

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 15TH MARCH 2016, 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

3 PLANNING APPLICATIONS TO BE DETERMINED

The Director of Public Protection, Streetscene and Community has submitted four planning applications to be determined.

Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website.

<https://planning.chorley.gov.uk/online-applications/search.do?action=simple&searchType=Application>

- | | | |
|----------|---|-----------------|
| A | 15/01185/FUL - WATERSTONE HOUSE, 1A DARK LANE, WHITTLE-LE-WOODS, CHORLEY, PR6 8AE | (Pages 15 - 26) |
| B | 16/00098/TEL - LAND 35M NORTH WEST OF BILLINGE HOUSE, EUXTON LANE, EUXTON | (Pages 27 - 32) |
| C | 16/00045/FUL - POST OFFICE, 60 PARK ROAD, CHORLEY, PR7 1QU | (Pages 33 - 40) |
| D | 16/00075/FUL - LAND 20 METRES WEST OF 6 ELLERBECK VIEW, CASTLE HOUSE LANE, ADLINGTON | (Pages 41 - 50) |

GARY HALL
CHIEF EXECUTIVE

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Item 3a **15/01185/FUL**

Case Officer **Caron Taylor**

Ward **Pennine**

Proposal **Proposed erection of two new dwelling houses on land
between 1A and 3 Dark Lane**

Location **Waterstone House
1A Dark Lane
Whittle-Le-Woods
Chorley
PR6 8AE**

Applicant **SDA Architecture Ltd**

Consultation expiry: **31st December 2015**

Decision due by: **27th January 2016**

Recommendation

It is recommended that the application is approved.

Representations

<p>Whittle-le-Woods Parish Council state they have concern only regarding appropriate neighbour consultation.</p>	
<p>In total 22 representations have been received which are summarised below</p>	
<p>Objection</p>	<p>Support</p>
<p>Total No. received: 11 (8 to the initial consultation and a further 3 following notification on amended plans):</p>	<p>Total No. received: 11 (9 to the initial consultation and a further 2 following notification on amended plans):</p>
<ul style="list-style-type: none"> • The land is in the Green Belt; • The appeal inspector only suggested a single dwelling would be possible; • The scale of the houses and their impact on loss of light should be considered • Loss of light and negative impact on living conditions to the side windows of nos. 1A and 3 Dark; • Loss of light and heat afforded by the sun to no. 3 Dark Lane, both to house, garden and greenhouse; • By virtue of the proximity to neighbouring properties, the proposal generates a harmful impact on residential amenity; • It represents a gross over-development of the land which fails to maintain the established building line along Dark Lane and is cramped in appearance; • The proposal does not comply with Core Strategy policy 5, Local Plan policies HS7 and BNE1 and the separation distances in the Council's Design SPG and the NPPF; • Views across it will disappear; • It will block natural light to houses opposite and cast a shadow; • The land is a break in the run of houses along Dark Lane and gives a feeling of openness; • Noise and general disturbance of construction; • There is a streetlight at the entrance to the proposed properties which may need to be removed and therefore cease to illuminate the bend which may cause and accident; • One dwelling allowed on appeal was more in keeping with Dark Lane and had less impact on the immediate houses at nos. 1a and 3, which were built with habitable rooms overlooking the land; • The proposed houses are close to the boundary with no. 3 and closer to the 	<ul style="list-style-type: none"> • The designs put forward are excellent; • Unique homes such as this add to the experience for canal users as the existing properties on Dark Lane currently do; • The proposal is actually much more in character with the other properties than the proposal for one property was; • They are very in keeping and the application shows how the designs have evolved from existing characteristics of the canal homes along Dark Lane. They have different levels as do the other houses; • The site is currently overgrown, untidy and detracts from the enjoyment of the canal. The new from the towpath is blighted by the land; • The land is currently not being used or enjoyed by anyone. It is not open for public use; • The proposal is much improved from the existing planning consent for one dwelling which is not in keeping; • The proposal will address the flooding issues; • The proposal is for two properties. Given the size of the other plots on the canal side of Dark Lane, the proposal is entirely consistent with the existing development; • The proposed properties meet the separation distances and ensure neighbours can enjoy views and privacy; • Photographs are enclosed showing windows in some of the existing properties overlooking each other but with sensitive fencing and planting there is a high degree of privacy; • It will result in a long needed and

<p>road than the other houses on Dark Lane;</p> <ul style="list-style-type: none"> • The development could cause hazards to pedestrian, cyclists and traffic; • Loss of roadside parking causing further hazards; • There is considerable flooding at the proposed entrances to the driveways when there is heavy rain which causes a hazard for traffic and residents; • The amendments do nothing to counteract their objections. 	<p>sensitive completion of the site;</p>
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Consultees

Consultee	Summary of Comments received
The Canal and River Trust	Have no objections subject to conditions.
The Coal Authority	Standing advice
LCC Highways	State the proposal is acceptable from a highways perspective. They ask for conditions and an advice note be attached to any permission.
Planning Policy on Public Open Space	<p><u>Amenity Greenspace</u> There is an area of amenity greenspace within the accessibility catchment that is identified as being low quality in the Open Space Study (site 1428 – Orchard Drive Play Area, Whittle-le-Woods). A contribution towards improvements to this site is therefore required from this development of £140 per dwelling.</p> <p><u>Playing Pitches</u> A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.</p> <p>The total financial contribution required is therefore £3,478.</p>

Assessment

Background information and planning history of the site

1. The application site was created when the dwellings either side were built, leaving the site as currently exists. The existing houses erected on the canal side to the north and south of the site were permitted under two permissions: 91/00119/OUT (to the north) and 92/00772/FUL (to the south). These sites were previously in industrial use and at the time of the permissions it was considered that the planning gain of removing industrial uses and buildings outweighed the presumption against new residential development in the Green Belt. The application site had been an open section of land when the rest of the site was in industrial use and the Council sought to ensure this would remain when the residential properties were built.
2. The Local Planning Authority refused applications for a dwelling in 2001 (ref: 01/00433/FUL) and change of use of part of the land to domestic curtilage (ref: 01/00530/COU). Appeals made against these refusals were dismissed. The appeal Inspector in 2001 stated that the land had not been previously developed and forms the major part of a considerable and significant gap in the Dark Land streetscene. In addition, it does not constitute a substantial group of houses with a continuous road frontage, so would not constitute an infill plot in the Green Belt and therefore it was inappropriate development. The Inspector also stated that there are views from Dark Lane across the appeal site to the west and the site also provides visual relief from the built up nature of the residential development to the north and south and from the east. They therefore concluded that the proposal would also harm the openness of the Green Belt so would be contrary to policy.
3. In 2013 an application was made for the erection of a single dwelling and change of use of the strip of land to the north of 1A Dark Lane as additional residential curtilage for the existing property (ref: 13/00489/FUL). The Council refused the application on two grounds. The first was that the proposal would have an unacceptable relationship with no. 3 Dark Lane in that the windows in this property would result in overlooking to the rear garden of the proposed property. The second was that the site was not in a substantial built up frontage and therefore was not an infill plot in the Green Belt and therefore inappropriate development.
4. An appeal was made against this refusal and was dismissed on 10th March 2014. Although it was dismissed, the Inspector noted that since the appeal was refused in 2001 both national and local policies had changed and that the site would now meet the policy definition of infilling in a village. It would not therefore be inappropriate development in the Green Belt as set out in the National Planning Policy Framework (the Framework) and policy HS7 of the emerging Local Plan 2012-2026 that covers rural infilling.
5. The Inspector dismissed the appeal on the grounds of overlooking from the existing property at no. 3 Dark Lane into the small garden and decking of the proposed property and overlooking from no. 1a Dark Lane into the side garden because such a relationship would significantly prejudice the living conditions of residents of the new house with regard to privacy.
6. Following the acceptability of the principle of a dwelling on the site being established by the appeal decision, permission was granted for a single dwelling under permission ref: 14/00966/FUL that overcame the overlooking issues.

Principle of the development

7. The previous permission on the site was for one dwelling. The current application is for two. The acceptability of the principle of the development in terms of the site being an infill plot in a village under the provisions of the Framework has already been established by the appeal decision in March 2014.
8. Policy HS7 of the Local Plan 2012-2026 covers Rural Infilling. It states:

Within smaller villages limited infilling for housing will be permitted providing the applicant can demonstrate that the following criteria are met:
 - a) *The existing buildings form a clearly identifiable built-up frontage;*
 - b) *The site lies within the frontage, with buildings on either side, and its development does not extend the frontage;*
 - c) *The proposal would complement the character and setting of the existing buildings.*

Infill is the filling of a small gap in an otherwise built-up street frontage, e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.

When assessing applications for rural infill sites, the Council will also have regard to site sustainability, including access to public transport, schools, businesses and local services and facilities.

9. The policy definition of an infill plot includes sites that could be filled by one or possibly two houses and therefore the addition of another property on the site is considered acceptable in principle subject to the properties being a type in keeping with the character of the street frontage which will be assessed below.

Design and Layout

10. The scheme as originally submitted was considered to be unacceptable because of the impact on the neighbouring properties. In response to the concerns raised by the case officer the applicant's architect revised the scheme.
11. The site slopes down from east to west from Dark Lane to the canal. The adjacent properties have been built to take advantage of the change in levels on the west side of Dark Lane with terraces and split level dwellings. The various split levels, styles, and designs result in a positive interesting character when the properties are viewed from the canal tow path. The differences in the designs are successfully drawn together by the properties being constructed of stone.
12. In terms of layout two properties on the site will result in each of them having a similar sized plot to the existing properties on the west side of Dark Lane, so it not considered that from Dark Lane the properties will appear cramped. Several of the existing properties, notably number 3 and The Maltings fill a very large proportion of their plots and are positioned close together, so it is not considered the proposal will appear as overdevelopment of the site. The proposal is considered to be at a density in keeping with the local area in terms of policy 5 of the Core Strategy. The other aspects of this policy are considered as part of the rest of this report.
13. The proposed properties on the site also take advantage of the change in levels between Dark Lane and the canal being two-storey at the front and three-storey at the rear (with room in the roof also used for accommodation). The lower floor is a large drive-in garage accessed from the side driveway towards the rear of each property. The garaging is therefore underneath the property and allows a raised garden to be created above it overlooking the canal.
14. Both the proposed properties are sited close to the road frontage of Dark Lane, however this layout is considered acceptable. As stated above, the existing properties on the west side of Dark Lane are all different in their design, this includes the way they are laid out on the site and the amount they are set back from the road. Several of the properties have single storey elements close to the pavement of Dark Lane. Although the two-storey elements of both properties will be nearer to Dark Lane than the other properties it is considered that because the designs and layout of the properties along the road vary so much, the positions of the properties would not be viewed as out of character in the streetscene. The agent has undertaken a street scene assessment of the existing properties on Dark Lane from the front and rear showing the variation of designs and layout from both Dark Lane and the canal.
15. From the front, plot 1 is viewed as two-storey and has a single storey part flat/part pitched roof entrance porch. The roof ridge is the same height as 1a Dark Lane, the property immediately adjacent to the south. The proposed property has a small cantilever gable at first floor (with driveway below). As the land drops away to the canal, the rear of the property is equivalent to three-storey as it allows a lower ground floor to be created. There is also accommodation in the roof served by rooflights. This will form a large undercroft garage to serve the property accessed down a single driveway to the side. The living accommodation will be at ground and first floor levels (when viewed from Dark Lane) with a garden created on top of undercroft garage with a stone wall/safety screen to the canal. A single storey element will project from the ground floor rear of the house with a mono-pitched roof, which will be viewed as being at first floor from the canal.

16. Plot 2 is also viewed as two-storey from the front and three-storey from the rear, again with undercroft parking accessed by a single side driveway with a garden on top and a stone wall/safety screen to the canal. A single storey element will also project from the ground floor rear of the property, which will partly have a mono-pitched roof and partly a flat roof, which will be viewed as being at first floor from the canal. This property will also have a patio area at lower ground floor level adjacent to the canal in the corner of the plot nearest to no. 3 Dark Lane. The north side of this property has a lower ridge height that matches the height of no. 3 Dark Lane, the existing property immediately adjacent. It has a dual-pitched single storey entrance porch to the front.
17. The design of the front elevations of the existing properties is relatively traditional when viewed from Dark Lane apart from Cuckoo Lodge, the most southerly of the properties, which due to its design being stepped results in a prominent view of a mono-pitched roof from Dark Lane and The Maltings that has a more striking triangular dormer window on the front. The proposed properties are also largely traditional in their design from the front, replicating many of the design features used in the existing properties such as single storey elements side on to the road, varying roof levels and a round feature window.
18. To the rear the design of the properties will be less traditional, plot 1 having a raised patio garden and plot 2 having a part raised patio area and also a lower patio at canal level. Both properties will have single storey elements projecting from the rear at the equivalent of first floor level with mono-pitched roof, a reflection of the roof design of Cuckoo Lodge.
19. It is considered the various levels and roof profiles of the proposed properties will ensure they will blend with the varying designs of the existing properties drawn together by the materials used.
20. The properties will be constructed of random natural stone with a natural slate roof as per the other properties on the canal side of Dark Lane, apart from the single storey elements on the rear of the properties. These will be faced in natural random slate. It is understandable that the architect wishes to use a different material on these elements. Although most of the other properties backing onto the canal do not have elements faced in slate, the top of the mono-pitch gable of Cuckoo Lodge is white rendered. It is considered that natural slate is preferable to a rendered finish as it will give a softer, more natural appearance and blend with the other properties better as many of them have large areas of slate roof facing the canal. The windows of the properties will be aluminium in quartz grey. Although the other properties mainly use brown wood windows and doors, the proposed aluminium will ensure that the thickness of the frames is reduced, and dark grey works well against stone properties. It is not considered that the Council could reasonably control the window colour once the properties were built anyway as residents may change the windows and doors in their properties as they wish.
21. In terms of outside space, the existing properties are largely hard landscaped with off-street parking to the front and patios at various levels to the rear. Although the proposed properties will have a lawned area to the rear this will effectively be at first floor level as it will be on top of the garage space so will largely be viewed as a raised patio area from the canal tow path. Property 2 also has a lower patio at canal level as per most of the existing properties.
22. The front boundaries of the existing properties are mainly characterised by stone walls, although some are open with the garage gable wall forming the boundary with planting in front. The heights and design of these varies between the properties, some with taller stone gate pillars. The proposed properties will have a similar random natural stone wall to the front to be in-keeping with the others in the street with higher gateposts similar to number 17 Dark Lane. There will be galvanised wires between the stone pillars with climber plants growing up to the front of each property.
23. The properties have been designed to take account of the setting and immediate surrounding properties and their design and layout is considered acceptable in terms of policies HS7 and BNE1 of the Local Plan.

Impact on the neighbours

24. One of the main issues to consider with the application is the impact of the proposal on neighbouring properties, and also whether the relationship of the existing properties to the proposed dwelling allows a reasonable level of amenity for any future occupiers of the proposed properties.
25. The Inspector who dealt with the appeal in March 2014 dismissed the previous proposal on the grounds of overlooking from the existing property at no. 3 Dark Lane into the small garden and decking of the proposed property and overlooking from no. 1a Dark Lane into its side garden. They considered this would significantly prejudice the living conditions of residents of the new house with regard to privacy.
26. The layout of the properties and the nature of the land dropping away to the canal means that the relationships between the existing properties on the canal side of Dark Lane are not traditional. Views are afforded into private areas both from other properties and from the canal tow path on the other side of the canal.
27. The properties will be sited between numbers 1a and 3 Dark Lane.
28. Plot 1 will be sited next to no. 1a Dark Lane. The proposed property has been designed so that the two storey element sits further forward on its plot than no. 1a does. This existing property has a number of windows in its side elevation that will face towards the proposed property. Nearest to the canal there are two windows at a low level that are secondary windows to a lounge that has a large main window facing the canal. Towards the middle of the property is a kitchen window, though this room also has patio doors overlooking the canal. Due to the level changes on the site this window is higher than ground floor and will face towards the mono-pitched roof of the single storey rear projection on plot 1. As the line of sight from this window is towards the top of the roof (there will be approximately 12m between the window and the top of the roof) and the roof hips away from this window the relationship is considered acceptable.
29. There are two other windows in the side elevation of no. 1a nearer to the front of the property serving bedrooms. There will be approximately 5.7m between these windows and the first floor cantilever gable on the side of plot 1. The higher of these windows will however look onto the top of the apex of this gable and there is then approximately 7.2m to the main side wall of the house. The lower window is at the equivalent of ground floor level so there is also approximately 7.2m to the side wall of plot 1. Although this is less than the Council's interface guideline of 12m to a two-storey blank wall, it should be noted that the windows will look towards the southwest corner of plot 1 and also partly onto the single storey element of plot 1, rather than facing a continuous unbroken wall when looking out of the windows in no. 1a. A shadowing and sun path assessment has been submitted with the application showing the impact the proposal would have in terms of shadowing to nos. 1a and 3 Dark Lane at different times of the day at different times of the year. As no. 1a is due south of plot 1 it will not be directly shadowed by plot 1 at any time or day or time of year. The relationship between these properties is therefore considered acceptable.
30. Plot 2 will be sited next to no. 3 Dark Lane. This property has a number of windows that serve habitable rooms in its south elevation which will face the side of plot 2. At ground floor there is a conservatory along with a utility room window and at first floor there are two bedroom windows and a bathroom window. Due to the level differences the conservatory is at the equivalent of first floor level – the same level as the single storey element on the rear of plot 2. Therefore although there will only be approximately 3.8m between the conservatory and the side of the single storey element on plot 2 (and 2.4m between the conservatory and the boundary planting), due to the levels of the existing and proposed properties these two elements are at the same level. Originally the plans showed the patio in front of the single-storey element on plot 2 to be at the same level, however amended plans have been received reducing the level of this patio to the same level as the canal. This reduces the impact on the southwest elevation of the conservatory and allows it to maintain some views over the canal across the application site.
31. No. 3 Dark Lane is due north of the proposed property on plot 2 so will be more affected by shadowing, particularly the conservatory being the closest part. The conservatory and part of the side gable of no. 3 will be most affected in the winter months when the sun is lower in the sky. The main shadowing impact will be in the morning when the sun will be behind the two-storey

element of the proposed property but the impact will reduce into the afternoon as the sun moves round behind the single storey rear projection on plot 2. During the spring (and therefore also autumn months), the shadowing assessment shows less impact on the conservatory and hardly any impact on the side elevation of no. 3. When the sun is at its highest point in its path across the sky in the height of summer there is no shadowing to no. 3 or its conservatory.

32. Although the proposed dwelling on plot 2 will have some impact on the conservatory and side windows of no. 3a Dark Lane, taking this impact as a whole, on balance it is considered acceptable.
33. In terms of the privacy of the owners of the proposed properties the design of both of the properties incorporates a single storey mono-pitched element projecting for the rear of both of the properties. This design solution allows the properties to benefit from an area of private rear garden due to the height of the mono-pitched roofs preventing direct views into it from neighbouring windows (one of the reasons the appeal for one dwelling on the site was dismissed was because of overlooking from neighbouring windows would have prejudiced the living conditions of the residents of the new house with regard to privacy). The raised gardens of plots 1 and 2 will be separated by a lower driveway and will be screened by planting between them as they will be at the same level. Although there will be views into some parts of the outside space between the existing and proposed properties this is a relationship common with all the properties backing onto this stretch of the canal as the rear outside space of all the properties is open to the canal and allows both passing boats and users of the canal tow path opposite open views into the rear amenity space. The rear gardens of the properties along the canal are not therefore traditional in their relationships with one another and are not mainly private spaces that would ordinarily be found to the rear of a property. The relationship between the rear outside spaces of the existing and proposed properties are therefore considered acceptable.
34. The comments made regarding loss of light and casting a shadow over the properties that face the site opposite are noted, however given the width of Dark Lane it is not considered that the proposed properties will have an unacceptable impact in this respect.
35. In terms of the relationship between the facing properties, the properties opposite the site are 6-12 Dark Lane. Numbers 6 and 8 are a pair of semi-detached bungalows, no. 8 having a first floor dormer extension. These bungalows are elevated above Dark Lane so the ground floor windows are approximately at the equivalent of first floor level. No. 6 faces onto the existing property 1a Dark Lane. No. 8 will face partly towards the property on plot 1.
36. Numbers 10 and 12 are three storey properties (the top floor windows being set in the eaves line). No. 10 has a balcony at first floor looking across the application site to the canal. These properties will lose the majority of their views of the canal, however the planning system cannot protect private views so this would not be a reason for refusal of the application. The existing balcony on no. 10 would however retain some restricted views between the two proposed properties, towards the canal.
37. The front windows in no. 10 at first floor level will look towards the front elevation of plot 1 while some of the windows in no. 12 will face towards plot 2.
38. Originally the first floor windows in the proposed properties were to serve a mixture of habitable and non-habitable rooms (bedrooms, bathrooms, dressing rooms and studies). The architect has amended the internal layout of the properties prior to committee so that the first floor front windows now only serve a landing/corridor or bathrooms. These are not habitable rooms and therefore the interface distances with the properties opposite do not need to be applied. The habitable rooms of the proposed properties at first floor will be in their rear elevations overlooking the canal and the fields beyond. The relationship with the properties opposite is therefore considered acceptable.
39. There are no properties on the other side of the canal.

Trees, landscape and Ecology

40. The site has become overgrown, but it is not considered there are any trees on the site that would warrant a Tree Preservation Order.
41. The site is largely covered in areas of nettles. The Natural England Standing Advice has been used to assess the application and it is not considered that the site has features listed in their Decision Tree. The standing advice therefore recommends an informative note be attached on what to do if protected species are found during development.

Flood Risk and Drainage

42. The site is not within Flood Zone 2 or 3 as identified by the Environment Agency and is not more than 1 hectare in size, therefore a Flood Risk Assessment is not required. Comments have been made about Dark Lane flooding at the application site. The application proposes new storm drains to be installed under the proposed driveways to allow water to flow from Dark Lane into the drains and then be directed into the canal therefore it is considered the proposed properties will improve the drainage to Dark Lane. It is considered that acceptable foul and surface water drainage schemes can be achieved on the site and can be controlled by condition.

Traffic and Transport

43. Two new driveway openings and pedestrian gates would be created in the existing stone wall fronting the site and the existing opening in the wall closed up. Dark Lane is relatively straight outside the site and all the surrounding properties have driveways onto it. It is not considered that two additional driveways will result in highway safety hazards.
44. The proposal shows parking for at least three vehicles to be provided on the driveways of the properties or in the undercroft garaging. The proposed parking provision is therefore acceptable in accordance with policy ST4 of the Local Plan.
45. There is a lamp post outside the property that would have required moving as part of previous schemes proposed. The current scheme shows this to be retained in its current position.

Sustainable Resources

46. The Ministerial Statement on the 25th March 2015 announced that the Code for Sustainable Homes had been withdrawn, however, it also sets out transitional arrangements which includes local planning authorities being able to continue to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations (but not above a Code Level 4 equivalent) until commencement of amendments to the Planning and Energy Act 2008. Compliance with the Code can therefore no longer be required however in accordance with the transitional arrangements the Council will still require an energy efficiency standard equivalent to Code Level 4 which is a 19% improvement over 2013 Building Regulations. This can be secured by conditions.

Public Open Space

47. There is justification for a financial contribution towards public open space under policies HS4A and HS4B and the Open Space and Playing Pitch Supplementary Planning Document of £3,478.
48. The applicant has indicated they are willing to make a direct payment of this amount should the application be approved prior to a decision notice being issued. There would therefore not be a requirement for a legal agreement or planning condition to secure this.

Community Infrastructure Levy

49. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be chargeable development (unless an exemption could be applied for) and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Other issues

50. The area is not designated as an 'amenity area' in the Local Plan. Looking at the history of the site it appears the land was not developed at the same time as the other houses backing onto the canal as it was undeveloped when the previous industrial use was on the site and the re-

development with houses retained it as such. However, an appeal Inspector has found the site to be an infill plot in the Green Belt under current planning policy.

51. The noise and disturbance caused by construction of the properties would only be temporary and cannot be a reason for refusal. If this did become a statutory nuisance there are powers available under Environmental Health legislation.

Overall Conclusion

52. The proposal is considered to be in keeping with the density of the other properties on Dark Lane that back onto the canal. The existing properties on Dark Lane are individually designed properties and that create a high quality frontage to both Dark Lane and the canal. It is considered the design of the proposed properties have been carefully considered to add to the unique character of the immediate area.
53. It is considered the scheme complies with policy 5 of the Core Strategy and is in accordance with policy HS7 of the Local Plan. The scheme has been individually designed for the plots, and although it will have some impact on nos. 1a and 3 Dark Lane on either side, on balance, it is considered acceptable and in accordance with policy BNE1 of the Local Plan.
54. The application is recommended for approval subject to conditions and the financial contribution towards public open space.

Planning Policies

55. 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
91/00119/OUT	Outline application for the erection of seven dwellings	Permitted	21 May 1991
92/00772/FUL	Erection of two detached dwellings	Permitted	30 March 1993
01/00433/FUL	Erection of one dwelling	Refused	28 November 2001
01/00530/COU	Extension of garden area	Refused	28 November 2001
13/00489/FUL	Proposed erection of single dwelling and change of use of strip of land to the north of 1A Dark Lane as additional residential curtilage for existing property.	Refused Appeal dismissed	13 September 2013
14/00966/FUL	Proposed erection of single dwelling and change of use of strip of land to the north of 1A Dark Lane as additional residential curtilage for existing property (resubmission of previously refused application ref: 13/00489/FUL).	Permitted	4 th December 2014

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Item 3b **16/00098/TEL**

Case Officer **Adele Hayes**

Ward **Astley And Buckshaw**

Proposal **Prior notification of intention to install 1no. 12 metre high
Smart Metering static streetworks pole with 1no. omni
antenna and 1no. Smart Metering equipment cabinet.**

Location **Land 35M North West Of Billinge House, Euxton Lane, Euxton**

Applicant **Daly International**

Consultation expiry: **29 February 2016**

Application expiry: **28 March 2016**

Recommendation

It is recommended that this application is approved.

Proposal

1. The application site is a grass verge that forms part of the adopted highway of Euxton Lane. To the east is an access road that provides access to Billinge House, a children's day nursery, with fields to the south. To the north are commercial premises located on the opposite side of Euxton Lane. The local streetscape has a collection of street furniture including high-level vertical structures, in the form of lamp posts and a telegraph pole.
2. This application proposes the erection of a 12 metre high monopole, installation of 1 no. omni antenna to be mounted on the monopole (taking the total height to approximately 13.4m high) and installation of an equipment cabinet at the base.

Representations

3. Councillor Perks has requested that this application be determined by Committee. He is concerned that sharing the existing telecommunications mast located virtually opposite this proposed additional mast on an extremely busy highway such as Euxton Lane has not even been considered.

Consultations

4. Euxton Parish Council – no comments have been received.
5. Environmental Health Section – no comments have been received.

Site History

6. This application involves a replacement site to accommodate Smart Metering apparatus which has already been approved and was proposed to be installed at an alternative location to the west on Euxton Lane (15/00125/TEL). However, despite receiving consent in February 2015, detailed design has found that the apparatus cannot be installed at the approved location because of the presence of underground services.
7. The significance of this is that this current proposal would not result in an additional mast in this area but would see the replacement of an approved mast. The proposed apparatus is of the same design and appearance as that which has already been approved.

Principle of the development

8. The Town and Country Planning (General Permitted Development) (England) Order 2015 confers 'permitted development rights' for certain types of telecommunications development. This now includes the erection of telecommunications masts which do not exceed a height of 20m above ground level. These permitted development rights remove the need to submit a full planning application, but rather require what is termed a 'prior notification' application to be made.
9. This means that the Local Planning Authority can only control the details of the siting, design and external appearance of a telecommunication development as the acceptability of the principle of the development is already established. The Local Planning Authority has 56 days in which to let the applicant know of its decision on whether prior approval is required for siting and appearance and to let the operator know of its decision to allow or refuse approval.

Analysis of Issues***Principle of development***

10. The applicant advises that the proposal is part of Arqiva's planned smart meter network which is being created as part of the Government's initiative to roll out smart electricity and gas meters to homes and small businesses across Great Britain between 2014 and 2020. The applicant goes on to state that the network forms part of the UK's National Infrastructure Plan and that the information provided by smart meters will help consumers to better manage and reduce energy use and potentially save money. Smart meters will play an important role in the Government's policies to achieve a transition to a sustainable and low-carbon economy. It has been identified

that a new installation is required to secure coverage between other cells identified in the borough and the applicant has submitted a coverage map to highlight the area which would be covered by this installation. A sequential assessment of other sites has been undertaken and each one evaluated and thereafter discounted for technical reasons.

11. The applicant has confirmed that the existing telecoms mast located on the opposite side of Euxton Lane cannot be shared. This mast is sited on the highway and is therefore a slim-line structure with shrouded antennas. The mast was not designed to facilitate the installation of additional apparatus, largely because the structure does not have the physical capacity. This type of mast can therefore not be shared and had to be discounted as a site option.
12. In terms of the Framework, section 5 supports the provision of high quality communications infrastructure and states that local planning authorities should support the expansion of electronic communications networks, masts should be kept to a minimum and existing masts, buildings and structures should be used unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. In justifying the site selection, the applicant advises that the proposal is part of a planned network expansion, that there are no operationally suitable alternative sites with less environmental impact, mast sharing has been discounted technically, there are no existing buildings which could accommodate the antenna and the visual impact of the development has been minimised.
13. The monopole is part of the smart meter network which is advocated in the National Infrastructure Plan (NIP) 2014, paragraph 8.11 of which states the following: -

The government is committed to minimising the UK's energy needs through the introduction of measures to improve energy efficiency and reduce demand. As set out in the government's Energy Efficiency Strategy, this includes:

- *requiring suppliers to roll out smart electricity and gas meters to all households and small non domestic sites by the end of 2020 to put consumers in control of their energy consumption*

14. Paragraph 8.28 of the NIP also identifies the smart meter network as a top 40 priority investment. Strong support for the proposal therefore exists in the Framework and the NIP which are material considerations, and as stated it is considered that the development complies with the specific criteria.

Impact on neighbours

15. The nearest property is Billinge House, a children's day nursery which is located approximately 35 metres away with trees and hedging in between. In terms of the potential health impact of the proposed equipment, paragraph 45 of the Framework requires applications for telecommunications development to include certification which confirms that when operational, International Commission guidelines will be met. The application includes an ICNIRP declaration which confirms that the proposed development is compliant with the requirements of the radio frequency (RF) public exposure guidelines set out by ICNIRP and therefore accords with the Framework.
16. On this basis, it is not considered that the proposal will have a harmful impact on the amenities of local residents.

Siting, Design & External Appearance

17. There is an existing telegraph pole adjacent to the location of the proposal which is approximately 8m high and street lights along Euxton Lane. There is also another mast close by on the opposite side of Euxton Lane.. The proposal has an overall height of approximately 13.4m, however, the antenna on the top of the monopole is thin having a diameter of less than 100mm, the diameter of the monopole itself tapers from 0.5m to 0.4m at the top and is 12m high. Therefore the main bulk of the proposal is 12m high with the antenna on top being much thinner and viewed as more akin to a lamppost than the normal telecoms masts that are normally thicker at the top, therefore having more impact on the street scene..

18. The proposed cabinet will be approximately 1.5m high x 1.8m wide x 0.7m deep. It will be set on a concrete base with incoming ducts. The cabinet will be positioned on the verge on the outside of the footway and cycle path so will not obstruct access. Similar cabinets are not unfamiliar within the street scene in the Borough being similar to control boxes for traffic lights or for telecoms. Its siting, design and appearance are therefore considered acceptable.
19. The monopole will be galvanised steel and therefore grey in colour, similar to the street lamps on Euxton Lane. The cabinet will be coloured dark green.
20. On the basis of the above, it is considered that the siting, design and external appearance of the proposed monopole and cabinet are acceptable and thus the proposal accords with the Framework and the objectives of the NIP 2014.

Conclusion

21. The smart metering network is now a Government priority that this proposal would help to meet and on the basis of the above, it is not considered that prior approval is required as to the siting and design of the proposed monopole.

Planning Policies

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.

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Item 3c	16/00045/FUL
Case Officer	Iain Crossland
Ward	Chorley North East Ward
Proposal	Change of use from offices to 4 no. residential apartments, with a two storey rear extension and the existing retail unit retained
Location	Post Office 60 Park Road Chorley PR7 1QU
Applicant	Mr Philip Walmsley
Consultation expiry:	29 February 2016
Decision due by:	14 March 2016

Recommendation

It is recommended that this application is approved subject to conditions.

Executive Summary

The main issues to consider are the impact on the Local Centre, loss of an employment use, impact on neighbour amenity, impact on the character and appearance of the surrounding area and the impact on parking and highway safety.

Representations

In total 1 representation has been received which makes the following comments:

- There may be unstable ground conditions due to previous demolition in the area.
- The plans have no measurements on them

Consultees

Consultee	Summary of Comments received
LCC Highways	Any comments will be reported on the addendum

AssessmentThe Site

1. The application site comprises an end terraced property that occupies a corner plot on Park Road and Commercial Road. The building is three storeys in height and is of traditional design style faced in red brick, with a roof laid in slates. There is a small yard to the rear of the building. The building is used for offices, and was most recently occupied by a building services consultancy. There is also a small retail unit at ground floor that was most recently used as a hairdressers.
2. The site is located within predominantly residential area with some commercial and service uses in the vicinity. The character of the surrounding buildings is largely traditional. There is a public car park to the rear of the site. The site is located within the core settlement area of Chorley and is within a Local Centre.

The Proposal

3. The proposed development is for a change of use from offices to 4 no. residential apartments, with a two storey rear extension and the retention of the existing retail unit. The proposed extension would project approximately 4.1m to the rear / side of the existing property. It would be approximately 8.4m in width and would have a dual pitched roof with a ridge and eaves height approximately 2.2m lower than the existing ridge and eaves.

Assessment

The main issues are as follows:-

Issue 1 – Loss of employment use

Issue 2 – Impact on neighbour amenity / noise

Issue 3 – Impact on character and appearance of the locality

Issue 4 – Impact on highways/access

Principle of the Development

4. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
5. The Central Lancashire Core Strategy focuses growth in Key Service Centres such as Chorley town, where the application site is located.
6. Policy 10: Employment Premises and Sites of the Central Lancashire Core Strategy 2012, deals specifically with buildings that have most recently been used for a Class B use stating that there will be a presumption of them being retained for employment use. A number of criteria are set out under which proposals for redevelopment for other uses will be considered, and these are assessed within the report.
7. In addition to this Core Strategy Policy 11e) must also be considered, which is worded to maintain, improve and control the mix of uses in the existing Local Centres so as to appropriately serve local needs.
8. The site is within a Local Centre and is covered by Chorley Local Plan 2012 - 2026 Policy EP7 (Development and Change of Use in District and Local Centres). Policy EP7 states that planning permission will 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. However, the retail floorspace is to be retained.

Loss of employment use

9. Proposals on all employment sites/premises for re-use or development other than Class B employment uses are assessed against a series of prescribed criteria, and the proposed development is assessed as follows:

a) There would not be an unacceptable adverse impact on the type, quality and quantity of employment land supply:

The site is small scale and the building is of older stock not designed specifically for office use therefore its loss would have a negligible impact on the type, quality and quantity of employment land supply in the borough.

b) The provision and need for the proposed use:

The proposed development would contribute towards meeting the identified housing need within the Borough.

c) The relative suitability of the site for employment and for alternative use:

The site is equally suitable for office use or the proposed residential use.

d) The location of the site and its relationship to other uses

The proximity of the unit to an attached residential dwellinghouse at 58 Park Road is a key factor in this instance. The current use of the building as offices does not impact on the amenity of the occupiers of this dwelling and it is considered that a change of use to residential would not reduce the amenity levels enjoyed by the occupiers of the adjoining property. There would be negligible impact in relation to other nearby uses, which are largely residential in any case.

e) Whether the ability to accommodate smaller scale requirements would be compromised

The office is already small scale and its conversion to residential would result in the loss of this small scale provision.

f) There would be a net improvement in amenity.

There would be no material change in amenity.

g) convincing evidence of lack of demand through a rigorous and active 12 month marketing period for employment re-use and employment redevelopment;

The property is empty and is currently being marketed for sale, although no details have been submitted in support of the application.

h) an assessment of the viability of employment development including employment re-use and employment redevelopment.

No assessment has been provided and therefore the viability of the site for employment development including employment re-use and employment redevelopment is unknown.

10. The proposed development does not meet all of the above criteria, particularly around the viability of the site in terms of continuing to provide an employment use. It is noted, however, that the building could be converted to a use falling within Class C3 (dwellinghouses) under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015. This represents a realistic fall-back position under which the office use would be lost in any case, without the ability of the planning process to prevent or control the change.
11. In this instance it is considered that on the basis that the office could be changed to residential without the need to apply for planning permission, and that there is a realistic prospect that this would occur, then this outweighs the weight which could be attached to Policy 10 in refusing the application.

Impact on neighbour amenity / noise

12. The proposed development would be located immediately adjacent to a residential dwellinghouse at 58 Park Road to the south of the application site. There are existing windows in the side elevation of the application property, however, these would not serve habitable rooms. The proposed extension would not have any windows in the side elevation facing 58 Park Road and the windows in the rear elevation would not provide any direct views of this property. The extension would not project beyond a 45 degree line drawn from the near edge of the closest rear facing window to a habitable room at 58 Park Road. This, and the relative positioning to the north, would mean that there would be no unacceptable impact on light to or outlook from 58 Park Road.
13. The proposed development would result in windows to habitable rooms facing the side elevation of 62 Park Road, which is located on the opposite side of Commercial Road. There are windows in the side elevation of 62 Park Road which would be located approximately 18m from the proposed development. It is noted that the relationship of the windows at the application property reflects a long established relationship and must be considered in the context of the area, whereby the windows face directly onto a busy highway, which separates the two premises. On this basis it is not considered that the proposed development would impact on privacy to an extent that could be considered harmful over and above the existing circumstances.
14. The change of use to residential accommodation would have similar levels of noise and disturbance as the existing office use, and would be similar to that created by a standard dwellinghouse. A residential use is a highly compatible use when viewed in the context of adjoining residential uses.

Impact on character and appearance of the locality

15. The proposed development would result in a two storey rear / side extension. This would continue the line of the building frontage along Commercial Road, which replicates the historic form of Commercial Road prior to the demolition of a building in this position in the 1970s. It would have a dual pitched roof with a gable end parallel to that of the existing building. The pitch would match that of the existing building and would have a ridge and eaves height approximately 2.2m lower than the existing building. The proposed extension would appear appropriately subservient whilst reflecting the existing form of development and historic pattern of development along Commercial Road. Matching materials would be used.
16. Although the proposed extension would be highly prominent, its design, scale and siting would be compatible with the appearance of the existing building and would not compromise the character of the street scene or surrounding area.

Impact on highways/access

17. No specific off street parking has been proposed as part of the development. There is, however, a public car park immediately to the rear of the site, which serves the offices. It is also noted that there are on street parking opportunities nearby and on surrounding streets. The site is within 140m of a high frequency bus route, 160m from supermarkets and approximately 500m from the town centre. Such good access to public transport and local amenities result in the location being highly sustainable, such that a relaxation in the car parking standards can be made as per the provisions of policy ST4 of the Chorley Local Plan 2012-2026.
18. It is accepted that there is already parking demand generated by the existing office units and that this must be considered in relation to the proposed development. The residential parking demand generated by this proposal would be similar to that which is already generated by the office.
19. Given the sustainability credentials of the location and existing parking demand already generated by the office, the lack of specific parking provision is considered acceptable in this instance.

Public Open Space

20. In line with Local Plan policy HS4, a scheme would be required to contribute towards the off-site provision of public open space. It is recommended that a condition is attached to secure this.

Other matters

21. There may be unstable ground conditions due to previous demolition in the area: This is a detail that would be dealt with as part of the building control process.

22. The plans have no measurements on them: The plans have been provided to an accepted scale, which enable measurements to be taken in support of a full planning assessment.

Overall Conclusion

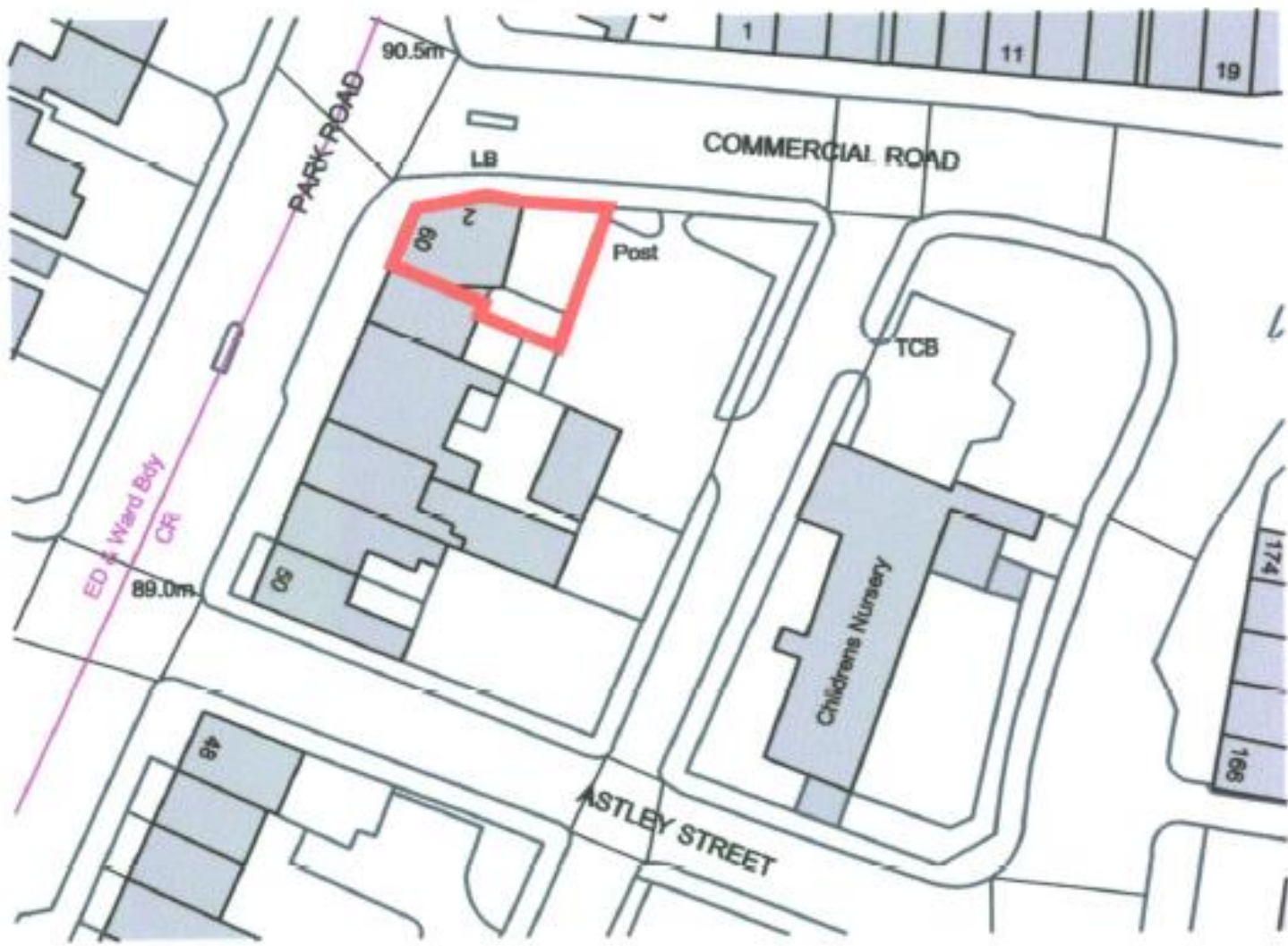
23. The proposed development would result in the loss of an employment premises, however, this is justified by a realistic fall-back position. There would be no detrimental impact on the vitality and viability of the local centre in which the site is located since the retail use is to be retained. There would be no detrimental impact on the amenity of neighbouring occupiers or the appearance and character of the area. In addition the development is located in a sustainable location and would not have an unacceptable impact on highway safety. On the basis of the above, it is recommended that planning permission be granted.

Planning Policies

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 Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
03/00250/COU	Change of use from post office and accommodation to offices (Use class B1)	Approved	19 May 2003
75/00577/FUL	Advertisement panel	Refused	09 September 1975



SITE LOCATION, Scale 1-1250

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Item 3d **16/00075/FUL**

Case Officer **Caron Taylor**

Ward **Adlington And Anderton**

Proposal **Demolition of existing buildings, erection of 6 no. dwellings and conversion of existing office to bungalow with on-site parking**

Location **Land 20 Metres West Of 6 Ellerbeck View
Castle House Lane
Adlington**

Applicant **Mr Stuart Ashburn**

Consultation expiry: **15th March 2016**

Decision due by: **22nd March 2016**

Recommendation
That the application is approved.

Representations

Adlington Town Council object to the application on the following grounds:

- the only access to the site is via Park Road. This road is already congested and over-capacity. This development would require access for additional cars and other service vehicles;
- the Council considers that this is not sustainable development. Since the original application 12/01060/FUL was approved the village has expanded with the building of additional housing and currently another large development is in progress. The Council considers that the village infrastructure does not have the capacity for any further housing development;
- The Council opposes any development which encroaches onto the Green Belt in any way;
- The site was recognised as contaminated in the original application. The Council would like to know what measures have been taken to remedy this since 2012 when permission was originally granted.

One representation has been received at the current time as follows:

- The increase in the number of vehicles using the approach to the proposed area would cause further problems on Park Road and The Common, especially dangerous for children attending Adlington Primary School.

Any further representations received by the committee meeting will be placed on the committee addendum.

Consultees

Consultee	Summary of Comments received
Council's Waste and Contaminated Land Officer	Request a condition in relation to ground contamination.
Planning Policy on Public Open Space	<p>There is a Borough wide deficit of playing pitches but in accordance with the Playing Pitch Strategy published in June 2012 the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.</p> <p>The site is within the accessibility catchment (800m) of an area of natural/semi-natural greenspace that is identified as being low quality and/or low value in the Open Space Study (site 1852 – Rear of Outterside Avenue); a contribution towards improving this site is therefore required. The amount required is £557 per dwelling.</p>
Council's Ecology Advisor	<p><u>Trees and woodland</u> The site is immediately adjacent to established woodland of local nature conservation value. Although the development proposal does not encroach substantively into the woodland some tree losses will occur, and there may be pressure on retained trees both during any construction period and potentially post-construction because residents may be concerned by shading and overhanging trees and branches. They would recommend –</p> <ul style="list-style-type: none"> • That consideration be given to protecting retained trees with a TPO so that the Council has some control over future tree works • That retained trees be properly protected during any construction period (British Standard 5837 applies) <p><u>Protection of Nesting Birds</u> No tree felling or vegetation clearance should be undertaken during the</p>

	<p>optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. Structures on the site also have some limited potential to support nesting birds; these should be inspected for the possible presence of nests prior to any demolition commencing and if nesting birds are found to be present the nests should be left undisturbed until the young birds have left. All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).</p> <p><u>Protection of Bats</u></p> <p>The bat survey submitted in support of the application has been undertaken by suitably qualified ecologists and is to appropriate and proportionate standards. They have no reason to disagree with the overall results of the survey that the buildings on the site have only low-negligible potential to support bats, but that the habitat nearby is very good for bats and therefore that some further precautions as regards bats are justified. They would re-iterate the recommendation made in the survey report that building B1 (current office building) is demolished with caution under the supervision of a suitably qualified person to ensure that bats are protected. If bats are found at any time during works then works must cease immediately and advice sought about how best to proceed. All UK bats and their resting sites are specially protected in Law.</p>
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Assessment

Background

1. Full planning permission was granted for the same development on the site as now proposed on 27th February 2013 (under permission ref: 12/01060/FUL). This expired on 27th February this year.
2. The site is at the head of Castle House Lane, Adlington. It is a yard with a range of buildings used for workshop, store and office use with a gated access off the end of Castle House Lane. There are a number of existing buildings on the land including a brick site office, 'nissen' type building, a steel portal frame warehouse/agricultural building, a shed and a pre-fabricated toilet block.
3. The land immediately to the north bounding with the application site is an open yard that is outside the application site and has its own access off Castle House Lane and is also owned by the applicant. This has a small stable block, sand paddock and animal welfare shelter sited on it.
4. The land surrounding the two yards to the north, west and south has been used for mineral extraction and landfilling. There is an access road connecting the open yard with Wigan Lane to the west, referred to throughout this report as the 'haul road'.
5. Public right of way 13 (Adlington) is on the northern boundary of the site.
6. The site has a complicated planning history. In 1977 former permissions for working sand at Castle House Farm were superseded by a planning permission (ref: 9/77/407) that included an agreement that all access be from Wigan Lane. Further planning permissions in 1990, 1996 and 1997 for landfill operations included requirements for the restoration of the site including the access to Wigan Lane. Permission for offices in connection with the sand and gravel extraction was granted in 1995. It is clear from the history of the site that the existing 'nissen' type building on the site is unlawful and there is an extant enforcement notice for its removal that came into force in 2000.
7. The yard area was originally to be used as part of the extraction and landfilling operations, however it became apparent that it was being used to run a separate business unassociated with this. The Council issued an Enforcement Notice in 2001 relating to an unauthorised change of use of the land from land used for ancillary operations relating to mineral extraction and tipping operations to a mixed use of land for ancillary operations and use as an unassociated depot for the

parking, repair and maintenance of good vehicles and contractors' plant and machinery. This went to appeal in 2004 and was allowed.

8. Before the appeal was determined a lawful development certificate was issued by the Council in 2003 (ref: 02/01207/CLEUD) for the hiring, repair and maintenance of contractors' plant and machinery on the site. The repair and maintenance of good vehicles is also lawful on the site (having been confirmed by the enforcement appeal decision in 2004 (ref: EN560). Access for these uses is via Castle House Lane, with no restrictions on them.

Principle of the Development

9. Although a new Local Plan (2012-2026) has been adopted since the previous application was approved, the settlement and Green Belt boundaries at the site remain the same as they were at the time of the previous application and it is considered that the planning issues have not changed.
10. The south and west parts of the application site are within the settlement boundary of Adlington. The north part of the site, that has the existing office building on it and the yard area in front of it to where it meets the access to Castle House Lane, is in the Green Belt.
11. The proposal is to construct six properties, one pair of semi-detached houses and a row of four terraced properties. In addition, the existing site office will be converted to a bungalow.
12. Although the site is an employment site which the Council generally seeks to retain through Policy 10 of the Core Strategy, it has been the subject to complaints and enforcement action over the years in relation to heavy good vehicles (HGVs) using Castle House Lane and Park Road. There are currently eight HGVs operating from the site as well as pick-ups and staff vehicles. The proposal would see the permanent removal of the use and buildings (apart from the site office to be converted) and remove the associated vehicles from Castle House Lane and Park Road. There are no limits on the days or hours of the use, or on the operation or the types of repairs that can be undertaken. Removal of a problematic site and its associated traffic is seen as a material consideration that weights strongly in favour of allowing the application even though it would result in the loss of a small employment site. It is considered the environmental and amenity benefits that would be brought to Castle House Lane and Park Road outweigh the loss of an employment site in this instance.
13. Although part of the site is in the Green Belt, the application proposes the conversion of the existing building to a bungalow, rather than the construction of a new one. Conversion of buildings in the Green Belt is acceptable in policy terms providing the building is of substantial construction worthy of conversion, which it is. Although the access point and some of the parking and turning areas, as well as the garden of the bungalow would be in the Green Belt it is not considered that these would have more impact than the current use of the site as a yard, with its associated storage hardstanding and parking of vehicles. The proposal is therefore considered acceptable in principle and will bring benefits to the area, mainly on traffic grounds over the current use of the site.

Density

14. The site would be developed at a density of 35 dwellings per hectare. This is considered appropriate to the area and an efficient use of land.

Levels

15. The site is relatively flat but drops away to the west beyond the existing site office. Finished floor levels are shown on the amended plans and they are not greater than 0.5m above ground level therefore the Council's interface distances do not need to be increased and are considered acceptable.

Design and Layout

16. The site office will be converted to a bungalow. This building is of red brick construction with a slate, fully hipped roof and it is considered the conversion will sit comfortably alongside new build properties subject to the materials of the other properties being approved by condition to draw the scheme together.

17. The four terraced properties on plots 1-4 will reflect the row of terraces at Ellerbeck View, but set further back from Castle House Lane, while the semi-detached properties will be positioned behind the existing terraces and therefore not readily visible in the streetscene.
18. The Police Architectural Liaison Officer made a number of recommendations in relation to the layout. Amended plans have been received revising the layout of the parking so the spaces for the properties are in front of dwellings to ensure natural surveillance. An alleyway is proposed but this is shown to be gated as recommended.
19. The proposal is therefore considered acceptable in terms of design and layout in relation to Policy 17 of the Core Strategy and Policy HS4 of the Local Plan, subject to conditions.

Impact on the neighbours

20. The nearest properties are the row of six terraced properties known as Ellerbeck View at the head of Castle House Lane. The end terrace (number 6), closest to the proposed row of four new terraced properties, is owned by the applicant.
21. The main impact of the proposal will be from the two semi-detached properties proposed on plots 5 and 6 to the rear of Ellerbeck View, side onto the rear gardens of these properties. These properties have small rear gardens and all have a single storey extension to the rear. Number 4 has a large single storey extension that almost reaches the bottom of its garden covering approximately half the width. There is an alleyway between the bottom of the gardens and the application site behind all of the properties except numbers 5 and 6.
22. The Council's interface distances require there to be 12m between first floor windows and a blank wall. In this case there will be 14m between the first floor windows of the properties on Ellerbeck View and the side of the proposed semi-detached properties which complies with this guideline. The proposed property on plot 6 will only have secondary windows at first floor level serving bathrooms. Obscure glazing of these windows can be secured by condition.
23. The front windows of plots 5 and 6 will face towards the rear garden of plot 4 but there will be 11.5m between these windows and the boundary. The windows in the rear of these properties will face towards the side of 21 Castle House Lane and its garden, however, there will be a minimum of 13m from the rear first floor windows and the boundary. Both these distance exceed the interface distance of 10m and are therefore considered acceptable.
24. The proposed terraced properties on plots 1-4 and the bungalow (converted from the site office) will face into what is the existing yard and will not have any windows in the front or rear facing towards other properties.

Trees and Landscape

25. A tree report accompanies the application. The main tree on the site is an Oak tree immediately to the west of the access point with Castle House Lane. A Tree Preservation Order was placed on this tree during the application process in 2012/13 (TPO 7 (Adlington) 2012). It will be retained as part of the scheme but it is proposed to crown lift it to 6m to avoid damage by vehicles during construction. The works and impact to this tree are considered acceptable subject to appropriate tree protection measures.
26. There is an existing woodland Tree Preservation Order – TPO 10 (Adlington) 1995 on trees that are outside the site but bound with it to the south and west. The root protection areas of some of these trees are within the application site. The tree survey proposes no work to these trees and it is considered they can be suitably protected during construction by condition.
27. Subject to conditions securing tree protection measures in relation to the above trees, the impact on trees is considered acceptable.
28. There are a number of mature conifers on the boundary with 21 Castle House Lane. These are shown to be retained on the site plan but would not warrant a Tree Preservation Order. The

proposed plans show a 1.8m high close boarded fence on the boundary with this property and this is considered sufficient to protect the amenities of the adjoining property.

29. A landscaping scheme will be the subject of a condition.

Ecology

30. An ecology survey accompanies the application and has been reviewed by the Council's ecological advisor. They state that they have no reason to disagree with the overall results of the survey that the buildings on the site have only low-negligible potential to support bats, but that the habitat nearby is very good for bats and therefore some further precautions as regards bats are justified. They re-iterate the recommendation made in the survey report that building B1 (the current office building) is demolished with caution under the supervision of a suitably qualified person to ensure that bats are protected. If bats are found at any time during works then works must cease immediately and advice sought about how best to proceed.

31. They also advise that no tree felling or vegetation clearance should be undertaken during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. Structures on the site also have some limited potential to support nesting birds; these should be inspected for the possible presence of nests prior to any demolition commencing and if nesting birds are found to be present the nests should be left undisturbed until the young birds have left.

32. These can be controlled by a condition and subject to these the application is considered acceptable in relation to ecology.

Flood Risk

33. The site is not within a Flood Zone as identified by the Environment Agency and is less than 1 hectare in size. A flood risk assessment is not therefore required.

Traffic and Transport

34. There are eight heavy goods vehicles that operate from the site as well as pick-ups and staff vehicles. It is considered that residential traffic generated from seven dwellings will be beneficial to both Castle House Lane and Park Road. It is not considered the highway issues surrounding the site have changed since the last application to which LCC Highways had no objection and agreed that the scheme will be beneficial to the area.

35. In addition, there is an existing haul road from the open yard to the north of the site that is in the ownership of the applicant that leads to the sand quarry site. Traffic from the quarry is required to use Wigan Road, however the applicant has agreed as part of this application to block off this access so that no vehicles to or from it will be able to use Castle House Lane. This will also ensure that future residents of the proposed properties will not have traffic passing close to their properties. A condition will be applied requiring a scheme for closure of this access to vehicles to be submitted and agreed with the Council before occupation of any of the dwellings.

36. The proposed properties all have three bedrooms and will all have two off-road parking spaces in line with the Council's parking standards under Policy ST4 of the Local Plan. Two visitor spaces are also provided within the site.

37. The proposal is considered acceptable in relation to traffic and transport.

Public Right of Way

38. Public Right of Way 13 runs along the north boundary of the site. The Right of Way cannot currently be walked on its definitive line on the site as it is blocked by a tank and open storage. Amended plans were received at the time of the previous application so that the layout allowed the definitive route of the Public Right of Way to be restored through the site, which the LCC Public Rights of Way Officer was happy with. This remains the same for this application and the proposal is therefore considered acceptable in this respect in accordance with Policy ST1 of the Local Plan.

Contamination and Coal Mines

39. In line with the comments of the Council's Contaminated Land Officer a condition will be applied relating to further investigation of any remedial works and subsequent validation.
40. The site is in within a Development Low Risk Area as identified by the Coal Authority. This requires an informative note to be placed on any permission.

Drainage and Sewers

41. A condition will be applied to any permission requiring a scheme to be submitted to the Council for approval.

Open Space

42. Planning policy advise that there is a requirement for a contribution towards Public Open Space in the form of natural/semi-natural green space and playing pitches in accordance with Local Plan Policy HS4A and HS4B of £15,092.
43. At the time of the previous permission in 2012/13 there was a requirement for £9,653 towards Public Open Space and this has already been paid to the Council although the development has not commenced. However, as the amount of contribution required has increased, the difference will, therefore, need to be secured. The agent has indicated their client is willing to make this via a direct payment. Therefore a legal agreement or condition will not be required.

Sustainability

44. The previous application was required to be built in accordance with Policy 27 of the Council's Core Strategy that required new dwellings to be built to Level 4 of the Code for Sustainable Homes, which would have increased to Level 6 as of January this year. This was controlled by a condition.
45. The Ministerial Statement on the 25th March 2015 announced that the Code for Sustainable Homes had been withdrawn, however, it also set out transitional arrangements which includes local planning authorities being able to continue to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations (but not above a Code Level 4 equivalent) until commencement of amendments to the Planning and Energy Act 2008.
46. Compliance with the Code can therefore no longer be required however in accordance with the transitional arrangements the Council will still require an energy efficiency standard equivalent to Code Level 4 which is a 19% improvement over 2013 Building Regulations. This can be controlled by conditions to ensure the development meets Policy 27 of the Core Strategy read in conjunction with the Ministerial Statement.

Community Infrastructure Levy

47. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Overall Conclusion

48. The application is recommended for approval subject to conditions.

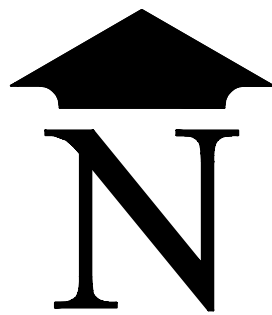
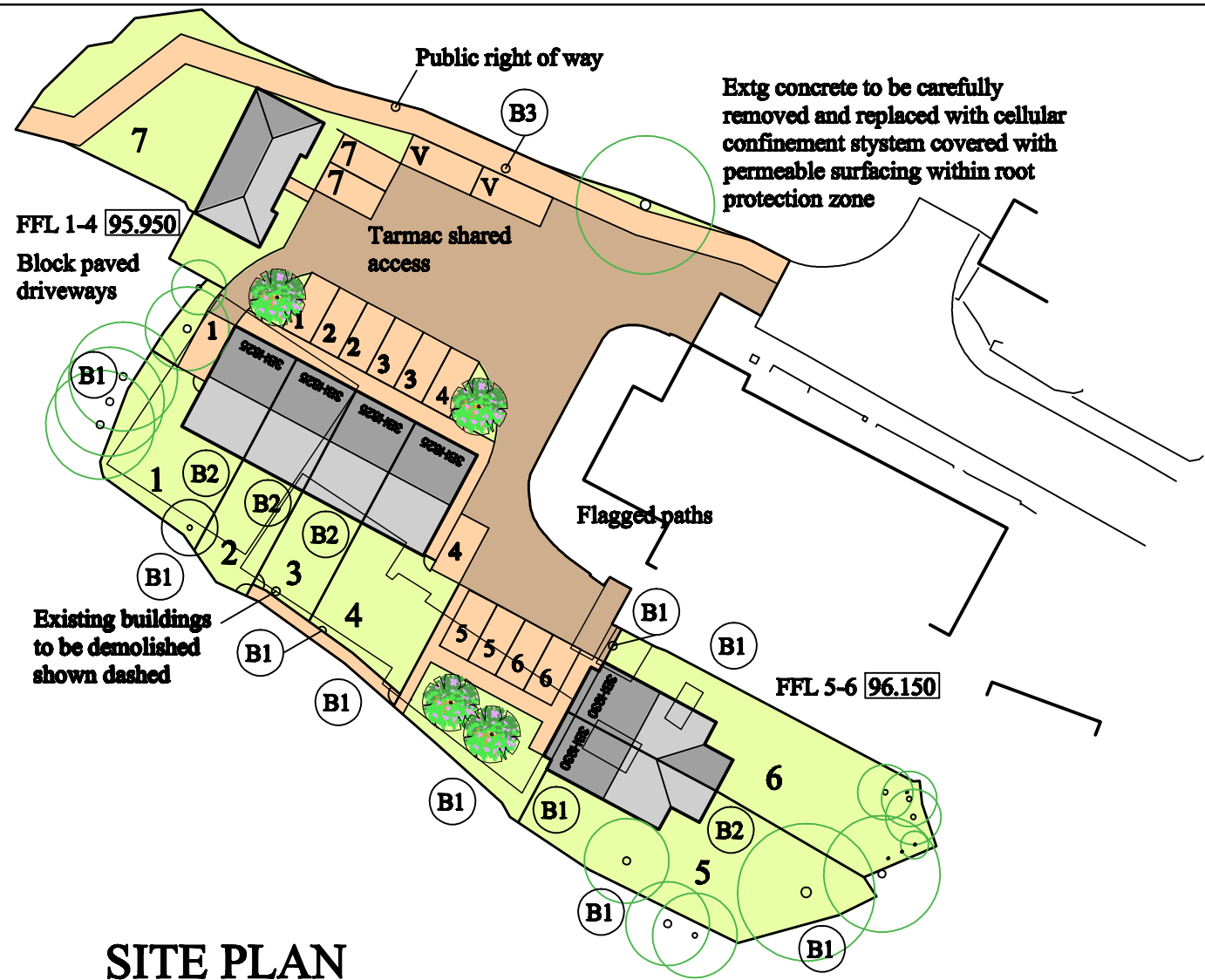
Planning Policies

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 Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.




Planning History

The recent planning history of the site is as follows:

Reference	Description	Decision	Date
12/01060/FUL	Demolition of existing buildings and erection of 6 no. dwellings and conversion of existing office to bungalow with on-site parking	Permitted	27 th February 2013



Legend

-  **New Tree**
-  **Existing Tree**
-  **Boundary Treatment**

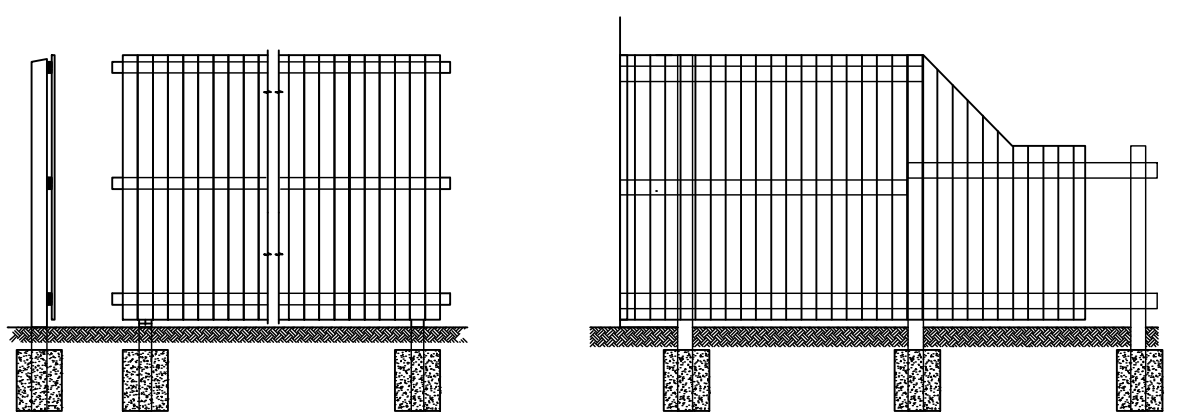


LOCATION PLAN

0 10 20 30 40 50 60m 1:1250

SITE PLAN

0 5 10 15 20 25m 1:500



B1
1800mm High Close Boarded Fence

B2
1800mm High Privacy Screen to Rear Gardens and 1200mm High Boundary Fence

B3
1087mm and Close Boarded Fencing Over

D	21/01/13	Public right of way amended and red edge altered
C	16/01/13	Public right of way shown to Northern boundary
B	14/01/13	Car parking amended to suit planner
A	23/10/12	Red edge amended and root protection note added



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Project
Residential Development, Land Adjacent 6
Castle House Lane, Adlington, Chorley
Mr S Ashburn

Drawn CJW	Date 09/12	Scale at A3 1:500 1:50	Drawing No. 1 of 4 2137/PL/01/D
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