

Development Control Committee

Agenda and Reports

For consideration on

Tuesday, 29th March 2011

In the Council Chamber, Town Hall, Chorley

At 6.30 pm



PROCEDURE FOR PUBLIC SPEAKING AT MEETINGS OF THE DEVELOPMENT CONTROL COMMITTEE

- Persons must give notice of their wish to address the Committee, to the Democratic Services Section by no later than midday, two working days before the day of the meeting. (12 Noon on the Friday prior to the meeting)
- One person to be allowed to address the Committee in favour of the officers recommendations on respective planning applications and one person to be allowed to speak against the officer's recommendations.
- In the event of several people wishing to speak either in favour or against the recommendation, the respective group/s will be requested by the Chair of the Committee to select one spokesperson to address the Committee.
- If a person wishes to speak either in favour or against an application without anyone wishing to present an opposing argument that person will be allowed to address the Committee.
- Each person/group addressing the Committee will be allowed a maximum of three minutes to speak.
- The Committees debate and consideration of the planning applications awaiting decision will only commence after all of the public addresses.

ORDER OF SPEAKING AT THE MEETINGS

1. The Director Partnership, Planning and Policy or her representative will describe the proposed development and recommend a decision to the Committee. A presentation on the proposal may also be made.
2. An objector/supporter will be asked to speak, normally for a maximum of three minutes. There will be no second chance to address Committee.
3. A local Councillor who is not a member of the Committee may speak on the proposed development for a maximum of five minutes.
4. The applicant or her/his representative will be invited to respond, for a maximum of three minutes. As with the objector/supporter, there will be no second chance to address Committee.
5. The Development Control Committee, sometimes with further advice from Officers, will then discuss and come to a decision on the application.

There will be no questioning of speakers by Councillors or Officers, and no questioning of Councillors or Offices by speakers.

18 March 2011

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 29TH MARCH 2011

You are invited to attend a meeting of the Development Control Committee is to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 29th March 2011 at 6.30 pm.

A G E N D A

1. **Apologies for absence**

2. **Minutes (Pages 1 - 14)**

To confirm the minutes of the Development Control Committee meeting held on 8 March 2011 (enclosed).

3. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

4. **Planning applications to be determined (Pages 15 - 16)**

A table of planning applications to be determined is enclosed.

Please note that copies of the location and layout plans are in a separate pack (where applicable) that has come with your agenda. Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning application on our website.

http://planning.chorley.gov.uk/PublicAccess/TDC/tdc_home.aspx

(a) **11/00100/FUL - Chisnall Playing Fields Coppull (Pages 17 - 22)**

Report of the Director of Partnerships, Planning and Policy (enclosed).

- (b) 10/0110/REMMAJ - Royal Ordnance Site Including Land Between Dawson Lane And Euxton Lane, Euxton, Lancashire (Pages 23 - 30)

Report of the Director of Partnerships, Planning and Policy (enclosed).

- (c) 10/01081/FUL - Land North West Of And Adjacent To Back House Barn, Hall Lane, Mawdesley, Lancashire (Pages 31 - 48)

Report of the Director of Partnerships, Planning and Policy (enclosed).

- (d) 10/01065/FUL - Land 30M North West Of 79 Railway Road, Brinscall, Lancashire (Pages 49 - 60)

Report of the Director of Partnerships, Planning and Policy (enclosed).

- (e) 10/00735/OUTMAJ - Land 110m West Of Coppull Enterprise Centre, Mill Lane, Coppull, Lancashire (Pages 61 - 72)

Report of the Director of Partnerships, Planning and Policy (enclosed).

5. **Enforcement Item - 286 The Green Eccleston** (Pages 73 - 76)

Report of the Director of Partnerships, Planning and Policy (enclosed).

6. **Planning Appeals Notification Report** (Pages 77 - 80)

Report of the Director of Partnerships, Planning and Policy (enclosed).

7. **Delegated decisions determined by the Director of Partnerships, Planning and Policy in consultation with the Chair and Vice Chair of the Committee**

- (a) 8 March 2011 (schedule enclosed) (Pages 81 - 82)

- (b) 16 March 2011 (schedule enclosed) (Pages 83 - 84)

8. **Planning applications determined by the Director of Partnerships, Planning and Policy** (Pages 85 - 90)

Schedule of the Director of Partnerships, Planning and Policy (enclosed).

9. **Any other item(s) that the Chair decides is/are urgent**

10. **Exclusion of the Public and Press**

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972.

11. **Enforcement Item - Yewtree House Farm, Coppull Hall Lane, Coppull**

Report of the Director of Partnerships, Planning and Policy (to follow).

Yours sincerely

Donna Hall

Donna Hall CBE
Chief Executive

Cathryn Barrett
Democratic and Member Services Officer
E-mail: cathryn.barrett@chorley.gov.uk
Tel: (01257) 515123
Fax: (01257) 515150

Distribution

1. Agenda and reports to all members of the Development Control Committee, (Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair) and Councillors Henry Counce, Alan Cullens, David Dickinson, Dennis Edgerley, Christopher France, Roy Lees, June Molyneaux, Simon Moulton, Mick Muncaster and Ralph Snape) for attendance.
2. Agenda and reports to Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Jennifer Moore (Head of Planning), Chris Moister (Head of Governance), Paul Whittingham (Development Control Team Leader), Cathryn Barrett (Democratic and Member Services Officer) and Alex Jackson (Senior Lawyer) for attendance.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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Development Control Committee

Tuesday, 8 March 2011

Present: Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair), Councillors Henry Counce, Alan Cullens, David Dickinson, Dennis Edgerley, Roy Lees, June Molyneaux, Simon Moulton, Mick Muncaster and Ralph Snape

Officers: Jennifer Moore (Head of Planning), Chris Moister (Head of Governance), Paul Whittingham (Development Control Team Leader), Caron Taylor (Planning Officer) and Cathryn Barrett (Democratic and Member Services Officer)

Also in attendance: Councillors Keith Iddon (Ecclestone and Mawdesley)

11.DC.19 APOLOGIES FOR ABSENCE

Apologies for absence was received from Councillor Christopher France.

11.DC.20 DECLARATIONS OF ANY INTERESTS

In accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct, the following Members declared a prejudicial interest in relation to the agenda items listed below:

Councillor Henry Counce – Item 4a, Planning Application 10/01081/FUL
Councillor Dennis Edgerley – Item 4a, Planning Application 10/01081/FUL
Councillor Roy Lees – Item 5, Enforcement Report – Yew Tree House Farm

11.DC.21 MINUTES

RESOLVED – That the minutes of the Development Control Committee meeting held on 8 February 2011 be confirmed as a correct record and signed by the Chair.

11.DC.22 PLANNING APPLICATIONS TO BE DETERMINED

The Director of Partnerships, Planning and Policy submitted reports on four applications for planning permission to be determined by the Committee.

RESOLVED – That the planning applications, as submitted, be determined in accordance with the Committee's decisions as recorded below:

- (a) **10/01081/FUL - Land North West of and land adjacent to Back House Barn, Hall Lane, Mawdesley**

Councillor Henry Counce and Councillor Dennis Edgerley declared a prejudicial interest and left the meeting for the duration of this item.

(The Committee received representations objecting to the proposals and the applicant's agent in support of the application.)

(The Committee received representations from a Ward Councillor objecting to the proposals.)

Application No: 10/01081/FUL
 Proposal: Change of use and works to existing buildings to create two dwellings and two garages (resubmission of planning application no: 10/00604/FUL)
 Location: Land North West of and adjacent to Back House Barn, Hall Lane, Mawdesley
 Decision:

It was proposed by Councillor Roy Lees, seconded by Councillor June Molyneaux and subsequently **RESOLVED (8:1) – To defer the decision to allow Members of the Committee time to visit the site of the proposed development.**

(b) 11/00131/FUL - Sultan's Palace Indian Restaurant, Bolton Road, Anderton, Bolton

(The Committee received representations from the applicant's agent in support of the proposals.)

Application No: 11/00131/FUL
 Proposal: Demolition of the former pub/restaurant and the erection of four detached dwellings with associated works
 Location: Sultan's Palace Indian Restaurant, Bolton Road, Anderton, Bolton
 Decision:

It was proposed by Councillor June Molyneaux, seconded by Councillor Simon Moulton and subsequently **RESOLVED (10:0:1) – To approve planning permissions subject to a Section 106 Agreement, further consideration of any representations received on 9 March 2011, and the following conditions:**

1. **The proposed development must be begun not later than three years from the date of this permission.**
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. **Prior to the commencement of the development full details shall be submitted to demonstrate and provide full details of how the design and layout of the buildings will withstand climate change shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the Code for Sustainable Homes Level, how the proposals minimise energy use and maximise energy efficiency. All dwellings commenced after 2010 will be required to meet Level 3, all dwellings commenced after 2013 will be required to meet Level 4 and all dwellings commenced after 2016 will be required to meet Level 6 of the Codes for Sustainable Homes. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.**
Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD.
3. **Due to the size of development and sensitive end-use, 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 at the site and where appropriate, necessary remediation measures. The report should include**

an initial desk study, site walkover and risk assessment and 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: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use, in accordance with PPS23.

4. No development shall take place until a scheme has been submitted to and agreed in writing with the Local Planning Authority in conjunction with the Highway Authority which demonstrates how the existing site access serving Plots 3 and 4 can be improved and altered to allow for the necessary visibility along Bolton Road for future occupiers of these properties. The approved scheme shall be implemented in full prior to the occupation of the dwellings hereby permitted. Should a new access be required then the existing access shown to the front of Plot 4 shall be physically and permanently closed in accordance with a scheme to be agreed in writing with the Local Planning Authority.

Reason: To ensure adequate visibility at the junction to Plots 3 and 4 and in accordance with Policy No. TR4 of the Adopted Chorley Borough Council Local Plan Review.

5. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

6. No development shall take place until a scheme for pedestrian improvement works to the front of the site along Bolton Road including a new 2m wide footway and grass verge including pedestrian drop crossing shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate pedestrian routes are provided to and from the application site and in accordance with Policy No. TR4 of the Adopted Chorley Borough Council Local Plan Review.

7. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab 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 only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

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

shall have been erected in conformity with the approved details prior to substantial completion of the development.

Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

9. This consent relates to the following plans:

Plan Ref.	Received On:	Title:
10W116-003 Revision A	14 February 2011	Existing Plan & Elevations
10W116-007 Revision B	14 February 2011	Proposed House Plans & Elevations
10W116-006 Revision B	14 February 2011	Proposed House Plans & Elevations
10W116-001 Revision E	18 February 2011	Location Plan / Site Survey
10W116-005 Revision J	18 February 2011	Proposed Site Plan
10W116-004 Revision E	18 February 2011	Proposed Plan & Elevations

Reason: To define the consent and to ensure all works are carried out in a satisfactory manner.

10. Before the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR8 of the Adopted Chorley Borough Local Plan Review.

11. Notwithstanding the details shown on the submitted plans, the proposed driveway/hard surfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent flooding, in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review and PPS25

12. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.

13. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling(s) hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).
Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
16. Prior to the occupation of any dwelling hereby approved full details of the lighting columns illustrated on the proposed plans shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the height, position, appearance and output of any lighting columns to be erected. The development shall only be carried out in conformity with the approved details.
Reason: In the interests of the character and appearance of the area, the amenities of neighbouring residents and in accordance with Policy No. GN5, HS4, and EP21A of the Adopted Chorley Borough Council Local Plan Review.
17. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground surfacing materials (notwithstanding any such detail shown on previously submitted plans) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
Reason: To ensue a satisfactory form of development in the interest of visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
18. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5, DC8A, DC8B, HT2, HT3, HT7, HS4, HS9, EM3, EM4A and EM5 of the Adopted Chorley Borough Local Plan Review.
19. Prior to commencement of development, further details of bat roosting opportunities (for example, bat bricks, bat boxes, or roof access) that will be incorporated into the development will be submitted to Chorley Borough Council for approval in writing in consultation with specialist advisors. The approved details shall be implemented in full.
Reason: To provide opportunities bat roosting and bird nesting opportunities within the proposed development following demolition of the

existing buildings and in accordance with PPS9 and Policy No EP4 of the Adopted Chorley Local Plan Review.

20. Prior to the commencement of development (which for the purpose of this condition shall include the demolition phase) a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall specifically include details of working practices, site management, hours of operation, construction routes into and around the site, and the location of any storage or site compounds.

Reason: To protect the residential amenity of neighbouring residents during the construction phase and in accordance with Policy No HS4 of the Adopted Chorley Borough Local Plan Review.

- (c) 11/00059/FULMAJ - Land adjacent to Fairview Farm (including Land bounded by Chorley Road/Eller Brook and Railway) Fairview Drive, Adlington

(The Committee received representation from an objector to the proposals.)

Application No: 11/00059/FULMAJ
 Proposal: Section 73 application to vary conditions 1 (approved plans), 17 (levels – in respect of plots 8, 9, 10 and 11 to accommodate the drainage requirements) and 224 (approved plans – specifically in respect of the approved landscaping plans) attached to planning approval 09/00714/FULMAJ
 Location: Land adjacent to Fairview Farm (including land bounded by Chorley Road/Eller Brook and Railway) Fairview Drive, Adlington
 Decision:

It was proposed by Councillor June Molyneaux to defer the decision to allow further clarification of the issues related to flooding as discussed at the meeting, there was no seconder to this proposal.

It was proposed by Councillor David Dickinson, seconded by Councillor Mick Muncaster and subsequently **RESOLVED (10:1) – To approve planning permission subject to the following conditions:**

1. **The proposed development must be begun not later than three years from the date of planning permission reference 09/00714/FULMAJ**
Reason: Required to be imposed 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 details of the fences and walls to be erected as discharged by application 10/00947/DIS. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.**
Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
3. **The development hereby permitted shall be carried out in accordance with the approved external facing materials as discharged by application 10/00863/DIS.**
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

4. The development hereby permitted shall be carried out in accordance with the approved hard ground- surfacing materials as discharged by application 10/00863/DIS.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
5. The development hereby permitted shall be managed in accordance with the approved Management Company arrangements as discharged by application 10/00947/DIS.
Reason: To ensure the satisfactory management of the private driveways and Environmental Areas at the site and in accordance with Policies GN5 and TR4 of the Adopted Chorley Borough Local Plan Review.
6. The development hereby permitted shall be carried out in accordance with the approved precautionary measures set out within the Phase 1 Desk Study and Phase 2 Investigation and Report submitted as part of application 10/00863/DIS.
Reason: In the interests of safety and in accordance with Government advice contained in PPS23: Planning and Pollution Control.
7. The development hereby permitted shall be carried out in accordance with the approved remediation measures set out within the Phase 1 Desk Study and Phase 2 Investigation and Report submitted as part of application 10/00863/DIS.
Reason: In the interests of safety and in accordance with Government advice contained in PPS23: Planning and Pollution Control.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.
9. The existing soil levels around the base of the trees to be retained shall not be altered.
Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.
10. During the construction period, all trees to be retained shall be protected by 1.8 metre high block and mesh fencing, in accordance with the details submitted as part of application 10/00947/DIS. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand.
Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.
11. The development hereby permitted shall be implemented in accordance with the Habitat Creation/Enhancement and Management Plan undertaken by Bowland Ecology dated March 2011.
Reason: To ensure that the retained and established habitats that contribute to the Biodiversity Action Plan targets are suitably

established and managed. In accordance with Policy EM1 of the North West Regional Spatial Strategy.

12. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.
Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
13. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.
Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).
Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
15. The in curtilage parking spaces at plots 22-25 shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.
Reason: To ensure adequate off street parking provision is maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy RT2 of the North West Regional Spatial Strategy 2008.
16. The development hereby permitted shall be carried out in accordance with the approved surface water drainage strategy as discharged by application 10/00863/DIS. The maximum surface water discharge from the site will be 8l/sec.
Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and in accordance with Government advice contained in PPS25 Development and Flood Risk.
17. Within one month of the date of this planning approval full details of the predicted energy use of the development expressed in terms of carbon emissions shall be submitted to an approved in writing by the Local Planning Authority. If no data specific to the application is available benchmark data will be acceptable. A schedule should include how energy efficiency is being addressed, for example, amongst other things through the use of passive solar design. It will be flexible enough to show the on-site measures to be installed and implemented so as to reduce carbon emissions in accordance with policy SR1 of the Sustainable Resources DPD. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority unless it can be demonstrated, through open book accounting, that the individual site's circumstances are such that development would not be feasible or viable if the policy were implemented. Such details as may be approved shall be implemented and retained in perpetuity.
Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD and Supplementary Planning Document.

18. The development hereby permitted shall be carried out in accordance with the approved details in respect of Code for Sustainable Homes Level 3 set out within the pre-assessment tool submitted as part of application 10/00863/DIS. The approved details shall be fully implemented and retained in perpetuity.

Reason: To ensure the proper planning of the area. In accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policies EM16 and EM17 of the North West Regional Spatial Strategy and Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

19. The approved plans are:

Plan Ref. Received On: Title:

2640 02 08	10 September 2009	Location Plan
2640GM02/001 Rev E	25 January 2011	Proposed Site Layout
SSL:13037:100:1:1:LEV	2 October 2009	Threshold Level Survey
2640GM02/005 Rev A	7 October 2009	House Types B
2640GM02/006 Rev A	7 October 2009	House Types D
2640GM02/002 Rev A	7 October 2009	Proposed Street Elevations 1
2640GM02/003 Rev A	7 October 2009	Proposed Street Elevations 2
2640GM02/007 Rev A	7 October 2009	House Types G & H
2640GM02/008	7 October 2009	House Types B5, B6, G2 & G3
2640GM02/004	10 September 2009	Proposed Cross Sections
2640 02 07	18 November 2009	Existing Landscape
1110_05 Rev B	23 February 2011	Landscape Proposals-Final
1110_06 Rev A	23 February 2011	Planting Details for Environmental Areas
Rev D	28 February 2011	Landscape Proposals Planting Schedules
27-28-31 Rev D	18 February 2011	Site Plan showing roads, sewers, land drain and watercourse layouts.
27-28-38 Rev B	18 February 2011	Redirected Existing Watercourse
27-28-45	18 February 2011	Details of land drain adjacent to rear western boundary

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

20. In the event that a gabion retaining wall (highway structure) is required prior to the completion of plots 2-12 of the development full details of the proposed construction of the highway and turning head, serving plots 2-12, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include full details of the proposed gabion retaining wall, including levels and sections through the highway, along with proposed protection measures for the adjacent Sycamore Tree. The development thereafter shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to ensure the continued protection of the adjacent tree. In accordance with Policies GN5 and EP9 of the Adopted Chorley Borough Local Plan Review.

21. The development hereby permitted shall be carried out in accordance with the approved scheme and programme for the site enabling and construction phase of the development as discharged by application 10/00863/DIS.

Reason: To ensure the access used for construction traffic is appropriate in highway safety terms and to ensure that noise and disturbance resulting from hours of operation and delivery does not adversely impact on the amenity of existing residents.

(d) 11/00080/DIS - Group 1, Euxton Lane, Euxton

Application No: 11/00080/DIS
 Proposal: Application to discharge conditions 5, 6, 8, 9, 11, 29, 30 and 46 attached to planning approval 08/00910/OUTMAJ
 Location: Group 1 Euxton Lane, Euxton
 Decision:

It was proposed by Councillor David Dickinson, seconded by Councillor Mick Muncaster and subsequently unanimously **RESOLVED – That the conditions subject to this application (as detailed below) be discharged apart from condition 29 which was not required discharging as it was a compliance condition which did not require the submission of details to the Council.**

Condition 5

1. **Condition 5 is as follows: Prior to the submission of any reserved matters applications on the site pursuant to Condition 2 a Design Code shall be submitted to and approved in writing by the Local Planning Authority. This Design Code shall be produced in accordance with the Design and Access Statement dated August 2008 and the Supplementary Report to the Design and Access Statement dated January 2009. The Design Code shall include the design principles for the whole of the site and will incorporate, amongst other elements,:**

- **The Masterplan for the site**
- **Specific character areas incorporating detailing design requirements**
- **A highway hierarchy and design considerations including the alignment of the main road through the site linking Central Avenue to the A49**
- **A greenspace and landscape structure**
- **A movement framework**
- **Layout considerations**
- **Parking and garaging**
- **Appropriate building and hard surfacing materials**
- **Details of appropriate boundary treatments**
- **Lighting**
- **Signage and signposting**
- **Sustainability**
- **Details of the laying of services, drainage and cables**
- **Bin storage and rubbish collection**
- **Ecology and nature conservation**

Each reserved matters application thereafter shall be submitted in accordance with the Approved Design Code unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a comprehensive approach to the development of this site is achieved and in the interests of the proper planning of the site. In accordance with Policy GN2 of the Adopted Chorley Borough Local Plan Review

Condition 6

2. Condition 6 is as follows: Prior to the commencement of the development and the submission of any reserved matters application pursuant to Condition 2 the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Foul and surface water drainage
- Surface water strategy including details of the attenuation ponds
- Nature conservation and enhancement works including details of the proposed ponds
- Provision and layout of public open space
- Provision of footpath and cycle links
- Existing and proposed levels
- Tree works and tree protection measures

Each and every reserved matters application shall be submitted in accordance with the approved details. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the proper and comprehensive planning of the site to create a high quality sustainable development. In accordance with Policy GN2 of the Adopted Chorley Borough Local Plan Review.

Condition 8

3. Condition 8 is as follows: Prior to the commencement of the development a movement strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the road hierarchy through the site and the footpath/ cycle linkages through the site. The development thereafter shall be carried out in accordance with the approved movement strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the proper development if the site and to promote connectivity through the site and with the adjacent/ nearby existing Villages. In accordance with Policy GN2 of the Adopted Chorley Borough Local Plan Review

Condition 9

4. Condition 9 is as follows: Prior to the commencement of the development a landscape strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the informal open space and the structure planting along the southern and western boundaries of the site. In particular the strategy shall detail the phasing of the tree removal along the southern railway boundary, details of the phasing of the replacement tree planting along the southern boundary and the type and size of trees to be planted along the southern boundary. All reserved matters application shall be submitted in accordance with the approved landscape strategy and the development thereafter shall be carried out in accordance with the approved landscape strategy, unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of the proper development if the site. In accordance with Policy GN2 of the Adopted Chorley Borough Local Plan Review

Condition 11

5. Condition 11 is as follows: Prior to the commencement of the development a surface water drainage strategy (including a surface water attenuation strategy) shall be submitted to and approved in writing by the Local Planning Authority. The drainage of the site shall thereafter be fully implemented and completed in accordance with the approved strategy, unless otherwise agreed in writing by the Local Planning Authority

Reason: To enable the Local Authority to assess the effects of the proposed development on flood defence/ land drainage. In accordance with Policy EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS25: Development and Flood Risk

Condition 30

6. Condition 30 is as follows: No development shall take place until full details of the main road through the site between the junction on Central Avenue and the junction on the A49 have been submitted to and approved in writing by the Local Planning Authority. Thereafter Phase 2 of the development, as shown on the Masterplan (reference 895/97A dated 28th August 2009), shall not be commenced until the main road through the site has been constructed between the junction on Central Avenue and the junction on the A49 in accordance with the approved details and is open to public traffic.

Reason: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review

Condition 46

7. Condition 46 is as follows: The 1.2 hectare piece of land safeguarded for the provision of a primary school, in accordance with the associated Section 106 Agreement, (shown on the attached plan) will be grassed and maintained in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwellinghouse/ commercial unit. This area of land will be maintained in accordance with the approved details until the occupation of 600th property/ for a period of 10 years from the grant of the first reserved matters approval (whichever is the later).

Reason: In the interests of the visual amenities of the area and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

11.DC.23 ENFORCEMENT REPORT - YEW TREE HOUSE FARM

Councillor Roy Lees declared a prejudicial interest and left the meeting for the duration of this item.

The Committee received a report from the Director of Partnerships, Planning and Policy asking Members of the Committee to consider a request to extend the period of compliance with Enforcement Notices issued in respect of Yew Tree House Farm, Coppull Hall Lane, Coppull.

Members approved a recommendation last year to issue Enforcement Notices in respect of operational development involving the processing of milk. The appellant sought an extension of time to the compliance periods allowed in the notices.

It was proposed by Councillor Dennis Edgerley, seconded by Councillor June Molyneaux and subsequently unanimously **RESOLVED - That the period allowed for compliance with the Enforcement Notices should not be extended as the period allowed for compliance was felt reasonable and any longer period would prolong the harm caused by the development.**

11.DC.24 PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO. 7 (WITHNELL) 2010 WITHOUT MODIFICATION

The Director of Transformation submitted a report for Members to consider a formal confirmation of a Tree Preservation Order without modifications. No objections had been received in response to the making of the order.

It was proposed by Councillor Dennis Edgerley, seconded by Councillor June Molyneaux and subsequently unanimously **RESOLVED – That the Chorley Borough Council Tree Preservation Order No. 7 (Whithnell) be confirmed without modifications.**

11.DC.25 PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO. 9 (EUXTON) 2010 WITHOUT MODIFICATION

The Director of Transformation submitted a report for Members to consider a formal confirmation of a Tree Preservation Order without modifications. No objections had been received in response to the making of the order.

It was proposed by Councillor Dennis Edgerley, seconded by Councillor June Molyneaux and subsequently unanimously **RESOLVED – That the Chorley Borough Council Tree Preservation Order No. 9 (Euxton) be confirmed without modifications.**

11.DC.26 PLANNING APPEALS NOTIFICATION REPORT

The Director of Partnerships, Planning and Policy submitted a report giving notification of one appeal lodged against the refusal of planning permission and a planning application granted by Lancashire County Council.

RESOLVED – That the report be noted.

11.DC.27 DELEGATED DECISIONS DETERMINED BY THE DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY IN CONSULTATION WITH THE CHAIR AND VICE CHAIR OF THE COMMITTEE

The Committee received, for information, schedules listing nine planning applications for Category 'B' development proposals which had been determined by the Chair and Vice Chair of the Committee at meetings held on 8 February and 23 February 2011.

RESOLVED – That the schedules be noted.

11.DC.28 PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY

The Committee received, for information, a schedule listing planning applications determined by the Director of Partnerships, Planning and Policy under delegated powers between 27 January 2011 and 23 February 2011.

RESOLVED – That the schedule be noted.

11.DC.29 ANY OTHER ITEM(S) THAT THE CHAIR DECIDES IS/ARE URGENT

The Head of Governance gave a verbal update on a planning appeal.

Chair

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Report

Report of	Meeting	Date
Director of Partnerships, Planning and Policy	Development Control Committee	29 March 2011

Planning Applications Awaiting Decision

Item No.	Application No.	Recommendation	Location	Proposal
4a	10/01081/FUL	Permit subject to legal agreement	Land North West Of And Adjacent To Back House Barn Hall Lane Mawdesley Lancashire	Change of use and works to existing buildings to create 2 dwellings and 2 garages (resubmission of planning application No 10/00604/FUL)
4b	10/01065/FUL	Permit (Subject to Legal Agreement)	Land 30M North West Of 79 Railway Road Brinscall Lancashire	Erection of 4 No three bedroom dwellings
4c	10/00735/OUTMAJ	Permit subject to legal agreement	Land 110m West Of Coppull Enterprise Centre Mill Lane Coppull Lancashire	Outline planning application for the erection of a residential development with associated access arrangements
4d	11/00100/FUL	Refuse Full Planning Permission	Chisnall Playing Fields Chisnall Lane Coppull	Proposed extension of existing changing rooms to include gymnasium
4e	10/01110/REMMAJ	Approve Reserved Matters	Royal Ordnance Site Including Land Between Dawson Lane And Euxton Lane Euxton Lancashire	Re-plan of plots 759-760, 788-789, 811, 818-823, 829, 845, 863-866 and 927-929 of Parcel I, Phase 2. Re-plan of plots 886-890, 894-900, 874-880 and 899 of Parcel I, Phase 1. Re-plan of plots 721-725 of Parcel H6. (43 dwellings in total). All approved as part of planning approvals 09/00449/REMMAJ, 09/00797/REMMAJ and 10/00350/REMMAJ

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Item 4 **11/00100/FUL**

Case Officer **Caron Taylor**

Ward **Chisnall**

Proposal **Proposed extension of existing changing rooms to include gymnasium**

Location **Chisnall Playing Fields Chisnall Lane Coppull**

Applicant **Ainscough Strategic Land Ltd**

Consultation expiry: 15 March 2011

Application expiry: 5 April 2011

Proposal

1. The application is for a proposed extension to the existing changing rooms to include a gymnasium.

Recommendation

2. It is recommended that this application is refused planning permission.

Chairs Brief

3. The application is being brought to Chair's Briefing due to the level of support for the application, but also that a letter of objection has been received from the nearest property.

Consultation expiry date: 15th March 2011

Decision date: 5th April 2011

4. The site is situated on Chisnall Lane, Coppull behind Coppull Moor Farm in the Green Belt. The site has three full sized rugby pitches, one $\frac{3}{4}$ sized pitch and one mini pitch. The proposal is to extend the existing changing rooms. There is an existing pavilion on the site which will remain.
5. The proposed extension will add a further 39m in length to the existing building, going from 11.5m long currently to 50.5m as proposed. The width will remain the same.

Main Issues

6. The main issues for consideration in respect of this planning application are:

- Principle of the development
- Impact on the neighbours
- Design
- Traffic and Transport

Representations

7. 28 letters of support have been received from 24 households. Their reasons for support can be summarised as:
 - The proposal will benefit the local area;
 - It will enable them to keep fit as existing gym's are too expensive and only allow under 16's in at limited times. All Seasons is not conducive to group instruction or younger age groups;
 - To proposal is essential for them to improve as a senior rugby club;
 - It is the only club of it's kind in the area and the facilities would support children in a safe and modern environment;
 - A lot of training has to be cancelled due to bad weather which affects fitness. It will enable them to train all year round;
 - The facilities will be free for all members and allow them to train as a family;

- Overcoming health inequalities and ensuring everyone has the opportunity to access good sport, physical activity and recreation facilities is a key objective of the draft Core Strategy;
 - The gym would allow players to exercise as a team simultaneously increasing training times;
 - There are very few facilities of this type in the area;
 - The existing changing rooms let the club down and are not fit for purpose;
 - Neighbouring clubs have much better facilities and they lose older player to them;
 - It will be an incentive for friends and family to increase their fitness;
 - The buildings will be viewed in the context of vast barn at Staveley's;
 - A gym is an essential part of the training facilities;
 - There is little for young people to do in the area;
 - The gymnasium room will also be used for teaching and will enable youngsters to learn about the technical aspects of the game as well as play, which they currently have to do outside in all weathers;
 - It is a great facility and deserves the support of the Council;
 - The current changing rooms are no big enough for the number of teams – on Sunday's there can be 4-8 teams at home. There are also an increasing number of female players.
8. One letter of objection has been received from the nearest property. They agree that the existing changing facilities are inadequate for the size and number of the playing fields, however the inclusion of a gymnasium is in their opinion not necessary. This causes the scale of the proposed development to be excessive, at approximately 40% of the original building.
9. Coppull Parish Council has no objections to the proposal.

Consultations

10. None received

Applicants Case

11. The club state that its membership has been rising steadily over the past five years and it envisages doubling its current members in the next five years through attracting more children and targeting older members by offering additional forms of rugby. There is also a walking club which will be expanded to include 'active classes'.
12. With the current membership levels an average match day will have five teams playing at home, which with opponents results in ten teams (some of mixed sex) requiring changing facilities, plus one match official per game. At present the lack of changing facilities often mean young children have to get changed in the car park and there are up to five officials sharing a changing space 2 metres square. The proposed extension will increase the changing facilities to eight larger rooms plus an official's room which will double as a treatment room.
13. The proposed gymnasium will be used for rehabilitation, conditioning and cold weather training, as well as educational classes that are hosted by the club that require an indoor facility such as first aid courses and coaching education. However, it will also be a multi-use room open to the community as it will provide floor space for many other activities including keep fit for older members, dance and all other related activity that is currently offered at non-affordable prices elsewhere.
14. Members can't use other existing facilities around the Chorley area for a number of reasons; many are not affordable to the 16-34 age group and under 16's are not allowed in private gym's and only have limited use of All Seasons Leisure Centre as they are not allowed in after 5.30pm. It is essential that members have use of a gym to enable them to participate in the sport. At present it is clear that some members are disadvantaged when they take to the field against other teams who are better prepared. There are over 300 playing members and their families who support the proposal for a gymnasium which will put the people of Chorley on a level playing field against other areas.
15. There are undoubted benefits to the scheme and perhaps in light of the new localism bill they ask that the Members consider which will benefit the community more – the facilities or not allowing that area of Green Belt to be built on.

AssessmentPrinciple of the development

16. The site is in the Green Belt covered by national Planning Policy Guidance note 2: Green Belts (PPG2) and Local Plan Policy DC1. This states that essential facilities for outdoor sport and recreation are appropriate development in the Green Belt.
17. PPG2 goes on to say essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation.
18. PPG17 – Planning for Outdoor Sport and Recreation is also relevant to this proposal. This states that planning permission should be granted in Green Belts for proposals to establish or to modernise essential facilities [this author's emphasis] for outdoor sport and recreation where the openness of the Green Belt is maintained. Development should be the minimum necessary and non-essential facilities (e.g. additional function rooms or indoor leisure) should be treated as inappropriate development. Very special circumstances which outweigh the harm to the Green Belt will need to be demonstrated if such inappropriate development is to be permitted.
19. There are two aspects to the proposal, the changing rooms along with official's room/treatment room and the gymnasium. It is considered that the changing rooms are acceptable in principle being considered essential to enable rugby to be playing on the existing pitches. The current changing room building on the site is 11.5m by 6.8m (with a ridge of 4.8m). This houses four changing room of 9.6m² each with a W.C. and shower and a small official's room which doubles as a treatment room. The extension will allow the existing four changing rooms to be knocked together to create two larger rooms and six new changing rooms will be built along with an officials/treatment room. It is considered that the eight changing rooms and officials room/teaching room are essential to the rugby club due to the number of teams that play on an average match day, of varying ages, some of mixed sex plus match officials of both sexes. This aspect of the proposal is considered acceptable in terms of Green Belt policy.
20. The proposed gymnasium is more problematic in Green Belt policy terms. There is no doubt that the gymnasium/multi-purpose room would be a desirable facility for the rugby club to have in terms of training, particularly in poor weather and for younger members and other members of the community, however it is considered desirable rather than essential to allow rugby to be played on the site. The gymnasium element is therefore considered inappropriate development in the Green Belt.
21. PPG2 is clear that inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
22. The circumstances put forward by the club include that it will be used for team training, particularly in poor weather and for younger members who cannot attend or have limited access to existing gymnasiums. In addition it would be a multi-use room for tactical talks and associated education courses such as first aid. It would also be open to the wider community for non-rugby related uses, such as dance. It would encourage young people to become fitter and healthier and would also attract friends and family who do not currently take part in sport to lead a healthier lifestyle at a time this is something the Government are trying to encourage.
23. However, the rugby club currently has a pavilion on the site as well as the current changing room building. While it has been accepted that the facilities are a desirable addition to those already on the site PPG2 advises that in view of the presumption against inappropriate development the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development. Therefore although the special circumstances put forward by the applicant are noted, it is not considered that they carry such substantial weight that they outweigh Green Belt policy, the aim of which is to protect the openness of the Green Belt i.e. leave it free from development. The proposals are

therefore considered contrary to PPG2 and PPG17.

Impact on the neighbours

24. The nearest property to the proposed extension is known as Copper Beech and is situated to the east of the playing fields. They have objected to the application on the grounds that they consider the gymnasium element is not necessary, although they agree the existing changing facilities are inadequate. There will be approximately 30m between the extension and the boundary with this property, however the existing changing rooms as existing are nearer than the extension. To the west the nearest property is Patrick Farm but this will be approximately 200m from the proposal separated by the rugby pitches. Therefore, it is not considered that the proposal will have an unacceptable impact on any neighbouring properties.

Siting and Design

25. The proposal will increase the existing changing rooms by 39m in length, the width will remain the same. The design of the extension reflects the existing building, with a single ridge running down its length and no windows for security purposes. It will be at a slightly lower level giving a split-level design as the land falls away to the west. It will have a small gable feature where the existing and proposed parts of the changing rooms meet. The extension will be sited so it is adjacent the southern field boundary as per the existing changing rooms. The existing landscaping on this boundary will provide screening to the proposal and it is considered appropriate siting. The extension design is functional and replicates that of the existing building. The design is considered acceptable in accordance with Policy GN5.

Traffic and Transport

26. The site has a large area of parking, which the extension will not reduce and the access to the site will remain the same. It is not considered the proposal will increase the number of visitors to the site on match days, and although it may lead to an increase in traffic at other times if other classes are held in the multi-use room the existing parking and access are considered sufficient for this. Therefore the proposal is considered acceptable in this respect in accordance with Policy TR4.

Other

27. The proposed plans show a new wall and gates to be erected at the entrance to the site to replace the existing. It is not considered this requires planning permission as it is set back from Chisnall Lane.

Overall Conclusion

28. The application is finely balanced. There are two parts to the proposed facilities; the changing and treatments rooms and the gymnasium/multi-purpose room. The changing/treatment rooms are considered appropriate development and in accordance with policy, however it considered that the gymnasium/multi-purpose room is inappropriate development in the Green Belt in that it is a desirable rather than essential facility. The special circumstances that have been put forward by the applicant have been considered but on balance it is not considered these outweigh the significant weight that is applied to Green Belt policy in preventing inappropriate development.

Planning Policies

National Planning Policies:

PPG2, PPG17

Adopted Chorley Borough Local Plan Review

Policies: DC1, GN5, TR4

Planning History

00/00783/FUL Siting of metal storage container (retrospective application) Permitted. 21 November 2000

02/00228/FUL Siting of metal container for storage. Permitted. 30 April 2002

03/00882/FUL Erection of clubhouse and extension of carpark. Permitted. 9 October 2003

10/00835/FUL Erection of 4 no. x 15m floodlights and sports pitch drainage. Permitted. 24 November 2010

Recommendation: Refuse Full Planning Permission

Reasons

1. The proposed development would be located within the Green Belt. The gymnasium/multi-use room part of the proposal is considered to be inappropriate development in the Green Belt in accordance with Planning Policy Guidance note 2 and reiterated by Chorley Borough Local Plan Review Policy DC1. The applicant has put forward a case for very special circumstances, however it is not considered that the case put forward by the applicant outweighs the total harm in terms of inappropriateness (any other harm) to the Green Belt to justify permitting the proposal.

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Item	10/01110/REMAJ
Case Officer	Mrs Nicola Hopkins
Ward	Euxton South
Proposal	Re-plan of plots 759-760, 788-789, 811, 818-823, 829, 845, 863-866 and 927-929 of Parcel I, Phase 2. Re-plan of plots 886-890, 894-900, 874-880 and 899 of Parcel I, Phase 1. Re-plan of plots 721-725 of Parcel H6. (43 dwellings in total). All approved as part of planning approvals 09/00449/REMAJ, 09/00797/REMAJ and 10/00350/REMAJ
Location	Royal Ordnance Site Including Land Between Dawson Lane And Euxton Lane Euxton Lancashire
Applicant	Redrow Homes (Lancs)

Consultation expiry: 23 February 2011

Application expiry: 13 April 2011

Proposal

1. This application relates to a replan of 43 plots at Parcel I and Parcel H6, Buckshaw Village. Redrow Homes were granted reserved matters approval in September 2009 for the erection of 227 dwellings at the two parcels and this application proposes a replan of some of these previously approved plots.

Recommendation

2. It is recommended that this application is granted conditional reserved matters planning approval

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Background information
 - Amendments compared to the previous approvals
 - Density
 - Levels
 - Impact on the neighbours
 - Design
 - Traffic and Transport

Consultations

4. **The Environment Agency** have no comments to make
5. **United Utilities** have no objections subject to various conditions
6. **Lancashire County Council (Highways)** have no objection
7. **Director People and Places** has no comments to make
8. **Waste & Contaminated Land Officer** has no objections

AssessmentPrinciple of the development

9. Outline permission was granted for the Buckshaw Village development in 1997 and amended in 2002. The site as a whole is split between the administrative areas of South Ribble Borough Council and Chorley Borough Council. This application site is entirely within the boundary of Chorley Borough Council.
10. Policy GN2 of the Adopted Chorley Borough Local Plan Review applies to the Royal Ordnance Site. This states that high quality and phased development will be permitted for purposes appropriate to the concept of an Urban Village. Parcel I Phase 1 and Parcel H6 are wholly allocated as Contemporary Housing parcels within the Master plan approved under the outline permission and the Buckshaw Village Design Code. Parcel I Phase 2 incorporates various character areas including Traditional Street character area (facing the Green Corridor along the north eastern boundary of the parcel), Period Formal character area (facing the Green Corridor along the north western boundary of the parcel) and as Village Street character area (facing the central Village Green area associated with the Community Centre).
11. In respect of the contemporary housing parcels the Masterplan states that these parcels should incorporate modern estate development with 1-3 storey detached, semi-detached and terraced housing at a density of 25-35 dwellings per hectare.
12. In respect of the Traditional Streets character areas the Masterplan states that these areas should accommodate the first speculative and mass development for non-villagers with 2 to 2.5 storey detached and semi-detached dwellings with some terraces with a density of 30 dwellings per hectare.
13. In respect of Village Street Character area these are defined as pre and post Industrial revolution character areas within 2 to 3 storey blocks principally terraces with a density of 40-50 dwellings per hectare.

Background Information

14. Reserved matters approval for originally granted for the development of Parcels I (Phase 1 and Phase 2) and H6 in September 2009. At the time of this planning approval the Council were concerned about the proximity of some of the proposed dwellings to the highway (the main loop road) particularly as the previously approved highway layout incorporated a landscaped edge along the carriageway. As such some of the plots were conditioned out of this approval.
15. A separate reserved matters application was submitted and subsequently approved in January 2010 for these remaining plots. The original application incorporated 227 across the two parcels however the subsequent application incorporated amendments to take into account the requirements along the main loop road which resulted in the loss of 3 plots. As such the previous approvals at the site have incorporated the erection of 224 dwellings.
16. Following these original two approvals a further non-material minor amendment and plot substitution application have been approved at the site, these are listed below.

Amendments compared to the previous approvalsParcel I Phase 1

17. The original reserved matters approval for Parcel I Phase 1 incorporated the erection of 59 dwellings. When the subsequent reserved matters approval was submitted the amendments resulted in the loss of 2 plots on Phase 1 which resulted in the erection of 57 dwellings on this parcel.
18. This application proposes amendments to 19 dwellings on Phase 1 which includes:
 - The addition of 1 extra dwelling
 - Replacing 3 detached dwellings and 3 linked dwellings with 4 semi-detached dwellings and 3 terraced dwellings facing onto the main loop road
 - Replacing a flat over garage accommodation and a detached house (plots 895 and 896) with a single detached house (plot 894)

- Replacing the house types and reorientating the properties on plots 897 and 898
- Replacing 2 semi-detached and 1 detached dwelling (plots 875-877) with 2 semi-detached properties (plots 876 and 877) fronting the green corridor
- Replacing a flat over garage (plot 874) with 3 terraced dwellings (plots 874, 875, 899)
- Replacing a detached dwelling (plot 899) with a detached triple garage
- Reconfiguring the parking arrangements for plot 900

19. The proposed amendments result in the addition of an extra dwelling on Parcel I Phase 1 which results in a total of 58 dwellings on this parcel. The amendments are considered to be acceptable and will not adversely impact on the character or appearance of the scheme

Parcel I Phase 2

20. The original reserved matters approval for Parcel I Phase 2 incorporated the erection of 121 dwellings. When the subsequent reserved matters approval was submitted the amendments resulted in the loss of one plot on Phase 2 which resulted in the erection of 120 dwellings on this parcel. Following this another application was submitted (10/00350/REMMAJ) which re-planned part of this site and resulted in the erection of 119 dwellings on this parcel.
21. This application proposes amendments to 20 dwellings on Phase 2 which includes:
- The addition of 2 extra dwellings
 - Replacing 4 detached dwellings (plots 818-821) with 3 detached and 2 semi-detached dwellings (plots 818-822) fronting onto the main loop road
 - Replacing 2 detached dwellings (plots 822-823) with 1 detached dwelling (plot 823)
 - Substituting the house type on plot 845
 - Replacing 1 detached dwelling (plot 829) with 2 semi-detached dwellings (plots 811 and 829)
 - Plot substitution of the house types on plots 863-866 and 927
 - Replacing a detached dwelling (plot 868) with a detached dwelling (plot 928) and flat over garage (plot 929)
 - Replacing 2 detached dwellings (plots 759 and 760) with a pair of semi-detached dwellings (plots 759 and 760)
 - Replacing 2 detached dwellings (plots 788 and 789) with 2 semi-detached dwellings (plots 788 and 789)
22. The proposed amendments result in the addition of 2 extra dwellings on Parcel I Phase 2 which results in a total of 121 dwellings on this parcel. The amendments are considered to be acceptable and will not adversely impact on the character or appearance of the scheme

Parcel H6

23. The original reserved matters approval for Parcel H6 incorporated the erection of 47 dwellings. When the subsequent reserved matters approval was submitted no changes were proposed to parcel H6
24. This application proposes amendments to 5 dwellings on Parcel H6 which includes:
- Replacing an apartment block and 2 linked dwellings with 5 terraced properties
25. No additional dwellings are proposed on this parcel. The amendments are considered to be acceptable and will not adversely impact on the character or appearance of the scheme

Density

26. The whole site covers 15.8 acres which equates to 6.39 hectares. In total 226 new dwellings are proposed for the whole site (43 as part of the application) which equates to approximately 35 dwellings per hectare.

Levels

27. The levels on this parcel rise upwards from south to north with the properties along the northern boundary approximately 2 metres higher, in respect of the finished floor level, than the southern boundary. The level difference was addressed as part of the previous approval on the site and no loss of amenity was created. Further level information has been requested

from the applicants to confirm that this scheme is in accordance with the previously approved levels. This will be addressed on the addendum.

Impact on the neighbours

28. When the scheme was originally submitted some of the properties did not meet the required spacing standards however the scheme has been amended to incorporate the required distances and as such it is not considered that the proposal will adversely impact on the amenities of the future residents.

Design

29. The proposed scheme incorporates the erection of 43 dwellings which are examples of Redrows standard house types which has been utilised elsewhere on the site. As such the principle of these house types has already been established on this site.

30. Within Parcel H6 the previous approval incorporated a 3 storey apartment block and 2 two storey dwellinghouses within the part of the parcel subject to this planning application. The proposed plans incorporate the erection of 5 two storey terraced properties overlooking the access road. This amendment is not considered to be out of character with the principles previously established for this parcel. The original scheme incorporated the side gable of the property on plot 725 adjacent to the Green Corridor however the plans have been amended and this gable now incorporates a window to a habitable room which will overlook the green corridor.

31. Within Parcel I Phase 1 seven of the proposed properties directly front onto the main loop road. This layout follows the previously established principles for this part of the site with the properties set slightly further back from the highway to enable an element of landscaping to be incorporated. This amended scheme now incorporates garages which will be visible from the highway however there is sufficient room to accommodate landscaping which can screen the blank gable walls of the garage accommodation.

32. Eight of the proposed properties within Parcel I Phase 1 face onto the Green Corridor which ensures that there are no blank gables along the corridor creating a degree of visual interest whilst ensuring that the corridor is overlooked creating natural surveillance.

33. Seven of the properties proposed in Parcel I Phase 2 overlook the Central Village Green area. These properties follow the principle which has already been established on this part of the site which will provide a traditional street character with direct vehicular access off the highway serving garages set back/ to the rear of the dwellings.

Traffic and Transport

34. The scheme incorporates a mix of 2, 3 and 4 bedroom dwellings. For the 2/3 bedroom properties 2 off road parking spaces are required and for the 4 bedroom properties 3 off road parking spaces are required. The originally submitted scheme did not meet this requirement however the plans have been amended and now all the properties incorporate sufficient parking. This includes garage accommodation which meets the Manual for Streets dimensions.

35. Lancashire County Council Highways have no objection as the scheme will have no significant effect on parking or the highway network.

Overall Conclusion

36. The proposed amendments follow the design and layout principles already established for these parcels and as such the amendments are considered to be acceptable.

Other Matters

Waste Collection and Storage

37. Adequate provision is required as part of the development for bin storage and to enable the refuse vehicles to collect the bins. This is not an issue in the areas of the site which have direct road access however a few of the properties proposed face the Green Corridor and incorporate rear parking areas served off private access roads. In these situations refuse

collection and bin carry distances for the residents are a consideration. Bin collection and storage points are included within the site to address these parts of the site without direct highway access.

Planning Policies

National Planning Policies:

PPS1, PPS3, PPS23, PPS25

Adopted Chorley Borough Local Plan Review

Policies: GN2, GN5, GN9, EP18, HS4, HS5, TR1, TR4, TR18

Buckshaw Village Residential Design Code

Planning History

97/00509/OUT: Outline application for mixed use development. Granted in 1999

02/00748/OUT: Modification of conditions on outline permission for mixed use development. Approved December 2002

05/00523/REMMAJ: Formation of phase 1 of link road to serve residential development. Approved July 2005

05/00525/REMMAJ: Formation of phase 1 of link road to serve residential development (duplicate of planning application 05/00523/REMMAJ). Approved July 2005

09/00449/REMMAJ: Reserved matters application for the erection of 227 dwellings with associated garages, roads, sewers & parking spaces for Parcels H6, I (Phase 1) and I (Phase 2). Including a part amendment to the road layout previously approved as part of reserved matters approval 05/00523/REMMAJ and 05/00525/REMMAJ. Approved September 2009

09/00797/REMMAJ: Reserved matters application for the erection of 17 dwellings on Parcel I, Buckshaw Village. Including a part amendment to the road layout previously approved as part of reserved matters approval 05/00523/REMMAJ and 05/00525/REMMAJ and a part amendment to reserved matters approval 09/00449/REMMAJ. Approved January 2010

10/00072/DIS: Application to discharge conditions 5 & 12 attached to planning approval reference 09/00797/REMMAJ. Discharged April 2010

10/00074/FUL: Application for variation of condition 5 attached to planning approval reference 09/00449/REMMAJ. Approved April 2010

10/00197/MNMA: Application for a Minor Non Material Amendment to replace garages with 2 parking spaces at Parcel H6 & Parcel I, Buckshaw Village. Approved April 2010

10/00350/REMMAJ: Reserved Matters Application for a Plot substitution of Plots 890-895 & 915-921 - 13No Dwellings (Phase I1) and Plots 757-763 / 782-789 / 816-823 & 829-868 - 63No Dwellings (Phase I2) - 76No Dwellings in total. Approved July 2010

10/00711/DIS: Discharge of conditions attached to planning application approval 10/00350/REMMAJ. Discharged April 2010

Recommendation:

Approve Reserved Matters Conditions

1. The approved plans are:

Plan Ref.

Received On:

23 February 2011

Title:

Location Plan

BV-002	20 December 2010	Site Layout
BVED-01 Rev E	27 January 2011	Various Detail
BV-I/H6/ENG022-2	11 March 2011	Highway Surfacing Plan 2
BV-I/H6/ENG022 Rev D	11 March 2011	Highway Surfacing Plan
BV-I7H6-BS-01	11 March 2011	Typical Binstore Detail
3649.01 Rev C	11 March 2011	Landscape Structure Plan
3649.02 Rev C	11 March 2011	Landscape Structure Plan
3649.03 Rev B	11 March 2011	Landscape Structure Plan

Parcel I Phase 1

BV-I1-11-02-002 Rev T	11 March 2011	Detailed Site Layout
BV-IPH1-11-02-002 Rev I	11 March 2011	Material Schedule
BV-IPH1-11-02-003 Rev D	20 December 2010	Boundary Treatment Plan

Parcel I Phase 2

Plan Ref.	Received On:	Title
BV-IPH2-11-02-002 Rev S	11 March 2011	Detailed Site Layout
BV-IPH2-11-02-002 Rev J	11 March 2011	Material Schedule
BV-IPH2-11-02-003 Rev C	20 December 2010	Boundary Treatment Plan

Parcel H6

Plan Ref.	Received On:	Title
BV-H6-11-02-001 Rev J	11 March 2011	Detailed Site Layout
BV-H6-11-02-003 Rev A	20 December 2010	Boundary Treatment Plan
BV-H6-11-02-002 Rev D	11 March 2011	Material Schedule

House Types

A2A064 Rev A	12 January 2011	The Ashdon (A)
C3H102	20 December 2010	The Warwick
C4H127	23 February 2011	The Oxford +
C3H081	20 December 2010	The Broadway
C3H095	20 December 2010	The Letchworth
C4H109	20 December 2010	The Stratford
C4H126	20 December 2010	The Oxford
C4H127	23 February 2011	The Oxford + Render
C2H068	20 December 2010	The Evesham
C3H081	20 December 2010	The Broadway
C2H068	20 December 2010	The Evesham Render
C3H099	20 December 2010	The Brecon 2
C3H099	20 December 2010	The Brecon 2 render
C4H134-2	20 December 2010	The York
AS-BCK-PHI2	20 December 2010	Ashdon Special
RB-BPIPH1-KEN	27 January 2011	Kenilworth Block
RB-BPIPH1-BRO-ASH	27 January 2011	Broadway- Ashdon Block
RB-BPIPH1-EVE	27 January 2011	Evesham Block
RB-BPIPH1-KEN-EVE	27 January 2011	Kenilworth-Evesham Block
L4235BE.1	11 March 2011	The Broadway-Evesham Plots 721-725
L4235BE.1	11 March 2011	The Broadway-Evesham Plots 721-725

Garage Accommodation

HV-DG01 Rev B	20 December 2010	Double Garage
HV-DG02 Rev B	20 December 2010	Double Garage
C-DG03 Rev B	20 December 2010	Double Garage
C-SG01 Rev C	20 December 2010	Single Garage
	27 January 2011	Triple Single Garage

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

- The proposed development must be begun not later than two years from the date of this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.
Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No.HS4 of the Adopted Chorley Borough Local Plan Review.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species..
Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.
5. The external facing materials detailed on the approved plans shall be used.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS9 of the Adopted Chorley Borough Local Plan Review
6. The hard ground- surfacing materials detailed on the approved plans shall be used.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS9 of the Adopted Chorley Borough Local Plan Review.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).
Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
8. The garages hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.
Reason: In order to safeguard the residential amenity and character of the area and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.
9. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.
Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.
10. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab 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 only be carried out in conformity with the approved details.
Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
11. The bin storage facilities detailed on the approved plans shall be used.

Reason: To ensure that adequate refuse storage is provided on site and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.

12. Prior to the commencement of the development full details of the communal bin collection points shall be submitted to and approved in writing by the Local Planning Authority. The details shall include their location and the proposed hardsurfacing materials/ details of the enclosure. The collection points shall only be utilised for the storage of bins on bin collection days and shall be free of bins at all other times. The collection points shall thereafter be retained in perpetuity.

Reason: To ensure adequate refuse collection facilities are provided on site and in the interests of the visual amenities of the area. In accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control.

Case Officer	Liz Beard
Ward	Eccleston And Mawdesley
Proposal	Change of use and works to existing buildings to create 2 dwellings and 2 garages (resubmission of planning application No 10/00604/FUL)
Location	Land North West Of And Adjacent To Back House Barn Hall Lane Mawdesley Lancashire
Applicant	Thomas Mawdsley Building Contractor

Consultation expiry: 9 February 2011

Application expiry: 10 February 2011

Recommendation: Permit subject to legal agreement

Proposal

1. The proposal is for the change of use of the existing buildings to create two dwellings and two garages. This is a resubmission of an application that was withdrawn last year (reference 10/00604/FUL).
2. The applicant bought the land towards the end of 1996 and it was transferred at the beginning of 1997, and there have been various uses carried out on the site. The site is overgrown in places and there are a mixture of buildings on the site, along with a frame for a polytunnel and a base for another building.
3. This application is to use two of the existing buildings as dwellings, one to the south of the site (Building 1) and one towards the middle of the site (Building 3). It is proposed to retain a part wooden and part brick outbuilding (Building 4) for use with one of the dwellings, and retain a further wooden outbuilding (Building 6), towards the north-eastern corner for owls to roost/nest. Two double garages are shown for each dwelling. One building has already been demolished and all the other buildings and structures are to be demolished.
4. Access is proposed via the existing access from Backhouse Barn Hall Lane. This is a narrow track, which is also a Public Right of Way (Public Footpath no.39), which has limited passing areas. This will then split off into two driveways to the separate dwellings. The driveway to building 1 will have a turning circle. The boundary treatment around the perimeter of the site will remain as existing and there will be 1.8m high screen fencing shown to separate the two dwellings. The remaining land will be included as private garden.
5. **The application was deferred at the last Committee for a site visit.**

Recommendation

6. It is recommended that this application is granted conditional full planning approval subject to the associated Section 106 Agreement

Main Issues

7. The main issues for consideration in respect of this planning application are:
 - Principle of the development

- Impact on the neighbours
- Design
- Ecology
- Traffic and Transport
- Public Right of Way
- Drainage and Sewers
- Land Ownership

Representations

8. 13 letters of objection has been received which raises the following issues:
- Wear and tear on the access track is difficult to maintain and with additional vehicles will compound the problem.
 - There are no official passing places along the track unless to pull into driveways of other residents.
 - The track is a public footpath regularly used by walkers and locals who frequently let their pets run off the lead, as it safe and away from the regular flow of traffic.
 - Pulling out onto Hall Lane is difficult and at times treacherous, and more vehicles using the track would certainly have a need for more improved vision.
 - The proposed house is situated 2.5m away from my hedge and is adjacent to an area where we rear livestock and fowl. There are times throughout the year where lights are on at all times which would cause a problem with a neighbour within such close proximity.
 - Concerned that the reports, which support the application are not correct. I have lived here for three years and have never seen any vehicles on the site until very recently. The area is derelict with a few bricks and old pieces of wood lying around, which do not look as if they have been moved for many years.
 - The land shown within the application site is not registered.
 - If development is approved the added use of water and electricity on the new site will cause a problem not only with the three existing dwellings at Back House Farm but also the other residents which are also serviced in this way.
 - The buildings within the site are ramshackle and not worthy of retention being unsuitable for conversion without substantial works.
 - Apart from the rebuilding, the changes in materials and roof height will impact upon the openness of the greenbelt.
 - No existing heights are shown on building 3 but the proposed new height is almost 6 metres. The changes will severely impact upon the openness of the greenbelt and will alter the character of the site.
 - No planning permissions have been granted and no Certificate of Lawfulness has been obtained. Any lawful uses have been abandoned and the use of the site for agricultural purposes broke any qualifying period, which might be obtained used to obtain a Certificate of Lawfulness.
 - Bat and Owls are present in the locality and they have used the buildings in the past. Any development of the site will impact on upon the ecology of the area.
 - The site is unsuitable for use as a builder's yard for which planning permission is now needed.
 - The access road is unsuitable for use by large vehicles being narrow and having no passing places in the control of the applicant. There are no fall back positions upon which the applicant can rely except the agricultural use if planning permission is refused.
 - The site is in greenbelt where there is a general presumption against inappropriate development.

- Any development for residential purposes is inappropriate because neither building is suitable for conversion without major reconstruction.
- The access to the site is long, narrow and tortuous. The junction with Hall Lane is dangerous. Any intensity of use of the track for any reason is unsafe.
- The second proposed house overlooks our house and garden, particularly the intended upstairs windows, and the proposed garage will completely obliterate our only view across the fields.
- This will result in total loss of privacy and being surrounded on two sides will significantly increase noise levels.
- The impact of two more dwellings on a tiny hamlet of three existing houses will be enormous. All traffic would have to approach within feet from walls of our houses.
- We consider the construction of development on such a scale to be totally unnecessary and inappropriate due to the location of the site and its inherent inaccessibility, creating further commuting difficulties for existing residents and an increased hazard for users of the public footpath, which constitutes the only access to the proposed site.
- The access to the proposed site is down a single track cart road that is also a well used public footpath, there are already 3 properties down this lane which is far too many as it is, further development will create a dangerous situation for people using the footpath.
- Another area of concern is the fact that as well as the detached houses there are also separate detached garages. We have experienced in the past (by the applicant) where this type of garage is applied for conversion to a dwelling at a later date, thereby creating four dwellings not two.
- There cannot be any “special need” to justify building in the Green Belt of Mawdesley.
- Not only is this field Green Belt it should be treated as green field.
- It was once part of Backhouse Farm, used for poly-tunnels and wooden sheds. Since then it has had a stable built (with planning permission) and hard-core tipped without planning permission. It is still an isolated rural area unsuitable for housing development.
- Additional properties would substantially increase the traffic and impact on the environment.
- As the proposed development is for two large 4 bedroom properties this will undoubtedly increase the traffic along the track and create noise and pollution.
- It is unusual for 4 bedroom properties to have a large garage.
- The site is described as a joinery and builders yard. We have lived here for 6 months and there has been no activity whatsoever on the site. In our view it is not used as a joinery and builders yard, the only activity has been putting in of foundations and adding to existing structures and no traffic has been seen during the entire time.
- Ecology report believed to be inaccurate as based on 4 visits over the last two years.
- The track is described as an unadopted road, this is highly misleading and indeed the whole report in our view entirely misrepresents the true position.
- The track is in very poor condition from start to finish, it is very narrow and is overgrown with hedges and trees, there are numerous blind spots, and no passing places.
- Several entrances along the track, but these are not passing places and are in private ownership.
- The report states visibility is good, which with respect is blatantly incorrect. Vision is severely impaired, particularly to the right of the track when it meets the main road, due to extensive hedging.

- The highway report also fails to make clear that the track has a public footpath running the entire length of the same and furthermore is unlit. Increased traffic would only serve to increase the risk of further accidents and would be dangerous for pedestrians and walkers.
 - Materials used are out of character with the setting. The architecture and external styling do not compliment the surrounding rural setting.
 - I jointly with my wife own the last third of the drive leading from the 90 degree bend to Back House Farm and the track in front of the three houses including the proposed entrance. We are not prepared to allow the developer's right to pass by foot or vehicle to his land to be converted to rights for others to do so. Accordingly, whilst he personally can enjoy that right, he cannot extend it to others.
9. There were also two letters submitted, which clarify some of the points/matters provided in the supporting information and in relation to the application. One was from the previous owner of the land, and the other from someone who used the stables.
- The application site was sold to Mr Mawdesley in 1996 together with right of access, for him only, along the track, which I also owned.
 - Building 1 was used as a piggery until 1980's after which it was used as storage and then horticultural use in connection with the farm.
 - From 1996 the building was used to store building materials in connection with the conversion of Backhouse Barn to a dwelling. It was never used separately as a joinery workshop up until 2002.
 - Building 3 did not exist when I sold the land. There were previously a number of timber constructed poultry cabins, which have been demolished. Building 3 was constructed in 1996, which was rented out.
 - Stables were used, 1996 to 1999 but not as a commercial enterprise.
10. **Mawdesley Parish Council** raise an objection as the proposed development is located in Green Belt. The Parish Council question the validity of a number of the statements made in the supporting information. The premises has never been used as a 'builder's yard' or 'livery stable's' commercial or otherwise where they have been informed by owners of neighbouring properties.
11. The access road is a rough track without any real passing places. Access to the site is via a private road. It is not clear whether the proposed residential development will enjoy full right of way, as the adjacent land, which is currently used for access, is owned by one of the neighbouring properties.
12. Concern has been expressed by the neighbours, that there is no main sewer near to the site and the designated water supply is privately owned. Any future development proposing to access the water supply will have a detrimental effect on existing users. Confirmation is also needed that the existing electrical services to the plot are suitable for two residential dwellings.
13. The Mawdesley Village Design Statement 1997 states there should be no reduction in the area of land around Mawdesley, which is set aside and described as Green Belt. Also in relation to Local Plan Policy DC1 no special circumstances apply to this development proposal.
14. **Update Following Previous Committee:** A request for a deferral was received by the agent (Richard Percy), and was reported on the addendum. It read as follows:

15. *'I can confirm that my client, Andrew Mawdesley, has been speaking to Mr Austin, owner of Back House Farm, regarding various ownership and rights of way issues of which you are aware. There is a good level of agreement between them regarding these issues and I understand that the other residents in the area around the application site are also in agreement with the substance of the discussions.'*
16. *However, to protect the interests of all parties, it is likely that letters will need to be exchanged which will set out the agreement which have been, in principle, agreed. This is likely to take several days, particularly as Messrs Mawdesley and Austin cannot now meet again until the weekend. I have therefore been asked by the applicants to request that consideration of the application is deferred until the next meeting of the Committee at the end of March. This will allow all the loose ends to be cleared up and all parties will benefit from this deferral. As this process is clearly what the Government has in mind in terms of giving more power to local residents in relation to the planning process, I trust the chairman of the Development Control Committee will agree to this deferral.'*
17. In reply to the above, Mr Austin has written the following letter, which was received on 9 March 2011. Mr Austin would like the Committee to be made aware of the following:
18. *'I was very surprised indeed to learn at last night's planning committee that a further addendum had been provided by your team referring to an email from the Mawdesley's concerning the without prejudice and subject to contract discussions I am having with Andrew Mawdesley. I would like you to make it absolutely crystal clear to the planning committee that whilst without prejudice and subject to contract negotiations did take place, there was no consensus or agreement reached between myself and Andrew Mawdesley on behalf of the residents. The residents remain opposed to the application and no further meetings are planned. Please acknowledge receipt and confirm that you will make the planning committee aware of the above and that no consensus or agreement exists.'*

Consultations

19. **Lancashire County Council (Ecology)** state that the main ecological issues relating to this application are potential impacts on bats, common toad, barn owls and other breeding birds. Because Bats (European Protected Species) would be affected by the proposal the three tests that have to be met are the development is of overriding public interest, there is no satisfactory alternative, the development would not be detrimental to maintaining the population of the species concerned at a favourable conservation status. Mitigation and compensation proposals are given in Section 5 and Appendix 2 of the ecological survey and assessment report (ERAP, June 2010), including an outline method statement to address the third test. In my opinion, provided that the proposed mitigation/compensation measures are implemented in full, detrimental impacts on bats, common toads, barn owls, breeding birds and other features of ecological interest can be avoided or adequately off-set. If all the above tests can be met and Chorley Borough Council is minded to approve the application, then full implementation of the recommendations given in Section 5 and Appendix 2 of the ecological report, incorporating any amendments required by Natural England at licensing stage, should be subject to a planning condition.
20. **Chorley Council Planning Policy** comments that applicants proposing residential conversions are expected to demonstrate the sufficient efforts have been made to secure a viable economic use for the building(s). A building's proposed new use must reflect the existing architectural qualities and features. Whilst not resulting in an overall net increase in buildings, the demolition of existing outbuildings and erection of two double garages as replacement buildings may not be considered as necessary. PPS3

(Housing) encourages development that is easily accessible and well-connected to public transport and questions are raised over the sustainability of the proposal.

21. **United Utilities** have no objection to the proposed development. A separate metered supply to each unit will be required at the applicant's expense. United Utilities encourages the use of water efficient designs and development wherever this is possible, including the latest water efficient products, e.g 4.5l flush toilet, minimise the lengths of hot and cold water pipes from storage to tap/shower areas, utilising drought resistant varieties of trees, plants and grasses when landscaping and install water efficient appliances. It is the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.
22. **Lancashire County Council (Highways)** comments that the development has shown adequate car parking facilities within the properties. The proposal does not have a significant effect on the adjacent highway network safety or traffic volume. Further comments have been provided, where the issue of the sight lines were looked at. He states with 40mph speed limits, manual for streets, suggests a sight line is not achieved. In view of the safety for other road users and those using the private road at the junction with Hall Lane, I have reconsidered my earlier decision. The proposal will bear a risk of safety for other road users and those using the private road at the junction with Hall Lane; I have reconsidered my earlier decision.
23. An additional response was received following Cllr Iddon contacting the Highways Engineer, where they state that the speed limit on Hall Lane in the vicinity of its junction with the private road is 30mph and not 40mph. However, taking this into account the visibility particularly to the right, as you leave the site, is substandard and they still have a concern for all the safety of all road users including those already using the private road.
24. **Lancashire County Council (Public Rights of Way Officer)** has provided comments that it is apparent that the application area abuts Public Footpath no. 39, but it is not clear whether the application will affect the Public Footpath. He goes on to say that Public Rights of Way must not be obstructed during the proposed development. It is the responsibility of the landowner to ensure that the necessary procedures are followed for the legal diversion of the Public Rights of Way if this should be necessary.
25. **Building Control** checked the structural appraisals and conclude that: A lot of work would be required, but it is possible that the works can be completed, to the existing buildings, to bring the buildings up to an acceptable standard.

Assessment

Principle of the development

26. The site lies within Green Belt where Planning Policy Guidance (PPG) Note 2: Green Belts is of relevance. Within PPG2 there is a general presumption in favour of the reuse or the conversion of rural buildings for commercial or business use. However, where the reuse or conversion for such a use is not possible or viable, then a residential use would be considered rather than allow the building to fall vacant or go into disrepair. Therefore it is for applicants to demonstrate that sufficient efforts have been made to secure a viable economic use, which is outlined towards the end of Policy DC7A of the Chorley Local Plan Review.
27. Policy DC7A lists the criteria where one or other of the following apply, which the applicant is required to demonstrate. Part i) states that a Statement of Efforts and Proof of Marketing should be submitted. Part ii) it should be shown that the residential

conversion is ancillary to the business use and part iii) the building is demonstrably unsuitable for business use. The supporting information provided highlights that given the location of the site at the head of a 730m long single private track private road, it is not suitable for a business use. It is acknowledged given its location that it would be unsuitable for use as a business, although tourist and community facilities may be considered as part of any marketing exercise. The policy does state that one of the criteria have to be met and it is felt that given its location then it is not suitable for a commercial use, therefore this part of the policy (part iii) has been complied with. It should also be noted that Planning Policy Statement (PPS) 4: Planning for Sustainable Economic Growth, which post dates the Chorley Local Plan Policy, and is the most up to date policy advice, states in paragraph EC12.1 that; *'Re-use of buildings in the countryside for economic development purposes will usually be preferable, but residential conversions may be appropriate in some locations and for some types of building.'* This has changed some of the emphasis from reusing buildings in the countryside for business use only and these should be retained in rural locations. Now there is more flexibility in that residential use may be more appropriate. It is considered that a business or commercial use is not suitable in this location.

28. The first part of Saved Policy DC7A of the Chorley Local Plan Review lists further criteria for the re-use of existing buildings and these all have to be met. The Planning Statement that was submitted with the application states how the proposal accords with each part of the policy; as shown below:
29. (a) The proposal does not have any impact on the openness of the Green Belt. The Planning Statement says, the two buildings already have a presence in the Green Belt. The development proposals would involve the removal of a large building plus the remains of others and would be replaced with smaller garage structures. The overall effect would be to reduce the built impact of the site on the openness of the Green Belt.
30. (b) Re-use of the building will not create pressure for additional farm buildings elsewhere in the Green Belt. The Planning Statement says this is not relevant as this relates to existing agricultural buildings.
31. (c) If an agricultural building then no permitted development issues arise. The Planning Statement says this is not relevant as they relate to existing agricultural buildings. The applicant does not own any of the surrounding fields, therefore these buildings are not used in relation to these.
32. (d) The buildings to be converted must be of a permanent and substantial construction. Structural surveys have been submitted and show that they are both capable of conversion. This has been confirmed by Building Control. However, a methodology statement outlining the actual works that will be taking place, and at what stages, has been requested, following the comments made at Committee.. An update will be provided on the addendum.
33. (e) The development respects the form, bulk and general design of the buildings and its surroundings. The plans submitted show the basic form, bulk and design is to be maintained.
34. (f) The change of use has been accommodated without the needs for any additions or alterations to the building. Particular attention will be given to the curtilage and the requirement for outbuildings. The curtilage will not be altered in anyway. The Planning Statement has not provided comment on the provision of two double garages.

35. (g) The building must have reasonable vehicular access. The existing private road provides such access and is already used by three adjacent dwellings adjacent to the application site. The Planning Statement goes on to say that *'..plus potentially more intensive use, by larger vehicles, for the lawful uses of the site. The issue of acceptability of the private road for the proposed use is addressed by the amended highways report produced by AECOM and included in Appendix 2.'*
36. (h) The development would not result in the loss of wildlife or habitat of importance as a result of the change of use. This is addressed in the ecological statement by ERAP Ltd.
37. Following the assessment of the proposal against the above criteria, the proposal does not fully meet criteria f). Criteria f), when read in conjunction with the Supplementary Planning Guidance (SPG) Conversion of Rural Buildings in the Countryside where para. A3 states *'Any range of buildings should be protected in their entirety, and there should not be selective demolition to facilitate an enhancement to the proposed conversion. Any smaller buildings should be used for garaging, storage, or other ancillary purposes. Additional curtilage buildings will not normally be permitted.'* This guidance was designed to protect rural buildings, which collectively have architectural merit, these buildings do not have a great design presence, however, there still needs to be an assessment made on the overall impact. There is the issue of whilst not resulting in an overall net increase in buildings whether these additional buildings are not necessary when existing buildings could be used.
38. Within PPG2 paragraph 3.8, it goes a bit further as it says *'..strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (eg because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing)'*
39. There is also the consideration with regards to the General Permitted Development Order, where there is the allowance for certain development to be built without planning permission. This includes for double garages, and various outbuildings. Therefore a balance has to be looked at between what is allowed under permitted development rights and conflict with the openness of the Green Belt.
40. This scheme as a whole is for the removal of a number of structures and outbuildings, and the reuse of two of the buildings (plus an additional one as an outbuilding) and two double garages. Although it does not strictly comply with the SPG part f) of Policy DC7A does not rule out the requirement of outbuildings completely. It says that *'particular attention'* will be given to them. It is considered that overall the impact of the Green Belt will not be detrimental and cause harm and the proposal does not have impact on the openness. The removal of the existing structures and buildings will improve the openness and although there will be two double garages built these will not have a materially greater impact on the openness of the Green Belt than the existing situation. To ensure that this is retained then a condition can be added removing permitted development rights for all extensions, outbuildings, further garages, additional hardstanding and additional fencing.
41. Planning Policy Statement (PPS) 3: Housing is also of relevance, where housing development is encouraged where it is easily accessible and well-connected to public transport and community facilities and services. Saved Policy GN9 of the Chorley Local Plan reiterates this. It is stated in the Planning Statement that it is 730m away from a bus stop. However, in this location this is considered to be within the normal

limits according to the Institute of Highways Engineers guidelines. The emphasis in Planning Policy Guidance Note (PPG) 7: Sustainable Development in Rural Areas is that development in isolated areas should be justified. This is not an isolated area, as there are three other properties in the immediate vicinity and other properties along the track. It is normal in rural areas for there to be further distances to bus stops, shops, GPs, schools etc. and this area is such an area, and therefore it is not so isolated that it could not be refused for reasons of being in an unsustainable location.

Impact on the neighbours

42. The issue of amenity has been raised in relation to the additional cars using the track. The Highways Engineer has commented that he does not think that the additional cars will have a significant effect in terms of volume, but has raised another issue, in relation to the visibility splay, which is discussed below.
43. The neighbouring resident has raised concerns that the future resident's amenity will be compromised due to the lights used for their livestock and fowl. Whilst this can cause an impact there is suitable screening available and it is not considered to be a justifiable reason for refusal.
44. The issue of overlooking and impacts on privacy from the upstairs windows of Building 1 has been raised. There are no issues with residential amenity in relation to Building 3. In relation to Building 1 it is considered that that the privacy distances as outlined in the SPG on Design Guidance can be met and therefore there will not be a detrimental impact on the neighbours or future residents.

Design

45. The proposal has been amended from that was originally submitted. Building 1 will now remain the same footprint with no extensions, in addition the height of the roof will remain the same. The roof will be removed and the trusses changed with the tiles to be agreed. There will be a main door and back door installed along with three full length patio style window and various windows. Whilst the majority of the openings are used these will be made bigger to install windows.
46. Building 3 is shown to have the existing trusses altered or replaced and a new roof to enable first floor accommodation to be provided. The floor will be lowered to ensure the eaves height and ridge remains the same. There will be additional windows included and roof lights and two doors.
47. Structural surveys were submitted with the application, where it highlights that a lot of work would be required. Building Control acknowledge that a lot of work would be required, and it is possible, to bring it up to an acceptable standard. A methodology statement has been requested, which will outline what works will be carried out and at what stage. An update will be provided on the addendum. If this is not received in time for the Committee then a pre-commencement condition can be added.
48. The plans show that both the buildings to be clad with clay facing brick, artstone heads and cills, grey concrete tiles and upvc windows and timber doors. All materials are to be agreed, which can be dealt with by way of condition. It is proposed to provide hardstandings for both the properties, where a condition can be attached to ensure the materials are submitted for approval.
49. The existing boundary treatment is going to be retained. This includes a mix of timber fencing, timber post and panel fencing, and hedging. There are areas where new planting will be required and fencing will need to be replaced; a condition can be added accordingly to ensure details are provided prior to the commencement of

development. The plans show where a new 1.8m screen fence will separate the two properties, however, there has not been any detail provided. A condition can be added in relation to new fencing as well.

50. Whilst these buildings are not considered to have great architectural quality and the SPG states that the existing openings should be utilised, new windows and doors should be in timber, either stained or painted and additional openings are only permitted where essential, this SPG is for guidance and has more relevance to barn conversions and buildings which have architectural quality. These buildings, are not typical barn type buildings and do not have any significant features, however, they are capable of conversion. Whilst the SPG 'Conversion of Rural Buildings in the Countryside' is of relevance and it has been considered in the processing of the application, some of the detailed requirements, set out in the SPG, are not relevant to these buildings. The additional windows, which are uPVC, will not have an adverse impact and are considered appropriate in relation to these buildings. However, a condition can be added to ensure the windows are set back in the reveals. The roof will be replaced, however, the replacement will improve the building from a visual point of view, and will not be any higher than the existing roof. It is considered that the materials used will also improve the buildings visually. Therefore on balance whilst the specific requirements, as set out in the SPG, are not met in this application, it is considered that the materials used and the design proposed will improve the buildings visually and it would be difficult to refuse the application in terms of design.

Ecology

51. There was an ecological survey submitted with the application, which was complied by ERAP Ltd, its conclusions were that there are no national or statutorily designated areas or no non-statutory designated sites within the site or the local area. There is no evidence of protected species on the site or immediate area. Great Crested Newts have been reported on a site 840 metres to the south of this site. Smooth Newts were reported in the local area.
52. The tests as outlined in Defra guidance 01/2005 paras 22-28 need to be applied. The first consideration is whether the site integrity is not adversely affected and whether conditions can be added to any proposal. If this is not appropriate then alternative sites need to be considered and then the issue of overriding public interest is considered if there is a potentially negative impact on the site integrity.
53. There are some recommendations suggested within the report, within Section 5 and appendix 2. These include protection of the grassland and adjacent hedgerows by protective fencing during the construction stage. It is recommended that any clearance works are carried out outside the bird nesting season, and that bird nesting boxes are suggested to be installed in appropriate locations. It is considered that the with the proposed mitigation and compensation measures outlined in the report that there will not be an adverse impact. This is outlined in the comments provided by the Lancashire County Council Ecologist. The recommendations as outlined in the ERAP Ltd report can be conditioned accordingly.
54. Building 6 is to be retained as a potential roosting site for owls. A further recommendation requesting details of a habitat/management plan for the site as a whole and to include for the recommendations as outlined in the report can be added as well. A mitigation strategy for bats and barn owl can also be conditioned, therefore it is considered that with these appropriate measures then the detrimental impacts on the ecology on the site will be avoided or adequately of-set.

Traffic and Transport

55. The issue of highway safety has been raised by the neighbours in relation to the increase in cars using it, and in relation to the existing use, which is disputed. The Highways Engineer has provided comments that he raises no objections to the increase in volume, but he has objections in relation to the sight lines with Hall Lane. With a 40mph speed limit, Manual for Streets suggests a sight line is not achieved. In view of the safety for other road users and those using the private road at the junction with Hall Lane, he reconsidered his earlier decision.
56. The Highways Engineer has since revised his comments that the speed limit in the vicinity of the junction with Hall Lane is 30mph. However, the concern over the visibility of the junction, particularly in the lead direction (i.e to the right as you leave the site), is substandard and there is concern for the safety of all road users including those already using the private road.
57. It is noted that the visibility splay with Hall Lane is below the required standard according to Manual for Streets. The agent requested further details from the transport consultant, where the following comments were provided:
58. 'The change from 40mph to 30mph is around 120m to the East of the site access-it is therefore definitely within the Mawdesley 30mph area.
59. Manual for Streets 2 was released in November 2010 and essentially reduces the significance visibility as a safety concern. Considerable amounts of research has been carried out extracts of the most pertinent elements are included below:
60. Para 10.4.2 of MfS2 states: 'It has often been assumed that a failure to provide visibility at priority junctions in accordance with the values in MfS1 or DMRB will result in an increased risk of injury or collisions. Research carried out...for MfS2 has found no evidence of this.'
61. In summary the research findings p77 of Mfs: 'A series of collision types at high-risk locations where Y distance was less than 45m were compared with locations with more than 45m visibility. There were no statistically significant differences between the two sets of data.'
62. MfS2 as a result does not have a set visibility standards-indeed para. 10.5.9 concludes this section with...'unless there is local evidence to the contrary, a reduction in visibility below recommendation levels will not necessarily lead to a significant problem.'
63. This is an existing access, which is currently used by a number of properties, and is out with the planning application boundary (red line). The fall back position is therefore that it is as existing and that the situation would not be any different for cars using the access from the application site, to those from existing properties, therefore it could not be refused on highway safety grounds. The supporting information provided by the highways consultants mentions the previous lawful use as being a builder's yard and that the traffic generation will be less. It is considered that it is not clear what the lawful use of the site is, and this could only be established through a certificate of lawfulness. Therefore the traffic figures quoted have not been taken into consideration, it has only been assessed on what the likely traffic is to be generated from two residential units, that there are existing users, the track does not lead anywhere so the only users would be the people living there and their visitors and that the access is existing.
64. The access to the proposal is a narrow track, which also serves as a Public Right of Way. There are a number of properties that use this track as access to their properties,

including three houses adjacent to the application site. There is no vehicular access beyond the application site as it is too narrow to negotiate and it leads to a field. However, the Public Right of Way continues across the fields. There have been a number of objections from the neighbouring properties about additional vehicles using the right of way, which will cause additional wear and tear and be a safety issue. As with the visibility splay the existing situation needs to be considered and whether there will be such an increase in vehicles that the application could be refused. It is considered in the AECOM report (which was submitted with the previous application 10/00604/FUL) that the general traffic generation from a residential use is 1-2 arrivals/departures per peak hour. Due to the nature of the track the speed that you can travel at is very slow which minimises the risk of collision with other cars and pedestrians. There is not through route so the only drivers are likely to be people who live their and their visitors, who will be aware of the track. It is acknowledged that there are very few places to pass, which are in private ownership as they are accesses to other pieces of land. However, there are a number of cars that already use this route and successfully use this on a daily basis. It is not considered that the number of cars that would be generated from this proposal would increase significantly and that the impacts on highway safety and pedestrian safety would remain as existing, therefore it would not be reasonable to refuse the application on highways grounds.

Public Right of Way

65. As already discussed the access to the proposal site is also a Public Right of Way. Lancashire County Council's Public Rights of Way Officer stated that he acknowledges that the proposal abuts the footpath no. 39, but was unsure whether the application will affect the Public Footpath. The proposal will not affect the footpath as this runs outside of the application site. It is discussed above about the conflict with vehicles and pedestrians, using the route, which is an existing situation. The footpath is to remain open at all times and there is legislation in place that ensures that this is adhered to. An informative can be added to the decision notice highlighting this. The proposal will not have an impact on the Public Right of Way.

Land Ownership

66. There have been issues raised in relation to the ownership of the application site, the access track and rights of access, from neighbouring residents, and it has been requested that it is brought to the attention of the Committee. The information has been forwarded to the applicant and proof of title of the land has been provided, as well as the signing of Certificate A on the application form. In relation to rights of access there is still an issue in relation to the right of access over the track. There are also various restrictive covenants imposed on the land which, include the construction of a stockproof fence, payment for upkeep of septic tank and right of access, to use any building on the land as a single private dwellinghouse and for no other purpose whatsoever, not to change the use of any building now on the land or to be erected on the land except to convert the existing brick and slate barn on the land into a private domestic dwelling, not to alter, convert or add to any building now on the land nor to erect any further building on the land without first having the plans, elevations and specifications thereof approved in writing by the Transferor and not to connect into the water main running through the land other than for domestic purposes and subject to the Transferees installing their own water meter. These are not material planning considerations and are private matters to be resolved between the relevant parties.

Drainage and Sewers

67. United Utilities have been consulted in relation to this proposal and they do not raise any objection. The application forms state that, in relation to the foul sewage, they will not be connecting to the existing drainage system and the foul sewage will be disposed of through a package treatment plant.

Section 106 Agreement

68. To comply with Policy HS21 of the Chorley Local Plan Review a Section 106 is required for provision of open space/play space. The applicant has agreed to enter into an agreement with a commuted sum of £2658.

Overall Conclusion

69. The proposal has been considered under PPS2 and the reuse of buildings within the Green Belt. Whilst there is a presumption in favour of reusing such buildings for commercial/business use, it is considered that due to its location that the site is not suitable for such a use. It is now recognised through PPS4 that rural buildings do not necessarily have to be used for business purposes, and some buildings, due to their location, may be more suitable for residential development.
70. With regards to the existing use, there appears to be some anomalies with some of the information provided and information provided by neighbours and other local residents. The way to determine what the use is would be by way of an Certificate of Lawfulness, which would be looked at as a separate application. This does not preclude a full planning application being submitted, and this application has been considered in terms of PPS2 and the reuse of the buildings, as well as Policy DC7A and therefore looked at on its own merits.
71. The proposed buildings are considered to be capable of conversion and the design is considered acceptable. Privacy distances are met and the proposal will not impact in terms of amenity for both the existing and future residents. Whilst the Highways Engineer has raised concern in relation to the visibility splay, this is an existing situation and used by all other residents along this track. It is not considered that there will be such a significant amount of traffic generated from such a proposal and there will not be any additional harm to the users of this junction to justify refusing the application on highways grounds. In relation to the track and the limited number of places to pass, it is also considered that given the nature of the track and only being able to travel at a slow speed, and the few additional vehicles that will be using it that the application could not be refused on highway safety grounds.
72. In relation to the land ownership, the applicant has signed certificate A, of the planning application form and provided evidence that the land had been sold to him, which enables the S106 legal agreement to be signed. The other issues in relation to right of access are not a material planning consideration and are a private matter for the parties involved to resolve. The information provided for the planning application, in relation to land ownership, complies with the requirements for validation and processing the application.
73. It is therefore considered because of the reasons above that the conversion of the two buildings and retention of two others, the removal of the remaining existing structures and buildings and replacing these with two double garages are on balance acceptable in terms of Green Belt Policy. The proposal will not provide any material greater impact than the existing development, and is therefore recommended for approval with conditions subject to the signing of a Section 106 agreement.

Other MattersSustainability

74. There are no details provided in relation to this, therefore to comply with Policy SR1 Incorporating Sustainable Resources in New Development of Chorley's LDF and the relevant DPD and SPD two conditions can be added to ensure that the appropriate standards are met.

Waste Collection and Storage

75. There are no details provided, therefore a condition can be added to show where the waste storage will be located.

Planning PoliciesNational Planning Policies:

PPS1, PPG2, PPS3, PPS4 and PPS7

North West Regional Spatial Strategy

Policy DP1

Adopted Chorley Borough Local Plan Review

Policies: DC1, DC7A, GN5 and GN9

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

Joint Core Strategy

Policy 17: Design of New Buildings

Planning History

10/00604/FUL Change of use and works to existing buildings to create two dwellings and two garages; withdrawn October 2010.

Conditions

1. Any delivery of materials and construction work shall only be carried out between 08.00 hours and 18.00 hours Monday to Friday and between 08.00 hours and 13.00 hours on Saturday and there shall be no deliveries or construction work shall be carried out on Sundays or Bank/Public Holidays.
Reason: To safeguard the amenities of local residents and in accordance with Policy HS4 of the Chorley Local Plan Review.
2. The proposed development must be begun not later than three years from the date of this permission.
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. There shall be no site clearance, site preparation or development work to take place until a habitat enhancement and management plan for the land as indicated on the location plan submitted with the application (within the ownership of the applicant). This shall be submitted to and agreed in writing by the local planning authority in consultation with specialist advisors. Once agreed then this shall be implemented in full and maintained throughout the lifetime of the development. *Reason: In the interests of the safeguarding of the natural habitats of the area and to ensure accessibility within the area in accordance with saved Policy EP2 of the Adopted Chorley Borough Local Plan Review.*

4. The development hereby permitted shall be carried out in accordance with the amended plan(s), 08/133/P01 Rev D (Proposed Site Layout), 08/133/P02 Rev B (Building 1-Proposed Plan, Section & Elevations), 08/133/P04 Rev B (Building 1-Proposed Elevations) and 08/133/P03 Rev D (Building 3-Proposed Plans & Elevations) received on 1 February 2011.
Reason: To define the permission and ensure a satisfactory form of development.
5. The permission hereby granted is for the conversion of the existing buildings only and does not imply or grant consent for any demolition and rebuilding of any external walls of the building.
Reason: To define the permission and to prevent inappropriate rebuilding or new build within an area subject to policies of development restraint and in accordance with saved Policy DC7A of the Chorley Local Plan Review.
6. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1 January 2010, Level 4 for all dwellings commenced from 1 January 2013 and Level 6 for all dwellings commenced from 1 January 2016) and achieve 2 credits within Issue Ene7: Low or Zero Carbon Technologies.
Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change- Supplement to Planning Policy Statement 1 and in accordance with SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
7. No dwelling shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out and a Final Code Certificate has been issued certifying that the required Code Level and 2 credits under Issue Ene7 have been achieved and the Certificate has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change- Supplement to Planning Policy Statement 1 and in accordance with SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
8. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab 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 only be carried out in conformity with the approved details.
Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
9. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the

approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

10. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences, walls and hedging to be erected 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. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences, walls and hedges shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.

11. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.

Reason: To secure proper drainage and to prevent flooding and in accordance with Policy No. EP18 of the Adopted Chorley Borough Local Plan Review.

12. Before the development hereby permitted is first commenced 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 proper drainage of the development and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.

13. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

14. During the construction period all hedges, trees and rough grassland, as specified within the ERAP Ltd report, shall be protected by 1.2m high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005. No construction materials, spoils, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. Reason: To safeguard the hedges, hedges and rough grassland in accordance with Policy EP9 of the Chorley Local Plan Review.

15. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved

in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5, and HS4, of the Adopted Chorley Borough Local Plan Review.

16. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
17. The garages hereby permitted shall only be used for purposes incidental to the enjoyment of the dwellinghouse, including the parking of cars and shall not be converted to living accommodation.
Reason: In order to safeguard the residential amenity and character of the area and in accordance with Policy Nos. DC7A and HS4 of the Adopted Chorley Borough Local Plan Review.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).
Reason: To protect the appearance of the locality and in accordance with PPS2, DC7A and Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwelling hereby permitted (other than those expressly authorised by this permission).
Reason: To protect the appearance of the locality and in accordance with PPS2 and Policies DC7A and HS4 of the Adopted Chorley Borough Local Plan Review.
20. Prior to the commencement of development full details of proposed sparrow nesting opportunities shall be submitted and approved in writing by the local planning authority in consultation with specialist advisors. Once the details have been approved then the details shall be implemented in full.
Reason: To ensure that nesting opportunities and habitats are provided which will be lost with the demolition of some buildings on site and to comply with saved Policy GN5 part (e) of the Chorley Local Plan Review.
21. The recommendations as outlined in Section 5.0 of the ERAP Ltd Ecological Survey and Assessment June 2010 shall be implemented in full.
Reason: To ensure the appropriate safeguards for the Habitats on Site in accordance with saved Policy EP2 of the Adopted Chorley Borough Local Plan Review.
22. Prior to the commencement of development a mitigation strategy for bats and barn owls shall be submitted and approved in writing by the Local Planning Authority in consultation with specialist advisors. Once the details have been approved then the details shall be implemented in full. To ensure that nesting opportunities and habitats

are provided which will be lost with the demolition of buildings and to comply with saved Policy GN5 part (e) of the Chorley Local Plan Review.

23. No additional windows shall be inserted unless otherwise agreed in writing by the local planning authority.

Reason: To protect residential amenity and to comply with Policy HS4 of the Chorley Local Plan Review.

24. This consent relates to the following plans:

Plan Ref.	Received On:	Title:
08/133/P06	16 December 2010	Double Garage
08/133/E02	16 December 2010	Topographical Site Survey

Reason: To define the consent and to ensure all works are carried out in a satisfactory manner.

25. Prior to the commencement of development details of the windows set back in their reveals shall be submitted and agreed in writing. Once approved these shall be retained at all times throughout the lifetime of the permission.

Reason: In the interests of the character and appearance of the building and in accordance with Policies GN5 and HS4 of the Chorley Local Plan Review.

Item	10/01065/FUL
Case Officer	Mr Matthew Banks
Ward	Wheelton And Withnell
Proposal	Erection of 4 No three bedroom dwellings
Location	Land 30M North West Of 79 Railway Road Brinscall Lancashire
Applicant	New Progress Housing Association

Consultation expiry: 21 February 2011

Application expiry: 4 February 2011

Proposal

1. This application proposes the erection of 4 residential dwelling houses together with access, parking and garden areas to the rear. The site once formed a garden area associated with No. 79 Railway Road, however, is now in separate ownership and is divided by a 2m high close boarded fence.
2. The site area is approximately 900 square metres which equates to an area of approximately 0.09 hectares.

Recommendation

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

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Background Information
 - Principle of the development
 - Density
 - Design and impact on the streetscene
 - Impact on neighbours/Levels
 - Access and parking
 - Flood Risk, Drainage and Sewers
 - Ecology

Representations

5. 4 objection letters have been received which can be summarised as follows:
 - The land comprises a garden which has been neglected;
 - Derby Street provides insufficient access for this development and the addition of 4 dwellings will only worsen the problem;
 - The development will result in a risk to pedestrians and road users;
 - Derby Street is in a poor condition and should be 'made good';
 - The bathroom of No. 3 Derby Street will be overlooked by the development;
 - The proposed external facing materials are not in keeping with those on Railway Road or the surrounding area;
 - Information should be shown on plan as to where the development will connect to all mains services.
6. **Councillor Alison Hansford** objects to the proposal for the following reasons:
 - The materials are not in keeping with the area and
 - The site is not wasteland, but a garden.

Consultations

7. **Environmental Health**- raise no objection to the proposed development.
8. **United Utilities**- Raise no objection to the proposal subject to various conditions/ infomatives
9. **Lancashire County Council (Highways)** - Raised concerns with regard to pedestrian access to the site and a scheme to 'make good' Derby Street.
10. **Chorley's Waste & Contaminated Land Officer**- Raise no objection to the proposal. However, suggest that an Initial desk study, site walkover and risk assessment should be carried out prior to commencement.
11. **Planning Policy** - State that the land is considered garden, however, the site fulfils the criteria of Policy GN4 which forms part of the development plan by providing affordable housing which carries more weight than the interim garden grabbing policy. Therefore, no objections are raised.

Applicants Case

12. The agent for this application has submitted the following comments in support of the application:
 - The site is considered infill in accordance with Policy GN4 of the Adopted Local Plan Review;
 - The site is unused vacant land which was used for storage in the past (i.e. the site should be considered previously developed);
 - The site is in a sustainable location and there is a reasonable prospect that housing will be delivered on the site and is available for development now;
 - The proposal represents a positive investment in the area and will see the development of an unsightly site;
 - The development will provide sufficient car parking and vehicular turning within the site;
 - The development will provide a bin store;
 - The proposal will meet the required separation distances;
 - The dwellings will appear traditional in appearance and reflect those in the surrounding area;
 - The site is in a sustainable location with local facilities available.

AssessmentBackground Information

13. This is the fourth application submitted on this site for the erection of 4 terraced dwellings. The first application (07/00202/OUT) was submitted in 2007 for outline consent and was refused. This application was refused because it was considered contrary to Policy GN4 of the Adopted Local Plan Review as it did not meet any of the criteria listed in Policy GN4 to conform to the policy. This application was also refused because (1) it proposed all market housing which was contrary to Policy HS8 of the Adopted Local Plan Review; (2) the impact on protected species had not been addressed; (3) the development did not incorporate adequate vehicular space for servicing and turning within the site and; (4) the council was unsatisfied that the information submitted allowed a full assessment of the site.
14. The second application was submitted in 2007 (07/00937/OUT) and encompassed a similar scheme addressing the reasons for refusal of the previous application. This application was consequently given outline consent in relation to access and siting and is still extant (reserved matters to be submitted by the 25 April 2011). Reserved matters have not yet been submitted for this application.
15. The third application was submitted in 2010 (10/00691/FUL) and was a similar scheme to that approved under the previous application. However, the main difference being this application sought full planning consent rather than outline consent. This application was withdrawn because of complications regarding affordable housing provision and ownership issues regarding the site.

16. The current application is a re-submission of the previously withdrawn application (10/00691/FUL) and seeks full planning permission for the erection of 4 three bedroom dwellings.

Principle of the development

17. The application site comprises a piece of land situated to the rear of No. 79 Railway Road. In the early stages of this application there was some speculation over the use of this land and the applicant argued there was no evidence to suggest the land was a domestic garden and was more likely to represent a piece of land left vacant when the surrounding industrial uses were developed. However, having investigated the history of the site, it has become apparent that the land was considered domestic garden with the assessment of the approved outline consent in 2007 (07/00937/OUT), which was accompanied by photographs supporting this thesis. Furthermore, the topographical survey submitted with this application shows an outbuilding, paved area and pond within the site which are characteristics regularly associated with a domestic garden. The council acknowledges that the site no longer has the appearance of a conventional domestic garden and has been significantly cleared with only the outbuilding remaining. However, no other information has been submitted with the application to suggest the use of the site has changed. As such, it is therefore considered that on the balance of probability and for the purposes of this application, the land under question is still considered domestic garden.
18. With regard to the above, the council's Interim Garden Grabbling Policy therefore applies. Changes to Planning Policy Statement 3 (PPS3) mean that private residential gardens are no longer considered to be previously developed land. In response to this change and to reflect local concerns, Chorley Council has produced an Interim Policy on Private Residential Garden development, which was adopted in October 2010. This seeks to restrict the development of private residential gardens for housing development in settlements.
19. On the 24 November 2010 an appeal decision relating to a proposed development of 7 dwellings on a private residential garden at the Coppice and Royle, Whittle-le-Woods was made; the Inspector made reference to the Interim Garden Grabbling Policy.
20. The Inspector stated that *"Although the Interim Policy reflects the objectives of the new national policy position on garden land and is a material consideration, it is not part of the Development Plan and has not been subject to independent scrutiny. Therefore, I can afford it only limited weight in my Decision"*. The Inspector agreed that the Interim Policy was a material consideration and that it could be given a degree of weight, however, this weight would be limited as the document was not part of the Development Plan.
21. The above appeal related to a site in Whittle-le-Woods where the Development Plan policy context is different to that in Brinscall. Brinscall is a rural settlement and is therefore subject to Policy GN4 of the Adopted Local Plan Review (which is part of the Development Plan). Whittle-le-woods is subject to Policy GN1 of the Adopted Local Plan Review, which does not specifically identify the types of development that are appropriate for the settlement like GN4.
22. Policy GN4 does, however, specifically identify types of development that are in principle appropriate in Brinscall and the other villages covered by Policy GN4. The applicant has argued that the site meets two of the requirements under Policy GN4 stating that the site should be considered infill and previously developed land. However, the council does not consider the site to meet either of these criteria.
23. Firstly, it was established with the application 07/00202/OUT that the site did not meet any of the criteria under Policy GN4 (including infill) and no circumstances have been presented to the council to prompt a reconsideration of its original standpoint on this issue. Notwithstanding this, the site is not typically infill given its surrounding characteristics and is considered more like back-land development. Secondly, the site is considered a garden and therefore, in accordance with the recent changes to PPS3 could not classify it as previously developed land.

24. As such, the only way the proposal could meet a criterion of Policy GN4, is to provide affordable housing to meet a recognised local need. In this case it is proposed that the affordable housing at the site will be secured by planning condition rather than legal agreement because of complications in securing the required funding for affordable housing when legal agreements made under Section 106 (i.e. as with the extent outline consent). The tenure and nomination rights for these properties will be secured via a unilateral undertaking which the land owners will enter into. This way forward is considered appropriate for this site as it will enable the development of 100% affordable housing within a rural settlement on a site which has the benefit of residential planning approval. Additionally this scheme is only a small development. It would not be considered appropriate to condition affordable housing on other sites as the specific site considerations dictate that this is the only way forward on respect of this site.
25. With regards to both the Interim garden grabbing policy and policy GN4 of the Adopted Local Plan. It is considered that GN4, as a Development Plan Policy (that has been subject to independent scrutiny and was a saved Policy when considered by the Secretary of State), carries significant weight when determining this application. Furthermore, having considered the Inspectors comments from the Coppice and Royle appeal decision, it is considered that Policy GN4 would carry more weight than the Interim Garden Development policy. Therefore, taking all relevant points into consideration, the principle of the proposed development is considered acceptable in this case as it seeks to secure affordable housing to meet local needs of the area. Affordable housing has already been approved on the site and remains extant.
26. In addition to the above, the proposal is considered to meet the relevant tests required by PPS3 in that the site is deliverable and available for development now; the development will represent a positive investment in the area and see the development of a unsightly site; the site is suitable for development in terms of its location and its contribution to suitable mixed communities and there is a reasonable prospect that housing will be delivered on the site in the near future.

Density

27. The application site is currently vacant barring an existing outbuilding sited to the northern corner. The site covers an area of approximately 0.09 hectares and the proposal seeks permission to secure 4 terraced dwellings. This will result in a density of approximately 44 dwellings per hectare which is high density development in accordance with PPS3, however, appropriate in this context.

Design and impact on the streetscene

28. The proposed dwellings would be situated on land to the rear of 79 Railway Road in an opening enclosed by large warehouse buildings to the north and east, a telephone exchange building to the west and Nos. 79 and 77 Railway Road and Nos. 1-3 Derby Street to the south of the site.
29. The site is accessed from Derby Street which is an un-adopted road, linking the site to the main highway (Railway Road). The proposed dwellings to the east of the proposed terrace block would be visible in the streetscene (from views down Derby Street) and would appear prominent in the context of surrounding development in the area.
30. Despite this, the dwellings have been designed to reflect those in the surrounding area and will be two storeys in height. It is not considered the house types would result in any significant detrimental harm to the character and appearance of the area and the scheme has been designed to incorporate both modern features and the best examples of local vernacular.
31. With regards to the proposed materials, the applicant has proposed to build the dwellings out of brick; however, this has prompted concerns from the neighbouring residents regarding the appropriateness of the proposed materials given the use of stone in the area. The council acknowledges that stone is a common material used in this area, however, also acknowledges there are other facing materials in the surrounding vicinity, namely the white

rendered property Nos. 1-3 Derby Street (adjacent to the site). The applicant has indicated that they would be willing to discuss proposed materials and has requested that a condition be added to the planning permission requesting sample materials to be submitted at a later date to ensure they are appropriate to the surrounding area and continue discussions.

Impact on the neighbours/Levels

32. The application site is stepped in nature, sloping gently from the warehouses to the north in a plateau-like arrangement. The site then drops steeply by approximately 1.5m to the lower part of the site adjacent to the gardens of Nos. 77 and 79 Railway Road and Derby Street. From north to south there is a overall drop in levels of approximately 2.8m which is considerable given the modest size of the site
33. The proposed dwellings would face in a south-easterly direction towards the properties 77 and 79 Railway Road and Nos. 1-3 Derby Street. A neighbour letter has been received from an occupier of No. 3 Derby Street raising concerns with regards to overlooking and loss of privacy to their property. However, the room to which they refer is an obscure-glazed bathroom and therefore, the council's interface distances do not apply. It has been noted that the properties Nos. 1-3 Derby Street comprise a small block of flats which would partially face the application site. However, no habitable room windows face the proposed development and as such, the relationship between the proposed development and this block is considered acceptable.
34. With regards to the relationship between the proposed dwellings and No. 77 Railway Road (situated to the south of the application site), it must be noted that No. 77 is an office and as such, the council's interface distances do not apply. The relationship between these properties is therefore considered acceptable
35. With regards to the relationship between the proposed dwellings and No. 79 Railway Road, a number of issues must be considered in assessing this relationship. Firstly, significant weight must be attached to the extant outline planning permission 07/00937/OUT which approved the siting of four dwellings as per the current application. Furthermore, the officer who dealt with this application noted in the design and access statement that two storey dwellings were proposed at reserved matters stage and concluded that two storey dwellings could be accommodated on this site. Therefore, it is considered that the principle of erecting two storey dwellings at the site is acceptable.
36. In accordance with the Householder Design Guidance Supplementary Planning Document (SPD) and Appendix 2 of the council's Adopted Supplementary Planning Guidance Design Guidance Document, there should be a minimum of 21m between first floor habitable room windows and 10m from habitable room windows to the boundaries they face. Furthermore, where the proposed slab levels are 0.5m or more above that of neighbouring existing housing, these spacing guidelines should be increased 1m for every 0.25m difference in slab levels.
37. It has been noted that No. 79 has the majority of first floor rear facing habitable room windows on the original rear elevation and a single window at first floor level serving a two storey rear extension which all face the application site. The first floor windows facing the site on the original rear elevation are approximately 27.5m from the first floor windows of the proposed dwellings. In accordance with the above spacing guidance and taking into consideration the change in levels, a distance of approximately 25m is required which would mean the relationship between these windows is acceptable.
38. The first floor rear facing window serving a bedroom within the two storey rear extension would be situated significantly closer to the proposed dwellings and would maintain a gap of approximately 21.5m. In accordance with the above spacing guidance, and taking into consideration the change in levels, a distance of approximately 25m is required which would mean the relationship between these windows would fall short of the required distance. However, as discussed previously, significant weight should be attached to the extant outline consent (in that this could result in two storey dwellings erected in the same position). Furthermore, the occupier of No. 79 intends to remove the offending window if the

development is approved which has been confirmed by email and forwarded to the council. Despite this, this action could not be secured by planning condition as the window is not within the red edge and as such, this factor can only be afforded limited weight.

39. Therefore, on the basis of the above and taking into account the fallback position regarding the extent of outline consent, it is not considered that a refusal of the application could be sustained regarding the relationship between this window and the proposed development particularly when the applicant could submit a reserved matters application and secure similar development on the site.
40. With regards to the relationship between the proposed first floor windows of the proposed dwellings and the site boundary of No. 79, a distance of approximately 13m would be maintained. In accordance with the above spacing guidance, and taking into consideration the change in levels, a distance of approximately 13m is required which would mean this relationship is considered acceptable.
41. With regards to the private amenity space concerning the proposed dwellings, it has been noted that the proposal would result in relatively high density development and that the rear gardens will be modest in size which raised concern regarding adequate personal amenity space. However, it must be considered that prospective purchasers of these properties will be aware of the site constraints and so the intimate amenity space provided for each dwelling is considered acceptable. Furthermore, given the restrictive nature of the site, Permitted Development Rights will be removed so the council can control any further development at the site in the interests of neighbour amenity.
42. There are no other significant neighbour amenity issues for consideration in determining this application.

Access and parking

43. In relation to highway matters, a number of residents have raised concerns regarding the access and parking arrangements at the site.
44. The site will be accessed from Railway Road, via Derby Street which is an unadopted road in poor condition. As part of the application Lancashire County Council Highways have been consulted and have raised no objection to the proposal subject to provisions to allow pedestrians to enter and leave the site clear of the highway and details regarding the future maintenance of Derby Street.
45. A number of neighbours have raised concerns in respect of the parking problems in the area and the fact that the new dwellings will exacerbate this problem. However, this scheme incorporates two parking spaces per property (six to the front of the dwellings and two to the side of plot 1) which is considered to be sufficient to serve the development. In addition to this, turning facilities will be provided in the site for residents and service vehicles to ensure the development does not create highway safety implications through people reversing on to Derby Street. The highways engineer has raised no concerns in respect of parking and it is considered that the on site provision is adequate to serve the proposed development.
46. With regards to the conditions and maintenance of Derby Street, the council acknowledges that this is in a poor state; however, following further searches, it has become apparent that Derby Street is not within the sole ownership of the applicant nor is it included within the red-edge. As such, improvements to Derby Street could not be secured by planning condition. However, notwithstanding this, the applicant has stated they would look to improve Derby Street, given its current rundown state, particularly in the interests of selling the properties to prospective buyers.
47. With regards to the above, it is not considered that a refusal of the application could be sustained in relation to access, parking or highway safety, particularly affording significant weight to the extant outline application which approved access.

Flood Risk, Drainage and Sewers

48. The application site is not within a designated flood risk area, however, a number of local residents have raised concerns regarding the proposed drainage arrangements at the site given its sloping nature and increasing pressures on local services. As such, United Utilities have been consulted regarding the application and have raised no objection to the proposal. However, United Utilities have suggested that the site should be drained on a separate system, with only foul drainage connected to the foul sewer and surface water discharged to a soakaway, watercourse or surface water sewer.
49. The council acknowledges that the applicant has shown provisions for dealing with surface water run-off, which is particularly important given the properties Nos. 77 and 79 Railway Road are at a lower level than the site. However, notwithstanding this detail, a condition will be added to the planning permission requiring full details (on plan) of both foul and surface water drainage measures prior to commencement.
50. It is therefore considered that any issues regarding drainage can be effectively overcome by planning condition.

Ecology

51. The site has been significantly cleared of any dense vegetation that once stood on the site and it now comprises an open piece of land surrounded by built development. It is therefore considered that the site is unlikely to be capable of supporting any protected species or habitats.

Section 106 Agreement

52. A Section 106 Agreement is being drawn up in relation to this application in accordance with Policy HS21 of the Adopted Local Plan Review for equipped play space. However, a signed agreement has not yet been submitted or payment received.

Overall Conclusion

53. The council acknowledges that the current scheme conflicts with some of the relevant planning policy in relation to garden grabbing, neighbour amenity and highways. However, as stated earlier in this report, significant weight should be attached to the extant outline planning permission on the site of which the reserved matters application could be submitted any time up until the 25th April 2011.
54. On the basis of the above, the application is therefore recommended for approval subject to conditions.

Planning PoliciesNational Planning Policies:

Planning Policy Statement 1: Delivering Sustainable Development (PPS1);
 Planning Policy Statement 3: Housing (PPS3);

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN4, HS4, HS8, HS21, TR1, TR4, TR18, EP17 & EP18

Supplementary Planning Guidance:

- Adopted Householder Design Guidance Supplementary Planning Document (SPD)
- Adopted Supplementary Planning Guidance: Design Guidance

Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

Joint Core Strategy

Sites for Chorley- Issues and Options Discussion Paper December 2010

Planning History

The site history of the property is as follows:

07/00202/OUT: Outline application for residential development (terrace of 4No houses). Refused 19 April 2007

07/00937/OUT: Outline application for residential development (terrace of 4No houses). Approved 25 April 2008

10/00691/FUL: Erection of 4 No three bedroom dwellings. Withdrawn 21 September 2010

**Recommendation: Permit (Subject to Legal Agreement)
Conditions**

1. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.
Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.
2. Prior to the commencement of the development full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company.
Reason: To ensure the satisfactory management of the unadopted highways and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwelling hereby permitted (other than those expressly authorised by this permission).
Reason: To protect the appearance of the locality and in accordance with Policy No HS4 of the Adopted Chorley Borough Local Plan Review.
4. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
5. The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings (notwithstanding any details shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
6. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

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

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

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

Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

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

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

10. The approved plans are:

Stamp-dated on:	DWG No:	Revision:
31 January 2011	01	A
8 December 2010	02	
11 February 2011	A1a	

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

11. Before the dwellings hereby permitted are first occupied, the access and parking bays/area shall be completed in entirety as shown on the approved plan(s) for the use of the properties. The parking bays shall be retained for parking only, thereafter.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with North West Plan Partial Review (NWPPR) to Policy RT2 of the Regional Spatial Strategy and Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

12. The vehicular turning space shall be laid out and shall be available for use before the development is first occupied. This turning space shall be retained and continuously made available for turning facilities thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users and in accordance with Policy No TR4 of the Adopted Chorley Borough Local Plan Review.

13. The development hereby permitted shall only be carried out in conformity with the proposed finished floor levels shown on the approved plan(s).

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

14. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, or as subsequently agreed in writing by the local planning authority, shall be inserted or constructed at any time at first floor level or above in the front elevation of plots 1-4 hereby permitted.
Reason: To protect the amenities and privacy of the adjoining property and in accordance with policy HS9 of the Adopted Chorley Borough Local Plan Review.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, or as subsequently agreed in writing by the local planning authority, shall be inserted or constructed at any time in the south-west elevation of plot 1 or the north-east elevation of plot 4 hereby permitted.
Reason: To protect the amenities and privacy of the adjoining properties, in accordance with policy HS9 of the Adopted Chorley Borough Local Plan Review and to protect the future development of the area.
17. No development shall take place until details of the proposed surface water drainage arrangements (including plans to a recognised metric scale) have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.
Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review.
18. Before the development hereby permitted is first commenced full details of the means of foul water drainage/disposal (including plans to a recognised metric scale) 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 proper drainage of the development and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.
19. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1 January 2010, Level 4 for all dwellings commenced from 1 January 2013 and Level 6 for all dwellings commenced from 1st January 2016).
Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
20. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority otherwise approve in writing.
Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
21. No dwelling shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out and a Final Code Certificate has been issued certifying that the required Code Level has been achieved and the Certificate has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling(s) hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

23. In accordance with Policies GN4 and HS8 of the Adopted Chorley Borough Local Plan Review all of the dwellings hereby permitted shall be made available at significantly below current market costs and shall provide affordable housing to contribute to the solution of a recognised local housing problem. The dwellings hereby approved shall be retained as affordable housing thereafter.

Reason: This site is located within a rural settlement excluded from the Green Belt where residential development will only be considered acceptable if they contribute to the solution of a recognised local housing problem. In accordance with Policies GN4 and HS8 of the Adopted Chorley Borough Local Plan Review.

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Item 10/00735/OUTMAJ

Case Officer Mr David Stirzaker

Ward

Proposal Outline planning application for the erection of a residential development with associated access arrangements

Location Land 110m West Of Coppull Enterprise Centre Mill Lane
Coppull Lancashire

Applicant Tatton Settled Estates Ltd

Consultation expiry: 6 January 2011

Application expiry: 1 December 2010

Proposal

1. Members will recall that this application was reported to Development Control Committee on 11 January 2011. The application was deferred at that meeting due to the absence of a Noise Survey. The Noise Survey has now been undertaken and submitted to the Council. The Director of People & Places has considered the contents of the Noise Survey report and its recommendations and on the basis of this document, raises no objections to the application subject to the recommendations in the report being made the subject of a planning condition as these will inform the final design and layout of the development on the northern part of the site when a reserved matters application is submitted.
2. The application has been submitted in outline format and proposes the erection of a residential development with associated access arrangements on land adjacent to the Coppull Enterprise Centre. The application site is located at the end of Mill Lane, Coppull and is in the Settlement of Coppull covered by Policy GN1 of the Local Plan Review. The application is generally flat with no significant changes in level and at present comprises of an overspill parking area and grassed areas. There is also a compound on the site from which Chorley Bottled Gas operates and to the east of this the occupier of Unit 1 of the Enterprise Centre stores large pressure vessels on the site.
3. As the application is outline the only elements being considered are access and the principle of redeveloping the site for residential purposes. Issues in respect of design, layout, scale and landscaping have been reserved to be considered via a subsequent application in the event that outline planning permission is forthcoming.

Recommendation

4. It is recommended that this application is granted conditional outline planning approval subject to the associated Section 106 Agreement

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the Development
 - Loss of employment Land
 - Design & Layout
 - Impact on the existing and future residents
 - Highway safety
 - Impact on local services
 - Ecology
 - Drainage, Flooding & Ground Contamination

- Section 106 Agreement
- Noise
- Impact on the Listed Building

Representations

6. To date, 7 representations raising objections to the development have been received. The contents of these letters can be summarised as follows: -
- Outside storage of equipment associated with the business in Unit 1 of the Mill would have to cease as a result of the development proposed and there is no other industrial land available for the storage of this equipment in Coppull causing logistical problems
 - If the application is permitted, Coppull would lose a large area to attract industry to the area
 - The application will not have any benefits for tenants of the Mill
 - Some of the business in the Mill may be lost
 - The road system leading to the Mill is congested the majority of the time
 - The occupiers of the dwellings may experience problems with noise and disturbance from the existing businesses on the site
 - Impact on the area
 - Mill Lane is suffering from gross overuse of traffic, heavy vehicles and speeding
 - The development will impact on the wildlife in the area
 - The development could impact on the thoroughfare through the industrial estate
 - The development will cause havoc as there is only one way in and out of Mill Lane which is not made for heavy traffic
 - There are always lorries going up and down Mill Lane
 - Mill Lane will be like a motorway and children will not be able to play
 - Despite the persuasive figures in the Transport Statement, the access is considered inadequate for the additional traffic
 - Both sides of Mill Lane are lined with parked vehicles
 - Mill Lane already suffers from unacceptably high levels of traffic for what should be a cul-de-sac and traffic on a Saturday morning is as busy as a weekday morning
 - The suggested trip figures in the Transport Statement are way below what will actually be the case
 - The figures in the Transport Statement are not a true reflection of the actual traffic numbers and it makes assumptions that people who live on this development will only go out in a car to go to work, they will have no friends or relatives to visit, will never use taxis and will have no children living at home who have their own cars
 - The Enterprise Mill is entirely unsuitable for commercial usage and should never have been classified as such
 - The summary of the community consultation is rather misleading and gives a far more positive impression of responses than is actually the case
 - The operator of the Enterprise Mill has requested that a condition be attached to the planning permission requiring the applicant to pay for the upgrade works to the car park

Consultations

7. **Lancashire County Council (Ecology)** have no objections subject to various conditions to ensure protected species are not prejudiced by the development proposed.
8. **English Heritage** advise that it was not necessary to be consulted on this application hence they do not make any comments on the application details.
9. **The Environment Agency** have no objections subject to conditions relating to drainage and ground contamination.
10. **The Corporate Director of People and Places** originally raised concerns in respect of noise and also commented in respect of waste collection and storage. With regards to noise, a Noise Survey was requested. This has now been completed and submitted to the Council. The Corporate Director of People and Places has considered the Noise Survey and on the

basis of its findings, no longer has any concerns with the development proposed subject to the recommendations of the Noise Survey being carried out.

11. **The Corporate Director People and Places (Contamination)** has suggested a condition in respect of contamination.
12. **The Council's Conservation Officer** originally objected to the scheme but has confirmed that the amended site layout has addressed concerns in terms of the proximity of the development to the Grade II Listed Mill
13. **Strategic Housing** have provided advice on the type of affordable housing required in the Coppull area.
14. **United Utilities** have no objection subject to various conditions and informatives relating to drainage.
15. **Lancashire County Council (Highways)** do not have any objections to the application in respect of the access to the site and the level of traffic generated by the development although concerns are expressed in relation to the internal highway layout.
16. **Network Rail** have commented in respect of the proximity of the site to the railway line.
17. **Lancashire County Council (Education)** have commented in respect of contributions to education provision.
18. **Planning Policy** have commented on the loss of employment land and the emerging Core Strategy.
19. **Lancashire County Council (Archaeology)** have no comments to make on the application.

Assessment

Principle of the Development

20. At present, the site is occupied by an overflow car park associated with the Enterprise Centre on which Mavis Mill originally stood until it was demolished. Due to the existing use of the land the site falls to be considered as previously developed land within the PPS3 definition and as such is the preferred choice for residential redevelopment rather than greenfield land. Therefore, in principle, the redevelopment of the land for residential purposes is considered to be acceptable. The site covers 1.54 hectares and the erection of 49 dwellings equates to approximately 32 dwellings per hectare.

Loss of employment land

21. The application site falls within the planning unit associated with the Enterprise Centre and as such falls to be considered against Policy EM9 of the Local. Policy No. 10 of the Core Strategy is also relevant due to the employment land status of the site.
22. The supporting documentation addresses Policy EM9 raising the following points: the site is located within walking distance of a bus stop; the existing access along Mill Lane restricts future employment use as access for HGVs is restricted; the site only employs a small number of people who can be relocated into/ adjacent to the enterprise centre; the need for the land as a car park could be removed if the main car park was formalised and laid out; the Enterprise Centre only operates at 75% capacity and there is available floor space which could be upgraded to cater for additional demand if required; there is an abundance of available employment floor space in Chorley and the redevelopment of the site for non-employment purposes would not be detrimental to the supply of employment land in the Borough;
23. Notwithstanding the above argument the site has been marketed for the past 18 months in accordance with the SPG which accompanies Policy EM9. The SPG requires any application for non-employment uses to demonstrate, in the form of a Proof of Marketing and Statement of Efforts, that an employment use is not viable.

24. The marketing of the site resulted in no reasonable offers and the report concludes *'employment land in this type of location being remote from the motorway system and with inadequate infrastructure provision is unsuitable for the majority of potential occupiers/purchasers. The fact that this land has remained vacant for many years is an indication that re-use of the site for employment purposes is unlikely, and therefore alternative uses should be considered on their merits.'* The Council's Planning Policy Section have reviewed the submitted Proof of Marketing and Statement of Efforts and queried some of the marketing information. However, the applicant states that the site has now been comprehensively marketed for a period of 18 months in total and this has shown that there is no demand for the site to be used for employment purposes. The site is also still being marketed on the Bailey, Deakin & Hamilton website.
25. The Planning Policy section have also drawn attention to the emerging Core Strategy and in particular Policy 10 (Employment Premises & Site) which seeks to retain existing employment sites and sites last used for employment use. However, this has not yet been formerly adopted so Local Plan Policy EM9 still has the greater weight and as the site has been marketed for 18 months wherein it has been shown that there is no demand for the site for employment purposes, it is considered that the proposal accords with the requirements of Policy EM9.

Design & Layout

26. The application is in outline format hence the layout submitted is indicative only at this stage as only access is being applied for. However, the Design & Access Statement contains indicative images of the form the dwellings on the site may take. It will be important for the final design of the dwellings to be sympathetic to the design and detailing of the Mill on the site with particular importance placed on materials and the finer detailing of the dwellings. Landscaping will also be important as a means of ensuring the development assimilates with its surroundings whilst a buffer strip between the site and the car park will provide a soft edge to the development when seen from the car park. The entrance to the site will also need careful design consideration to ensure the development responds to the local context. The site layout, whilst only indicative, does demonstrate that the site can accommodate the number of dwellings proposed adequately whilst providing suitable off road parking, garden spaces and an area of informal open space. There are some concerns from LCC (Highways) about the layout but these can be resolved at the reserved matters stage when a final site layout is designed.

Impact on the existing & future residents

27. The nearest residential properties to the application site are to the south of the site on Mavis Drive with the nearest dwelling being approx. 100 meters away. There are not therefore any concerns in terms of the relationship with the properties on Mavis Drive. Planning permission has also recently been granted for the residential development of the site allocated for housing by Policy HS1.29 of the Local Plan. The properties on plots 2 and 3 are the nearest ones to the permitted housing although the two sites do not adjoin each other and this housing site sits at a lower level than the site of the dwellings proposed on plots 2 and 3. The relationship between the two sites was assessed as part of the application process for the Persimmon application hence there are no concerns in terms of the relationship of the dwellings on the two sites.
28. The internal relationship between the dwellings is something that will be finalised at the reserved matters application stage. Whilst the outline plan is only indicative, it does demonstrate that the number of dwellings proposed can be satisfactorily accommodated on the site and provide a suitable level of residential amenity for occupiers of the dwellings.

Highway safety

29. Access forms part of the consideration in respect of this outline planning application. Access to the application site is via the existing access to the Enterprise Centre which is along Mill Lane which is a residential street.

- 30.** The Highway Engineer at Lancashire County Council has assessed the scheme and made the following comments. A Transport Assessment has been provided which concludes that principle of developing this site for housing is acceptable. It has been confirmed that the surrounding highway infrastructure will not be adversely affected, adequate parking will still be available for the Coppull Enterprise Centre and Mill Street is suitable as an access point. It should be noted that the overspill car parking area is presently leased to Bizspace and the applicant has confirmed that funding for the rationalisation of the retained car parking area will be made available through a legal agreement between the applicant and Bizspace when the land is sold meaning that Bizspace (the owner of the Enterprise Centre) will not be put to expense in upgrading the existing car parking area adjacent to the Mill. However, it should be noted that the existing car parking area within the ownership of Bizspace will be unaffected by the development and this has been confirmed by LCC (Highways) as sufficient in terms of the area it covers to provide a satisfactory level of car parking to serve the Enterprise Mill once rationalised.
- 31.** The Highway Engineer has raised some concerns with the internal highway layout which are: The scheme incorporates a "straight" road that will encourage higher speeds; the internal layout does not meet the standards set in Manual for Streets; the far end cul-de-sac is not to an adoptable layout. However as the layout is indicative these issues can be dealt with at the reserved matters stage.
- 32.** Two conditions have been suggested which would ensure that the Highway Engineers concerns with the internal layout are dealt with at reserved matters stage. These conditions have been attached to the recommendation.

Impact on local services

- 33.** Lancashire County Council have requested a contribution in respect of primary school places. The request relates to 18 places and equates to £213,118. However this request has been queried as the request confirms that there is expected to be a surplus number of primary school places within the surrounding schools for the next 5 years. The request goes on to state that there are a number of other developments which have recently come forward which will have an impact upon places at some or all of these schools. As such it appears that the cumulative impact of other developments has been taken into account when considering the impact from this development.
- 34.** Prior to agreeing S106 contributions the Council has to ensure that the request meets the following tests as required by the Community Infrastructure Levy:
- (a) necessary to make the development acceptable in planning terms
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 35.** LCC Education have stated that the contribution sought (£213,118) is directly related to this development as the money would be used to provide places for the children yielded by this development and other developments which have recently come forward. This is anticipated to be the case in 5 years time when there is expected to be a shortfall of secondary school places. However as confirmed by LCC there is currently a surplus of places within the area. In theory this development could be completed within 2 and a half years within the period when there is a surplus of primary school places. However, if the development is completed later than this, there may be a need for a contribution towards school places, albeit at a lower level than the £213,118 requested. The applicant has therefore indicated a willingness to negotiate on this matter as part of the S106 agreement as it may be the case that a phased contribution system is utilised to secure a level of contribution relevant to the timescale of the development being carried out.

Ecology

- 36.** An Ecological Assessment was submitted with the application. This document has been considered by LCC Ecology who have confirmed that these proposals have the potential for

impacts upon protected and priority species and the Biological Heritage Sites. However provided adequate mitigation and compensation can be secured through planning conditions the proposals should be in accordance with the requirements of biodiversity planning policy, guidance and legislation.

37. The Ecologist did initially raise concerns with the impact on bat roosts through the loss of trees. However following the receipt of further information the Ecologist confirmed that she has received confirmation from the applicants Ecologists that none of the trees with bat roost potential would be felled to facilitate this development. Therefore there is no need for any further bat surveys prior to determination of this application and no need for a planning condition to implement bat mitigation at this site.
38. Following a recent high court decision the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
 - (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
 - (b) there must be no satisfactory alternative and
 - (c) favourable conservation status of the species must be maintained.
39. It is considered that if the proposed mitigation measures are implemented through the use of planning conditions, the proposals will not adversely impact on protected species. It is considered that the proposals satisfy the three derogation tests and will not impact unfavourably on the population of protected species

Drainage, Flooding & Ground Contamination

40. The application is accompanied by a Flood Risk Assessment. United Utilities raise no objections subject to the site being drained on a separate system with only foul drainage connected to the foul sewer. United Utilities also state that if surface water is allowed to be discharged to the public surface water sewerage system, the flow may be required to be attenuated to a maximum discharge rate determined by United Utilities. The Environment Agency do not raise any objections to the application subject to the imposition of conditions requiring surface water drainage details to be agreed with the Council (in liaison with the Environment Agency) and a further site investigation being carried out. On the basis of these responses, there are no objections to the application in terms of drainage, flooding and ground contamination.

Section 106 Agreement

41. The applicant has agreed to enter into a Section 106 agreement with the Council to provide affordable housing on the site, make a contribution towards off site playspace provision and provide informal on-site play space. The affordable housing on the site equates to 20% of the overall housing numbers and following advice from Strategic Housing, the applicant has agreed to provide 6 rented units and 4 intermediate units (Shared Ownership/Rent To Home Buy etc) across the application site. As the application is in outline, the Registered Social Landlord for the properties is not known at this stage.
42. With regards to the playspace contribution, this is the standard tariff per dwelling towards the provision of off site playspace and the applicant has also agreed to make a contribution towards an area of informal on-site play space that could be adopted by the Council.

Noise

43. The site plan shows a buffer zone along the eastern site boundary between the dwellings and the commercial business premises to the north of the Enterprise Mill. The Director of People and Places originally advised that a noise survey was required in respect of the impact of noise from the commercial activities adjacent to the housing on the northern portion of the site. The applicant has now submitted a Noise Survey and this has been considered by the Director of People & Places. On the basis of the Noise Survey, the development is considered to now be acceptable subject to the measures set out in the Noise Survey being

made the subject of a planning condition as these will inform the final design and layout of the northern portion of the development site at the reserved matters stage.

Impact on the Listed Building

44. The Council's Conservation Officer originally raised concerns in terms of the proximity of the dwellings on plots 37 and 38 to the Listed Mill building. The applicant has amended the plans and the site plan now shows this part of the site as informal open space which addresses the Conservation Officer's concerns whilst also meeting the requirement to provide informal open space on the site. The Conservation Officer no longer expresses concerns in relation to the application on this basis. English Heritage have been consulted on the application but have advised the Council that it is not necessary in this case for English Heritage to have been notified of the application. Also, the removal of the compound and pressure vessels from the site will have the benefit of improving the visual amenity of the site and the setting of the Mill building.

Other Matters

Public Consultation

45. The applicant, prior to the submission of the application, has undertaken a public consultation exercise with local residents. The results of this are summarised in the applicant's Statement of Community Involvement.

Sustainability

46. As the application is outline in nature, the layout of the development and design of the dwellings is not known at this stage. However, the applicant has submitted a Sustainability Statement which confirms that the development, when the reserved matters application is submitted, will be designed to accord with Policy SR1. This will be required through the use of appropriately worded planning conditions.

Waste Collection and Storage

47. There are no objections to the development in terms of the refuse vehicles being able to gain access. The Waste & Contaminated Land Officer has expressed some concerns with regards to collection routes for wheeled bins but as already stated, the application is in outline format so the final layout design is not known at this stage. However, waste storage and collection will be a factor when a reserved matters application is submitted to the Council.

Existing Businesses on Site

48. There are 2 existing businesses on the application site at present that this application will have implications for. The first business (Chorley Bottled Gas) sits in a fenced compound on the northern part of the application site. As a result of the development proposed, this business would have to relocate. However, the applicant advises that Chorley Bottled Gas can be accommodated within a vacant unit within the Mill. The second business is located in unit 1 at the northern end of the Mill and involves the supply and installation of heavy engineering hardware. Part of the application site is used to store equipment associated with this business so as with the bottled gas business, the outside storage would have to cease on this part of the site. The applicant advises that there will still be some space available to bring pressure vessels to the site to enable work on them to take place thus allowing the business to remain operating from unit 1 in the Mill.

Car Park Upgrading

49. With regards to the comments made by the owner of the Enterprise Centre (Bizspace), the applicant advises that a legal agreement between the applicant (Tatton Estates) and Bizspace is being drawn up that will oblige the applicant to upgrade the existing car park. This will ensure that the existing car park is upgraded and made more user friendly to existing and proposed users of the Enterprise Centre.

Overall Conclusion

50. The principle of the residential development of this site is considered to be acceptable as the site has been marketed for 18 months and this has demonstrated that there is no demand for the site for employment purposes. The concerns in relation to noise have also now been adequately addressed. The access to the site and level of traffic it would generate is also

considered to be acceptable by LCC (Highways) and there are no objections in terms of the amount of car parking retained to serve the Enterprise Centre. The relationship between the development and the Grade II Listed Mill is considered to be an acceptable one although the final design and layout of the development will be dealt with at reserved matters stage. There are also no concerns in terms of the ecological impact of the development. On this basis, it is recommended that outline planning permission be granted subject to the signing of a S106 legal agreement.

Planning Policies

National Planning Policies:

PPS1, PPS3, PPS5, PPS9, PPG24, PPS25

Regional Spatial Strategy

Policy Nos: DP1, DP4, DP7, RDF1, W3, L4, L5, RT9, EM5, EM15, EM16, EM17

Core Strategy

Policy Nos: 4, 5, 6, 7, 10, 16, 17, 22, 27

Adopted Chorley Borough Local Plan Review

Policy Nos: GN1, GN5, EP4, EP9, EP18, EP19, EP20, HS4, HS6, HS19, HS21, EM9, TR4

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide
- Interim Planning Guidelines for New Equipped Play Areas Associated with Housing Developments

Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

Planning History

04/01289/CLEUD - Certificate of Lawful Use in respect of an existing use of a compound for storage of bottled gas. Refused November 2004.

04/00933/FUL - Extension of existing compound using a concrete post and chainlink fence, and installation of a skid pan mounted Autogas unit. Refused August 2004.

04/00834/CTY - To construct a temporary stone access with chain link mesh gate. No objection.

Recommendation: Permit subject to legal agreement Conditions

1. Before the development hereby permitted is first commenced, full details of all reserved matters (namely the siting, design, landscaping of the site and the external appearance of the dwellings) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The approved plans are:

Plan Ref.	Received On:	Title:
6941/L(00)12	24 November 2010	Location Plan
6941/L(00)014	14 December 2010	Proposed Site Plan

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

3. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1st January 2010, Level 4 for all dwellings commenced from 1st January 2013 and Level 6 for all dwellings commenced from 1st January 2016) and achieve 2 credits within Issue Ene7: Low or Zero Carbon Technologies.
Reasons: To ensure that the dwellings meet the relevant Code for Sustainable Homes and in accordance with Policy SR1 of the Sustainable Resources DPD.
4. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on the approved plans. The development shall only be carried out in conformity with the approved details.
Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
5. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding any such detail shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.
Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Chorley Borough Local Plan Review.
6. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.
Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Chorley Borough Local Plan Review.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interest of the appearance of the locality and in accordance with Policy No. GN5 of the Chorley Borough Local Plan Review.
8. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground-surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Chorley Borough Local Plan Review.
9. The existing soil levels around the base of the trees to be retained shall not be altered.
Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Chorley Borough Local Plan Review.

10. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.
Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Chorley Borough Local Plan Review.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling(s) hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).
Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
12. No dwelling, which has a curtilage bounding any area of informal public open space shown on the approved plans, shall be occupied until that area of informal public open space has been laid out and equipped in accordance with the approved details.
Reason: To ensure adequate provision for public open space and play areas within the development and in accordance with Policy Nos. HS20 and HS21 of the Adopted Chorley Borough Local Plan Review.
13. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.
Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.
14. No development approved by this permission shall commence until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. It shall include details of how the scheme shall be maintained and managed after completion of the development and shall subsequently be implemented in accordance with the approved details prior to the completion of the development.
Reasons: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, ensure future maintenance of the surface water drainage system and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.
15. Due to past processes and activities upon and adjacent to the above site, there is a potential for ground contamination. Therefore, no development shall take place until:
 - a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2001 'Investigation of potentially contaminated site - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
 - b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
 - c) the Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals. Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use.

16. The development hereby permitted shall only be carried out in accordance with the avoidance measures set out in paragraphs 6.7 to 6.12 of the Ecological Assessment (Ref No. 2285.004/Rev C).
Reasons: To ensure that protected species are safeguarded and in accordance with Policy No. EP4 of the Adopted Chorley Borough Local Plan Review.
17. Prior to the commencement of development, a scheme for the protection of the Biological Heritage Site both during (e.g. vehicle movements, storage of materials, pollution etc) and after construction shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include a phasing schedule and a native species vegetated buffer between the site and the Biological Heritage Site. The scheme shall be implemented in accordance with the approved details and the phasing set out therein.
Reasons: To ensure the Biological Heritage Site is protected and in accordance with Policy No. EP4 of the Adopted Chorley Borough Local Plan Review.
18. The development hereby permitted shall not commence until full details of the junction and access road between the proposed development and the highway have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be occupied or used until that junction and access road has been constructed/upgraded in accordance with the approved details.
Reason: In the interests of highway safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.
19. The development hereby permitted shall not commence until samples of all external facing materials to the proposed dwellings (notwithstanding any details shown on the approved plans) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Chorley Borough Local Plan Review.
20. The final layout and design of the development to be submitted as part of a reserved matters application shall be prepared in accordance with the mitigation measures and recommendations contained in the WSP Environmental Noise Assessment Report dated 3rd March 2011.
Reasons: To provide satisfactory living conditions for future residents and in accordance with Policy No. Ep20 of the Chorley Borough Local Plan Review and PPG24.

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Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	29 March 2011

ENFORCEMENT ITEM

Land at 286 The Green Eccleston. The siting of a portable building for use as Office Space. Operational Development

PURPOSE OF REPORT

1. To consider whether it is expedient to serve an enforcement notice to secure the removal of the unauthorised development (portable building) from the land.

RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice under Section 172 and of the Town & Country Planning Act 1990 in respect of the following breach of planning control:

Alleged Breach

- i. Without planning permission the placing of a portable building on the land constituting operational development that requires planning permission.
- ii **Remedy for Breach**
Remove the portable building from the land.
- ii(a). **Period for Compliance**
Three Months.
- ii(b). **Reason**
The external appearance of the portable building is contrary to Policy GN5 criterion (b) Chorley Borough Local Plan Review Adopted Edition in that the design of proposed development is not well related to the surrounding area.

EXECUTIVE SUMMARY OF REPORT

3. The land in question lies in an area of built settlement. Within such settlement areas Policy GN1 states there is a presumption in favour of appropriate development, subject to normal planning considerations and policies and proposals of the Adopted Chorley Borough Local Plan. Policy GN5 of the Local Plan states that the design of proposed developments will be expected to be well related to their surroundings.

4. The issue for consideration in this case is whether the operational development that has been carried out conforms to the requirements detailed at Policy GN5 criterion (b) Chorley Borough Local Plan Review Adopted Edition in that the external appearance of the building is acceptable in this primarily residential area.

REASONS FOR RECOMMENDATION(S)

5. The unauthorised development represents an alien feature in this primarily residential area and is considered inappropriate development in terms of its external appearance and does not respect the character of the area in which it is located and is therefore contrary to Policy GN5 criterion (b) Chorley Borough Local Plan Review Adopted Edition.
6. There are various legal authorities that have set out the principles to be used in assessing whether a structure is a building. These authorities suggest that three primary factors are relevant in that assessment: size, permanence and attachment to the ground. In terms of size the portable building is of substantial size and has an imposing presence on the land. With regards to permanence the portable building is designed to be carried on a vehicle and placed upon the land and is unlikely to be moved frequently or easily within the confines of the allocated parking area. It is agreed that the portable building is not fixed to the ground merely resting upon it and the change to the character of the land is visual rather than physical.
7. Taking all three elements into consideration it is concluded that the combination of size, the transportation of the portable building to the land and the limitation of mobility, the likelihood that it will remain in situ is of significance and it is considered that the portable building is a building and therefore operational development has taken place for which planning permission is required

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

8. N/A

CORPORATE PRIORITIES

9. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	X
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

BACKGROUND

10. The portable building has been sited within the car parking area to the south east boundary of the site behind an established boundary to the rear of residential properties along Bradley Lane, Eccleston, the boundary between the site and these residential dwellings consists of wooden fencing to a height of 1.8 metres. The top part of the portable building is visible above the fence. Within the site there is an existing large steel portal framed building that was granted planning permission in 1994 for the valeting, servicing and repair of vehicles.

The portable building is an archetypical portable building, flat roofed and rectangular in shape the elevations being of a muted neutral colour. Its dimension being approximately 5metres X 2metresX2.2metres.

- 11. A site visit was carried out when the occupier of the site informed your Officer that the portable building would be in place for a short period of time whilst space was being made available within the main building where the portable building would be re located for use as an office space. Such a use would not require planning permission.
- 12. The site was then vacated but the portable building was not removed. The new occupier has been informed that the portable building requires planning permission however no planning application has been submitted or the building removed.

IMPLICATIONS OF REPORT

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

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	X

Lesley-Ann Fenton
 Director of Partnerships, Planning & Policy

Report Author	Ext	Date	Doc ID
S Aldous	5414	02 March 2011	N/A

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Report of	Meeting	Date
Director of Partnerships, Planning and Policy	Development Control Committee	29 March 2011

PLANNING APPEALS AND DECISIONS - NOTIFICATION

PURPOSE OF REPORT

- To advise Committee of appeal notifications and decisions received from the Planning Inspectorate and notification of decisions received from Lancashire County Council and other bodies between 24 February 2011 and 17 March 2011.

RECOMMENDATION(S)

- That the report be noted.

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	y
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

PLANNING APPEALS LODGED

- Appeal by Mr Gary Connor against the Development Control Committee decision to refuse planning permission for proposed detached double garage with storage space above for Briar Cottage, 187 South Road, Bretherton. (Application No. 10/00919/FUL).
- Appeal by Mr J. Clawson against the Development Control Committee decision to refuse planning permission for proposed ancillary accommodation for Appenzell, Babylon Lane, Heath Charnock (10/01022/FUL).



PLANNING APPEALS DISMISSED

6. Appeal by Wainhomes (North West) Ltd. against the Development Control Committee's decision to refuse planning permission, for demolition of No. 7 Chorley Old Road together with associated outbuildings, construction of 9 No. residential dwellings and associated works and amendments to the access into No. 5 Chorley Old Road with new garage provision/location at 5-7 Chorley Old Road, Whittle-le-Woods (Application No. 10/00238/FUL).
7. Appeal by Wainhomes Developments Ltd. against the Development Control Committee's decision to refuse planning permission, for erection of two storey detached dwelling at 26 Lancaster Lane, Clayton-le-Woods (Application No. 10/00739/FUL).

PLANNING APPEALS ALLOWED

8. Appeal by Wainhomes Developments Ltd. for costs against the Development Control Committee's decision to refuse planning permission, for erection of two storey detached dwelling at 26 Lancaster Lane, Clayton-le-Woods (Application No. 10/00739/FUL).

PLANNING APPEALS WITHDRAWN

9. None.

ENFORCEMENT APPEALS LODGED

10. None.

ENFORCEMENT APPEALS DISMISSED

11. None.

ENFORCEMENT APPEALS ALLOWED

12. None.

ENFORCEMENT APPEALS WITHDRAWN

13. None.

LANCASHIRE COUNTY COUNCIL DECISIONS

14. None.

GOVERNMENT OFFICE DECISIONS

13. None.

IMPLICATIONS OF REPORT

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

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	√

LESLEY-ANN FENTON
 DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY

Report Author	Ext	Date	Doc ID
Robert Rimmer	5221	17.03.2010	

Background Papers				
	Document	Date	File	Place of Inspection
4	Letter from the Planning Inspectorate	02.03.2011		Civic Offices, Union Street, Chorley or online at www.chorley.gov.uk/planning
5	Letter from the Planning Inspectorate	8.03.2011		
6	Letter from the Planning Inspectorate	8.03.2011		
7	Letter from the Planning Inspectorate	16.03.2011		
8	Letter from the Planning Inspectorate	16.03.2011		

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Report

Report of	Meeting	Date
Director of Partnerships, Planning and Policy	Development Control Committee	29 March 2011

Planning Applications Determined by the Director of Partnerships, Planning and Policy, the Chair and Vice-Chair of the Committee on 08 March 2011

Application No.	Recommendation	Location	Proposal
10/00819/TPO	Consent for Tree Works	Plot 8 Wainhomes Development Lancaster Lane Clayton-Le-Woods Lancashire	Crown lift by 2m to trees to the rear of plot 8 covered by TPO 6 (Clayton Le Woods 2007)
10/01109/FUL	Permit Full Planning Permission	Charnock Brow Farm Preston Road Charnock Richard Lancashire PR7 5JP	Recreational course fishery and ancillary car parking
11/00024/COU	Permit Full Planning Permission	Positive Solutions Positive House School Lane Brinscall Chorley	Proposed change of use of existing commercial building to a children's nursery and the retention of an existing apartment

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Report

Report of	Meeting	Date
Director of Partnerships, Planning and Policy	Development Control Committee	29 March 2011

Planning Applications Determined by the Director of Partnerships, Planning and Policy, the Chair and Vice-Chair of the Committee on 16 March 2011

Application No.	Recommendation	Location	Proposal
10/01066/FUL	Refuse Full Planning Permission	Land 35M South Of Units 1 - 12 Grove Park Industrial Estate The Green Eccleston Lancashire	Application for temporary (2 1/2 years) permission for the erection of 5No. lodges and associated track/hardstanding to the land at the rear of BTI Ltd. offices. Lodges to be used for sale demonstration.
11/00084/FUL	Permit Full Planning Permission	Land Rear Of Hillcrest Bradshaw Lane Mawdesley Lancashire	Erection of a timber Alpaca shelter/stable
11/00088/FUL	Permit (Subject to Legal Agreement)	Formerly Sunday School Chapel Lane Hoghton	Application to extend time limit to implement planning permission 07/01386/FUL (conversion of former Sunday School building to residential property)
11/00089/LBC	Grant Listed Building Consent	Formerly Sunday School Chapel Lane Hoghton	Application to extend the time limit to implement Listed Building Consent 07/01387/LBC (conversion of former Sunday School building to residential property)

Report

11/00090/FUL	Permit (Subject to Legal Agreement)	Hoghton Methodist Chapel Chapel Lane Hoghton Preston PR5 0RY	Application to extend time limit to implement planning permission 07/01384/FUL (conversion of former Methodist Chapel building to residential property)
11/00091/LBC	Grant Listed Building Consent	Hoghton Methodist Chapel Chapel Lane Hoghton Preston PR5 0RY	Application to extend the time limit to implement Listed Building Consent 07/01385/LBC (conversion of former Methodist Chapel building to residential property)
11/00117/TEL	Approve - Telecom	PCP 14 Telecommunication Equipment Cabinet Outside St Johns Vicarage Preston Road Whittle-Le-Woods Lancashire	Prior notification application for the installation of Telecommunications cabinet at St. John's Vicarage, Whittle-Le-Woods
11/00118/TEL	Approve - Telecom	PCP 59 Telecommunication Equipment Cabinet Opposite 47 Chapel Street Chorley Lancashire	Prior notification application for the installation of Telecommunications cabinet at Chapel Street, Chorley

Report of	Meeting	Date
Director of Partnerships, Planning and Policy	Development Control Committee	29 March 2011

**List of Applications Determined by the Director of Partnerships, Planning and Policy
Under Delegated Powers**

Between 24 February 2011 and 17 March 2011

Plan Ref 10/00500/CLEUD **Date Received** 17.06.2010 **Decision** Grant Cert
of
Lawfulness
for Est Use

Ward: Euxton South **Date Decided** 24.02.2011

Proposal : Application for certificate of Lawfulness (existing use) for B8 (storage & distribution),
B1 (offices) and A1 (retail plant centre)

Location : Harrison Packing Five Acres Farm Dawbers Lane Euxton Chorley

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

Plan Ref 10/00605/FUL **Date Received** 19.07.2010 **Decision** Permit Full
Planning
Permission

Ward: Chisnall **Date Decided** 24.02.2011

Proposal : Change of use of agricultural land to domestic curtilage to provide new access to
the highway and closure of existing access

Location : Land Between Latham House Barn And 129 Church Lane Charnock Richard
Lancashire

Applicant: Helen Frooms And Ray Witts Lathom Barn Church Lane Charnock Richards
Chorley Lancashire PR7 5NA

Plan Ref 10/00864/TPO **Date Received** 27.09.2010 **Decision** Consent
for Tree
Works

Ward: Euxton North **Date Decided** 09.03.2011

Proposal : Pruning of oak tree covered by TPO No 6 (Euxton) 1995

Location : 19 Sycamore Avenue Euxton Chorley Lancashire PR7 6JR

Applicant: Mr Thomas Webb The Poplars 1 Orchard Close Euxton PR7 6LU

Plan Ref 10/00879/FUL **Date Received** 01.10.2010 **Decision** Permit Full Planning Permission

Ward: Lostock **Date Decided** 08.03.2011

Proposal : Extension of time limit (of previously approved application 07/00629/FUL) for demolition of existing farm buildings and erection of new building for ice cream parlour/cafe, including play area, new vehicular access and car park.

Location : Boys Farm Leyland Lane Ulnes Walton Leyland Lancashire

Applicant: Mr & Mrs A Deakin Boys Farm Leyland Lane Ulnes Walton Leyland Lancashire PR26 8LB

Plan Ref 10/00964/TPO **Date Received** 27.10.2010 **Decision** Consent for Tree Works

Ward: Chorley South East **Date Decided** 09.03.2011

Proposal : Woodland works adjacent to The Bowers covered by TPO 9 (Chorley) 1995

Location : Land Rear Of 76-88 Carr Lane Chorley Lancashire

Applicant: Green Belt Group

Plan Ref 10/01107/AGR **Date Received** 20.12.2010 **Decision** Prior App not required - Agr

Ward: Chisnall **Date Decided** 10.03.2011

Proposal : Application for agricultural prior notification for the erection of an agricultural building to house cattle.

Location : Vause Farm Town Lane Charnock Richard Chorley Lancashire

Applicant: Thomas Stafford

Plan Ref 10/01112/FUL **Date Received** 25.12.2010 **Decision** Permit Full Planning Permission

Ward: Clayton-le-Woods And Whittle-le-Woods **Date Decided** 01.03.2011

Proposal : Erection of two storey rear extension; 2 no. two storey side extensions; raising the ridge height and altering the roof pitches; proposed entrance gate, fence and curved wall fronting Shaw Hill Drive.

Location : Hillcrest House Shaw Hill Drive Whittle-Le-Woods Chorley PR6 7PN

Applicant: Mrs Vanessa Morrow 23 Dunham Drive Whittle-Le-Woods Chorley PR6 7DN

Plan Ref 11/00002/CLPUD **Date Received** 05.01.2011 **Decision** Grant Certificate of Lawfulness

Ward: Euxton North **Date Decided** 02.03.2011

Proposal : Application for a Certificate of Lawfulness for a proposed single storey side extension to the north elevation; single storey side extension to the south elevation; two storey rear extension; two storey rear extension (including raising ridge height) and to re-build and extend an existing outbuilding.

Location : Holt Farm Runshaw Hall Lane Euxton Chorley PR7 6HH

Applicant: Mr Bryan Horner Holt farm Runshaw Hall Lane Euxton Chorley PR7 6HH

Plan Ref 11/00004/FUL **Date Received** 06.01.2011 **Decision** Permit Full Planning Permission

Ward: Eccleston And Mawdesley **Date Decided** 01.03.2011

Proposal : Extensions and alterations

Location : Woodlands Woodhart Lane Eccleston Chorley PR7 5TB

Applicant: Mr Jim Hardy Woodlands Woodhart Lane Eccleston PR7 5TB

Plan Ref 11/00014/FUL **Date Received** 06.01.2011 **Decision** Permit Full Planning Permission

Ward: Clayton-le-Woods North **Date Decided** 16.03.2011

Proposal : Erection of a two storey side extension

Location : 6 Mallards Walk Bamber Bridge Preston PR5 6AY

Applicant: Mr Jamel Khalifa 6 Mallards Walk Bamber Bridge Preston PR5 6AY

Plan Ref 11/00015/FUL **Date Received** 07.01.2011 **Decision** Permit Full Planning Permission

Ward: Heath Charnock And Rivington **Date Decided** 01.03.2011

Proposal : Application to remove the existing rear dormer and erect a new larger rear dormer with twin double pitched roofs; reduce the pitch of the existing rear conservatory and replace any timber, uPVC or stone cladding with a rendered finish.

Location : 101 Rawlinson Lane Heath Charnock Chorley PR7 4DE

Applicant: Mr Nigel Corry 101 Rawlinson Lane Heath Charnock Chorley PR7 4DE

Plan Ref	11/00007/TPO	Date Received	10.01.2011	Decision	Consent for Tree Works
Ward:	Heath Charnock And Rivington		Date Decided	11.03.2011	
Proposal :	Various tree works on land adjacent to Rivington Primary School covered by TPO 18 (Rivington) 1991				
Location :	Land South Of Rivington Parish Church And North Of Horrobin Lane Rivington Horwich Lancashire				
Applicant:	United Utilities Rivington Water Treatment Works Bolton Road Horwich				

Plan Ref	11/00010/FUL	Date Received	10.01.2011	Decision	Refuse Full Planning Permission
Ward:	Euxton South		Date Decided	08.03.2011	
Proposal :	Conversion of the first floor of the existing retail premises in to two residential units. The ground floor of the building will remain retail space.				
Location :	Dream Merchants 7 Talbot Row Euxton Chorley Lancashire				
Applicant:	HHPP Limited 125 Storeton Road Birkenhead CH42 9PQ United Kingdom				

Plan Ref	11/00011/FUL	Date Received	10.01.2011	Decision	Permit Full Planning Permission
Ward:	Clayton-le-Woods And Whittle-le-Woods		Date Decided	10.03.2011	
Proposal :	Erection of single storey rear extension				
Location :	10 Spinney Close Whittle-Le-Woods Chorley Lancashire PR6 7PW				
Applicant:	Mr Derek Artis 10 Spinney Close Shaw Hill Whittle le Woods Chorley Lancashire PR6 7PW England				

Plan Ref	11/00016/FUL	Date Received	12.01.2011	Decision	Permit Full Planning Permission
Ward:	Chisnall		Date Decided	09.03.2011	
Proposal :	Demolish existing single storey rear extension and erect a two storey rear extension				
Location :	213 Preston Road Coppull Lancashire PR7 5DR				
Applicant:	Mr John Asbury 213 Preston Road Coppull Chorley Lancashire PR7 5DR				

Plan Ref 11/00018/FUL **Date Received** 13.01.2011 **Decision** Refuse Full Planning Permission

Ward: Chisnall **Date Decided** 10.03.2011

Proposal : Proposed detached storage building
Location : Cross End House Back Lane Charnock Richard Chorley PR7 5JR
Applicant: Mrs Linda Atzeni Cross End House Back Lane Charnock Richard Chorley PR7 5JR

Plan Ref 11/00030/FUL **Date Received** 17.01.2011 **Decision** Refuse Full Planning Permission

Ward: Euxton North **Date Decided** 11.03.2011

Proposal : Proposed conservatory on the side elevation
Location : 6 St Marys Gate Euxton Chorley PR7 6AH
Applicant: Mr & Mrs Hayes 6 St Marys Gate Euxton Chorley PR7 6AH

Plan Ref 11/00034/FUL **Date Received** 17.01.2011 **Decision** Permit Full Planning Permission

Ward: Euxton North **Date Decided** 09.03.2011

Proposal : Proposed timber decking to rear
Location : 32 The Croft Euxton Chorley Lancashire PR7 6LH
Applicant: Dr R Gupta 32 The Croft Euxton Chorley Lancashire PR7 6LH

Plan Ref 11/00040/FUL **Date Received** 19.01.2011 **Decision** Permit Full Planning Permission

Ward: Chorley North
West **Date Decided** 10.03.2011

Proposal : Installation of new CHP containerised unit adjacent to the existing boilerhouse.
Location : Chorley And South Ribble District General Hospital Preston Road Chorley Lancashire PR7 1PP
Applicant: Lancashire Teaching Hospitals NHS Foundation Trust Sharoe Green Lane North Preston PR2 9HT

Plan Ref 11/00041/FUL **Date Received** 19.01.2011 **Decision** Permit Full Planning Permission

Ward: Wheelton And
Withnell **Date Decided** 16.03.2011

Proposal : Proposed first floor side extension and internal alterations
Location : 34 Parke Road Brinscall Chorley PR6 8QB

Applicant: Mr D Wallis 34 Parke Road Brinscall Chorley Lancs PR6 8QB

Plan Ref 11/00045/FUL **Date Received** 21.01.2011 **Decision** Permit Full Planning Permission

Ward: Chorley North West **Date Decided** 07.03.2011

Proposal : Proposed disabled ramp access to rear of the building

Location : 112A Market Street Chorley Lancashire PR7 2SL

Applicant: Home Start Chorley Youth And Community Centre Lord Street Chorley Lancashire PR6 0RF

Plan Ref 11/00049/FUL **Date Received** 21.01.2011 **Decision** Permit Full Planning Permission

Ward: Astley And Buckshaw **Date Decided** 16.03.2011

Proposal : Proposed link road connecting existing road with Ordnance Road

Location : Land South Of Buckshaw Avenue Buckshaw Avenue Buckshaw Village Lancashire

Applicant: Henry Davidson Developments Limited City Gate East Toll House Hill Nottingham NG1 5FS

Plan Ref 11/00065/TCON **Date Received** 26.01.2011 **Decision** No objection to Tree Works

Ward: Lostock **Date Decided** 04.03.2011

Proposal : Felling of 1 tree on the highway at Highfield Road, Croston

Location : 0 Highfield Road Croston Lancashire

Applicant: Croston Parish Council 9 Ambleside Avenue Euxton Chorley PR7 6NX

Plan Ref 11/00094/FUL **Date Received** 02.02.2011 **Decision** Application Withdrawn

Ward: Chorley South East **Date Decided** 03.03.2011

Proposal : Erection of side dormer to facilitate bedroom at second floor level; Erection of single storey side extension to existing single storey rear/side garage and proposed single storey front extension to the existing single storey rear/side garage.

Location : 4 Little Carr Lane Chorley PR7 3JT

Applicant: Mr David Jackson 4 Little Carr Lane Chorley Lancashire PR7 3JT UK
