

## **DEVELOPMENT CONTROL COMMITTEE**

**TUESDAY, 13TH SEPTEMBER 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.

<b>Agenda No</b>	<b>Item</b>	
<b>E</b>	<b>16/00678/P3PAJ - INLAND REVENUE, LINGMELL HOUSE, WATER STREET, CHORLEY, PR7 1EJ</b>	(Pages 109 - 116)
<b>F</b>	<b>16/00452/OUTMAJ - THE MILL HOTEL CHORLEY, MOOR ROAD, CROSTON</b>	(Pages 117 - 130)
<b>G</b>	<b>16/00612/FUL - PLAYING FIELD TO REAR OF HOUSES, GREENSIDE, EUXTON</b>	(Pages 131 - 136)
<b>I</b>	<b>16/00420/FUL - CHURCH FARM, HIGH STREET, MAWDESLEY, ORMSKIRK, L40 3TD</b>	(Pages 137 - 144)
<b>J</b>	<b>16/00655/FUL - FIVE ACRES PLANT CENTRE, FIVE ACRES, DAWBERS LANE, EUXTON, CHORLEY, PR7 6EE</b>	(Pages 145 - 158)

GARY HALL  
CHIEF EXECUTIVE

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**Agenda Item 3e****APPLICATION REPORT – 16/00678/P3PAJ**

**Validation Date: 3 August 2016**

**Ward: Chorley North East**

**Type of Application: Prior Approval Offices to Dwellings**

**Proposal: Prior approval application under Part 3, Class O of The Town and Country (General Permitted Development) Order 2015 to change existing office building (Class B1(a)) into 29 no apartments (25no 1 bedroom and 4no 2 bedroom) (Class C3) with existing access and parking facilities to be retained**

**Location: Inland Revenue Lingmell House Water Street Chorley PR7 1EJ**

**Case Officer: Mr Iain Crossland**

**Authorising Officer:**

**Applicant: Hollinwood Homes Limited**

**Agent: MCK Associates Limited**

**Consultation expiry: 6 September 2016**

**Decision due by: 27 September 2016**

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**RECOMMENDATION**

That Prior Approval is granted.

**REPRESENTATIONS**

**None received**

**CONSULTATIONS**

**Lead Local Flood Authority – No comments received**

**Waste & Contaminated Land - Based on the available information, the Council currently has no concerns over ground contamination in relation to this site. The site is unlikely to be determined as Contaminated Land.**

**Environment Agency - The Environment Agency has no objection in principle**

**Lancashire Highway Services – No comments received**

**PLANNING CONSIDERATIONS**

The Town and Country Planning (Use Classes) Order 1987 puts uses of land and buildings into various categories known as "Use Classes". The categories give an indication of the types of use that may fall within each use class. It is only a general guide and it is for local planning authorities to determine, in the first instance, depending on the individual circumstances of each case, which class a particular use falls into. The Town and Country Planning (General Permitted Development) (England) Order 2015 gives permitted development rights to allow buildings falling within Class B1(a) offices to change to a dwelling house(s) (falling within class C3).

Town and Country Planning (General Permitted Development) (England) Order 2015

1. Schedule 2, Part 3, Class O of the above Order permits development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.

2. Development is not permitted by Class O as set out by the following criteria—  
Development is not permitted by Class O if—

- (a) the building is on article 2(5) land and an application under paragraph O.2(1) in respect of the development is received by the local planning authority on or before 30th May 2019;
- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—
  - (i) on 29th May 2013, or
  - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (c) the site is, or forms part of, a safety hazard area;
- (d) the site is, or forms part of, a military explosives storage area;
- (e) the building is a listed building or is within the curtilage of a listed building; or
- (f) the site is, or contains, a scheduled monument.

**The above is subject to the following conditions:**

O.2. (1) Development under Class O is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development;
- (b) contamination risks on the site; and
- (c) flooding risks on the site,
- (d) impacts of noise from commercial premises on the intended occupiers of the development,

and the provisions of paragraph W shall apply in relation to any such application.

(2) Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

The procedure for applications for prior approval under Part 3 is subject to the provisions of paragraph W, as set out below:

4. The local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in the Part as being applicable to the development in question.

5. In relation to the criteria above:

- a) the building is not on article 2(5) land [areas listed in the GPDO as an area exempt from these permitted development rights] and the application was received this year.



- b) the building was not in use as an office on 29<sup>th</sup> May 2013. At the time of the site visit for this application the property was not in use but was last used as an office in July 2009 and this was its last use. It therefore meets this criterion;
- c) the site is not in a safety hazard area;
- d) it is not in a military explosives storage area;
- e) the building is not listed or in the curtilage of a listed building;
- f) the building is not listed or a scheduled monument.

7. Therefore assessing the above aspects:

a) Transport and highways impacts of the development

Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority shall consult—

- (b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority;

In this case the building the change of use relates to is located close to Chorley Town Centre, but not within the Town Centre boundary. The property has off street parking capable of accommodating at least 35 cars. Given that the use of the building as an office could have attracted a similar number of vehicles as the number of apartments proposed, it is considered that the use of the building for 29 flats would result in similar levels of vehicles visiting the property. Although the time of day/week vehicles may visit a dwelling is likely to be different to an office, as the site has off road parking spaces available to it, it is not considered that the development will result in a material increase or a material change in the character of traffic in the vicinity of the site. Therefore the transport and highways impact of the development are considered acceptable.

b) Contamination risks on the site

In relation to the contamination risks on the site—

- (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by Secretary of State for the Environment, Food and Rural Affairs in April 2012, and
- (ii) if they determine that the site will be contaminated land, refuse to give prior approval.

10. The Council's Waste and Contaminated Land Officer has reviewed the application in this respect has no concerns over ground contamination in relation to this site. The site is unlikely to be determined as Contaminated Land under this criterion.

c) Flooding risks on the site

Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority shall consult the Environment Agency where the development is—

- (a) in an area within Flood Zone 2 or Flood Zone 3; or
- (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

The application site does not lie within flood zone 2 or 3, however, it is located in an area that is susceptible to surface water flooding.

14. The legislation states that the local planning authority shall, when determining an application, take into account any representations made to the application as a result of any consultations or representations received and shall have regard to the National Planning Policy Framework (The Framework) issued by the Department for Communities and Local Government in March 2012, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

15. No consultee responses or representations have been received that would result in the proposal being unacceptable, and in terms of The Framework the proposal is not contrary to it in terms of the transport and highways impact of the development, the contamination risks on the site or the flooding risks on the site.

16. The application site lies within an Area More Susceptible to Surface Water Flooding. As such the Environment Agency has been consulted and has responded accordingly.

17. They advise that on the 6th to 7th October 2015 Water Street flooded. Although no properties were reported as flooded, the water was of sufficient depth to flood a number of cars that were parked on the road. A more intense storm event or blockage of the culverted watercourse in the future could lead to more significant flooding. This may be deep enough to affect existing properties. They recommend that flood proofing techniques be carried out on the existing building during the conversion to apartments, and on the proposed new apartment block. Examples would include the use of non-return valves on drainage, installation of flood proof doors, raising electrical sockets and the use of flood resilient materials. This would reduce the impact of flooding should it occur, and safeguard future residents.

18. The Environment Agency raises no objection in principle to the proposed development, and it is intended that the advice provided by the Environment Agency is included as an informative on any decision notice or letter. The proposal is therefore considered acceptable.

19. The Environment Agency have also provided some advice to the applicant regarding Byelaws and rights of entry. These will be advised to the applicant.

d) impacts of noise from commercial premises on the intended occupiers of the development

The building is self-contained and separated from the end of a row of terraced residential properties and opposite a discussed public house. It is not therefore considered that there will be noise from commercial premises in the vicinity that will have an unacceptable impact on the proposed dwellings.

Community Infrastructure Levy (CIL)

17. 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.

18. Development commenced under general consent is liable to pay the Community Infrastructure Levy (CIL) if a new dwelling is being created (even if this is through a change of use). 'General consent' includes permitted development rights granted under the General Permitted Development Order 2015. Although not a reason for consideration under this application, the agent has been made aware of this and submitted the relevant CIL forms.

**CONCLUSION**

19. It is considered that the proposed change of use meets the criteria of the legislation. Prior approval is required and is granted subject to conditions.

**RELEVANT HISTORY OF THE SITE**

**Ref: 03/00071/FUL Decision: PERFPP Decision Date: 26 March 2003**

**Description: Erection of detached garage,**

**Ref: 05/00434/CON Decision: PERCAC Decision Date: 29 July 2005**

**Description: Application for Conservation Area Consent for the demolition of existing building,**

**Ref: 12/00325/FUL Decision: WDN Decision Date: 13 June 2012**

**Description:** Change of use of existing office accommodation (ground and first floor) to Chorley Academy free school (Use Class D1)

**Ref:** 5/1/02314 **Decision:** PERFPP **Decision Date:** 30 October 1964  
**Description:** Use of parish institute for temporary accommodation for Chorley day training college, Park Road, Chorley

**Ref:** 5/1/03713 **Decision:** PERFPP **Decision Date:** 5 May 1974  
**Description:** Outline application for eight storey block of offices and car parking facilities and demolition of existing institute

**Ref:** 16/00754/FUL **Decision:** PCO **Decision Date:**  
**Description:** Erection of building containing 4 no. 1 bedroom apartments with associated access and car-parking

**Ref:** 87/00943/FUL **Decision:** PERFPP **Decision Date:** 2 February 1988  
**Description:** Erection of three storey office building with car park

**Ref:** 79/00829/FUL **Decision:** REFFPP **Decision Date:** 12 November 1979  
**Description:** Change of use to Discoteque and Restaurant

**Ref:** 79/01391/FUL **Decision:** PERFPP **Decision Date:** 19 May 1980  
**Description:** Change of Use to Private Members Club and Restaurant with Extension for Two Squash Courts

**Ref:** 77/00588/FUL **Decision:** REFFPP **Decision Date:** 3 July 1978  
**Description:** Change of use of Parish Institute to Offices and office extension

**Ref:** 77/00587/FUL **Decision:** PERFPP **Decision Date:** 3 July 1978  
**Description:** Change of use of Parish Institute to Offices

**Ref:** 76/00804/COU **Decision:** WDN **Decision Date:** 12 November 1976  
**Description:** Change of use to plumbers merchants warehouse/offices and showroom

**Ref:** 74/00775/FUL **Decision:** WDN **Decision Date:** 31 December 1974  
**Description:** Office development

**Ref:** 74/00010/FUL **Decision:** WDN **Decision Date:** 27 June 1974  
**Description:** 8 storey office block

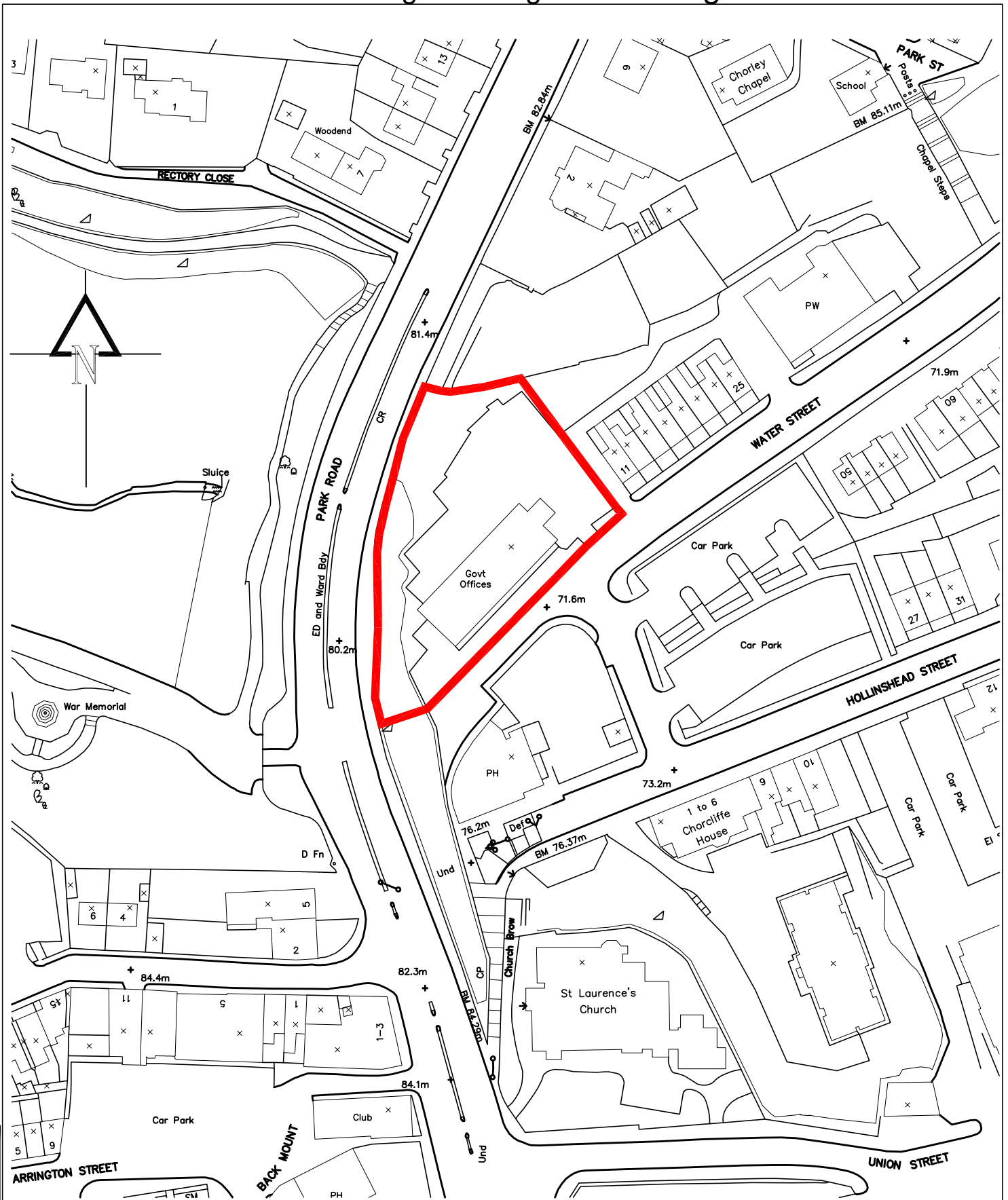
**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless 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.

#### **Suggested Conditions**

The use of the building as a dwelling house must be completed within a period of 3 years starting with the date of this letter.

*Reason: As required by Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

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Client:  
**HOLLINWOOD HOMES**

Project:  
**LINGMELL HOUSE, WATER ST. CHORLEY**

Drawing Title:  
**SITE LOCATION PLAN**



**associates limited**

architecture | building surveying | urban design

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Drawn: SCK	Checked:	Scale: 1:1250	Date: 20-7-16
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**Agenda Item 3F****APPLICATION REPORT – 16/00452/OUTMAJ**

**Validation Date: 13 May 2016**

**Ward: Lostock**

**Type of Application: Major Outline Planning**

**Proposal: Outline application (specifying access, layout and scale) for erection of four detached dwellings**

**Location: The Mill Hotel Chorley Moor Road Croston Leyland PR26 9HP**

**Case Officer: Mrs Helen Lowe**

**Authorising Officer:**

**Applicant: Harrison Leisure UK Ltd**

**Agent: CW Planning Solutions**

**Consultation expiry: 25 July 2016**

**Decision due by: 16 September 2016 (extension of time agreed)**

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**RECOMMENDATION**

1. Approve subject to conditions and legal agreement

**SITE DESCRIPTION**

2. The application site is the site of the former Mill Hotel, now demolished. The site now comprises a number of areas of hardstanding and over grown grassland and shrubbery.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The application proposes widening the existing point of vehicular access to serve four dwellings. The closest dwelling to Moor Road would set back approximately 45m from the street frontage.

**CONSTRAINTS**

Grade 2 Listed Building  
Tree Preservation Orders  
Green Belt  
Site Of Special Scientific Interest  
Wind turbine consultation zone

**RELEVANT HISTORY OF THE SITE**

There is an extensive planning history relating to the former use as public house, which is not considered to be relevant in assessing the current application

Ref: 14/00761/OUTMAJ Decision: PERFPP Decision Date: 17 December 2015

Description: Outline application (specifying the access, layout and scale) for demolition of The Mill Hotel and Restaurant and erection of 7 dwellings with associated parking

## REPRESENTATIONS

4. Two letters of objection have been received, they make the following comments:
  - The site location plan includes part of a field adjacent to The Mill. This is Green Belt land which has never had any structure on it.
  - Strongly object to any building, or intrusion on Green Belt land;
  - There is no necessity for the public footpath to be re-routed;
  - There is a discrepancy with the site location plan and site layout plan.

## CONSULTATIONS

**Waste & Contaminated Land** recommend the imposition of a condition requiring a report to be submitted identifying any potential sources of contamination on the site and where appropriate, necessary remediation measures.

**Lancashire Highway Services** No objection in principle, subject to the imposition of conditions relating to the formation of the access and wheel washing during construction.

**Parish Council** No comments received.

**Greater Manchester Ecology Unit** No objections. Provision should be made for roosting bats in the development.

**Conservation Officer** The proposed development is acceptable. It will preserve and the setting of the adjacent listed building (Gradwells Farm) and sustain the importance of this designated heritage asset.

**Planning Policy** No comments received

**Planning Policy (Open Space)** There is currently a deficit of provision of public open space for children./ young people in the Lostock ward and there is an identified scheme for new provision at site 1380.1 Station Road, Croston.

**Ramblers' Association (Chorley Branch)** No comments received.

**Lancashire County Council Public Rights Of Way** Object to the proposed development on the grounds that a public right of way will be obstructed should the development take place. The diversion should be completed by Chorley Borough council under the Town and Country Planning Act 1990.

The County Council will maintain the objection until sufficient level of detail has been provided with regards the proposed footpath diversion. The public footpath diversion order should be confirmed prior to construction taking place. The public footpath across the development site has already been illegally obstructed and open pits have been left near to or on the public right of way that pose an immediate danger to the walking public. The Public Rights of Way Team are contacting the owners with respect to this obstruction.

**Strategic Housing** The site is on the parish boundary between Croston and Ulness Walton, with the majority in Croston and part of the northern land crossing over into Ulness Walton. The location between the 2 parishes means it isn't located close to any facilities with the nearest shop being part of a garage 1.1 km away to the east in Ulness Walton, and the next nearest



shop 1.7 km away in Croston to the west. The road to these shops is lit and has a narrow path. The majority of households in social housing in the borough do not have cars (52.5% no car or van - Census 2011) compared to the vast majority having cars in other tenures (11.8% no car or van Census 2011). Therefore a family in social housing is likely to be more affected by the distance from the village of Croston and its schools, shops and other services than a household in other tenures. Whilst there is demonstrable need for affordable housing in rural parishes including Croston, this would be better met for social housing within the settlement.

Therefore, as with the previous related application on site a commuted sum will be asked for to meet the affordable housing contribution.

### **PLANNING CONSIDERATIONS**

5. The applicant has put forward the following in support of the application:
  - The fall back of what has already been approved is a material planning consideration;
  - This layout does not deviate from the accepted principles;
  - The proposal will ensure that the development is actually built and increases the amount of green space on the ground;
  - The layout is well integrated into the surrounding landscape and streetscape and recognises the swathe of development that previously existed, as well as existing trees and landscape features on either side of the site;
  - This is still a comprehensive redevelopment of the site that will enhance the locality and provide a small range and mix of dwellings which meets its aspirations for housing development as required by the NPPF.

### **PRINCIPLE OF THE DEVELOPMENT**

6. The application site is located within the Green Belt. The Framework states that the construction of new buildings within the Green Belt is inappropriate. It also states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. The Framework sets out a number of exceptions to inappropriate development, which includes limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
8. The previous buildings on the site (now demolished) had a volume of approximately 9000m<sup>3</sup>. The previous application (14/00761/OUTMAJ) was in outline only, however scale and layout were specified. The applicant indicated that the volume of the proposed dwellings would be approximately 8950m<sup>3</sup>. The approved layout resulted in a greater spread of development across the site than existed previously. However, as the front of the site would remain undeveloped and would retain its open character, and a large area of hardstanding would be removed, it was considered overall the development will not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development and it will maintain and enhance the appearance of the site.
9. Although the buildings on the site have been demolished the site still remains to be considered as previously developed land, with extant outline consent for residential development. The acceptability of the principle of redevelopment of the site for residential purposes has been established.
10. Although the number of dwellings would be reduced to that previously approved, the proposed layout and spread of built development in the current proposal would be very similar to that previously approved. The two larger houses to the rear of the application site would be located where the original buildings once stood. The volume of the proposed dwellings would be 8955m<sup>3</sup>.

11. The proposal is therefore considered to be acceptable in principle.

### **NEIGHBOUR AMENITY**

12. The nearest residential property to the application site is Gradwells farm to the east of the site. The garden of this property bounds with the application site. The layout of the proposal is applied for as part of the application and the property on plot 1 would be nearest to it. Plot 3 would face towards the grounds of the property but there would be approximately 30m between any rear windows and the boundary which is in excess of the Council's interface distances. Plot 1 would be sited side onto the grounds of Gradwells Farm, at it's closest approximately 7.7m from the boundary. The appearance of the properties is not applied for as part of the permission so the location of windows is not provided at this stage, although from the layout it is likely that the windows will not face straight into the garden of Gradwells Farm. This is a similar relationship to that previously approved.
13. However, a condition will be imposed preventing first floor windows in the southeast elevation of the property to prevent overlooking into the garden. Non-habitable room windows may be acceptable if they are obscurely glazed.
14. To the west the nearest property is no. 305 Moor Road, a semi-detached property fronting the main road. The rear of the proposed property on plot 4 would face towards the side of the rear garden of this property, however there will be approximately 35m between the site boundary and the boundary with this property and as such will not create any loss of amenity.
15. To the rear of the site partly bounds with Royal Umpire Caravan Park. Plot 1 would be adjacent to small part of the Royal Umpire Park. That part of the proposed dwelling that would overlook the caravan site is considered to be sufficiently far from the site boundary to prevent an undue degree of overlooking and loss of privacy. The previous Mill building was closer to the boundary.
16. For the reasons above the application is considered acceptable in relation to neighbour amenity.

### **TREES AND LANDSCAPE**

17. A tree report accompanies the application. There are two individual trees categorised as 'A' (high quality and value), these are two Ash trees on the site frontage of the field between the site and no. 305 Moor Road which will be unaffected by the development. There are two category 'B' trees (moderate quality and value), one adjacent to the site access and one in the southeast corner of the site, but of which are shown to be retained as part of the application. There are eight trees categorised as 'C' (low quality and value), some of which will be removed as a result of the layout but some will be retained.
18. In terms of groups, the trees that bound with the access track to Gradwells Farm are categorised as 'B' moderate quality and value and will be retained as part of the development. The rear boundary of the site has a row of tall Poplars on it (approximately 15m high). These are category 'C' and are to be removed as part of the scheme. There is no objection to their removal as given their height they act as a high hedge and likely to cause problems for the proposed properties in the future. The hedge along the west boundary is a category 'C' beech hedge. This is shown to be retained on the plans but there would be no objection to its removal subject to appropriate new landscaping to replace it.
19. The retention of the category A and B trees on the site as part of the proposal is looked upon favourably and the proposal is therefore considered acceptable in relation to trees.
20. The landscaping of the site will be dealt with as part of any reserved matters application.

**ECOLOGY**

21. No ecological concerns have been raised regarding the proposal's. Previous conditions were added regarding invasive plant species. It is considered appropriate to impose these conditions on the new permission.

**FLOOD RISK**

22. The site is not over 1 hectare in size and is not in Flood Zones 2 or 3 as identified by the Environment Agency. A Flood Risk Assessment is therefore not required.

**PUBLIC RIGHT OF WAY**

23. Public Right of Way number 11 (Ulnes Walton) crosses the site. It runs up the access track to Gradwells Farm and then across the site (which would have been in front of the existing building) and then into the adjacent field. The applicant advises that an application will be made to divert the footpath. Diversion of a footpath cannot be done as part of a planning application, but rather a separate application needs to be made to divert a footpath under the Town and Country Planning Act.
24. The applicant has been made aware of the concerns of the Public Rights of Way Officer and their response is awaited.

**IMPACT ON LISTED BUILDING**

25. Gradwells Farm, the residential property to the east is a Grade II listed building. The Council's Conservation Officer considers the proposal will sustain and has the potential to enhance the setting of the listed building. This could be further enhanced by the use of a sensitive boundary treatment subject to details submitted at reserved matters stage. A condition is proposed requiring details of boundary treatments to be submitted. Subject to this detail the proposal is considered acceptable in relation to the listed building at this stage.

**SUSTAINABLE RESOURCES**

26. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 6. 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."*

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

#### **AFFORDBALE HOUSING AND PUBLIC OPEN SPACE**

28. Policies HS4A and HS4B of the Local Plan set out a requirement for a financial contribution towards equipped play space, casual/informal play space and playing fields for all new housing planning permissions in the Borough irrespective of size.
29. In September 2013 the Council adopted The Open Space and Playing Pitch Supplementary Planning Document. The Council's requests for financial contributions towards the provision and improvement of public open space within the Borough are therefore now based upon the standards within Local Plan Policies HS4A and HS4B and the approach in the SPD. The Council has also produced an Open Space Study and Playing Pitch Strategy which provides detailed information on local needs, deficits and surpluses, therefore such requests for contributions are based on a robust and up to date assessment on the level of need and existing provision in the local area.
30. Policy 7 of the Core Strategy requires 35% affordable housing to be provided on the site. Although the proposed development is for four dwellings, it has a site area of greater than 0.15 Ha. The Council's Strategic Housing Team have advised that due to its location and distance from facilities, Strategic Housing advise the site is not considered suitable for families in social housing and an off-site commuted sum should be sought as an alternative. The Affordable Housing Supplementary Planning Document (SPD) does allow a financial contribution in lieu of on-site provision. An off-site financial contribution is therefore proposed (calculated as per the calculation in the SPD) of £277,000.
31. Following a Court of Appeal decision, the Government updated their Planning Practice Guidance in respect of tariff style planning obligations in May 2016. The Guidance now states that contribution's for affordable housing, and tariff style planning obligations should not be sought from small scale and self-build development. It defines small scale developments as *'development of 10 units or less, and which have a maximum combined gross floor space of no more than 1000sq m'*.
32. The current proposal is only for four dwellings, however it would have a floorspace of over 1000sq m, therefore in light of the Government Guidance, it is considered appropriate in this instance to seek a financial contribution towards both the provision of affordable housing and public open space.
33. The applicant has been made aware of this and a draft legal agreement is being prepared.

#### **CIL**

34. 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.

#### **CONCLUSION**

35. The application is considered acceptable in principle and in terms of the access, layout and scale and is recommended for approval subject to conditions and a Section 106 legal agreement.

**RELEVANT 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.

### Suggested Conditions

1. An application for approval of the reserved matters (namely the appearance, layout and landscaping of the site) 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.

/i 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.

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

Reason: For the avoidance of doubt and in the interests of proper planning

Title	Plan Ref	Received On
Site Location Plan	D/00/1	4 July 2016
Proposed site layout plan	D/0/2 A	13 May 2016

3. The development shall be carried out in accordance with the recommendations set out in Paragraph 4.2.1 (wrongly numbered 4.3.1 in the report) of the 'Ecological Survey & Assessment, plus Outline Mitigation Method Statement for Roosting Bats' report and its associated appendices 3 and 4, dated April -July 2014 carried out by Ribble Ecology.

Reason: To ensure that ecology is maintained in a favourable conservation status on the site.

4. Either, before the development hereby permitted is first commenced, or with any reserved matters application, details 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.

5. Either, before the development hereby permitted is first commenced, or with any reserved matters application 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. 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.

6. None of the dwellings shall be occupied until the approved access to the site has completed in accordance with the approved plans.

Reason: To ensure the access is suitable for the development.

7. Before construction commences on the site 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.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials, thus creating potential hazards to road users.

8. Due to the proposed sensitive end-use (residential housing & gardens), and the proximity of the development site to potentially infilled ground, 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.

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 must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

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.

Reason: Please note 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).

9. 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.

10. Either, before the development hereby permitted is first commenced, or with any reserved matters application, full details of the alignment, height and appearance of all fences and walls to be erected between the plots and to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied or land used 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.

11. 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.

12. Either, before the development hereby permitted is first commenced, or with any reserved matters application, 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.

13. 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.

14. Either, before the development hereby permitted is first commenced, or with any reserved matters application, full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

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

15. Either, before the development hereby permitted is first commenced, or with any reserved matters application full details of the means of foul water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal have been completed in accordance with the approved details.

Reason: To ensure a satisfactory means of drainage.

16. Either, before the development hereby permitted is first commenced, or with any reserved matters application 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. The scheme shall include details of the existing and proposed runoff rates. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory means of drainage and prevent and increase risk of flooding.

17. Any windows above ground floor in the south, south-east elevation of the property on Plot 1 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 an equivalent.

Reason: In the interests of the privacy of occupiers of Gradwells Farm.

18. Any trees, shrubs, Bramble scrub or other suitable breeding bird habitat which are to be removed as part of the proposals are only removed outside the bird breeding season (March to August inclusive). If any buildings or vegetation is scheduled for removal in the bird breeding season advice from an Ecologist must be sought. It may be necessary to carry out a walkover survey to adequately demonstrate that no breeding birds, active nests, eggs or fledglings are present in the area to be cleared. If breeding birds are recorded the Ecologist will issue guidance in relation to the protection of the nesting birds in conjunction with the scheduled works. This may involve cordoning off an area of the site until the young birds have fledged.

Reason: All wild birds are protected under the Wildlife and Countryside Act 1981 while they are breeding.

19. Any reserved matters application(s) submitted shall be in general conformity with the following indicative plans:

Suggested outline dwelling mass Plots 1 and 2 Drawing ref. D/0/3, received 13 May 2016

Suggested outline dwelling mass Plots 3 and 4 Drawing ref. D/0/4, received 13 May 2016

in terms of their length, width and height and overall the volume (measured externally of all the properties together shall not exceed 8955 cubic metres.

Reason: To ensure an acceptable form of development on the site in the Green Belt within the parameters of the outline permission.

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# Proposed Site Layout



Existing and Proposed endpoint of Public Footpath shall be the same position.

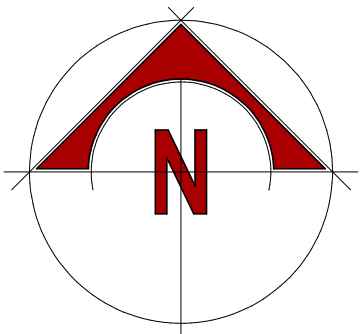
Public Footpath from Southport Road to Moor Road entrance at this position.

Site access to be modified to LCC standards. Generally comprising 5.0m Access with 4.5m radius kerbs with 2.0m footpath extending from Moor Road into site generally as shown. Final details etc to be dealt with as Reserved matters and to be in accordance with LCC Specification for Construction of Estate Roads.

Existing vehicle access to be modified.

Public Footpath entry into the site accessed from Southport Road from private drive to "Gradwells". Existing Public Footpath to be diverted around front of site to existing northern boundary position.

Beginning of Public Footpath from Southport Road to be diverted NW along Moor Road to new access point as shown.



**NOTES:**

**GENERAL NOTES**

All workmanship and materials to be in accordance with current Building Regulations, British Standards and Codes of Practice. All materials are to be fixed, applied or mixed in accordance with manufacturers written instructions or specification. All materials shall be suitable for their purpose.

All structural timbers are to be pressure impregnated with preservative i.e. vac-vac.

The contractor shall take into account everything necessary for the proper execution of the works to the satisfaction of the "Inspector" whether or not indicated on the drawing and is to be responsible at all times for the overall safety of the works and existing structure.

All details and measurements to be carefully checked and verified on site by Contractor before setting out any site or shop-work or ordering any materials and components. Any discrepancies to be reported to Building Surveyor.

Contractor to notify Building Inspector at each stage of construction.

**SPECIFICATION TO BE READ STRICTLY IN ACCORDANCE WITH LAYOUT AND ANY DETAIL DRAWINGS.**

This plan is not intended to be a full working drawing.

We draw your attention to the Party Wall Etc. Act 1996, which may be applicable to the works, generally applying to works to a party wall or excavation works within 6 meters of an adjacent property. If in doubt you should seek the advice of an appropriately qualified person.

**This drawing is for Client Discussion 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
A	01/03/16	Site layout revisions	MAS



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**  
**The Former Mill Hotel**  
**Southport Road**  
**Croston**

**Title**  
**Proposed Site Layout Plan**  
**2nd Scheme (4 Dwellings)**

scale	1/500 @ A2	date	13/12/15
Job	B63333/14	Drg.	D/0/2
Element		Rev.	A
drawn	MA6		

Cad Ref: CAD DRAW 1

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**Agenda Item 3g****APPLICATION REPORT – 16/00612/FUL**

**Validation Date: 5 July 2016**

**Ward: Euxton North**

**Type of Application: Full Planning**

**Proposal: Creation of a bowling green and boules pitch, parking facilities and resiting of entrance gated following the demolition of existing garages**

**Location: Playing Field To Rear Of Houses Greenside Euxton**

**Case Officer: Adele Hayes**

**Applicant: Euxton Parish Council**

**Consultation expiry: 22 August 2016**

**Decision due by: 30 August 2016**

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**RECOMMENDATION**

1. It is recommended that the application is approved.

**SITE DESCRIPTION**

2. The application relates to part of Greenside Playing Fields which are located within the settlement of Euxton. The land is leased to Euxton Parish Council from Chorley Council on a long lease. The application has been submitted by Euxton Parish Council.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The proposal comprises several elements as detailed below.

*Bowling Green*

4. It is proposed to locate a new bowling green to the north of the existing pavilion that will measure approximately 30m x 30m and will be constructed to Sport England / National Crown Green Bowling Association specification. The bowling green will be surrounded with a 1.8m high mesh security fence complete with gate that will be locked in adverse weather conditions or during the closed season. A 1.5m wide perimeter path will be laid to the north, south and east edges. Covered shelters and benches will be provided around the bowling green and a water storage tank will be sited to west side of pavilion for irrigation purposes. No floodlighting is proposed.

*Boules Pitch*

5. It is proposed to locate a new boules pitch to the east side of the existing pavilion. It will be constructed to National Boules Association specification.



*Tree Works*

6. Existing trees to the western boundary of the proposed bowling green and which would overhang the playing surface are to be pruned.

*Car Parking Provision*

7. It is proposed to provide a 63 space car parking area to the north west corner of the site to increase car parking provision.

*Entrance area*

8. It is proposed to move the existing entrance approximately 18m east to include the existing garages which are to be demolished. A new border fence and gate system is proposed.

**REPRESENTATIONS**

9. Two letters have been received citing the following grounds of objection:

- There are concerns that the erection of shelters at the sides of the bowling greens together with an open gated policy will result in anti-social behaviour, alcohol misuse and drug taking increasing once again on Greenside Playing Fields. Such problems occurred ten years ago and the shelter had to be removed.
- There is inadequate parking and no provision for disabled people.
- It is queried whether residents will be able to use the parking area.
- The area is well used as a play area.
- There will be a loss of privacy.
- Comment is also made that the two shelters proposed would seem to be inadequate for inclement weather.

**CONSULTATIONS**

10. United Utilities – have raised no objection but comment that a public sewer crosses this site and that they will not grant permission to build over or within 3 metres of the centre line of it.

11. Lancashire Highway Services – no comments have been received.

**PLANNING CONSIDERATIONS**

12. The site in question is allocated and protected as existing open space under Policy HW2 of adopted Chorley Local Plan 2012-2026.

13. Local Plan Policy HW1: New Open Space, Sport and Recreational Facilities states:

Proposals for the provision of new open space, sport and recreational facilities or extensions to existing facilities will be permitted if all of the following criteria are met:

- a) The development will not have an adverse impact on the local environment or visual character of the landscape;
- b) The development will not result in the loss of the best and most versatile agricultural land (Grades 1, 2 and 3);
- c) The development will not cause harm to a site of nature conservation value;
- d) The development will not harm the amenities of local residents;
- e) The site is accessible by a choice of means of transport other than the private car and the traffic generated would not have a severe impact on the highway network.

Ancillary development for an existing open space, sport or recreational facility will be permitted if all of the following criteria are met:

- i. It is in connection with and will enhance the recreational and/or amenity value of the open space.
- ii. It is of a size and scale which does not detract from the character of the open space.
- iii. It will not have a detrimental effect on any site of nature conservation value.
- iv. It does not result in the loss of any other sporting facility on the site.

- 14. Playing pitches are proposed at the following location:
- 15. HW1.1 Land off Westhead Road, Croston

16. The application site is located on land already allocated as open space in the Local Plan. The proposal is therefore acceptable in principle and does not involve the loss of any of the playing pitches already located on the wider site. It is considered that the proposal will enhance the recreational facility in this location.

17. The proposed shelters are small in scale and will not have an adverse impact on the character and appearance of the locality and in particular the open nature of the surrounding playing field.

18. It is not considered that the proposal in itself will lead to detrimental harm to the living conditions of the occupiers of the neighbouring properties and it is noted that the proposal does not involve the erection of floodlights as this could result in a loss of amenity.

**CONCLUSION**

19. It is considered that the proposed development is acceptable and will improve the recreational facility to the benefit of local residents.

**RELEVANT HISTORY OF THE SITE**

**Ref: 81/00901/FUL Decision: PERFPP Decision Date: 1 December 1981**  
**Description: Extension to existing playing fields**

**Ref: 87/00731/FUL Decision: PERFPP Decision Date: 1 December 1987**  
**Description: Building of brick shell around existing pavilion and extension**

**Ref: 03/00647/FUL Decision: PD Decision Date: 20 August 2003**  
**Description: The erection and siting of youth shelter**

**Ref: 12/01203/FUL Decision: PERFPP Decision Date: 30 January 2013**  
**Description: Extension to existing Pavilion building for storage**

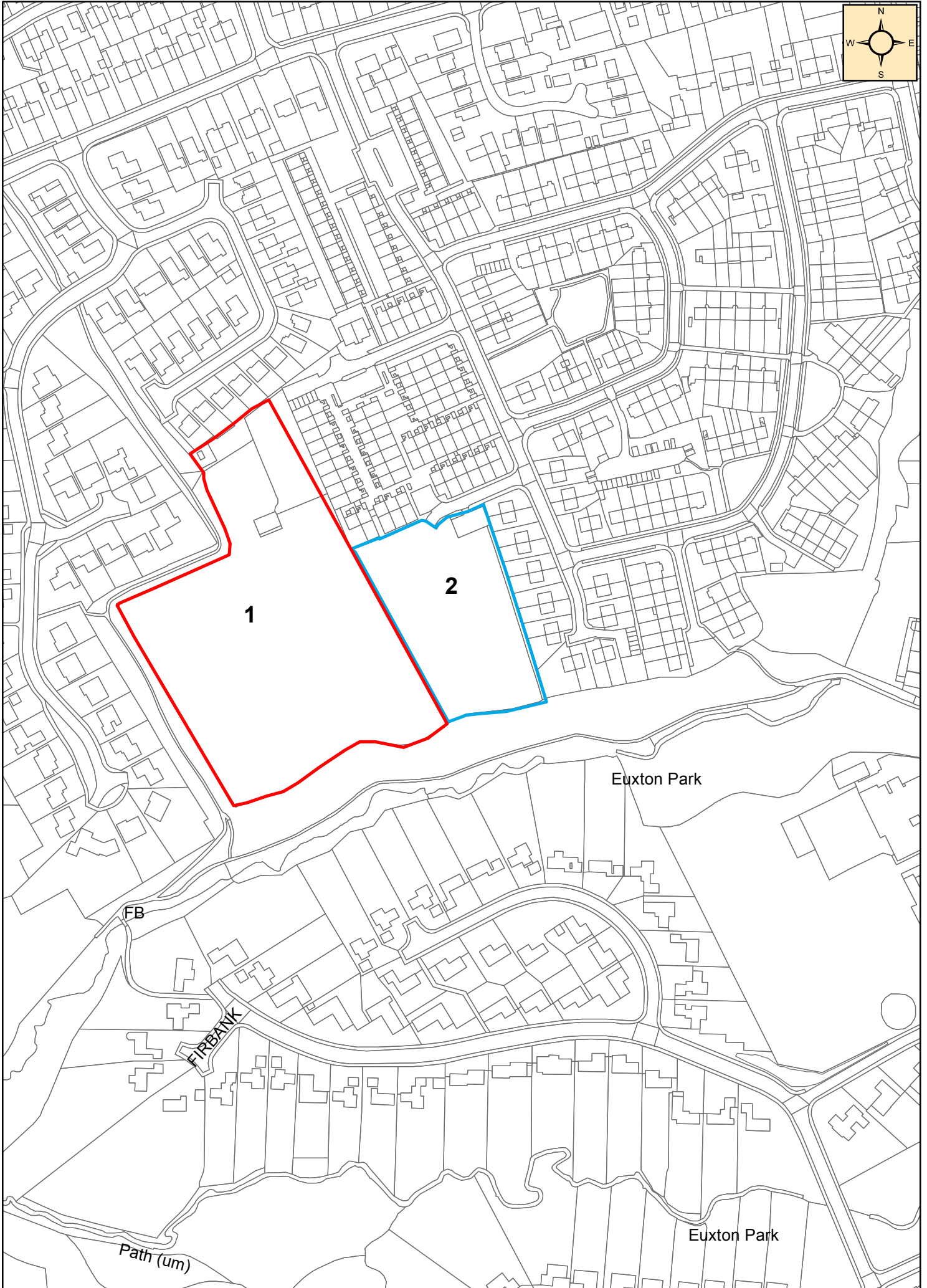
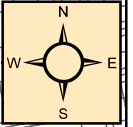
**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless 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.

**Suggested Conditions**

No.	Condition						
1.	The proposed development must be begun not later than three years from the date of this permission.  <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>						
2.	The approved plans are: <table border="1" data-bbox="280 1850 1265 1998"> <thead> <tr> <th data-bbox="280 1850 612 1924">Plan reference number:</th> <th data-bbox="620 1850 986 1924">Title:</th> <th data-bbox="994 1850 1265 1924">Date received:</th> </tr> </thead> <tbody> <tr> <td data-bbox="280 1928 612 1998">N/A</td> <td data-bbox="620 1928 986 1998">Location Plan</td> <td data-bbox="994 1928 1265 1998">5<sup>th</sup> July 2016</td> </tr> </tbody> </table>	Plan reference number:	Title:	Date received:	N/A	Location Plan	5 <sup>th</sup> July 2016
Plan reference number:	Title:	Date received:					
N/A	Location Plan	5 <sup>th</sup> July 2016					

	N/A	Proposed Layout	5 <sup>th</sup> July 2016	
	Photograph	Image of fencing and shelter	5 <sup>th</sup> July 2016	
<p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>				





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**Agenda Item 3i****APPLICATION REPORT – 16/00420/FUL**

**Validation Date: 21 June 2016**

**Ward: Eccleston And Mawdesley**

**Type of Application: Full Planning**

**Proposal: Erection of floodlights over existing sand paddock (retrospective)**

**Location: Church Farm High Street Mawdesley Ormskirk L40 3TD**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr Andrew Millin**

**Agent: N/A**

**Consultation expiry: 10 August 2016**

**Decision due by: 16 August 2016**

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**RECOMMENDATION**

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

**SITE DESCRIPTION**

2. The application site forms part of a well-established equestrian centre located to the south west of Mawdesley village within the Green Belt. There are a number of grass paddock areas, sand paddocks, and equestrian related buildings across the site. A series of lighting columns have been erected to the perimeter of an existing sand paddock that appears to be in use as a show jumping training facility. The lighting is the subject of this application. There are trees and hedges to the periphery of the site with residential dwellings along Smithy Lane and in the settlement of Mawdesley to the north east. The character of the locality is predominantly rural, with open agricultural land beyond.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The application is a made retrospectively for the erection of floodlights to the existing sand paddock. The lighting consists of 11 floodlights mounted on 11 monopoles spaced along the sides of the 70m long sand paddock. The floodlight poles have a height of 7.5m.

**REPRESENTATIONS**

4. Five letters of objection have been received raising the following issues:
  - Light pollution/nuisance
  - Out of character with rural location
  - Impact on Green Belt
  - Noise from tannoy system
  - Impact on wildlife

## CONSULTATIONS

5. **Mawdesley Parish Council** – comment that the lights are already installed hence the retrospective application so the detrimental effect is already being felt by residents of the village.
6. They have referred to the 1995 White Paper: Rural England - A Nation Committed To A Living Countryside when the Government made clear its belief that the intrusiveness of lighting in the countryside should be kept to a minimum. The White Paper suggested that this could be achieved by improving design standards for lighting, varying light levels where these are inappropriate for rural settings, and taking advantage of opportunities to remove unnecessary lighting. The type of light fitting they have installed allows for a huge amount of light bleed due to them having no directional baffles.
7. In addition, these lights are not in line with the local plan policies on lighting, as well as policies on development in the countryside generally. Mawdesley Parish Council ask planning to recognise the cumulative impacts of lighting on countryside character of the village.
8. A public address system has been installed that is intrusive in a location like this where there were relatively low ambient noise levels. This system is used most weekends and evenings affecting the quiet rural character of Mawdesley which residents and visitors to the vicinity are entitled to have this preserved.
9. **Regulatory Services - Environmental Health** - have confirmed that no complaints have been received about noise from the use of the tannoy system in the last five years or regarding light nuisance since the lighting was erected last year.
10. If the “Guidance Notes for The Reduction of Obtrusive Light” from the Institute of Lighting Professionals is considered and implemented then the local residents should not suffer from a light nuisance.
11. **Ecology advice** - In this case there is no reason to believe that the lighting directly affects buildings, structures or trees that support bat roosts or badger sett entrances. Direct lighting of the adjacent hedgerow may deter nesting birds, although the high levels of activity in the sand paddock during the daytime will likely cause disturbance anyway. It is not considered that the potential loss of the hedgerow as bat feeding habitat will have a significant impact on local bat populations, partly because there are alternative feeding places nearby, and partly because the lighting will presumably operate most in the winter months (October to March) when bats are much less active. Floodlighting is capable of being made directional and its operation can be managed so that the lighting is employed only within set time limits. Most of the night-time can therefore remain un-lit.
12. No objection is raised to the scheme on nature conservation grounds, but the advice from Environmental Health that the “Guidance Notes for The Reduction of Obtrusive Light” from the Institute of Lighting Professionals should be properly considered and implemented. Following this guidance will reduce any impacts on wildlife as well as people. Further, the timing of the operation of the floodlights should be controlled by Condition, with a set curfew in the evenings.

## PLANNING CONSIDERATIONS

### Assessment

The main issues are as follows:-

Issue 1 – Impact on the Green Belt

Issue 2 – Neighbour amenity

Issue 3 – Impact on character and appearance of the locality

Issue 4 – Ecology

Principle of the Development

13. The National Planning Policy Framework (The Framework) supports economic growth in rural areas and specifically promotes the sustainable growth and expansion of all types of business and enterprise in rural areas. The application site forms part of a well-established equestrian centre that specialises in show jumping.
14. The National Planning Policy Framework (The Framework) states that there is a general presumption against inappropriate development in the Green Belt and advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. It advises that development which is harmful to the Green Belt should only be permitted in 'very special circumstances' and that these will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
15. Paragraph 89 of the National Planning Policy Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. There are a number of exceptions to inappropriate development. One exception is the provision of appropriate facilities for outdoor sport and outdoor recreation, which are not considered inappropriate by the National Planning Policy Framework (The Framework) as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
16. Policy BNE1 of the Chorley Local Plan 2012-2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.
17. Section F of the Rural Development SPD sets out more detailed guidance in relation to equestrian development. In assessing the acceptability of equestrian development the SPD states that where floodlighting is proposed, it should be designed to minimise light spillage from the lit area.

#### Impact on the Green Belt

18. The floodlights have been erected around an existing sand paddock at a well-established equestrian centre. There are 11 floodlights mounted on 11 monopoles distributed to the east and west sides of the sand paddock. Views towards the site are filtered to some extent by the existing boundary hedges and trees. The slender profile of the monopoles and their dark colour reduce their visual prominence in the landscape, to the extent that they are not considered to be unduly harmful to openness.
19. With regards to the generation of light itself it is recommended that the hours of operation are limited by condition to between 4pm and 9pm daily, and that a condition is attached requiring the installation of lighting shields to further limit light spillage. This will support the operation of a well-established equestrian business, whose facilities are used by qualified show jumping coaches who train riders that are competing up to international show jumping level, whilst balancing the impact of light in a rural setting. Having the use of lighting during the winter months will enable Church Farm to keep the business operational and maintain continuity for the riders that use the facility for training.
20. On the basis that the monopoles are slender and 7.5m in height it is not considered that the floodlight structures themselves detract from the openness of the Green Belt and it is noted that the proposal does not involve the loss of countryside given that the sand paddock is already in situ. During darkness light may spill onto adjoining land, however, this will be limited by the use of an hours condition and the installation of lighting shields will further reduce sky glow and light spillage.

#### Impact on neighbour amenity

21. The floodlit sand paddock is located approximately 95m from the nearest dwelling at Stalk House Farm to the south east on High Street. It is noted that there are intervening structures and mature trees between this dwelling and the site. These help to filter views of the site and the light that is generated by the floodlights. Other properties on Smithy Lane are located at least 150m away from the site. Again there are intervening trees and hedges which help to filter views of the site and the light that is generated by the floodlights.
22. The Council's Environmental Health Officer raises no objection to the scheme and does not anticipate that the proposed lighting will cause a statutory nuisance to the occupiers of nearby residential properties. It is acknowledged that light will be visible from properties on Smithy Lane and High Street when the floodlights are in operation, however, it is not considered that this will result in an intensity of direct lighting that will be harmful to the living conditions of nearby residents given the degree of separation, positioning of flood lighting and restrictions placed upon operating times. Attaching conditions limiting the hours of operation of the floodlights and the use of light shields to limit spillage, will ensure that the floodlights do not impact on the amenity of neighbouring occupiers to a harmful extent.

#### Impact on character and appearance of the locality

23. The floodlights have been erected to an existing sand paddock at a well-established equestrian centre, which comprises a number of grass paddock areas, sand paddocks, and equestrian related buildings across the site along with a yard area and other equestrian paraphernalia. The installation of floodlighting is not considered to detract from the character or appearance of the rural landscape in this instance on the basis that the eleven monopoles are 7.5m high, slender in profile and dark in colour, which reduces their visual prominence in the landscape, particularly when viewed in the context of an extensive equestrian centre with associated buildings, structures and paraphernalia.
24. Although sky glow may be visible from the public footpath 75m to the south west and from High Street and Smithy Lane it is noted that the site is relatively close to the settlement of Mawdesley where there are street lights and other light sources, rather than in a more isolated and intrinsically dark landscape. Further to this it is recommended that the hours of operation of the floodlights will be limited by condition to between 4pm and 9pm daily and that a condition requiring the installation of light shields is attached, which will further limit light spillage and reduce the impact from sky glow and light trespass on the landscape.
25. As such, it is considered that the proposed development will not have an unacceptably detrimental impact on the character of the locality.

#### Ecology

26. Floodlighting in the countryside can cause some disturbance to nocturnal wildlife. Direct lighting of roost entrances can cause bats to abandon bat roosts, direct lighting of badger setts can deter badgers from occupying setts and direct lighting of hedgerows and tree lines can cause disturbance to potential bird nesting and roosting behaviour and, sometimes, bat feeding behaviour.
27. In consideration of the ecology advice received there is no reason to believe that the lighting directly affects buildings, structures or trees that support bat roosts or badger sett entrances. Direct lighting of the adjacent hedgerow may deter nesting birds, although the high levels of activity in the sand paddock during the daytime will likely cause disturbance anyway. It is not considered that the potential loss of the hedgerow as bat feeding habitat will have a significant impact on local bat populations, partly because there are alternative feeding places nearby, and partly because the lighting will generally operate in the winter months (October to March) when bats are much less active. Floodlighting is capable of being made directional and its operation can be managed so that the lighting is employed only within set time limits. Most of the night-time can therefore remain un-lit.
28. The applicant's statement demonstrates that the principles set out in the Guidance Notes for 'The Reduction of Obtrusive Light' from the Institute of Lighting Professionals are to be followed. Furthermore, it is recommended that the timing of the operation of the floodlights should be controlled by condition, with a set curfew in the evenings.

Other matters

29. Noise from the tannoy system: This does not form part of the proposed development and has not been assessed as part of the planning application, however, the environmental health officer has confirmed that they have received no complaints about noise from the use of a tannoy system in the last five years. The use of a tannoy system can be investigated as a statutory noise nuisance should complaints be received.

**CONCLUSION**

30. The 'principle' of facilities to support outdoor sport and recreation is an acceptable one. The development is not considered to detrimentally harm the openness of the Green Belt or landscape character and there is a suitable distance between the site and the adjacent residential properties to ensure that living conditions will not suffer detrimental harm. It is considered that there will be no severe residual cumulative impact as a result of the proposed development. It is therefore recommended that the application is approved.

**RELEVANT HISTORY OF THE SITE**

**Ref: 99/00666/FUL Decision: PERFPP Decision Date: 2 November 1999**  
**Description: Side extension to main building for use as office/restroom & toilets,**

**Ref: 03/00977/FUL Decision: PERFPP Decision Date: 23 December 2003**  
**Description: Erection of building for show office / store,**

**Ref: 92/00155/FUL Decision: WDN Decision Date: 19 August 1992**  
**Description: Use of existing office/toilet facility as residential unit during construction of dwelling**

**Ref: 92/00149/FUL Decision: REFFPP Decision Date: 28 April 1992**  
**Description: Use of stables building for the fabrication of horse boxes**

**Ref: 90/00606/FUL Decision: PERFPP Decision Date: 25 September 1990**  
**Description: Details of one detached house**

**Ref: 89/00116/FUL Decision: PERFPP Decision Date: 4 July 1989**  
**Description: Erection of dwelling**

**Ref: 87/00719/FUL Decision: PERFPP Decision Date: 10 November 1987**  
**Description: Relocation of riding training area from West side to South side**

**Ref: 87/00718/FUL Decision: PERFPP Decision Date: 10 November 1987**  
**Description: Application for retention of barn**

**Ref: 84/00705/FUL Decision: REFFPP Decision Date: 29 January 1985**  
**Description: Residential caravan for overnight security**

**Ref: 84/00452/FUL Decision: PERFPP Decision Date: 26 July 1984**  
**Description: Erection of stable block for approximately 10 houses (approx.220 square metres floor area)**

**Ref: 79/01247/OUT Decision: REFOPP Decision Date: 7 January 1980**  
**Description: Outline application for dwelling**

**RELEVANT POLICIES:** In accordance with S.38 (6) Planning and Compulsory Purchase Act (2004), the application has been determined in accordance with the development plan [the Central Lancashire Core Strategy (2012) and Chorley Local Plan 2012-2026 unless material considerations indicate otherwise. Consideration of the proposals has had

**regard to guidance contained with the National Planning Policy Framework (the Framework), and the development plan. The specific policies/ guidance considerations are contained within the body of the report.**

**Suggested Conditions**

1. The lighting columns hereby permitted shall be limited to 11 monopoles not exceeding 7.5m in height.  
Reason: For the avoidance of doubt and in the interests of proper planning, in the interests of the rural character of the area.
2. The lights hereby permitted shall only operate between 16:00 and 21.00 and not at any other time.  
Reason: In the interests of the rural character of the area, the amenity of the area, adjoining and nearby residential properties.
3. The floodlighting hereby permitted shall not be used until floodlighting shields, hoods, cowls or louvres have been fitted or an alternative floodlight type has been specified, the details of which must be submitted to and approved in writing by the Local Planning Authority. These details shall be submitted within two months of the date of this planning permission, and shall be installed within one month of the date the details are approved in writing. The approved shields and floodlight type shall then be retained in perpetuity.  
Reason: For the avoidance of doubt and in the interests of proper planning and the protection of rural character of the area

4. The development hereby permitted must only be completed in accordance with the approved plans. The approved plans are:

<b>Plan Ref.</b>	<b>Received On</b>	<b>Title:</b>
	21 June 2016	Location Plan
Drwg 2	05 May 2016	Site plan
Drwg 3	05 May 2016	Floor plan
Drwg 3A	05 May 2016	Elevations

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





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**Agenda Item 3j****APPLICATION REPORT – 16/00655/FUL**

**Validation Date: 29 July 2016**

**Ward: Euxton South**

**Type of Application: Full Planning**

**Proposal: Redevelopment of site including the demolition of shop units and barns, removal of temporary office buildings and erection of shop building, office building and barn with associated car parking and access**

**Location: Five Acres Plant Centre Five Acres Dawbers Lane Euxton Chorley PR7 6EE**

**Case Officer: Mr Iain Crossland**

**Applicant: Ms KATHRYN GALLAGHER**

**Agent: Mr TREVOR HOBDAV**

**Consultation expiry: 19 August 2016**

**Decision due by: 23 September 2016**

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**RECOMMENDATION**

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

**SITE DESCRIPTION**

2. The application site is located to the south of Dawbers Lane, Euxton in an area characterised by agricultural development and open land. The topography of the area is generally flat. The site is located in the Green Belt.
3. The application site comprises a horticultural enterprise that carries out its commercial operations from the site. As such there are large areas given over to the propagation and storage of plants, as well as buildings to support the growth, development and storage of plants. These currently take the form of agricultural sheds and polytunnels. As the commercial operations also take place at the site there are five Portacabins providing office accommodation and two providing welfare facilities, three agricultural shed type buildings used to pack and store plants, a shop comprising two buildings (that is in separate ownership) as well as a yard, loading area and other structures. There is also an area of hardstanding used as a car park close to the main entrance that is unauthorised and subject to enforcement action.
4. The site has separate vehicular entrance and exit points from Dawbers Lane, and there is a large, well established hedge running along the northern boundary of the site adjacent to Dawbers Lane.
5. It is noted that there is an extant planning consent for a mixed use horticultural and industrial storage building to the immediate south of the existing shop (ref.12/00559/FUL). There is

also an extant planning consent in place for a storage and office building (ref.14/01241/FUL) in the position of an existing barn.

#### **DESCRIPTION OF PROPOSED DEVELOPMENT**

6. This application is for the redevelopment of the site including the demolition of the shop units, a barn, and removal of five temporary office buildings and erection of a new shop building, office building and horticultural barn with associated car parking and access. The proposed development would supercede extant planning approvals for a mixed use horticultural and industrial storage building (ref.12/00559/FUL) and a storage and office building (ref.14/01241/FUL).
7. The proposed shop building would have an L shaped footprint with lengths of 22.2m and 30.2m with depths of 10m and 6m. It would have a dual pitched roof with a ridge and eaves height of 3.9m and 2.4m respectively and would be positioned to the front of the site in place of the existing shop buildings.
8. The proposed office building would measure 30m by 10m. It would have a dual pitched roof with a ridge and eaves height of 6.9m and 5.1m respectively and would be positioned to the south of the shop buildings in place of a semi demolished brick structure.
9. The proposed horticultural barn would measure 26.7m by 12.2m. It would have a dual pitched roof with a ridge and eaves height of approximately 6m and 4m respectively. This would replace an existing barn.
10. The proposed development would provide car parking in three separate areas across the site on already hard surfaced areas, making use of existing internal access roads. It is proposed that the area currently used for unauthorised parking at the front of the site would be designated for outdoor plant storage only.

#### **BACKGROUND AND APPLICANTS CASE**

11. The business that is located at the application site, Hedges Direct, has been in discussions with Chorley Borough Council, since early 2016. These discussions have centred on two main aspects; (i) unauthorised development principally with regard to the large car park fronting the main road and to the west of the site and, (ii) the extensive planning history and future potential development of the site in and around the main complex of existing buildings. In light of what has been a rapid expansion of the Company and having regard to concerns expressed by Chorley Borough Council with regards to the unauthorised developments and piecemeal nature of previous planning applications and development of the site, Hedges Direct has produced a detailed site appraisal report (June 2016). This identifies a more strategic form of development for the site considering the operations of the business, future growth, constraints of the green belt location and potential to improve the visual appearance and make more efficient use of land. This current application has been developed in response to this appraisal of the site as a whole.
12. Hedges Direct Limited was founded in 2005 selling hedging plants to domestic and trade customers via the internet. The business operations were initially run from Bath, with despatch activity outsourced to a local nursery in Chorley. Operations moved to Chorley in 2010 when it became evident that further input was required by the business to manage despatch activity as the sales volumes continued to increase. At this time 5 employees were recruited to assist with sales, customer service and operations, whilst marketing and finance activity remained in Bath.
13. In 2011 the business moved from the nursery to its new site at Five Acres, with an additional 10 staff members, where all activity now takes place. The business has grown from 2 employees in 2005 to 42 employees (9 of which are part time) in 2016, with 5 shareholders.
14. Hedges Direct Limited sells hedging plants (including bare roots, rootballs, pots, cell grown, topiary, Pleached trees, ornamental trees, troughs and screens) to domestic and retail

customers either via their dedicated website or over the phone. They are a specialist supplier of a huge range of stock nationwide. The sales and service team are available 7 days a week (8am to 6pm weekdays, 9am to 4pm Saturdays and 10am to 4pm Sundays). The despatch and business support team generally only work weekdays and the managers work weekdays, supporting on some weekends and on ad hoc occasions through busier periods.

15. All activity from taking the order from the customer, processing it, ordering the stock in, accepting stock delivery, packing the plants and despatching them with the relevant carrier, along with aftercare service is carried out at the Five Acres site in Lancashire.
16. Over the next 3 years the business plans incorporate further growth to £6m and in order to fulfil that there will need to be growth across the teams and increased efficiency savings in terms of internal processes and co-ordination of activity. The office teams are currently split across four porta-cabins which is inhibiting business growth. As a small business, the work of each team is closely linked and the fragmented accommodation restricts management of and development between the teams. This proposal aims to allow the teams to benefit from working together more effectively, streamlining activities and generating more economic growth in sales of hedging plants nationwide.
17. A major factor as to why the business initially moved to the Five Acres site was the opportunity to develop all operations of the business on one site, as there is a constant flow of information between the nursery and office teams of which the following are some examples:
  - From a sales perspective many customers require information about the exact specification and quality of stock, along with availability and delivery timescales. Frequently sales are only concluded when photographs of the actual stock to be supplied are provided to an enquirer.
  - Customer service is intrinsically linked to the nursery and the despatch dynamics of the business and customers requires an immediate answer to any service related matter. Delivery of the latter is dependent on the service team having constant access to the despatch and nursery team.
  - To ensure website material is constantly up to date the commercial and marketing team regularly take photographs of the new stock on site or stock across the different seasons. Doing so allows them to update the specifications and descriptions on the website, write blogs to build company stature in the on-line market and create newsletters based on specific stock lines. Having the stock 'in-front' of the marketing team is considered integral in helping stimulate the creativity that is required to ensure all newsletter campaigns are successful. The commercial element of this team is involved in the organisation and production of all the management information, at the centre of which are the stock numbers and quality; factors that they can only track by being on site.
  - To ensure the continued success of the business the management team's culture is to work in close proximity with each other and with their teams, as this minimises the need for exchanging e-mails and facilitates faster decision-making following a quick discussion or meeting.
18. The above examples illustrate the benefits of all business operations being integrated on one site.

## **REPRESENTATIONS**

19. Two letters of objection have been received raising the following issues:
  - The car parking area is currently being used unlawfully and the Council should take action.
  - The hardstanding used for car parking is an unsightly encroachment into the Green Belt and its retention would tempt further unauthorised use of the land. This should be removed along with fencing.

- Concerns that the proposed hours would be ignored. The hours of the shop and hedges direct business should be clarified.
- The existing access opposite Peacock Barn should be closed in the interests of safety.

## CONSULTATIONS

20. **Euxton Parish Council:** Euxton Parish Council is pleased to see a locally based firm enjoying success and providing local employment and would wish to be helpful in assisting in the firm's future development. The Council appreciates that Hedges Direct wishes to and needs to set out its proposals for the substantial redevelopment of its site in Euxton and is also appreciative of the firm's commitment to redevelop the site to improve its appearance and fit it better into its rural surroundings.
21. However, a major and continuous concern of the Parish Council is to restrict the spread of development into Euxton's green surroundings and particularly into areas of designated Green Belt. The Council has previously expressed concern at the bewildering succession of applications for buildings and car parking on this site and these concerns are not removed by the current application and the considerable amount of details that it contains.
22. The new application does not remove all confusion with, for example, references to previous "extant" planning applications some of them dating back to 2002 (and which must have lapsed by now). The Council takes the view that, in assessing whether or not the proposal meets the criteria for acceptable development in the Green Belt (CLP Policy BNE5), the comparison must be what is now proposed for new and retained development on the site against what is currently on site less any development that has taken place without planning approval.
23. The Council queries the need for one of the new buildings on site to be a large office. The plans show a two storey building with 45 work stations in addition to canteen, meeting and other facilities. This raises the possibility that some or all of the office staff could be located in an off- site location. This would help remove any conflict with the Green Belt and office based staff may well appreciate a work location that is better situated for facilities such as shops and bus routes etc. The Council is sure that CBC could suggest some suitable accommodations.
24. In view of the complexity the Parish Council does not make its own assessment of the acceptability of the proposals against the Green Belt criteria but makes the following general comments:
- 1 There does appear to be a substantial increase in developed area proposed for the site compared to what is present there now.
  - 2 The size of the proposed office building would suggest that there is an expectation of further expansion of the business beyond its current size.
  - 3 However the layout and the quality of the buildings and car parking is a considerable improvement on the current facilities
  - 4 If CBC do decide that the proposed redevelopment does meet the CLP criteria for development in the Green Belt, then the Parish Council would be supportive of the application.
  - 5 Conversely, if CBC do not consider this to be the case then the Parish Council considers that this application should not be treated as an exception because of the firm's considerable importance for the local community
25. **Greater Manchester Ecology Unit – no objection**
26. **United Utilities – no objection**
27. **Lancashire Highway Services – comment that the proposal is considered acceptable from highways perspective.**

## PLANNING CONSIDERATIONS

The main issues are as follows:-

Issue 1 – Impact on the Green Belt

Issue 2 – Neighbour amenity

Issue 3 – Impact on character and appearance of the locality

Issue 4 – Impact on highways/access

Issue 5 – Ecology

#### Principle of the Development and impact on the Green Belt

1. The application site is located wholly within the Green Belt, The National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances.
2. This part of Euxton is not specified as an area for growth within Core Strategy Policy 1 and falls to be considered as an 'other place'. Criterion (f) of Core Strategy Policy 1 reads as follows:  
 "In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."
3. Although this part of the Borough is not identified for growth this site has evolved over time through the growth of a horticultural enterprise, and the proposal seeks to consolidate the existing business in a more efficient layout that will safeguard the future of the business on this site. There are also specific business reasons for keeping the commercial side of the business on site with the horticultural elements.
4. In addition the Framework supports economic growth in rural areas and specifically promotes the sustainable growth and expansion of all types of business and enterprise in rural areas.
5. Within Annex 2, the glossary, of the Framework previously developed land is defined as:  
*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.*
6. National guidance on Green Belt is contained in Chapter 9 of the Framework which states:  
*79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*  
*80. Green Belt serves five purposes:*
  - *to check the unrestricted sprawl of large built-up areas;*
  - *to prevent neighbouring towns merging into one another;*
  - *to assist in safeguarding the countryside from encroachment;*
  - *to preserve the setting and special character of historic towns; and*
  - *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

87. *As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

88. *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*

89. *A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

*buildings for agriculture and forestry;*

*the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*

*limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

7. The northern part of the site containing the shop units is previously developed land as is the delivery yard and areas of the site used for the siting of the porta cabin offices. Other parts of the site are used for horticultural operations. The proposed development seeks to confine the uses falling within the previously developed land definition to the northern part of the site near to the entrance.
8. Policy BNE5 of Chorley Local Plan 2012 – 2016 relates to previously developed land within the Green Belt and reflects guidance contained within the Framework as follows:  
*The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:*  
*In the case of re-use*
  - a) *The proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;*
  - b) *The development respects the character of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance.**In the case of infill:*
  - c) *The proposal does 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 than the existing development.**In the case of redevelopment:*
  - d) *The appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.*
9. The construction of the shop and office buildings will constitute inappropriate development unless one of the exceptions in the Framework is engaged. To benefit from the relevant exception in the case of this site, the applicant must demonstrate that the construction of the new buildings constitute:
  - The partial or complete redevelopment of previously developed land;
  - Which would not have a greater impact on the “openness” of the Green Belt; and
  - Which would not have a greater impact on the purposes of including land in the Green Belt.
10. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of ‘openness’.



11. It is considered that in respect of the Framework that the existing site currently has an impact on the openness of the Green Belt. However, it is important to note that merely the presence of an existing building on the application site currently does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".
12. Whether the proposed buildings have a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing buildings although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exceptions of paragraph 89 of the Framework, which is reflected in Policy BNE5 of the Local Plan, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site.
13. The proposed development of the office and shop is considered to have a greater impact on the openness of the Green Belt as on a purely volumetric consideration these buildings exceed the volume of the existing shop buildings and Portakabins. It is noted, however, that there is an extant planning consent for a mixed use horticultural and industrial storage building (ref.12/00559/FUL). This remains extant by virtue of one of the two buildings approved under that application having been built, and as such represents a realistic fall-back position. When considering the volume of the proposed office and shop in relation to the existing shop buildings, Portakabins and extant horticultural and industrial storage building the increase in volume would only be slight.
14. The proposed site layout would condense the existing spread of buildings across the site providing a more compact and efficient arrangement. The consolidation of the built form on site would help to reduce the impact on openness. Furthermore the proposed development would be restricted to existing areas of hardstanding, and would consolidate the previously developed area of the site to the north nearest the site entrance.
15. Given the above it is considered that the proposed development would not have a greater impact on the openness of the Green Belt and as such would not represent inappropriate development in the Green Belt.
16. The proposed horticultural barn would replace an existing horticultural barn located on the site. Horticulture falls within the definition of agriculture and as such is an exception to inappropriate development in the Green Belt as defined by paragraph 89 of the Framework. The proposed barn itself is slightly larger than the existing barn, however, its scale is proportionate for the development of plants on a commercial scale and would not be unduly large.
17. The proposed areas of car parking would be located on existing areas of hardstanding within the site and would not therefore result in any encroachment from hard surfacing. The proposed parking areas would be split into three modest size car parks across the site that would be well screened by buildings boundaries and vegetation. This spread of parking would prevent a single mass of parked cars, and their spread around the site would reduce their visual impact. It is recognised that designated parking is required for such an operation and that for the safe operation of users and the business should be planned and laid out appropriately. This would be an improvement on the current unauthorised situation, with cars parking on a hard surfaced area to the north west of the site, near to Dawbers Lane. Cars parking on this area are very clearly visible as a single mass, which represents an incursion into the Green Belt when in use. It is proposed that the area currently used for car parking would be replaced by an area for the storage of plants, which would have a limited impact on the openness of the Green Belt. It is recommended that the removal of the car parking is secured by condition.

#### Impact on Neighbour Amenity

18. The shop and office buildings would be located approximately 45m from the nearest dwelling at Woodside, Dawbers Lane to the east of the site. There would be no impact on

the amenity of the occupiers of Woodside as a result of the proposed development by virtue of the scale of development proposed on site and the degree of separation.

19. It is noted that there is a property known as Five Acres immediately adjacent to the site and approximately 12m from the proposed shop and 14m from the proposed office. This property is in commercial use and it is not therefore considered that the proposed development would result in any amenity issues with regards to this property.
20. Other properties are located at Peacock House Farm and Peacock Barn on the opposite side of Dawbers Lane from the site to the north west. These are located approximately 32m and 58m from the site exit respectively. Their degree of separation from the site is such that there would be no impact on the amenity of the occupiers of these dwellings as a result of the built development proposed. The site is already in commercial use with both cars and lorries entering and leaving the site. As such the level of disturbance caused by the commercial operations of the business located at the site would be no greater than the existing situation. Given the intervening highway between the site and these dwellings is a busy 'A' road the continued operations of the business already located on the site is unlikely to have a detrimental impact through noise and disturbance on these occupiers.

#### Impact on character and appearance of the locality

21. The overall scheme would consolidate the current scattered and uncoordinated spread of buildings across the site resulting in a more compact and efficient arrangement. It would also result in the replacement of unsightly structures and buildings of poor quality appearance. This approach would enhance the facilities on-site and improve the visual appearance of the site. The replacement buildings proposed would be relatively compact and positioned to front of the site nearest the entrance, consolidating the built form within a more logical and tighter grouping. The overall design of the buildings proposed would reflect the agricultural aesthetic, massing, layout and materiality of a large agricultural site.
22. The proposed shop building would be a single-storey building of low level in height. It would replace two buildings one of which is rather tall and imposing in stature and is located close to the highway. The proposed building would be positioned further from the highway and would result in a reduced visual impact from the public highway. The proposed shop building would have a green corrugated pitched roof and is 'L-shape' in plan to retain the yard area in front for the storage of plants and accessories for sale. The building would be clad in vertical Yorkshire boarding, in keeping with the rural setting.
23. The proposed office building would be two storeys in height and positioned some 32m from the public highway in the position of a semi-demolished brick built structure. The first floor would be clad in vertical Yorkshire boarding, with the ground floor faced in brick on the three most visible sides and block to the north elevation. It would have a dual pitched roof laid in green corrugated sheeting. The building would have the appearance of a modern agricultural shed, which is appropriate in the context of this rural setting.
24. The proposed barn would replicate an existing 'Root Ball Barn', which it would be sited adjacent to. It would be faced in green corrugated metal sheet to match the neighbouring barn and would have a similar size and scale. The appearance of the building would be suitably agricultural.
25. The proposed parking would be spread over three separate parking areas within the site itself. These would be screened by existing and proposed features and would be contained within the site on areas of existing hardstanding. They would not therefore result in a particularly noticeable feature of the site.
26. An area that is currently being used for parking to the north west of the site would be used for plant storage as part of this proposal. This would have a limited impact on the visual appearance of the site and wider area.

27. Overall it is considered that the proposed development would have no detrimental impact on the visual appearance of the site or character of the local area, and would result in a more well-ordered appearance, which would reflect positively on the locality.

#### Highway Impact and Access

28. A statement submitted with the application demonstrates that the site has 42 employees and shows that on average 20 vehicles, comprising articulated trucks, lorries and vans visit the site daily for the purpose of collections and deliveries, generating 40 two way trips. This number of trips in addition to staff trip generation is not considered high as to adversely affect the safe operation of the local highway network.
29. As regards parking, if for robustness it was assumed that the use class was A1 for the proposal, the applicant's parking proposals would exceed the required standard. This therefore means that the site's parking needs can be accommodated on-site without difficulties.
30. It is considered that the proposed layout would offer an improved and safer circulation of vehicles on site and as shown by the tracking diagram submitted, articulated vehicles would be able to carry out turning manoeuvres safely on site without problems.
31. The site accesses are not proposed to be altered, however, there is a need for the entrances to be paved to prevent debris and loose materials from being carried by vehicle tyres onto the highway. Therefore, although the proposal is considered acceptable from highways perspective, it is recommended that a condition is attached to any grant of planning permission to secure appropriate surfacing.
32. On this basis the scheme would comply with the parking standards specified in policy ST4 of the Adopted Chorley Local Plan 2012 – 2026 and would not cause harm to highway safety.

#### Ecology

33. The Extended Phase 1 Survey was undertaken on 6th July 2016, which is an optimum time to conduct such a survey.
34. A pond is present on the proposed development site. A Habitat Suitability Assessment (HSI) was conducted on the pond to assess its suitability to support Great Crested Newts (GCN). The HSI score was 0.41 indicating that it is of poor suitability to support GCN. Two further ponds are located off site within a 0.25km buffer, however, large expanses of bare ground on the site provide no connecting terrestrial habitat for amphibians. The proposal indicates that there will be no impact on the pond on site and therefore no further surveys in respect of this species are considered necessary. However, the survey noted the presence of potential refugia on the site and therefore the presence of amphibians cannot be ruled out. A number of precautionary measures have been recommended following Reasonable Avoidance Measures (4.13). It is therefore recommended that the measures outlined at 4.13 in the report be implemented in full and a condition to this effect be placed on any permission, if granted.
35. A daytime survey of the buildings was undertaken, which comprised an internal and external inspection of the buildings, which are to be impacted by the works. No bats or signs of bats were found during the survey and the buildings were considered to have a negligible potential to support roosting bats. However, bats are mobile in their habits and can and do turn up in the most unlikely places, therefore a number of recommendations have been made in the report, which should be adhered to throughout the duration of the works. The recommendations are outlined at 4.11 and it is recommended that these recommendations be implemented in full and a condition to this effect be placed on any permission, if granted.
36. Two trees were identified on site, which have bat roosting potential, however, the current scope of the works has no impact on boundary trees. If the scope of works should change further consideration to mitigation may be necessary.

37. The buildings on site have the potential to support nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). It is therefore recommended that works to buildings should not be undertaken in the main bird breeding season (March to September inclusive), unless nesting birds are found to be absent, by a suitably qualified person. It is therefore recommended that a condition to this effect be attached to any grant of planning permission in order to protect wild birds.

## **CONCLUSION**

38. It is considered that the proposed development on this site would not be inappropriate development in the context of this Green Belt location as the site is considered to be an existing commercial operation with previously developed areas of land. The proposed development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, when considering the buildings to be removed and extant developments that would not be implemented as a result. The impact on the appearance and character of the area are acceptable as the proposed buildings are appropriately designed, and are of an appropriate scale and siting. The impact on neighbour amenity is considered to be acceptable as is the impact on highway safety and ecology.

## **RELEVANT HISTORY OF THE SITE**

**Ref: 04/01439/FUL Decision: PERFPP Decision Date: 16 February 2005**  
**Description: Phase 1 of a 3 phase plan for horticultural glass houses**

**Ref: 04/01440/FUL Decision: PERFPP Decision Date: 16 February 2005**  
**Description: Phase 2 of a 3 phase plan for horticultural glass houses**

**Ref: 04/01441/FUL Decision: PERFPP Decision Date: 16 February 2005**  
**Description: Phase 3 of a 3 phase plan for horticultural glass houses**

**Ref: 05/00003/INV Decision: APPVAL Decision Date:**  
**Description: Formation of new access, driveway, turning area and erection of fence to rear,**

**Ref: 05/00735/FUL Decision: PERFPP Decision Date: 12 September 2005**  
**Description: Formation of new access, driveway, turning area, erection of fence to rear, conversion of store room into double garage and demolition of conservatory,**

**Ref: 11/00696/PAR Decision: REAGR Decision Date: 25 August 2011**  
**Description: Application for agricultural prior notification for the erection of an agricultural building for the storage of machinery (tractors, trailers, mowers, bailers and cultivation equipment) and hay.**

**Ref: 11/00696/PAR/1 Decision: WDN Decision Date: 3 October 2011**  
**Description: Application for agricultural prior notification for the erection of an agricultural building for the storage of machinery (tractors, trailers, mowers, bailers and cultivation equipment) and hay.**

**Ref: 11/00925/FUL Decision: WDN Decision Date: 9 December 2011**  
**Description: Erection of storage and distribution building (B8) with ancillary staff room to house plants, packing boxes, pallets, fertiliser, potting machine, van, forklift truck and tools be used in connection with horticultural enterprise.**

**Ref: 12/00035/FUL Decision: PERFPP Decision Date: 23 March 2012**  
**Description: Erection of storage and distribution building (B8) with ancillary staff room to house plants, packing boxes, pallets, fertiliser, potting machine, van, forklift truck and**

tools be used in connection with horticultural enterprise (re-submission of previously withdrawn planning application 11/00925/FUL).

Ref: 12/00380/FUL Decision: WDN Decision Date: 7 June 2012  
Description: Replacement of existing building (B8 use) with new mixed use building (B8 and horticultural)

Ref: 12/00381/FUL Decision: WDN Decision Date: 7 June 2012  
Description: Replacement of existing building (B1 use) with new building (horticultural use)

Ref: 12/00491/DIS Decision: PEDISZ Decision Date: 12 June 2012  
Description: Application to discharge conditions 4 (hard-ground surfacing materials); 5 (samples of external facing materials); 6 (scheme of landscaping); and 11 (car parking and vehicle manoeuvring details) of planning approval 12/00035/FUL.

Ref: 12/00492/FUL Decision: PERFPP Decision Date: 22 June 2012  
Description: Retrospective application for the erection of 1no. poly tunnel.

Ref: 12/00559/FUL Decision: PERFPP Decision Date: 24 July 2012  
Description: Application for the removal of an existing horticultural building; the replacement of an existing storage and distribution building (B8 use) with a new mixed use building (B8 and horticultural use); and the replacement of an existing B1 building with a new horticultural building.

Ref: 12/00701/FUL Decision: PERFPP Decision Date: 10 September 2012  
Description: Application to erect 1No additional poly tunnel

Ref: 13/00380/AGR Decision: REAGR Decision Date: 22 May 2013  
Description: Agricultural determination for the erection of a horticultural storage building

Ref: 13/00381/FUL Decision: PERFPP Decision Date: 31 July 2013  
Description: Application to erect 1No. poly tunnel

Ref: 13/00382/FUL Decision: PERFPP Decision Date: 9 August 2013  
Description: Application to erect 1No. poly tunnel

Ref: 13/00380/PAR Decision: WDN Decision Date: 18 July 2013  
Description: Erection of a horticultural storage building

Ref: 13/00856/FUL Decision: WDN Decision Date: 24 October 2013  
Description: Erection of a horticultural storage building.

Ref: 14/00072/FUL Decision: PERFPP Decision Date: 24 March 2014  
Description: Application to amend the location of the approved poly tunnel (approved under application 13/00381/FUL)

Ref: 14/00073/FUL Decision: PERFPP Decision Date: 24 March 2014  
Description: Application to amend the location of the approved poly tunnel (approved under application 13/00382/FUL)

Ref: 14/00605/FUL Decision: WDN Decision Date: 19 August 2014  
Description: Erection of a building, replacing an existing horticultural building, to accommodate storage space (Use Class B8) and first floor office accommodation (Use Class B1) and an extension to an existing building to accommodate machinery storage.

Ref: 14/01241/FUL Decision: PERFPP Decision Date: 29 January 2015

**Description:** Erection of a building, replacing an existing horticultural building, to accommodate storage space at ground floor and first floor office accommodation along with the provision of 6 parking spaces

**Ref:** 15/00088/FUL **Decision:** REFFPP **Decision Date:** 22 July 2015  
**Description:** Retrospective application for the creation of a car parking area

**Ref:** 15/00165/FUL **Decision:** PERFPP **Decision Date:** 28 April 2015  
**Description:** Section 73 application to vary condition 1 (approved plans) and condition 3 (approved plans) attached to planning approval 12/00035/FUL which approved the erection of a storage and distribution building (B8) to be used in connection with horticultural enterprise

**Ref:** 15/00166/FUL **Decision:** PERFPP **Decision Date:** 28 April 2015  
**Description:** Erection of a detached single storey building to form replacement staff toilets

**Ref:** 15/01116/FUL **Decision:** REFFPP **Decision Date:** 15 January 2016  
**Description:** Retrospective application for the creation of an area of hardstanding to be partly used for parking and partly for agricultural storage (resubmission of application 15/00088/FUL)

**Ref:** 15/01180/FUL **Decision:** APPRET **Decision Date:**  
**Description:** Retrospective application for the erection of a new horticultural building (amendment of planning approval 12/00559/FUL)

**Ref:** 92/00762/AGR **Decision:** PAAGR **Decision Date:** 4 November 1992  
**Description:** Agricultural notification for erection of agricultural building

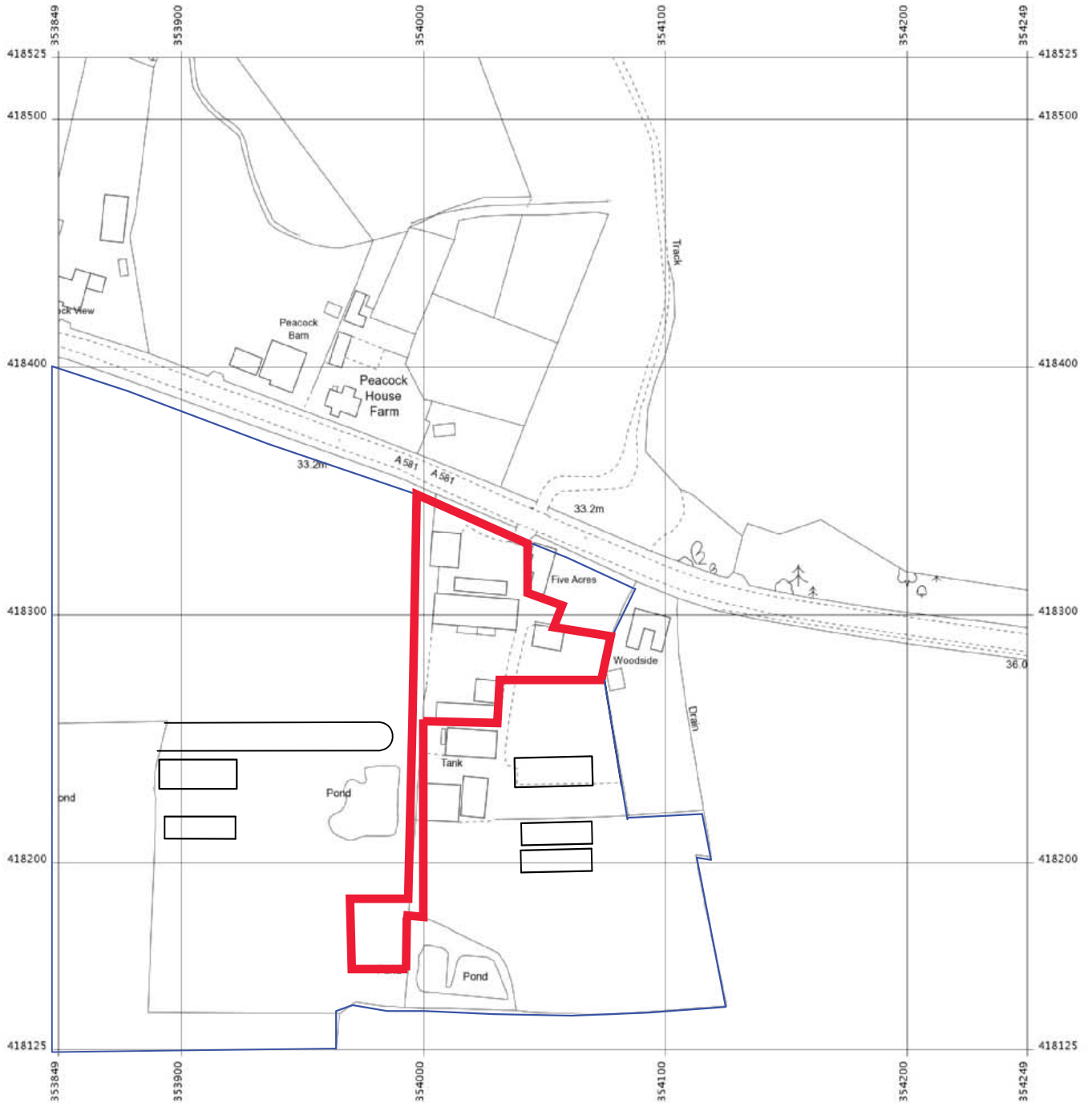
**Ref:** 90/01147/COU **Decision:** WDN **Decision Date:** 26 August 1993  
**Description:** Change of use of land for storage of touring caravans

**Ref:** 83/00576/FUL **Decision:** PERFPP **Decision Date:** 25 October 1983  
**Description:** Open fronted farm storage building

**RELEVANT 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.

### Suggested Conditions

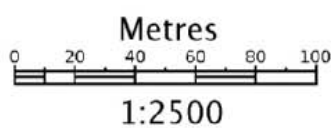
Conditions to follow



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**FIVE ACRES**  
**DAWBERS LANE**  
**CHORLEY**  
**PR7 6EE**

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