M_LP01	15 January 2014
Illustrative masterplan	W1-0006-13-05D	13 June 2014
Proposed floor plans	NW16_Mawddesley	15 January 2014

Reason: To define the permission and in the interests of the proper development of the site.

5. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

6. Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.

7. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure that the materials used are visually appropriate to the locality.

8. Prior to the commencement of development, full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved materials.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.

9. The development permitted by this planning permission shall only be carried out in accordance with the approved FRA (Ref: BLH02_FRA, Rev 3.1; dated March 2014) and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the annual critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site; by limiting surface water runoff to 26.6l/s for this event, and by limiting surface water runoff for the 1 in 100 year plus climate change event to 79.7l/s.
2. Provision of compensatory flood storage to attenuate a volume of 1121.5 m3.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and; 2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

10. Notwithstanding the details shown on the submitted plans, the private driveway/hardsurfacing areas to the front of the all the dwellinghouses shall be constructed using pervious paving subject to suitable ground conditions. Where ground conditions are not suitable for infiltration then underdrained pervious paving shall be utilised. Full details shall be submitted with each reserved matters application.

Reason: In the interests of highway safety and to prevent flooding.

11. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, both on and off site.

12. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and

hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, both on and off site.

13. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

all previous uses

potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure the development does not pose a risk of pollution to controlled waters.

14. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure the development does not pose a risk of pollution to controlled waters.

15. The development shall not be carried out other than in complete accordance with all the recommendations for ecological mitigation contained within section 4 of the Ecological Survey and Assessment submitted with this application, prepared by Ribble Ecology dated 28 November 2013 (ref:RB-13-38) and updated by letter dated 13 June 2014, unless any variation to this is otherwise first agreed in writing by the Local Planning Authority.

Reason: To provide long-term protection to natural habitats.

16. If any plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) occur on the site, such as Himalayan balsam, Japanese knotweed, rhododendron and giant hogweed, then they shall be eradicated from the site and working methods shall be adopted to prevent their Spread in accordance with Environment Agency guidance and codes of practice.

Reason: to ensure the eradication and control of any invasive species which are found on the site.

17. Prior to the commencement of the development full details to measures to reduce dust and particulate matter resulting from the construction works shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall detail the mitigation measures to be employed at the site during the construction activities. The development thereafter shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority

Reason: To reduce the amount of dust and particulate matter created as a part of the development of the site, in order to minimise the air quality impacts and to provide adequate mitigation measures to reduce dust production.

18. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

19. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.

20. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

21. Prior to the commencement of the development a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant Code Level rating unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development.

22. Any application for approval of reserved matters pursuant to Condition 2 (above) shall include the submission for approval of a detailed arboricultural impact assessment and Tree Constraints Plan. The information shall include:

an individual tree assessment of all trees with a canopy of more than 750mm in diameter which gives full details of all existing trees
Detail those trees which are proposed to be.
The measures which will be implemented in order to secure their protection during the course of the development and retention thereafter.
No development in any phase or sub-phase shall commence until the approved tree protection measures have been put in place and the development of the relevant Phase or Sub-Phase shall thereafter proceed in full accordance with the approved Tree Constraints Plan, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To safeguard the trees to be retained and directly related to the visual impact assessment which has been undertaken when assessing the impacts of the development hereby approved.

23. Prior to the commencement development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
the parking of vehicles of site operatives and visitors
loading and unloading of plant and materials
storage of plant and materials used in constructing the development
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
wheel washing facilities
a scheme for recycling/disposing of waste resulting from demolition and construction works
Reason: In the interests of highway safety and to protect the amenities of the nearby residents.

24. Prior to the occupation of the first dwelling all the highway works shall be constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.
Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

25. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvements have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.
Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

26. No part of the development hereby approved shall commence until a scheme for the construction of a controlled barrier on the boundary of the residential site and the remaining section of the Goodyear Business Park to prevent vehicular use of the New Street access by residents of the proposed development and reserve its use for only vehicles to the remaining section of the Goodyear Business Park, as a pedestrian/cyclist link between the site and New Street and for emergency purposes has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.
Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

27. No part of the development hereby approved shall be occupied or opened for trading until the approved schemes referred to in Condition 2 have been constructed and completed in accordance with the scheme details.
Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

28. Prior to the commencement development details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be

maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety.

29. Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

30. The construction works and deliveries associated with the development hereby permitted shall not take place except between the hours of:

0800 hrs to 1800 hrs Monday to Friday

0800 hrs to 1300 hrs on Saturdays.

No construction activities shall take place on Sundays or Bank Holidays. These construction hours shall be adhered to during the development of the whole site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of local resident/ businesses and to protect nearby noise sensitive buildings.

31. Within 12 months of the date of this planning approval a Habitat Management Plan for the wildlife area indicated on the approved illustrative masterplan shall be submitted to and approved in writing by the local Planning Authority. As well as nature conservation management methods, the management plan shall address measures to control and off-set potential long-term impacts on habitats, including impacts that may result from recreational pressure, measures to protect, manage and maintain habitats for the benefit of biodiversity (including protected and priority species known/ likely to be present such as bats, birds, amphibians, badgers); mitigation for recreational/ operational impacts; detailed management objectives and prescriptions; timescales for implementation; measures of success; and proposals for monitoring, reporting and review. The management plan shall also include a monitoring scheme and periodic review of management prescriptions. The Management Plan shall cover a period of 25 years following the completion of the remediation and reclamation works. The Management Plan thereafter shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory management, maintenance and retention of habitats.

32. Prior to the commencement of the development details of the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate avoidance of light pollution of wildlife habitat, including retained and replacement bat roosts, bat foraging and commuting habitat. The lighting scheme shall be in accordance with guidance issued by the Bat Conservation Trust and Institute of Lighting Engineers. The approved mitigation measures shall be implemented in full and maintained in perpetuity.

Reason: In the interests of ensuring the bat roosts are not adversely impacted upon through any proposed lighting.

33. Prior to the commencement of the development an updated and fully detailed mitigation method statement for great crested newts and their habitat shall be submitted to and approved in writing by the Local Planning Authority . The approved mitigation measures shall be implemented in full (subject to any changes required by Natural England) and maintained in perpetuity.

Reason: In the interests of maintaining the populations of Great Crested Newts at the site and to ensure their continued protection.

34. Prior to the commencement of development to be carried out between 1st March and 31st August in any year, a detailed survey shall be carried out by an ecologist to check for nesting birds within the area relating to that phase of the proposed works. Where nests are found in

any building, hedgerow, tree or other habitat to be removed or disturbed, a minimum 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not impact on nesting birds.

35. All planting, seeding or turfing comprised in the approved details of landscaping pursuant condition 2 shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development within the relevant Phase or Sub-Phase, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species..

Reason: In the interest of the appearance of the locality.

Planning History

Reference	Description	Decision
14/01218/REMAJ	Reserved matters application pursuant to outline planning permission 14/00022/OUTMAJ for the erection of 56 no. dwellings and a scout hut with associated parking. Layout, scale, appearance and landscaping to be considered.	Approved: 22.04.2015
14/00022/OUTMAJ	Outline application for the means of access to a mixed use development comprising up to 56 residential units, a community building with car park and public open space and change of use from B1 (office) / B8 (storage) use to a retail showroom	Approved: 22.04.2014
02/01209/FUL	Change of Use from storage space to offices with alterations to elevations	Approved: 03.02.2003
00/00859/COU	Change of use of mixed use building to Class B1 (office/light industrial) use	Approved: 14.02.2001
98/00839/FUL	Provision of new windows at first floor level	Refused: 10.03.1999
92/00700/FUL	Vehicular and pedestrian access	Refused: 30.03.1993
90/00709/COU	Change of use from storage to light industrial (Unit 2)	Approved: 18.12.1990
87/00278/FUL	Erection of office storage and display building (Unit 11)	Approved: 15.06.1987
82/00449/FUL	Change of use from basketware store to joiners workshop (Unit 11)	Approved: 24.08.1982
77/01098/OUT	Outline application for single storey storage building	Approved: 11.04.1978
76/00594/FUL	2 storey workshop	Approved: 05.10.1976
76/00073/FUL	Two storey warehouse/workshop, and alterations to existing shop/offices	Approved: 05.04.1976

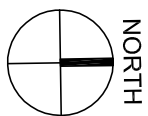
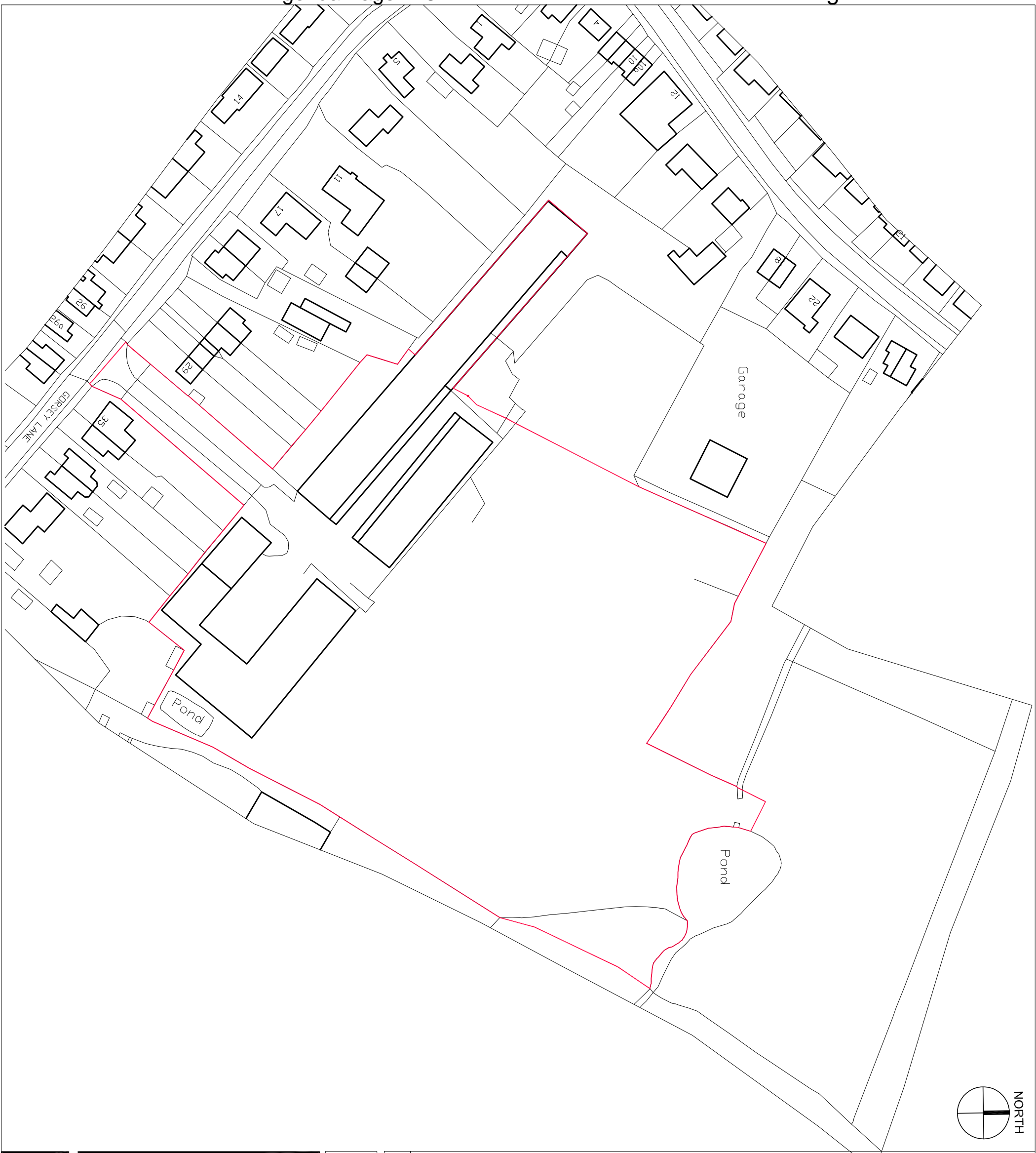
Note on the Emerging Chorley Local Plan 2012-2026

In October 2013, the Local Plan Inspector issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration 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 and Travellers.

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 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 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.”*

The Council accepted the Local Plan Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.

Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector’s Supplementary Report on Gypsy and Traveller and Travelling Showpeople was issued (8 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.

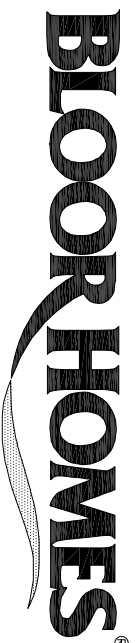


REVISIONS

JOB
 PROPOSED RESIDENTIAL DEVELOPMENT
 GORSEY LANE
 MAWDESLEY
 DRAWING
 LOCATION PLAN

DATE: 09.03.2012 DRAWN: SJS SCALE: 1:1250

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BLOOR HOMES NORTH WEST

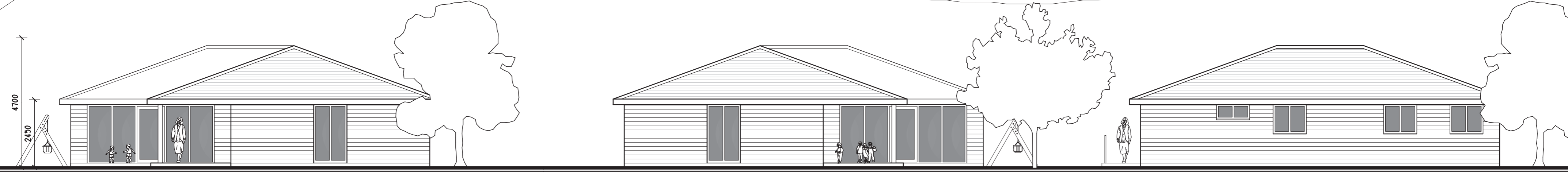
A DIVISION OF BLOOR HOMES LTD,
 UNITS 2-4 WHITESIDE, STATION ROAD,
 HOLMES CHAPEL, CHESHIRE, CW4 8AA.
 TELEPHONE 01477 536550 FACSIMILE 01477 536551

DRAWING No:

GL/M_LP01

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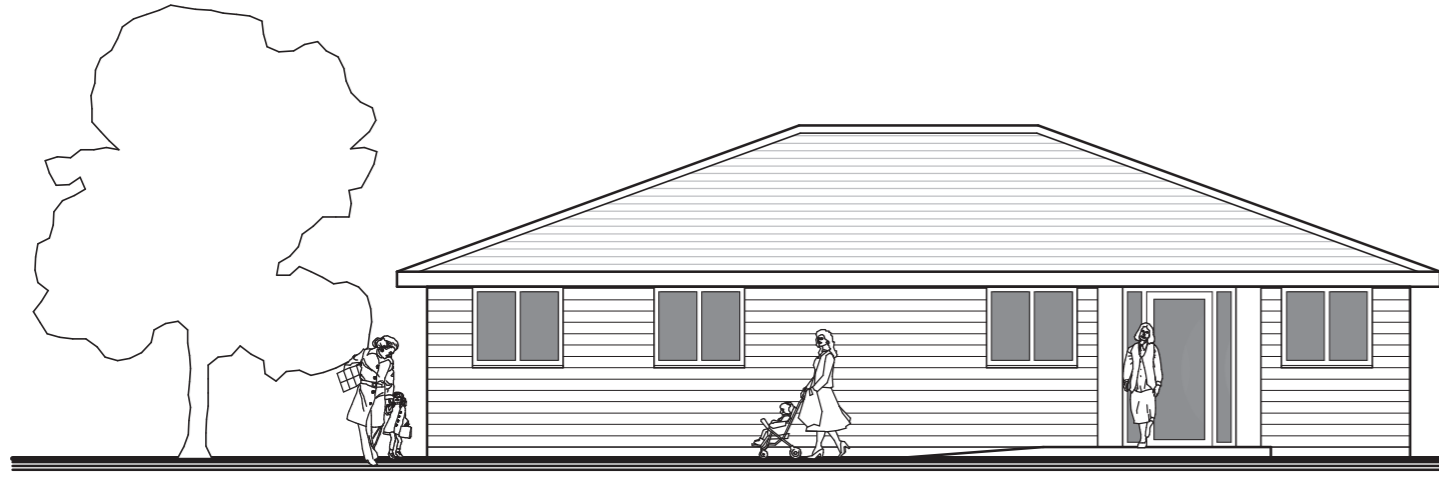
Proposed



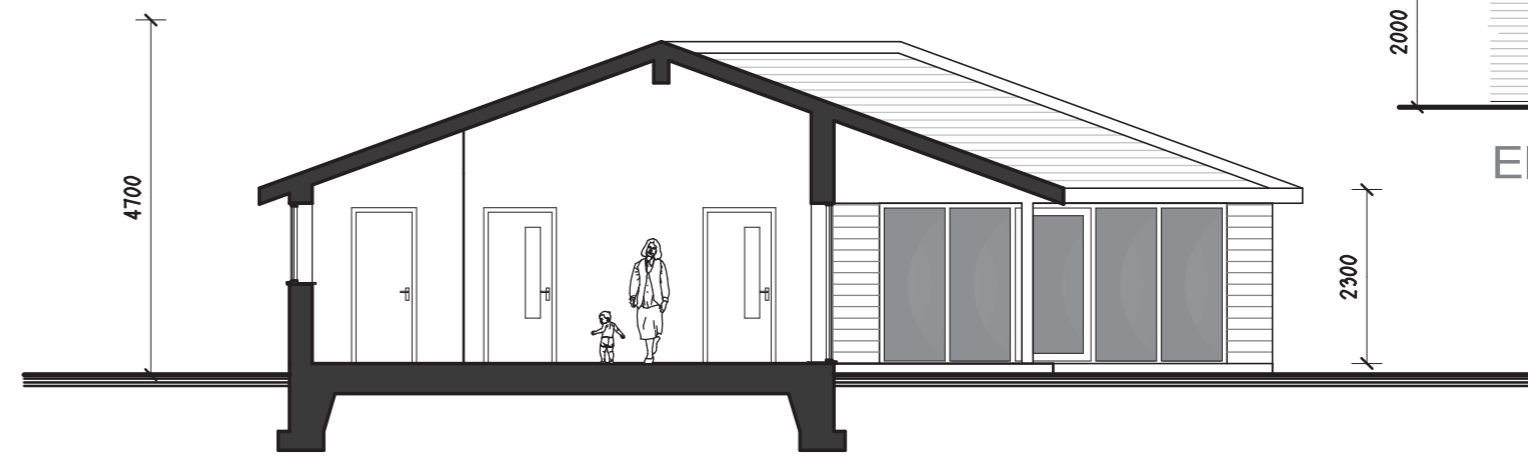
NW Elevation

NE Elevation

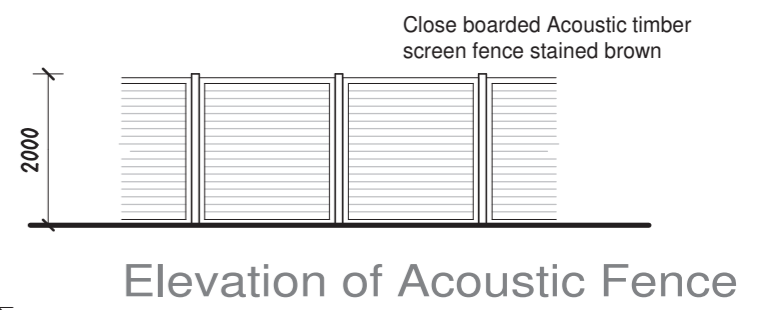
SE Elevation



SW Elevation



General Section



Elevation of Acoustic Fence

This drawing is for Planning Application purposes only and is Not Approved

This drawing is for Building Regulation Application purposes only and is Not Approved

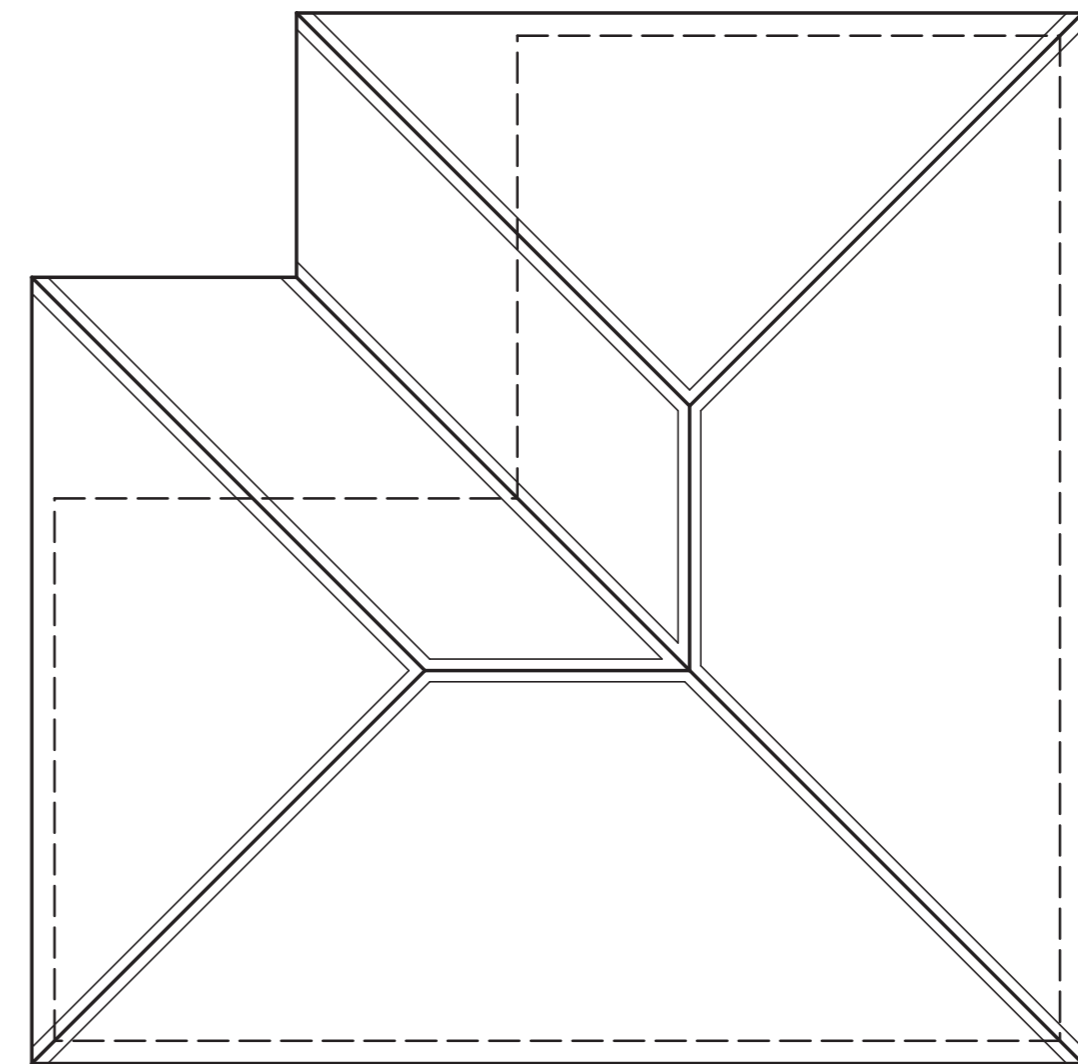
All dimensions must be carefully checked on site by the General Contractor before work commences.

Revisions			
No	Date	Details	Checked
E	08/05/15	Add acoustic fencing, fence elevation and shrub planting	MAS
D	17/02/15	Change title details	MAS
C	13/10/14	Add baby change into WC	MAS
B	06/10/14	Elevation revisions	MAS
A	02/10/14	Layout revisions	MAS

Line of new proprietary 2.0m acoustic close boarded timber screen fence generally comprising Jacksons "Jakoustic" sectional interlocking panels with intermediate posts, or other similar approved. Minimum 12kg/m²



Layout Plan



Roof Plan



JONES & COMPANY

ARCHITECTURE & SURVEYING
57 Liverpool Road, Penwortham - Preston
Lancashire PR1 9XD
Tel: (01772) 748051 Fax: (01772) 751707
Web: www.jones-building-surveyors.co.uk
Email: post@jones-building-surveyors.co.uk

Project
Proposed Nursery
Clayton Brook Primary School
Great Greens Lane
Bamber Bridge PR5 8HL

Title
Proposed Plans & Elevations

scale	1/100 @ A2	date	21/09/14
Job	B63600/14D/0/1	Element	E
Job	B63600/14D/0/1	Rev.	E
1:100	0 1.0 2.0 3.0 4.0	drawn	MA6
1:50	0 1.0 2.0		

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Item 4h	14/01331/FUL
Case Officer	Nicola Hopkins
Ward	Eccleston And Mawdesley
Proposal	Demolition of the former Windmill Hotel and the erection of 9 No. apartments, associated car parking and access.
Location	The Windmill Hotel, 311 The Green, Eccleston
Applicant	Andrews Homes Ltd
Consultation expiry:	4th February 2015
Decision due by:	16th February 2015 (time extension agreed until 5th June 2015)

Recommendation**Approve full planning permission****Executive Summary**

The application site consists of an empty public house within the settlement of Eccleston. The main issues for consideration relate to the loss of this community facility and the erection of residential development within a designated shopping area. It is considered that the proposed erection of 9 apartments on this site represents the most appropriate reuse for the previously developed site within a sustainable location.

Consultees

Consultee	Summary of Comments received
United Utilities	No objection subject to suitable conditions
Council's Waste and Contaminated Land Officer	Has requested a condition in respect of contamination Initially raised concerns about the proposed layout in terms of waste collections however these have been addressed within the report.
Council's Tree Officer	Has carried out a site inspection and confirmed that only one tree present within the site, an early mature sycamore tree identified as T9 within the Tree Survey Report. This is a category B tree which is worth considering retaining to screen planned development from neighbouring property. The trees located within the adjoining land form a screen to the site.
Greater Manchester Ecology Unit	Have commented on bats, nesting birds, invasive species and loss of biodiversity. The specific comments are contained within the body of the report.
Council's Property Services Section	Have commented on the viability of the scheme addressed within the body of the report
Architectural Liaison Office	Have commented on suggested Secured by Design features- these can be attached via an informative
Lancashire County Council Highways	No objection subject to conditions and specific suggestions set out within the body of the report

AssessmentPrinciple of the Development

1. The site is located within the settlement area of Ecclestone as identified within both the existing and emerging Local Plan.
2. In October 2013, the Local Plan Inspector issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration 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 and Travellers.
3. 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 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 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.”*
4. The Council accepted the Local Plan Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
5. Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector’s Supplementary Report on Gypsy and Traveller and Travelling Showpeople was issued (08 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.
6. The emerging Local Plan identifies that development within settlement areas may be for an appropriate use such as housing, offices, community facilities or Green Infrastructure. This should be read in conjunction with other policies and proposals in the emerging plan and with Core Strategy Policy 1: Locating Growth. Within Core Strategy Policy 1 Ecclestone is identified as a Rural Local Service Centre where limited growth and investment will be encouraged to help meet local housing and employment needs and to support the provision of services to the wider area.
7. Policy 25 of the Central Lancashire Core Strategy seeks to ensure that local communities have sufficient community facilities and this includes resisting the loss of existing facilities. The proposals involve demolishing the existing public house, which is considered to be community facility, as such Policy HW6 of the emerging Local Plan is pertinent:

Development proposing the change of use or loss of any premises or land currently or last used as a community facility (including community centres, village and church halls, places of worship, public houses, children’s centres, libraries, cultural facilities and health facilities) will be permitted where it can be demonstrated that:

 - a) The facility no longer serves the local needs of the community in which it is located; and
 - b) Adequate alternative provision has been made, or is already available, in the settlement or local area; and
 - c) The use is no longer financially viable; and
 - d) The facility is in an isolated location remote from public transport routes; or
 - e) There is an amenity or environmental reason why the facility is no longer acceptable.
8. The Rural Developments SPD reinforces Policy HW6 and confirms that where any local community facility will be lost the Council will need to be convinced that it is no longer required or that adequate alternative arrangements can be made.

9. Additionally the public house is located within the defined local centre within the emerging Local Plan. Core Strategy Policy 11 (Retail and Town Centre Uses and Business Based Tourism) criteria e) is worded to maintain, improve and control the mix of uses in the existing Local Centres so as to appropriately serve local needs. Policy EP7 of the emerging Local Plan is also pertinent:

The boundaries of the District and Local Centres are defined on the Policies Map. The following criteria apply for change of use and development in District and Local Centres:

- a) Planning permission will be granted for A1, A2, A3, and A4 uses which support the role and function of District and Local Centres.
- b) A5 uses (hot food takeaways) will be permitted where the proposal would not adversely impact, either individually or cumulatively, on the function, vitality and viability of the centre.
- c) Planning permission will be not be granted for non-retail uses (including the loss of A1 use) unless it can be shown that there is no demand for retail or commercial use or the property was last occupied by a non-retail/non-commercial use. This will need to be demonstrated through an active 12 month marketing process showing that the property has been offered for sale on the open market at a realistic price and that no reasonable offers have been refused.

The provision of flats on the upper floors of the building will be encouraged but this will not apply where the applicant can demonstrate that the whole building will be fully utilised for retail/commercial purposes.

10. As such in order to justify the loss of the existing community facility in respect of both Policies HW6 and EP7 a report demonstrating that the community facility is no longer financially viable, is surplus to local needs, is available elsewhere in the settlement, or where there is an amenity or environmental reason why a community use is not acceptable is required and in this regard the application is supported by a Marketing and Viability Report undertaken by Lea, Hough & Co Chartered Surveyors. The report concludes the following:

- Considering the inherent constraints of the site, the limitations of the building for conversion and the economic practicalities of delivering a financially viable development, it is our opinion that commercial and employment uses are extremely unlikely to be brought forward.
- This opinion is strengthened further by the marketing undertaken to date, which has clearly demonstrated that there is insufficient appetite in the marketplace for the property as currently presented.
- The economic climate and funding restrictions that apply will particularly affect the potential uses for this property, with speculative commercial development being perhaps the most difficult sector to raise funds against. This backdrop strongly suggests that unless alternative uses are found, the site is unlikely to come forward in the near future.
- It is apparent that the site, either as a conversion or for a new build commercial property, does not lend itself to commercial or employment activities. Furthermore, it is clear not only from the marketing of the pub that the demand and viability of a future pub on the site is fundamentally unsound.
- It should also be noted that, within the area local to Ecclestone, there are a significant number of established pubs and restaurants that are currently meeting any outstanding community need. These include:
 - Brown Cow, Ecclestone
 - The Original Farmer's Arms, Ecclestone
 - Farmer's Arms, Heskin Green
 - Robin Hood Inn, Mawdesley
 - Traveller's Rest, Euxton
 - Black Bull, Mawdesley
 - Rose and Crown, Ulnes Walton

- Verdes, Eccleston
 - It is demonstrable that there is a sufficient local supply of pubs and restaurants in the nearby area.
 - There is no economically feasible demand for public house uses, or other commercial or employment generating uses.
 - A residential use is not only the most economically viable, but it is also the most appropriate in terms of the location and the immediate surroundings.
11. Planning Policy have reviewed this document and confirmed that the applicant has provided a statement in relation to Policy HW6/Policy EP7. In relation to Policy HW6 criteria a) and c) and Policy EP7 criteria c) the premises has not been in use since January 2013 as a public house since a tenant abandoned the premises as a result of the business making sustained losses.
 12. The premises were marketed until sold at auction on 12 September 2013. The marketing has been for no longer than 10 months and during this period was scheduled to go to public auction twice over a six week period therefore at no time was 12 months marketing ongoing (the marketing which found a tenant is not counted). During the marketing period at some time the premises was marketed without any restrictions placed on its future use which resulted in 6 bids the majority being for residential, an unconditional offer was accepted but the sale did not complete. The agent did not accept 2 offers for use 1) as a public house or other use and 2) a use as a restaurant as both offers were considered unacceptable to the vendor and were significantly less than the concluded sale price. However it is noted that the offer for a public house use was reliant on bank funding and neither interested parties had undertaken a full survey or cost appraisal for refurbishment. The applicant has provided information on pub refurbishment costs which show that conversion costs are prohibitive on the viability of a future pub on the site.
 13. In relation to Policy HW6 criteria b) alternative provision has not been made however within the village of Eccleston there remain two pubs and one Italian restaurant, with a number of other pubs in the local area with the nearest being at Mawdesley, and Heskin as well as restaurants along Southport Road. As such there is considered to be alternative facilities within the area.
 14. In relation to Policy HW6 criteria d) the facility is not in an isolated location remote from public transport routes, as the site is within the settlement of Eccleston with 2 regular bus routes (337 and 347) passing the site (Monday to Saturday), although there are no services after 6pm and none on Sunday.
 15. Eccleston has two Local Centres, the other is the Carrington Local Centre which has been redeveloped and includes tenants relocated from the existing retail centre. The 13,000 sq ft new retail parade opened in May 2014 and includes a 4,000 sqft Sainsbury's convenience store with 8 shops including the post office, pharmacy and library. The Carrington Centre is fully occupied. The Council's Evolutive property database does not show any other retail/commercial/office premises within Eccleston available for let/sale.
 16. The premises is neither suited to storage or distribution use and as shown in the report there are other purpose built facilities for these uses and industrial areas with better transport links. The site could be considered for office use which is an acceptable use in a residential/mixed use area although it is acknowledged that there is a relative lack of comparable evidence available. The figures quoted show a conversion or redevelopment to office use as not commercially viable and does not take into account any value for the land.
 17. It is therefore considered that following the marketing and the submitted valuation evidence there is sufficient justification in respect of the loss of this community facility and developing land allocated as part of the local centre to redevelop the site for 9 apartments within this sustainable location.

18. The site covers 0.11ha and the erection of 9 apartments equates to a density of approximately 82 dwellings per hectare which is very high but is typical of a small scale apartment scheme as proposed. This reflects an appropriate density for this previously developed site within the settlement boundary.

Affordable Housing

19. Policy 7 of the Core Strategy relates to affordable housing and states:

Aside from rural exception sites the minimum site size threshold will be 15 dwellings (0.5 hectares or part thereof) but a lower threshold of 5 dwellings (0.15 hectares or part thereof) is required in rural areas.

20. As Eccleston is a rural village and the proposed redevelopment incorporates 9 dwellings in accordance with Policy 7 35% on site affordable housing (or 3 units) would be required. However the National Planning Practice Guidance (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 disproportionate burdens on developer contributions. The updated guidance confirms that contributions for affordable housing 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.
21. This development is for 9 no. dwellings which is below the 10 unit threshold and also has a combined 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 require on site affordable housing contrary to the national guidance.

Public Open Space

22. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013 and open space requirements relating to new housing schemes accord with emerging Local Plan Policies HS4A and HS4B and the approach in the SPD. However this development is for 9 no. dwellings which is below the 10 unit threshold set out within the NPPG and also has a combined 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.

Viability

23. Notwithstanding the above assessment in terms of both affordable housing and open space it is also important to note that the viability of this scheme is an important consideration. The supporting information includes a Viability Report in respect of this site which states that if the Policy requirements were applied in respect of affordable housing and POS this would render the scheme unviable.
24. Policy 7 acknowledges that site considerations such as this should be taken into account, and where it cannot be demonstrated that the development of the site can be financially viable if the requisite number of affordable housing units is provided then this number can legitimately be reduced and that is the proposal which is put forward in this statement. This approach is in accordance with the guidance in the Framework which confirms that development should:
-not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*
25. The submitted Viability Appraisal has been reviewed by the Council's Property Services section and this is assessed below.

26. In terms of public open space the current deficits in respect of this area of the Borough are as follows:

Amenity Greenspace: There is currently a deficit of provision in Ecclestone in relation to this standard and the legal agreement would secure a contribution towards new provision in the ward= £140 per dwelling

Allotments: A new allotment is proposed at Station Road, Croston (HW5.4) which is within the accessibility catchment (10 mins drive time) of the site and the legal agreement would secure a contribution towards the provision of this allotment allocation= £15 per dwelling.

Playing Pitches: There is a Borough wide deficit of playing pitches= £1,599 per dwelling.

27. TOTAL for 9 apartments:

Amenity Greenspace:	= £1260
Allotments	= £135
Playing Pitches	= £14,391
TOTAL	= £15,786

28. Property Services have confirmed that the developer sets the appraisal out in a residual appraisal format and then deducts the sales prices (£1,098,760) against the total costs (£851,877) which results in £246,000 (income (gross)). From there the land price is derived at £150,000 for 0.25 acres, and there are funds for additional infrastructure, further fees, stamp duty, planning application fees and demolition. The resulting cost is then £240,000, so that leaves only £6,000 for S106 contributions. The Council's Estates Surveyor considers that this is fair and reasonable. Although the appraisal includes a 22% profit, which is slightly higher than the current market trend of 15-20% this reflects a small element of uncertainty in developing a scheme of apartments, rather than several houses. The Surveyor considers that this is a relatively low to average cost scheme with lower to average sale prices which would be expected for 9 apartments.
29. As such even if there was evidence at this time to deviate from national policy from a viability perspective the scheme can only afford to contribute £6000 to affordable housing and/or POS. However as set out above it is not considered that requesting a contribution in this case would be in accordance with the NPPG and as such no contribution is requested.

Impact on the Neighbours

30. The immediate neighbours to the site are 1 and 2 Preston Nook, 309 The Green and the properties on the opposite side of The Green.
31. 1 Preston Nook is a two storey semi-detached dwellinghouses located to the west of the application site. The side and rear elevation of this property abut the application site. This property has a first floor side window which appears to be the only source of light to a bedroom (based upon the planning history for this property) along with first floor rear windows which serve a bedroom. These windows were approved as part of a two storey rear extension (05/00733/FUL).
32. The side bedroom window faces the application site however the proposed apartments have been sited to ensure that the impact on this window is reduced. The window will directly face amenity greenspace proposed at the front of the apartments (this is a communal area and does not represent private garden space) and due to the location of the window and the orientation of the proposed apartments (to the north east of the window) it is considered that loss of light as a result of the proposed development on this window will be minimal.
33. 2 Preston Nook is a two storey semi-detached dwellinghouse whose rear elevation abuts the application site. Planning permission was granted at this property for a first floor rear

extension over existing single storey flat roof extension and rear conservatory. This has been constructed on site and there are no first floor rear habitable room windows which face the application site. There is a single storey rear extension at ground floor level however this is not visible from the application site due to the boundary treatments and is sited close to the proposed parking provision associated from the proposed apartments. As such it is not considered that the proposals will adversely impact on the amenities of the residents of Preston Nook.

34. 309 The Green is an end terraced property immediately adjacent to the existing public house building. There is an existing accessway located to the site of this property which will be retained as part of the development and there are no windows in the side elevation of 309 The Green.
35. 5 car parking spaces and the bin store are proposed close to 309 The Green however they are separated by the retained accessway. As such it is not considered that the proposed development will adversely impact on the amenities of the occupiers of 309 The Green.
36. 324-328 The Green are located on the opposite side of The Green. These properties are two storey terraced dwellings sited immediately adjacent to the footpath and incorporate first floor habitable room windows. The proposed apartments have been designed to reflect the character of the area with the apartments sited close to the back of the pavement however this siting results in the proposed front elevation being approximately 10 metres from the front elevation of 328 The Green (at its closest point). This is contrary to the Council's standard 21 metre window to window distance. It is considered however important for the proposed scheme to reflect the character of the area which is characterised by dwellinghouses/ buildings being sited at the back/ close to the edge of the pavement. Reflecting this design characteristic will result in reduced spacing distances.
37. First floor apartments 7 and 8 directly face 324-328 The Green and incorporate 7 front windows. All but one of these windows will serve non-habitable rooms or do not represent the only source of light to a habitable room and as such can be obscurely glazed to protect the neighbours' amenities. There is however one dining room/kitchen window on the front of apartment 7 which is the only source of light to that room and as such any obscure glazing has the potential to adversely impact on the future residents living conditions and is not considered to be appropriate. Although this window does not meet the required 21 metres window to window distance it is considered that a dining room/ kitchen window will not result in loss or privacy to a bedroom window in the case of this site, taking into account the characteristics of the surrounding area, to a degree which warrants refusal.
38. At ground floor level apartments 3 and 4 directly face 324-328 The Green and include a similar arrangement to the first floor apartments with only one dining/ kitchen at apartment 3 which could not be reasonably obscurely glazed. The same consideration as above is appropriate for the relationship between apartment 3 and 328 The Green.
39. 2-4 Kirstin Court face the proposed accessway to the parking court and first floor apartment 9. 2-4 Kirstin Court are set back from the edge of the footway and as such approximately 15.5m is maintained between the front elevation of both the proposed apartments and the existing houses. There are two first floor windows in the front of apartment 9 however these serve a kitchen, not the only source of light, and a landing and as such they can be obscurely glazed to protect the existing residents' amenities whilst not adversely affecting the living conditions of the future residents.
40. All of the rear first floor habitable room windows are sited in excess of 10 metres from the garden boundaries of the neighbouring properties and as such will not result in loss of amenity to the existing residents.

41. As such it is not considered that the proposed apartments will adversely impact on the amenities of either the existing or future residents.

Highways and Access

42. The proposed scheme has been assessed by the Highway Engineer at LCC who has made the following comments.
43. The proposal seems acceptable, however, given that the design is that of a shared access, where there would be no protected space with appropriate demarcation, the proposed 4.0m wide access would be too narrow and may result in vulnerable pedestrians feeling threatened by having no space protected from vehicles. The applicant should therefore increase the width of the access to 4.8m, although an ideal minimum width of 4.6m required for vehicles to pass cyclists in comfort may be accepted.
44. In response to this the agent for the application has amended the plans as follows:
- The drawings have been updated to increase the access width from 4.0m to 4.8m in accordance with his requirements. Apartment layouts and elevations have been adjusted accordingly.
45. In response to the amendments the Highway Engineer has confirmed that the amendments are acceptable.
46. The agent for the application has confirmed that the development will be private and no roads will be offered for adoption
47. To assist the disabled, the blind and partially sighted, the Highway Engineer has requested that the proposed vehicle crossing at the access should incorporate dropped kerbs and tactile pavings. The amended plans detail dropped kerbs and tactile paving.

Parking

48. The scheme involves the erection of 2 one bedroom apartments and 7 two bedroom apartments. In respect of parking, in accordance with Policy ST4 of the emerging Local Plan, there is a requirement for 1 off road parking space for the 1 bed apartment and 2 off road parking spaces are required for 2 bedroom apartments. For a garage to 'count' as a parking space it will be required to measure 6 x 3 metres (6x6 metres for double garages) in accordance with Manual for Streets.
49. The scheme incorporates 16 parking spaces, including 2 parking spaces for unit 9 served off the proposed underpass underneath unit 9. The Highway Engineer originally raised concerns that only 14 spaces were detailed however 16 spaces are detailed.
50. In his additional comments the Highway Engineer noted that the remaining 2 car parking spaces within the 4.8m driveway under the underpass. The Engineer has raised concerns about whether this arrangement would leave adequate room for safe shared pedestrian/vehicular use of the underpass however given the low level of vehicle movements associated with this development this is considered to be an acceptable solution.
51. The proposed parking accords with the Council's Parking standards and as such is considered to be acceptable.

Trees

52. There is only one Sycamore Tree within the application site and a tree screen along the boundary. The Council's Tree Officer has visited the site and the application is supported by a Tree Survey Report. The report has assessed 9 individual trees and 1 group of trees. Three of the individual trees surveyed, including the Sycamore within the application site, and the group of trees are categorised as retention category B (trees of moderate quality with a remaining life expectancy of at least 20 years) and as noted by the Tree Officer the group of trees offers a level of screening to the application site.

53. The group of trees and 2 of the category B trees are located on the southern edge of Preston Nook, the adjacent access road, outside of the application site and the applicant's ownership and are not proposed to be removed as part of the proposed development. Given that these trees are not under threat there is no need to formally protect them at this time.
54. The Sycamore tree is within the site and is shown as being retained on the proposed layout plan adjacent to three proposed parking spaces. As this tree is worthy of retention and makes a valuable asset to the surrounding area a no-dig condition will be attached to a positive recommendation to protect the root protection area of this tree and this tree will be protected by a TPO.

Ecology

55. The proposals involve the demolition of the existing public house and as such the application is supported by a Survey & Assessment Report for Bats, Birds & Other Ecological Considerations. This has been reviewed by the Ecologist at Greater Manchester Ecology who has made the following comments:

Bats

56. The Ecologist commented that the originally submitted bat assessment is over a year old and recommended pre-cautionary emergence surveys. As such the Ecologist recommended that prior to determination a re-assessment of the building for bat roosting potential by a suitably experienced bat worker was undertaken. This has been undertaken and confirms that there is no evidence of roosting bats and as such the simple precautions outlined in the original report and reiterated within this new report are all that is required.
57. Following receipt of this additional survey the Ecologist has confirmed:
- No bats were identified as emerging from the property.
 - Low levels of common pipistrelle were recorded foraging nearby.
 - The building is now assessed as low risk.
 - No further survey work is required prior to determination
58. As such reasonable avoidance measures (pre-cautionary measures) contained within the submitted report can be secured by condition.

Nesting Birds

59. Potential bird nesting habitat will be lost as a result of the development. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. This can be addressed by condition.

Invasive Species

60. Two species covered by schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) were found on the site. It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Removal of these species can be addressed by condition.

Loss of Biodiversity

61. The site has only low ecological value. Landscaping within the proposed development is capable of mitigating for any losses and can be resolved via a condition.
62. Following a high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
- (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;

- (b) there must be no satisfactory alternative and
- (c) favourable conservation status of the species must be maintained.

63. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.
64. As set out above the ecological impacts of the proposals have been fully considered and as such it is considered that the Council, subject to suitable conditions, has discharged its obligations in respect of the above tests.

Design

65. The scheme has been designed to reflect the character of the surrounding area, terraced dwellings sited close to the edge of the footway, to result in a row of mews properties. This is considered to be appropriate for this site. 321 The Green (located on the opposite side of the road which serves Bygone Times) is a traditional terraced dwelling sited at the back of the footway utilising a corner turning building.
66. The scheme includes a larger scale feature property at the south-east corner of the site and then the remaining properties attached to this main unit. It is considered that this design solution reflects the character of the area and will create a focal point along The Green.
67. The feature property at the corner incorporates its own facing brick along with artstone heads and cills. The remaining façades will be clay facing bricks throughout, with artstone or brick heads and artstone cills. The roofs will be finished in a grey concrete tile and will incorporate dummy chimneys. Fenestration will be upvc framed double glazed windows. The design and materials is considered to be appropriate for this site.

Sustainable Resources

68. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

69. As such there will be a requirement for the dwellings hereby approved to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.

Waste Collection

70. As set out above the Council's Waste and Contaminated Land Officer originally raised concerns with the waste collection facilities at the site. In response to the concerns the agent has confirmed that as part of the overall design the bin store was positioned to enable the residents to access it from within the site, whilst allowing the refuse collection from the access road between the site and number 309, gates have been provided at both ends of the bin store to facilitate this. The distance from the gate to the footpath is 16.5m and 19.5m to the kerb edge which is within the maximum 25m collection distance.
71. The Highway Engineer raised concerns that the existing access to the side of 309 The Green appears to suggest that the applicant intends using the access for bin collection which would be unacceptable to the Highway Authority from a vehicle manoeuvrability perspective.
72. The agent for the application has confirmed that Refuse Collection Vehicles (RCVs) will not access the parking court and although they could have access down the side road should they so wish (as this is also within the applicants ownership) which is the Engineer's concern it is expected that RCVs will park at the end of the access road and wheel the paladins to the vehicle.
73. The refuse provision in respect of this site is 1100 litre Paladin bins rather than individual bins. In this case of this site green waste would be dealt with by a management company who would look after all the external works.
74. The Council's Waste and Contaminated Land Officer has confirmed that he is satisfied with the proposed arrangements for waste collection.

Overall Conclusion

75. Although the proposals result in the loss of a community facility, the public house, within a designated shopping area it is considered that the public house is no longer viable and there is alternative provision within the surrounding area. The site has been marketed and following this marketing period it is considered that the proposed development is the most appropriate re-use of this previously developed land located within a sustainable location in accordance with Policy 1 of the Adopted Central Lancashire Core Strategy.

Planning Policies

76. 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
94/00200/ADV	Display of various externally illuminated signs	Advertisement consent granted	1994
99/00601/FUL	Single-storey side extension	Approved	October 1999

Suggested Conditions

No.	Condition																		
1.	<p>The proposed development must be begun not later than three years from the date of this permission. Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</p>																		
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 501 1198 846"> <thead> <tr> <th data-bbox="320 501 611 562">Title</th> <th data-bbox="611 501 876 562">Drawing Reference</th> <th data-bbox="876 501 1198 562">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 562 611 622">Proposed floor plans and elevations</td> <td data-bbox="611 562 876 622">13/092/P02 Rev A</td> <td data-bbox="876 562 1198 622">29th April 2015</td> </tr> <tr> <td data-bbox="320 622 611 656">Proposed Site Layout</td> <td data-bbox="611 622 876 656">13/092/P01 Rev A</td> <td data-bbox="876 622 1198 656">29th April 2015</td> </tr> <tr> <td data-bbox="320 656 611 716">Topographical Land Survey</td> <td data-bbox="611 656 876 716">S13/649</td> <td data-bbox="876 656 1198 716">22nd December 2014</td> </tr> <tr> <td data-bbox="320 716 611 777">Existing Site Plan and Constraints</td> <td data-bbox="611 716 876 777">13/092/E01</td> <td data-bbox="876 716 1198 777">22nd December 2014</td> </tr> <tr> <td data-bbox="320 777 611 846">Location Plan and Site Plan</td> <td data-bbox="611 777 876 846">13/092/L01</td> <td data-bbox="876 777 1198 846">22nd December 2014</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>	Title	Drawing Reference	Received date	Proposed floor plans and elevations	13/092/P02 Rev A	29th April 2015	Proposed Site Layout	13/092/P01 Rev A	29th April 2015	Topographical Land Survey	S13/649	22nd December 2014	Existing Site Plan and Constraints	13/092/E01	22nd December 2014	Location Plan and Site Plan	13/092/L01	22nd December 2014
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Existing Site Plan and Constraints	13/092/E01	22nd December 2014																	
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3.	<p>Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved. Reason: The submitted information did not include details of the external facing materials and to ensure that the materials used are visually appropriate to the locality samples are required.</p>																		
4.	<p>Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. In particular the proposed vehicle crossing at the site access shall incorporate dropped kerbs and tactile pavings. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained. Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</p>																		
5.	<p>No dwelling shall be occupied until all fences and railings shown in the approved details have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development. Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</p>																		
6.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans. Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</p>																		
7.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or</p>																		

	<p>diseased shall be replaced in the next planting season with others of similar size and species. Reason: In the interest of the appearance of the locality</p>
8.	<p>During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards. Reason: To safeguard the trees to be retained</p>
9.	<p>Before the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles. Reason: To ensure adequate on site provision of car parking and manoeuvring areas.</p>
10.	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>
11.	<p>Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details. Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</p>
12.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate. Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>
13.	<p>All windows in the ground and first floor of the east elevation (the elevation facing The Green) of the apartments hereby permitted shall be fitted with obscure glass, apart from the kitchen/dining room window which serves apartments 3 and 7, and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.</p>

	Reason: In the interests of the privacy of occupiers of neighbouring properties.
14.	<p>No trees or shrubs shall be felled/ removed or the building demolished between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance/ demolition and written confirmation provided to and agreed in writing by the Local Planning Authority that no active bird nests are present.</p> <p>Reason: to ensure the proposed works do not adversely impact on nesting birds</p>
15.	<p>Plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) are known to occur on the site, including variegated yellow archangel and Cotoneaster horizontalis. These species shall be eradicated from the site and working methods shall be adopted to prevent their Spread in accordance with Environment Agency guidance and codes of practice.</p> <p>Reason: to ensure the eradication and control of any invasive species which are found on the site</p>
16.	<p>Due to the proposed sensitive end-use (residential housing & gardens), the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.</p> <p>The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study and site investigation must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.</p> <p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.</p> <p>Reason: It is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012) and this is required prior to the commencement of the development to ensure that necessary remediation measures can be put in place prior to the construction of any dwellings.</p>
17.	<p>Prior to the commencement of the construction of the dwellinghouses, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details.</p> <p>This development shall be completed maintained and managed in accordance with the approved details.</p> <p>Reason: To ensure suitable drainage is provided for the dwellings hereby approved, this is required prior to the commencement of the construction of the dwellinghouses to ensure that a suitable scheme can be put in place at the appropriate time.</p>
18.	<p>Prior to the commencement of the construction of the dwellinghouses, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.</p>

	<p>The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.</p> <p>The development shall be completed, maintained and managed in accordance with the approved details.</p> <p>Reason: to ensure that suitable drainage is provided for the dwellings hereby approved this is required prior to the commencement of the construction of the dwellinghouses to ensure that a suitable scheme can be put in place at the appropriate time.</p>
<p>19.</p>	<p>The construction of the proposed car park/ bin store located within the root protection area of tree T9 (detailed on the Tree Survey and Root Protection Areas Plan ref: 4645.01 attached to the submitted Tree Survey report dated February 2014)) shall be undertaken using a 'no-dig' cellular confinement system method of construction or alternative method of construction which has first been submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure the continued protection of the high quality tree on/ adjacent to the site.</p>
<p>20.</p>	<p>No development or demolition works shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> • the parking of vehicles of site operatives and visitors wholly within the application site • hours of operation (including deliveries) during construction and demolition • loading and unloading of plant and materials wholly within the application site • storage of plant and materials used in constructing the development wholly within the application site • measures to control the emission of dust and dirt during construction • a scheme for recycling/disposing of waste resulting from construction works <p>Reason: The site is located on the main road through Ecclestone and the specified information is required in the interests of highway safety and to protect the amenities of the nearby residents. This information is required prior to commencement to ensure that the entire project adheres to appropriate procedures.</p>
<p>21.</p>	<p>The Reasonable Avoidance Measures in respect of bats shall be carried out in accordance with the details contained in the Nocturnal Bat Survey Report, Ribble Ecology reference RB-13-17i Section E.</p> <p>Reason: to ensure the continued protection of bats and to ensure that the proposed development does not result in harm/ injury to a bat(s)</p>
<p>22.</p>	<p>The existing access shall be physically and permanently closed and the existing footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads prior to the use of the new access.</p> <p>Reason: To limit the number of access points to, and to maintain the proper construction of the highway.</p>

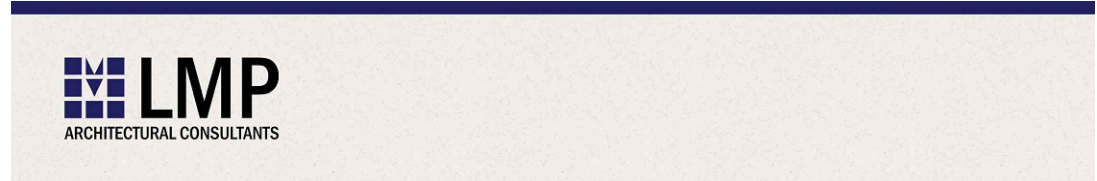


Site Layout 1:500
 0m 25m 50m
 Scale: 1:500



Location Plan 1:1250
 0m 125m
 Scale: 1:1250

Revision Notes:



CLIENT				
Andrews Homes Ltd				
PROJECT NAME				
Proposed residential development at the former				
Windmill Hotel, 311 The Green, Eccleston, Chorley, PR7 5TJ				
DRAWING NAME				
Location Plan and Site Plan				
SCALE	DRAWN BY	DATE	DRAWING NUMBER	REVISION
Varies @ A3	JAL	22.12.2014	13/092/L01	-

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Item 4i	15/00281/REM
Case Officer	Adele Hayes
Ward	Chisnall
Proposal	Reserved matters application pursuant to outline planning permission 13/00365/OUT for the erection of 9 no. dwellings. Appearance, layout, scale and landscaping to be considered.
Location	H W Moon Ltd 56 Wood Lane Heskin Chorley PR7 5NU
Applicant	Warwick Construction (NW) Ltd
Consultation expiry:	12 May 2015
Decision due by:	31 May 2015

Recommendation

It is recommended that this application is approved.

Proposal

1. The site is located within the Green Belt on Wood Lane, close to the junction with Park Hall Road. It was formerly occupied by a Toyota dealership although the building has now been demolished. There are houses on The Warrings to the rear and east of the site and residential properties to the west of the site on Wood Lane itself.
2. Outline planning permission was granted for the means of access to 9no. town houses in July 2014.
3. This application seeks consent for all reserved matters, namely layout, scale, appearance and landscaping of the development.

Representations

4. An objection has been received from the owner of the hairdressing salon located next to the development site. Concern is expressed about disruption and parking problems that may occur during construction work and after completion. Currently customers park on the main road and assurance is sought that the owners of the proposed dwellings will not be allowed to drop their kerbs in the future. Some of the neighbours in the houses to the west of the salon have lowered their kerbs in front of their properties which have restricted the amount of on street parking available.
5. One letter of support has been received commenting that it is about time permission was granted to build houses on this site and that it must be remembered that Waring (the headmaster to whom the land was gifted) intended housing all the way from opposite Park Hall Road to the top of the brow. It is also considered that this development will not attract the traffic or parking difficulties that the car showroom did.

Consultations

6. Lancashire County Council Highway Engineer – comment that there are no overriding highway objections to the proposed development subject to the imposition of conditions.

Assessment

Principle of the development

7. The principle of redeveloping the site with housing was originally established as being acceptable by the grant of outline planning permission in July last year.
8. The acceptability of the principle of development has therefore been established and this application is for the consideration of matters reserved for subsequent approval.

Design and character of the development

9. The proposed layout indicates that the front elevations of the proposed dwellings will be built on line with the front elevation of the existing hairdressing salon adjacent to the site and the terraced properties starting with number 48 Wood Lane providing a suitable relationship with the existing building line along this part of Wood Lane.
10. The dwellings will be built in two separate two storey terraces of 5no. dwellings and 4no. dwellings with access in between leading to a communal parking area with provision for 18 cars. Each dwelling will have three bedrooms.
11. The proposed scheme is considered appropriate in respect of its layout having regard to the character of its surroundings.
12. There are residential properties immediately adjoining the site to the south. The proposed layout of the dwellings has considered the relationship the new development will have with the existing properties and is acceptable.

Impact on the neighbours

13. The nearest residential properties to the site are those on The Warings that adjoin the site to the south. These are dormer bungalow properties, some with rear conservatories with first floor rear windows facing towards the site. To the west is a single storey building operating as a hairdressing salon with a car park beyond. Number 48 Wood Lane is the nearest residential property to the west, it has no windows in its end gable and although it has a single storey rear extension with a small side facing window, this window will be screened from the proposed houses by the intervening existing hairdressing salon building. To the east are nos. 56 and 58 The Warings that face towards the side of the site. The only property opposite the site is High Barn Farm, which is set back from the road by over 30m. The Council's interface distances require there to be 21m between first floor facing windows, 10m between first floor windows and the boundaries with other properties they face and 12m between first floor windows and a blank wall. The proposed layout complies with these interface distances and therefore it is considered that the relationship with adjoining properties is acceptable.
14. The proposed boundary treatment to the rear of the site comprises a 1.8metre high timber fence.

Highway safety

15. The means of access to the site was approved at outline stage and comprises a single access to the site between the proposed terraces of houses. LCC Highways

consider the access point and visibility from it to be acceptable. The footway and the kerbs in front of the development will be required to be reinstated to their original levels at the applicant's expense through the S278 agreement of the Highways Act 1980.

16. The proposed layout shows the provision of 18 no. parking spaces. The Council's standards require 2 spaces for two or three bed dwellings and accordingly the proposed car parking provision is adequate for the nine dwellings that are proposed.
17. In relation to the hairdressing salon next to the site, which has limited off road parking to the front, there is only one access proposed to the site. The Council cannot guarantee that future property owners will not be allowed to drop kerbs to the front of the properties in the future. Such works would require planning permission as Wood Lane is a classified road, but the Council cannot prevent such applications being made nor can it predetermine the outcome of such applications if they are made, which must be determined on their own merits in accordance with policies in force at the time such applications are made taking into account the advice of LCC as the Highways Authority.

Overall Conclusion

18. The reserved matters details are considered acceptable and the application is recommended for approval. The applicant is bound by the conditions placed on the outline permission.

Note on the Emerging Chorley Local Plan 2012-2026

19. In October 2013, the Local Plan Inspector issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration 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 and Travellers.
20. 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 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 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."*
21. The Council accepted the Local Plan Inspector's modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
22. Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector's Supplementary Report on Gypsy and Traveller and Travelling Showpeople was issued (8 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.

Planning History

Ref: 87/00749/FUL **Decision:** PERFPP **Decision Date:** 1 December 1987
Description: Refurbishment and extension of existing car showroom

Ref: 90/00832/ADV **Decision:** PERFPP **Decision Date:** 6 November 1990
Description: Display of internally illuminated fascia signs and double sided freestanding illuminated forecourt sign

Ref: 02/00499/ADV **Decision:** PERADV **Decision Date:** 27 August 2002
Description: Display of illuminated and non-illuminated advertisement signs,

Ref: 03/01178/FUL **Decision:** PERFPP **Decision Date:** 13 January 2004
Description: Erection of 3m acoustic fencing at rear of 27 & 29 The Warings,

Ref: 07/00661/OUT **Decision:** WDN **Decision Date:** 31 July 2007
Description: Outline application for residential development of 9 town houses (layout & access only),

Ref: 08/00704/OUT **Decision:** WDN **Decision Date:** 18 November 2008
Description: Demolition of existing buildings and erection of 9 town houses

Ref: 13/00365/OUT **Decision:** PEROPP **Decision Date:** 10 July 2013
Description: Outline application for the demolition of existing buildings and erection of 9no. town houses (specifying access only).

Ref: 14/00352/DEMCON **Decision:** PERDEM **Decision Date:** 28 April 2014
Description: Demolition of structure above ground level of former showrooms, offices and workshops

Ref: 15/00282/FUL **Decision:** PCO **Decision Date:** Pending
Description: Erection of 1no. dwellinghouse

Conditions

The following conditions are suggested:

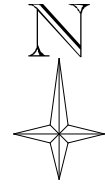
No.	Condition												
1.	<p>The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters.</p> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>												
2.	<p>The proposed development must be begun not later than two years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>												
3.	<p>The approved plans are:</p> <table border="1" data-bbox="347 1675 1401 1980"> <thead> <tr> <th data-bbox="347 1675 678 1753">Plan reference number:</th> <th data-bbox="678 1675 1153 1753">Title:</th> <th data-bbox="1153 1675 1401 1753">Date received:</th> </tr> </thead> <tbody> <tr> <td data-bbox="347 1753 678 1832">D146/P21</td> <td data-bbox="678 1753 1153 1832">Location Plan</td> <td data-bbox="1153 1753 1401 1832">27 March 2015</td> </tr> <tr> <td data-bbox="347 1832 678 1910">D146/P24</td> <td data-bbox="678 1832 1153 1910">Proposed Site Plan</td> <td data-bbox="1153 1832 1401 1910">27 March 2015</td> </tr> <tr> <td data-bbox="347 1910 678 1980">D146/P25</td> <td data-bbox="678 1910 1153 1980">Proposed Site Plan + Levels</td> <td data-bbox="1153 1910 1401 1980">27 March 2015</td> </tr> </tbody> </table>	Plan reference number:	Title:	Date received:	D146/P21	Location Plan	27 March 2015	D146/P24	Proposed Site Plan	27 March 2015	D146/P25	Proposed Site Plan + Levels	27 March 2015
Plan reference number:	Title:	Date received:											
D146/P21	Location Plan	27 March 2015											
D146/P24	Proposed Site Plan	27 March 2015											
D146/P25	Proposed Site Plan + Levels	27 March 2015											

	D146/P27	Proposed Site Plan + Highway Works	27 March 2015
	D146/P29	Proposed Floor Plans – 5 Unit Block	27 March 2015
	D146/P30	Proposed Floor Plans – 5 Unit Block	27 March 2015
	D146/P31	Proposed Elevations – 4 Unit Block	27 March 2015
	D146/P32	Proposed Elevations – 5 Unit Block	27 March 2015
	D146/P24	Proposed Site Plan + Parking of Vehicles	27 March 2015
	<i>Reason: To define the permission and in the interests of the proper development of the site.</i>		
4.	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>		
5.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>		
6.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any dwellings or the completion of the development within the relevant Phase, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p> <p><i>Reason: In the interest of the appearance of the locality.</i></p>		
7.	<p>The car parking spaces shall be surfaced or paved, drained and marked out all in accordance with the approved plan before any dwellings are first occupied. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.</p> <p><i>Reason: To ensure adequate on site provision of car parking and manoeuvring areas.</i></p>		
8.	<p>No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.</p> <p><i>Reason: To ensure that the estate streets serving the development are completed and</i></p>		

	<i>thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.</i>
9.	<p>No dwelling or dwellings shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Lancashire County Council Specification for Construction of Estate Roads.</p> <p><i>Reasons: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</i></p>
10.	<p>No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.</p> <p><i>Reasons: To ensure that the estate streets serving the development are Managed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</i></p>
11.	<p>No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.</p> <p><i>Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</i></p>
12.	<p>Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.</p> <p><i>Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.</i></p>
13.	<p>Prior to construction, a construction plan shall be submitted to and approved in writing by the Local Planning Authority. The plan to include method and details of construction including vehicle routing to the site, construction traffic parking and any proposed temporary closing of roads or streets. No construction traffic or deliveries to enter/exit during traffic peak periods or to wait on the public highway. Such construction plan to be implemented and adhered to during the construction of the development.</p> <p><i>Reason: To maintain the operation of local streets and through routes in the area during construction, particularly during peak periods.</i></p>
14.	<p>No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.</p>

	<p><i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</i></p>
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 WARWICK consultancy Tel: 01257 450938 Fax: 01257 450939 E Mail: David@Warwick-Homes.co.uk	TITLE: LOCATION PLAN Redevelopment of former Toyota Garage 56, Wood Lane, Heskin, Chorley, Lancashire. PR7 5NU.	DRAWING No. D146/P21	
		REVISION:	SCALE: 1:1250

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Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Development Control Committee	26 May 2015

ENFORCEMENT ITEM
LAND AT SKEW BRIDGE BOLTON ROAD HEATH
CHARNOCK

PURPOSE OF REPORT

- To recommend action by the Council under Section 215 of the Town and Country Planning Act 1990.

RECOMMENDATION(S)

- That a Section 215 Notice be served on those persons with an interest in the land and any occupiers if appropriate in order to remedy the harm caused to the amenity of the area. The period for compliance shall be within 28 days of the date which the notice takes effect.

EXECUTIVE SUMMARY OF REPORT

- The issue for consideration in this case is whether the condition of the land adversely affects the amenity of the area and if so what steps are required for remedying the condition of the land. The appearance of the land has deteriorated and this has adversely affected the amenity of the area. It would be appropriate therefore for the Council to use its powers to remedy the harm caused.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	X

BACKGROUND

- This report relates to an area of land lying between the A6 Bolton Road and the Leeds/Liverpool canal running between Skew Bridge to the north and Idle Bridge to the South. In May of last year I reported to Members that the appearance of land had deteriorated such that its condition adversely affected the amenity of the area. A

notice under Section 215 of the Town and Country Planning Act was served on the landowner in May 2014 who duly complied with the notice.

6. The land was being used as allotments however all tenants have now left the site and the land has been abandoned. As a result of the land being abandoned further complaints have been received concerning the unsightly appearance in which the land has been left. This includes the remains of sheds, tyres and an assortment of other items. The effect of this is that the condition of the land adversely affects the amenity of the area which is within the Green Belt and next to the A6 which is the one of the main routes into the Chorley. As such it is in a prominent location and viewed by visitors on a daily basis who pass the site travelling along the A6 and is also prominent to walkers from the canal side towpath and boaters who use the canal.
7. Section 215 of the Town and Country Planning Act 1990 allows local planning authorities to serve a notice as a means of remedying the unsightly nature of land which has an adverse effect on the amenity of the area and as previously the notice would require the removal of those items necessary to remedy that harm within 28 days of the date which the notice takes effect.

IMPLICATIONS OF REPORT

8. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

9. The costs of the initial enforcement action can be contained within current cash budgets.

COMMENTS OF THE MONITORING OFFICER

10. The minimum compliance period allowed under Section 215 of the Town and Country Planning Act 1990 is 28 days. The notice will be registered as a local land charge and binding on all future owners. The recipient has the right of appeal against the notice to the Magistrates' Court. Appeal grounds include that the requirements of the notice are excessive and/or that the compliance period is unreasonable. Failure to comply with the notice by the end of the compliance period may result in a criminal prosecution in the Magistrates' Court. The maximum fine is £1,000.

Jamie Carson
 Director of Public Protection Streetscene and Community.

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Peter Willacy	5226	11 May 2015	***

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Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Development Control Committee	26th May 2015

**ENFORCEMENT ITEM
ERECTION OF TIMBER DECKING AREA THE SIRLOIN INN
STATION ROAD HOGHTON**

PURPOSE OF REPORT

- To seek authority to take enforcement action in respect of the unauthorised decking area erected at the Sirloin Inn, Hoghton

RECOMMENDATION(S)

- That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control: Without planning permission the erection of a decking area.

Remedy For Breach

Dismantle and remove the decking area.

Period For Compliance

Two Months.

Reason For Issue Of Notice

The decking is considered unacceptable on the basis that its materials are not in keeping with the building and that it obscures the front façade of the building causing substantial harm to the significance of the building as a heritage asset. The proposal is therefore contrary to The Framework, Policy 16 of the Adopted Central Lancashire Core Strategy and Policy BNE8 of the emerging Chorley Local Plan 2012 – 2026.

EXECUTIVE SUMMARY OF REPORT

- The unauthorised decking area has been refused planning permission It is considered that the timber decking area with close-boarded fencing, detracts from the attractive frontage to the building to such an extent that it causes substantial harm to the significance of the building. In those circumstances it is considered expedient to issue an enforcement notice.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local		A strong local economy	
----------------------------------------------	--	------------------------	--

area and equality of access for all			
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

5. This case relates to an unauthorised decking area which was erected without planning permission at the front of the Sirloin Inn. A planning application was submitted retrospectively for the decking which was considered at the last meeting of Development Control Committee and planning permission was refused. No appeal as yet has been lodged against the refusal of permission however in order to secure the removal of the decking area it would be appropriate for an enforcement notice to be issued. There is a right of appeal against the enforcement notice and in the event an appeal is lodged against the refusal of permission and the enforcement notice then the appeals would be conjoined and dealt with together.

ASSESSMENT

6. The planning merits of the development have already been considered in refusing planning permission for the development .It is considered that the timber decking area with close-boarded fencing, detracts from the attractive frontage to the building to such an extent that it causes substantial harm to the significance of the building. The decking is therefore considered unacceptable on the basis of its materials and that it obscures the front façade of the building which is a heritage asset.

IMPLICATIONS OF REPORT

7. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

8. Any costs associated with the enforcement action will be contained within current cash budgets.

COMMENTS OF THE MONITORING OFFICER

9. Decking has been erected without planning permission; the applicant's application for retrospective planning permission has been refused. The issue of an enforcement notice requiring the removal of the decking area is a reasonable step. The Local Planning Authority must have regard to its Local Enforcement Plan. The recipient of the enforcement notice has the right to appeal the enforcement notice.

Jamie Carson
 Director of Public Protection Streetscene and Community

Background Papers			
Document	Date	File	Place of Inspection

Planning Application	19 February 2015	15/00159/FUL	Civic offices Union Street
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Report Author	Ext	Date	Doc ID
Peter Willacy	5226	12/05/2015	***

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Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Development Control Committee	26 th May 2015

ENFORCEMENT ITEM

ERECTION OF ENTRANCE CANOPY 17 WITHNELL FOLD WITHNELL

PURPOSE OF REPORT

1. To seek authority to take enforcement action in respect of the unauthorised entrance canopy erected over the front door of 17 Withnell Fold, Chorley.

RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control: Without planning permission the erection of an entrance canopy.

Remedy For Breach

Remove the canopy from the building.

Period For Compliance

One Month.

Reason For Issue Of Notice

This is a traditional end terraced property located within a row of similar former mill workers terraced houses and is situated in a prominent position. The canopy is of modern design and is not in keeping with the existing historical properties, which are constructed of local sandstone. The canopy detracts from the character and appearance of this locally listed building.

EXECUTIVE SUMMARY OF REPORT

3. There is no planning permission for the development and the landowner has not submitted a planning application or removed the canopy. The canopy is of modern design not in keeping with this historic locally listed building

Confidential report Please bold as appropriate	Yes	No
----------------------------------------------------------	-----	-----------

CORPORATE PRIORITIES

4. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

- 5. This case relates to an end terraced house situated within the Withnell Conservation Area. Development is restricted within the area by an Article 4 Direction under the Town and Country Planning Act which withdraws certain permitted development rights in order to control development and help protect the character of the area. The owner of the property has erected an entrance canopy over the front door of the property which requires planning permission however no planning application has been submitted and the canopy has not been removed despite requests to do so.

ASSESSMENT

- 6. There is no planning permission for the development and the landowner has been advised that it is considered that it is considered that the development is unacceptable in planning terms due to its design and appearance which detracts from the character and appearance of a locally listed building; and would be unlikely that planning permission would be granted should a planning application be submitted. It is considered therefore given the inappropriateness of the development within the Green Belt and article 4 Conservation Area that it would be expedient to issue an enforcement notice in this case.

IMPLICATIONS OF REPORT

- 7. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

- 12. Any costs will be contained within current cash budgets.

COMMENTS OF THE MONITORING OFFICER

- 13. The recipient has not obtained planning permission to erect a canopy erected over the front door of 17 Withnell Fold, Chorley therefore making this unauthorised and unlawful. The recipient should have obtained planning permission. This is contrary to the planning policies identified and so enforcement action requiring the recipient to remove the canopy is a reasonable step. The Local Planning Authority must have regard to its Local Enforcement Plan. The recipient of the notice has a right of appeal to the Planning Inspectorate.

Jamie Carson
 Director of Public Protection Streetscene and Community

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Colin Wordsworth	5414	08/05/2015	***



Report of	Meeting	Date
Director of Public Protection, Streetscene & Community	Development Control Committee	26 May 2015

PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 27 FEBRUARY AND 19 MAY 2015

PLANNING APPEALS LODGED

1. Appeal by Partner Construction against Not determined within 8 weeks for The erection of 18 affordable homes with associated parking, landscaping and access at Land West Of 77, Doctors Lane, Eccleston (Planning Application: 14/01157/FULMAJ Inspectorate Reference: APP/D2320/W/15/3006410). Inspectorate letter received 09 March 2015.
2. Appeal by Mr A. Love against the delegated decision to Refuse Full Planning Permission for Part two storey and part first floor rear extension and replacement of pitched roofs to existing flat roofs also incorporating the extension at 55 Lydiate Lane, Eccleston, Chorley, PR7 6LX (Planning Application: 14/01317/FUL Inspectorate Reference: APP/D2320/D/15/3010663). Inspectorate letter received 27 March 2015.
3. Appeal by Mr William Fiddler against the delegated decision to Refuse Full Planning Permission for Retrospective application for a change of use from Agricultural Barn to an Office, Storage and Entertainment Venue (Sui Generis) at Swifts House Farm, Bentley Lane, Heskin, Chorley, PR7 5UY (Planning Application: 14/00540/COU Inspectorate Reference: APP/D2320/W/15/3018470). Inspectorate letter received 16 April 2015.
4. Appeal by MCI Development Ltd against the Development Control Committee decision to Refuse Full Planning Permission for Erection of 18 affordable homes (bungalows and two-storey houses), including construction of an access road off Chorley Lane at Land 200M South East Of 132, Chorley Lane, Charnock Richard (Planning Application: 14/01279/FULMAJ Inspectorate Reference: APP/D2320/W/15/3011487). Inspectorate letter received 29 April 2015.

PLANNING APPEALS DISMISSED

5. Appeal by Mr & Mrs Rawlinson against the delegated decision to Refuse Full Planning Permission for Raising of ridge height to accommodate first floor rear extension and erection of rear porch at 36 Kirkstall Road, Chorley, PR7 3JR (Planning Application: 14/00279/FUL Inspectorate Reference: APP/D2320/D/14/2223868). Inspectorate letter received 13 March 2015.
6. Appeal by Mr Chris Coomer against the Non-determination of Replacement Agricultural Livestock/Storage building, partially retrospective at Ash Lea, Dawbers Lane, Euxton, Chorley, PR7 6EN (Planning Application: 14/00170/FUL Inspectorate Reference:). Inspectorate letter received 16 March 2015.

PLANNING APPEALS ALLOWED

7. None.

PLANNING APPEALS WITHDRAWN

8. None.

ENFORCEMENT APPEALS LODGED

9. None.

ENFORCEMENT APPEALS DISMISSED

10. None.

ENFORCEMENT APPEALS ALLOWED

11. None.

ENFORCEMENT APPEALS WITHDRAWN

12. None.

HIGH HEDGES APPEALS LODGED

13. None.

HIGH HEDGES APPEAL DECISIONS

14. None.

All papers and notifications are viewable at Civic Offices, Union Street, Chorley or online at www.chorley.gov.uk/planning.

JAMIE CARSON
DIRECTOR PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

Report Author	Ext	Date	Doc ID
Paul Whittingham	5349	19/05/15	***