



Development Control Committee

Agenda and Reports

For consideration on

**Tuesday, 6th September
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, one working days before the day of the meeting (12 Noon on the Monday 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.

The following procedure is the usual order of speaking but may be varied on the instruction of the Chair

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 his/her 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 the 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.

26 August 2011

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 6TH SEPTEMBER 2011

You are invited to attend a meeting of the Development Control Committee to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 6th September 2011 at 6.30 pm.

Members of the Committee are recommended to arrive at the Town Hall by 6.15pm to appraise themselves of any updates received since the agenda was published detailed in the addendum, which will be available in the Members Room from 5.30pm.

A G E N D A

1. **Apologies for absence**

2. **Minutes (Pages 1 - 4)**

To confirm the minutes of the Development Control Committee meeting on 9 August 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**

The Director of Partnerships, Planning and Policy has submitted eight reports for planning applications to be determined (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 applications on our website.

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

- (a) 11/00484/COU - Heath Paddock Hut Lane, Heath Charnock, Chorley (report to follow - maps are included within the plans pack)

Proposal:

Change of use of land for the siting of 2 static caravans and 4 touring caravans for residential use, the storage of 2 touring caravans when not in use for working away, retention of double utility block, provision of double stable block, retention of reduced area of hard surface for exercising horses, retention of hard standing for 3 vehicles plus horse box trailer to north of site and provision of new hard standing for 3 vehicles plus horse box trailer together with retention of existing access at North West corner of site.

Recommendation:

Refuse full planning permission.

- (b) 11/00053/FULMAJ - Land 200m South West of Whinney Cottage, 4 Whinney Lane, Euxton, Chorley (report to follow -maps are included within the plans pack)

Proposal:

Change of use of agricultural land, involving levelling the site and drainage, to create 6 playing pitches, changing pavilion, 90 space car park and new access with associated roadway.

Recommendation:

Refuse full planning permission.

- (c) 11/00466/FUL - Go Ape, Rivington Lane, Rivington, Bolton (report enclosed)
(Pages 5 - 16)

Proposal:

Retrospective application for the building up (raising) and enlargement of two zipwire landing sites at Go Ape course (landing area for site 2 located near site 3, and landing area for site 3 located near site 4).

Recommendation:

Permit full planning permission.

- (d) 11/00574/OUT - Balshaw Villa, Balshaw Lane, Euxton, Chorley (report enclosed)
(Pages 17 - 24)

Proposal:

Outline application for the erection of 2 no. two storey detached dwellings and provision of public greenspace in place of private garden (all matters reserved apart from access).

Recommendation:

Refuse outline planning permission.

- (e) 11/00437/FUL - Matrix Dental Laboratory, 87 School Lane, Brinscall, Chorley (report enclosed) (Pages 25 - 30)

Proposal:

Application to vary condition no. 5 of planning permission no. 10/00901/FUL (which permitted the use of the property as a dental laboratory) to enable the opening hours of the dental laboratory to be 8am to 8pm Monday to Friday only.

Recommendation:

Permit full planning permission.

- (f) 11/00635/FUL - Golden Lion, 369 Blackburn Road, Higher Wheelton, Chorley (report enclosed) (Pages 31 - 38)

Proposal:

Erection of 2 no. of 3 bedroom detached dwellings on part of the existing car park belonging to the Golden Lion Public House.

Recommendation:

Permit (subject to Legal Agreement)

- (g) 11/00480/FULMAJ - Burrows (Grass Machinery) Ltd, Wigan Road, Clayton-le-Woods, Leyland (report enclosed) (Pages 39 - 48)

Proposal:

Demolition of Burrows Grass Machinery and removal of car sales forecourt and demolition of The New Bungalow and erection of 13 no. detached two-storey dwellings and associated infrastructure.

Recommendation:

Permit (subject to Legal Agreement).

- (h) 11/00494/FULMAJ - Land between Froom Street/Crosse Hall Lane, Chorley (report enclosed) (Pages 49 - 58)

Proposal:

Erection of 23 dwellings (amendment to layout, design, landscaping and external appearance approval as part of planning approval 02/00680/REMMAJ and 07/01051/FULMAJ)

Recommendation:

Permit (subject to Legal Agreement)

5. **Planning Appeals and Notifications (Pages 59 - 60)**

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

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

Yours sincerely



Gary Hall
Chief Executive

Cathryn Filbin
Democratic and Member Services Officer
E-mail: cathryn.filbin@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 Ken Ball, Henry Counce, Matthew Crow, David Dickinson, Dennis Edgerley, Christopher France, Marie Gray, Alison Hansford, Hasina Khan, Paul Leadbetter, Roy Lees, June Molyneaux and Mick Muncaster) 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 Filbin (Democratic and Member Services Officer) and Alex Jackson (Senior Lawyer) for attendance.
3. Agenda and reports to Development Control Committee reserves, (Councillors Alistair Bradley and Simon Moulton) for information.

**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

01257 515823

کیجئے:

Development Control Committee**Tuesday, 9 August 2011**

Present: Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair) and Councillors Ken Ball, Henry Counce, Matthew Crow, David Dickinson, Dennis Edgerley, Christopher France, Alison Hansford, Hasina Khan, Paul Leadbetter, Roy Lees, June Molyneaux and Mick Muncaster

Officers in attendance: Gary Hall (Chief Executive), Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Jennifer Moore (Head of Planning), Nicola Hopkins (Principal Planning Officer (Major Projects)), Chris Moister (Head of Governance), Alex Jackson (Senior Lawyer), Cathryn Filbin (Democratic and Member Services Officer), Robert Rimmer (Business Support Team Leader) and Elaine Critchley

Also in attendance: Councillors Catherine Hoyle, Peter Wilson and Julia Berry

11.DC.79 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Marie Gray.

11.DC.80 MINUTES

RESOLVED - That the minutes of the Development Control Committee on 12 July 2011 be confirmed as a correct record and signed by the Chair.

11.DC.81 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

11.DC.82 PLANNING APPLICATIONS TO BE DETERMINED

The Director of Partnerships, Planning and Policy submitted reports on five applications for planning permission to be determined.

In considering the applications, the Committee took into account the agenda reports, the addendum, and the verbal representations or submissions provided by officers and individuals.

- a) **Application:** 11/00490/CB3 - The Common, Adlington **Proposal:** Formation of car park and haulage accessway to serve 54 allotment plots at The Common including the erection of a 1.2 metre high post and wire fence and compost/wood chip bays.

This application was withdrawn from the agenda due to the late receipt of an Article 25 direction from the Secretary of State, which prevented Members of the Committee from approving the application, if they so wished.

- b) **Application:** 11/00466/FUL - Go Ape Rivington Lane, Rivington, Bolton **Proposal:** Retrospective application for the building up (raising) and enlargement of two zipwire landing sites at Go Ape course (landing area for site 2 located near site 3, and landing are for site 3 located near site 4.

RESOLVED - To defer a decision on the application to allow Members of the Committee to visit the site of the proposals.

- c) **Application:** 11/00453/REMMAJ - **Proposal:** Section 73 application to vary Duxbury Park Myles, Standish Way, Chorley conditions 1 (approved plans), 4 (approved plans), 10 (finished floor levels in respect of plots 6-8, 80-89 and 126-134), 26 (carbon emissions) and 27 (code for sustainable homes) attached to planning approval 10/00946/REMMAJ.

RESOLVED - Planning permission to vary conditions was granted subject to a Section 106 legal agreement, the conditions detailed in the report within the agenda, and the amended conditions detailed within the addendum.

- d) **Application:** 11/00474/REMMAJ - **Proposal:** Reserved matters application for a re-plan of plots 818-823, 863-866 and 927-928 of parcel I, Phase 2, Buckshaw Village (12 dwellings in total).

RESOLVED - Planning permission was granted subject to the conditions detailed in the report within the agenda, and amended condition contained within the addendum.

- e) **Application:** 11/00554/REMMAJ - **Proposal:** Reserved matters application to extend the time limit for implementation of extant planning permission 08/00396/REMMAJ for the erection of a public house on plot 4400, Buckshaw Village.

RESOLVED - Planning permission was granted subject to the conditions detailed in the report within the agenda.

11.DC.83 ENFORCEMENT ITEM - BILLINGE HOUSE, EUXTON LANE, EUXTON

The Committee received a report from the Director of Partnerships, Planning and Policy asking Members of the Committee if it was expedient to issue an enforcement notice in respect of a breach of planning control. At the meeting Members of the Committee received an update in the addendum which advised Lancashire County Council, as landlord, had taken action to remedy the alleged planning breach. As a result of the landowner's action the recommendation had changed to no further action.

RESOLVED – That the report be noted.

11.DC.84 PLANNING APPEALS AND NOTIFICATIONS

The Director of Partnerships, Planning and Policy submitted a report giving notification of an appeal that had been lodged against the refusal of planning permission, three appeals that had been dismissed, two appeals that had been allowed and one application granted by Lancashire County Council.

RESOLVED – That the report be noted.

11.DC.85 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That the press and public be excluded from the meeting for the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

11.DC.86 ENFORCEMENT ITEM - HUT LANE

Members considered a report and an update on the addendum.

Following a unanimous recorded vote Members **RESOLVED –**

- 1. That the Council seek an injunction pursuant to section 187B of The Town and County Planning Act 1990 as the next most appropriate course of action to pursue for compliance with the enforcement notices.**
- 2. That delegated authority be given to the Head of Governance in consultation with the Director of Partnerships, Planning and Policy to take the agreed action in order to allow the Council, pursuant to section 187B of the Town and Country Planning Act 1990 to secure compliance against the enforcement notices.**

Chair

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Item 3 **11/00466/FUL**

Case Officer **Caron Taylor**

Ward **Heath Charnock And Rivington**

Proposal **Retrospective application for the building up (raising) and enlargement of two zipwire landing sites at Go Ape course (landing area for site 2 located near site 3, and landing area for site 3 located near site 4).**

Location **Go Ape Rivington Lane Rivington Bolton Lancashire**

Applicant **Go Ape**

Consultation expiry: 19 July 2011

Application expiry: 29 July 2011

Proposal

1. The proposal is a retrospective application for the building up (raising) and enlargement of two zipwire landing sites at Go Ape course (landing area for site 2 located near site 3, and landing area for site 3 located near site 4).
2. The application was deferred at August committee for a site visit. This report incorporates the comments that were on the addendum at the last committee.

Recommendation

3. It is recommended that this application is granted retrospective planning approval, however it is also recommended that Members defer the application for a site visit before determining the application.

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Impact on the neighbours
 - Design
 - Trees and Landscape
 - Ecology
 - Traffic and Transport
 - Public Right of Way
 - Ministerial Statement – Planning for Growth

Representations

5. 20 letters of objection have been received, including one from The Friends of Lever Park on the following grounds:
 - Lord Leverhulme gave this area of land and open space for the people to enjoy, not to be turned into some theme park;
 - The proposal violates the Liverpool Corporation Act 1902. The public are prevented from wading in areas through the Go Ape site and this would require an amendment to the 1902 Act that cannot be implemented by the Council. The implication of the Act needs to be fully investigated;
 - Section 21, subsection (2) of the Liverpool Corporation Act 1902 states 'to secure their free and uninterrupted enjoyment by the public';
 - The applicants state on the application forms that the proposals do not require any diversion/extinguishments and/or creation of rights of way, when they should have stated that it does, as the proposal would extinguish the right of way through this part of Lever Park;
 - The application states it affects a definitive right of way;
 - It is contrary to Local Plan Policies HT13, EP2 and LT7;
 - It is contrary to the Supplementary Planning Document Trees and Development;
 - The Council have not notified English Heritage of a planning application to a Grade I or Grade II Historic Park and Garden – which is compulsory;

- The Tree Survey dated 17th May 2008 is incorrect and therefore doesn't comply with BS5853 (trees and development). 9 trees in use on the course have not had a tree survey, nor are they referred to on the site location plan;
 - Failure to comply with the Council's Statement of Community Involvement which says Community Involvement must be encouraged for 'smaller development on sensitive sites';
 - There has been failure to consult any local group who would object to any application;
 - The size/appearance of the landing areas have a detrimental effect on the character of the park;
 - If allowed to be retained it will be contrary to all the policy statement in the Local Plan which indicate the Council is committed to preserving Historic Parks and Gardens;
 - The applicants state in the application there are no trees on the development site, however one of the landing areas is actually built around a tree;
 - The applicant states during the construction of the course it was necessary to build two of the areas bigger than indicated. This is not true, the landing areas were enlarged 12 months later in 2011;
 - The original planning application stated the lengths of the two landing zones would be 8m, these have increase to 19m and 12m. They are unsightly, on too large a scale and severely impact on the character of the area;
 - The proposal is contrary to Chapter 5 Heritage (Historic Parks and Gardens) and Chapter 4 Environmental Protection – it is a Biological Heritage Site;
 - It is a mess and a blot on the landscape. The landing zones are already too large with wood chips flowing everywhere and a once tranquil wood has been destroyed;
 - Rivington is already gridlocked by visitor numbers and they do not wish the area to change from its unique character and protected by an Act of Parliament;
 - There are numerous trees which are not indicated on the plans which now form part of the course which have not been part of any tree survey;
 - An up to date plan of the course with a new environmental assessment showing the correct tree numbers should be supplied;
 - United Utilities Conservation Areas are affected by the Development;
 - Just because the landing zones are made from wood does not necessarily make them compatible with the landscape around them;
 - They request that Committee make a site visit with regard to the sizes of the landing zones and trees in use;
 - It is difficult for the public to make an accurate assessment of the development, because the 2008 tree surveys don't match with regard to tree numbers and location;
 - It desecrates the beautiful countryside;
 - It causes noise pollution;
 - It is habitat for many wildlife creatures living in the area;
 - The environmental impact of development has been considerable. Any extension and raising of the landing zones only impacts further on the woodland and increases the artificial appearance of the woodland floor;
 - There is still an unresolved application for an additional zip line 10/00426/FUL. There needs to be a comprehensive review of the current position before more changes or retrospective permissions are granted;
 - A precedent is set for commercial development of the park;
 - Too much Green Belt has been built over already;
 - The site notices were put up late – lack of community involvement;
 - The submitted plans indicate a location for a landing zone at site 3, this is impossible to find because site 3 on the site location plan doesn't show a landing zone. It is impossible for any member of the public to go on site with the site map and find trees and landing zones referred to;
 - Because of the sub-standard information provided, it is impossible to calculate and therefore the application must be deemed in admissible;
 - Landing zone site 3 is not in the position shown on the site plan. Landing zone is 15 metres north;
 - The application with regard to the landing zone at site 4 on the location plan, makes no mention that the zip wire anchor tree has been moved;
 - The plans show the south and east of a landing zone for site 3, on the submitted location plan there is no identification of a landing zone at site 3;
 - Section 9 of the application forms are not filled in;
 - That the proposal is retrospective and therefore does not benefit from planning permission means it had not been inspected to see that it is safe to allow the public onto the site, which raises the question of whether the public and those using the activities have public and third party liability insurance to cover these activities;
6. Two further letters of objection have also been received from the Chairman of the Friends of Lever Park (Mr Robert Dootson) and are set out in full below:

7. Letter 3 August 2011 as follows:

"Having read the officers report for the meeting to be held on Tuesday 9th August 2011, we feel that you have not put all the facts in relation to the implications of ignoring the 1902 Liverpool Corporation Act before the committee members. And so therefore request that an addendum report be published on the matter.

- You have failed to inform the Councillors that a precedent was set in 1997, whereby it required an amendment to the Act being submitted to Parliament, before a proposal by North West Water could even be considered.*
- You have failed to inform the Councillors, that because the proposed Bill was blocked in Parliament the proposed "Blue Planet" plans never progressed.*
- You have failed to notify the Councillors of the possible financial costs to the Borough, should your decision to ignore the 1902 Liverpool Corporation Act go to High Court.*
- You have failed to notify the Councillors as to whether you have asked United Utilities to produce the conveyance by which Liverpool Corporation must have acquired the land.*
- You have failed to notify the Councillors that United Utilities are trustees to the Park and as such cannot make a profit from the park.*
- You may say that the Act is not of material consideration when viewing a planning application; we don't believe you should ignore anything that has been put before you that protects the land in question.*
- Your report appears not to deal with the serious implications of ignoring the Act.*
- How would members of the public respond, if they found out that all the facts had not been put before a planning committee, whose decision could cost the Borough financially?"*

8. Letter 4 August 2011 as follows:

In the officer's report for the meeting on Tuesday the 9th August 2011, within section 71 the author under advice from the Councils Head of Governance states in reference to section 21 subsection 2 the following: "it specifically grants to the owner general powers to do almost what they wish to provide that the public enjoy the park. This includes the provision of new buildings."

Section 21, subsection 2 of the 1902 Act actually says: "The Corporation shall subject to the provisions of this section permit the owner at his own expense to lay out the said lands."

The Corporation are the Trustees to the park, the actual owner when the Act was put before Parliament was Lord Leverhulme who then gave to the Town of Bolton a portion of land in the Parish of Rivington. If the Corporation are owners of the park as the report would lead us to believe, then why would the Act be worded as such "The Corporation shall subject to the provisions of this section permit the owner". The Corporation are in fact the trustees of the park and reference to ownership confirms that they are not the owners but trustees.

The Liverpool Corporation Act created a Trust for Lever Park. If United Utilities do not agree that their "ownership" is based on a gift then ask them to produce the Conveyance by which Liverpool Corporation acquired the land. They will not be able to as there was no document.

The trust is both public and charitable, and by being trustee and a decision maker on standards within the park they are allowing themselves to be in a position of conflict of interest. And also a Trustee must not profit from a position of Trust.

We hope that you will allow us to submit our correction to the interpretation of the Head of Governance advice by adding an addendum.

9. Response: The Council's Head of Governance makes the following comments to Mr Dootson's letter:

In response to the letter received 3 August:

'I am not familiar with the United Utilities application/proposal so am unable to comment upon bullet points 1 and 2. Needless to say, were the proposal to fundamentally undermine the basis of use of Lever Park i.e. fencing off large areas from the public etc then I could understand why the Act would need to be addressed although any breaches of this private Act of Parliament would not be a planning issue. I continue to be of the view that this use does not undermine the Act.

I am not clear as to the financial costs to which Mr Dootson refers in the third bullet point. If they are the costs of Judicial Review or appeal of the Council's decision, they are not a relevant planning consideration. Development Control Committee should not be put in a position where the threat of a costs order prevents them from making their decision on the planning merits of the application.

As regards bullet points 4 and 5, neither are matters for the Committee. I am not clear as to the relevance of the conveyance, it would not be usual practice for this to be sought and as ownership of the site has been established it would not be necessary for the purposes of making a decision on the application. As regards 5, this is certainly not a planning consideration and is a matter of civil enforcement against United Utilities were this to be the case and they were demonstrably receiving a profit.

The remaining 3 bullet points can also be taken together. The Act, as a private act, is not a material consideration and the breach of it, if any, is to be enforced separately to the planning process.

10. In response to the letter received 4 August:

It is maintained that the Act is not a material planning consideration for the Development Control Committee.

To confirm, the corporation are, as Mr Dootson rightly states, the Trustees within the Act. Trustees own property for the purposes set out in the trust, in this case the Act. It is not incorrect therefore to describe United Utilities, who I understand to be the successors in title to Liverpool Corporation, as the owner. It is correct to say that the term "owner" has a separate definition within the Act. In this application the distinction matters little.

The Act contains at section 21(2): "*The Corporation shall subject to the provisions of this section permit the owner at his own expense to lay out the said lands.....*" This wording contains the directive "shall" leaving the Trustees no discretion to refuse permission to the owner if the proposals comply with the terms of the Act. In this application, as has previously been advised, the proposal is compliant with the Act.

11. One letter of support have been received on the following grounds:

- They state they are not connected to the business other than as a user, but they have recently been involved with projects to try and revitalise Chorley. There is no doubt the town is going through a tough time for traders so anything that attracts people to the area and increases business should be encouraged. Go Ape is a brilliant facility that has opened up Rivington and appears to be very popular. Go Ape is good for the town and good for Rivington. If the trees were being damaged, they'd show it but a simple stroll round the area shows that Go Ape are looking after things just fine.

12. Councillor Perks has objected to the application:

"I wish to lodge my objection to the granting of the above planning application and list the following reasons:

- *The proposal potential is at odds with the sentiment of the Liverpool Corporation Act 1902. Lord Leverhulme gave this area of land and open space for the people to enjoy (section 21 subsection 2).*
- *Having been involved with the campaign to prevent the act from being altered by United Utilities some years ago the decision to grant this application previously goes against elements in the current act that afford protection from developments such as Go Ape. In my view the current development prevents the public from walking in areas through the Go Ape site and this does require an amendment to the 1902 Act.*
- *There are significant parking problem resulting from the current development, this application is designed to increase usage, which will increase the parking problems.*
- *In my opinion to allow will set a precedent for commercial development of the park contrary to the aims of the current act of parliament. Development of this kind is against Green Belt policy*
- *The original application saw the removal of tress, the damage caused by this has been detriment to the local wildlife. Concerns expressed by previous opponents have been borne out in that in addition to the removal of more trees than originally planned for, the under storey has been considerably damaged , undergrowth has been trampled and damaged.*
- *The owners of the site have demonstrated contempt for planning*
- *Regulations by exceeding permitted boundaries and heights and not submitting planning applications. Chorley Council as the local planning authority should have used its enforcement procedures to correct this.*
- *I support the objection raised by the Lancashire Gardens Trust. (taken from the report below)*
 - *"Environmental Impact Assessment – not required and they ask why not, as any alteration will affect the surroundings of the Grade II Lever Park;*
 - *PPS5 (HE9.1) states: There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost,*

heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting;

- *PPS 5 ANNEX 2 under Terminology states ‘setting’ is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral;*
- *There are two heritage assets in consideration here, Lever Park and Great House Barn, both Grade II. The setting around them is important. Chorley’s conservation policy states: We take our responsibility for listed buildings very seriously. We encourage and enable the enhancement of the borough’s heritage;*
- *Surely the incremental development of commercial activities surrounding both the Barn and Lever Park represent a threat to the setting of these important places, which people come to visit because of their beauty. Their beauty should not be compromised further.”*

I submit my objection based as a local resident of Chorley, borough councillor and county councillor”.

13. Rivington Parish Council object to the application on the following grounds:

- If planning permission is granted it will be contrary to the provisions and restrictions contained within the 1902 Liverpool Corporation Act. The Land Registry records clearly show that the area is subject to the terms of this Act of Parliament that states that everyone should be allowed free and uninterrupted use of the area; there is a definitive right of way;
- This application also contravenes the policies for Rivington and the Lever Park area as referred to in the Chorley Borough Council Local Plan Review adopted in 2003 and, in particular, the sections relating to Leisure and Tourism LT7 and Historic Parks and Gardens HT13;
- Planning regulations were not followed correctly in the initial Planning Application 08/00553/FUL. The original plans were granted under delegated powers by Chorley Council with a lack of community involvement. Therefore any subsequent applications are inappropriate;
- Go Ape is an experienced company, with many other operating sites throughout the country. This company should not have underestimated the size of the zip wires needed for the Rivington course and should have estimated the extent of the course at the outset. Inadequate information has been provided in many ways, demonstrated by the lack of calculation of the car parking spaces needed;
- The Rivington Parish Councillors strongly object to the drip feeding for yet another planning application, retrospective or otherwise, within Rivington’s Go Ape site.

14. A letter of objection has been received from the Open Spaces Society on the following grounds:

- The proposal will have an adverse effect on people’s enjoyment of the historic Lever Park under the Liverpool Corporation Act 1902, Section 21(2), the public has ‘free and uninterrupted enjoyment’ throughout the park. Clearly the development will conflict with that provision, since the Go Ape development will be noisy and intrusive;
- The planning application states that the development will affect a definitive right of way. In fact, it affects an area where the public has a right of access generally. Presumably the intention is to prevent the public from walking through the Go Ape site, but that would require an amendment of the 1902 Act and cannot be implemented by the Planning Authority;
- The application is unacceptable and they trust it will be rejected.

15. A letter of objection has been received from the Chorley and District Natural History Society on the following grounds:

- The political argument about whether or not such a development should ever have been allowed has been made by the Friends of Lever Park. They support their views. They agree that there is a parking problem in the locality. The expansion being applied for is clearly designed to increase usage, which will exacerbate the parking problems;
- They objected to the original application on the grounds that the mature woodland was to be damaged to the detriment of local wildlife. Their fears have been borne out in that in addition to the removal of more trees than originally planned for, the understorey has been damaged – possibly beyond restoration. There is no attempt to confine users to the pathways. As a result a wide area of undergrowth has been unnecessarily trampled;
- The owners of the site have clearly demonstrated their contempt for planning procedures by deliberately exceeding permitted boundaries and heights. They urge the present application is rejected.

16. An objection has been received from the Lancashire Gardens Trust:

- The application states: Environmental Impact Assessment – not required and they ask why not, as any alteration will affect the surroundings of the Grade II Lever Park;

- PPS5 (HE9.1) states:
There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting;
- PPS 5 ANNEX 2 under Terminology states 'setting' is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance_or may be neutral;
- There are two heritage assets in consideration here, Lever Park and Great House Barn, both Grade II. The setting around them is important. Chorley's conservation policy states:
We take our responsibility for listed buildings very seriously. We encourage and enable the enhancement of the borough's heritage;
- Surely the incremental development of commercial activities surrounding both the Barn and Lever Park represent a threat to the setting of these important places, which people come to visit because of their beauty. Their beauty should not be compromised further.

Consultations

17. Chorley's Conservation Officer

States that the application site lies within Lever Park, which is a Grade II Registered Park & Garden. Registered Parks and Gardens are 'designated heritage assets' as defined by Annex 1 of PPS5. Accordingly this application is judged in terms of its impact upon the significance of that designated heritage asset or its setting.

18. The application site falls outside of the designed landscape areas of Lever Park and sits within an area of woodland on the western side of Rivington Lane on the eastern shores of the Lower Rivington Reservoir.
19. The application site is approximately 190m from Great House Barn and Visitor Centre, which are also designated heritage assets as defined by Annex 1 of PPS5, being both grade II listed buildings. Furthermore the works are screened by trees and the level of the land to such an extent that the development is not visible from the Listed Buildings. The works are therefore also considered in terms of their impact upon the significance of these designated heritage assets, the listed buildings.
20. It is the Conservation Officers considered opinion that, given the distance between these designated heritage assets and the application site, plus the difference in the levels and the screening by trees, the works will have no impact upon the significance of either the listed buildings or their setting.
21. Given the location of the works within the area of woodland it is also their opinion that whilst care must be taken to determine that the compound effect of additional works undertaken over time do not overwhelm their setting, that situation is some considerable way off in this case and that the works have no impact upon the significance of the Registered Park and Garden or its setting. Furthermore it is their view that these works are, when compared to the area of woodland in which they sit, of such negligible scale as to be of no consequence to the character or significance of the park.
22. Consequently they consider the application to be acceptable.
23. **Lancashire County Council (Ecology)**
State that whilst the applicant has not submitted the results of an ecological assessment in support of this application, it is their opinion there is little to be gained by requiring a survey at this stage and they are satisfied that sufficient information has been submitted to enable determination of this application. Having said that, as the application is retrospective, it is obviously difficult to establish whether or not there have been any additional impacts on biodiversity (over and above those of the proposals as originally approved).
24. It seems unlikely that the raising of the landing areas would have any additional impact on biodiversity, over and above the impact of the footprint of the landing areas itself. Indeed, the 'log pile' construction of the raised areas appears to have created log pile/dead wood habitats for species such as invertebrates, amphibians and small mammals. The raised construction is thus likely to be of greater biodiversity value than a landing zone flush with the woodland floor.
25. The County Ecologist states an increase in the footprint of the landing zones could potentially result in additional losses of ground flora and/or prevent the establishment of new trees in these areas. The submitted photographs clearly show the whole area around the landing zones as devoid of vegetation (although understorey/ground cover can be seen in the background) and this might be interpreted as an impact of the Go Ape course/construction of the landing zone areas. The photographs are somewhat

misleading however, as in reality it is more likely that the area is devoid of ground flora not as a result of the Go Ape course but due to its location in an area of shady beech plantation woodland where the ground flora is both shaded out by the dense canopy and suppressed by the thick layer of leaf litter and beech mast (as this takes longer to decay than the leaves of other tree species). Indeed, the extent to which ground flora has been suppressed over a wider area by the even-aged beech planting becomes clear when viewed in person, and cannot therefore be directly attributed to the increased landing zone footprint.

26. Having reviewed the submitted information, and visited the site, it is their opinion that the increase in the footprint of the landing zones will not have resulted in significant impacts on biodiversity and there is no requirement for mitigation or compensation. The proposals are in accordance with the requirements of biodiversity planning policy and guidance (i.e. PPS9, ODPM 06/2005, RSS EM1).
27. On a more general note, the County Ecologist states it seems that the woodland as a whole in this area would benefit from some further positive management. The relatively even-aged nature of the beech trees means that there is little age or structural diversity within the woodland, and the areas under a closed beech canopy are clearly suppressed. Whilst some trees have been felled, further selective thinning of the beech trees (or indeed a rolling programme of removal) and replacement with locally appropriate native species would help to reduce the detrimental effects of beech by allowing more light to the woodland floor and reducing the quantity of beech litter. It would also facilitate the establishment of woodland of greater age, structural and species diversity. It is also apparent that Himalayan Balsam is prevalent in several areas within the woodland and towards the shore. This species is likely to have a detrimental effect on the more valuable areas of woodland in the longer term. A programme of control or eradication would therefore be beneficial.
28. It is accepted that a programme of woodland management and removal of Himalayan Balsam may be beneficial but they may not be an option at this time, but they will be brought to the attention of United Utilities although they do not directly concern this application.
29. **Chorley's Arboricultural Officer**
The extending of the landing bases for the zip lines will make little or no difference to the surrounding trees.
30. Although the base of one of the pines is enclosed by the end of the landing zone, the influence upon its root zone will be minor due to a couple of factors. The first is that the woodchip used as a landing cushion is porous and so will let through air and water, the second is that it doesn't actually cover a large percentage of the root plate and so should cause the tree no extra hardship.
31. Given this, from an arboricultural standpoint the application is acceptable.
32. **LCC Public Rights of Way Officer**
State they understand this is a retrospective application for structures that are already in position and in use. They have no comments to make with respect to this application.
33. **Chorley Planning Policy**
Have no observations to make on the application.

Applicants Case

34. The landing areas contain wood peel that allows customers to land in a safe manner. It is critical that customers land within these areas, and they are constructed once the zip line is up, ensuring they provide as safe and as comfortable landing as possible.
35. During the construction of the course, it was necessary to build two of the landing areas bigger than indicated on the original planning application. The reason for this was that when the zip lines were put up, the topography of the area mean that people descending the zip lines spent a large percentage of the zip very low to the ground. This had two effects:
 - The zip lines had a potentially bigger impact on the other users in the park with people zipping lower than intended;
 - It had an impact on the landings, making it more likely for customers to land before the wood peel area, potentially affecting the safety mechanisms in place.
 To solve the second issues, the landing sites were lengthened, allowing customers to land properly in the wood peel. To minimise the lengthening of the landing sites, and in order to help solve the first problem, the zip line and landing sites were raised – giving more clearance from the ground.
36. The landing zones are raised using wood, topped up with soil and this is then covered by wood peel. The soil is retained by driving stakes into the banked earth, with wooden planks between these stakes.

Assessment

37. This assessment deals with the retrospective planning application for the two landing zones only.
38. Principle of the development
The application site is in the Green Belt which is covered by Planning Policy Guidance Note 2 (PPG2) and is reiterated by Local Plan Policy DC1. These state that essential facilities for outdoor sport and recreation, which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it, are appropriate development. The Go Ape course is considered outdoor recreation and the raised landing zones are required essential for the operation of the course. The landing zones are therefore considered acceptable in principle in line with PPG2 and policy DC1.
39. Policy LT7 covers Historic Parks and Gardens. This states that development and restoration proposal which would enhance the attraction of Lever Park and Terraced Gardens at Rivington will be permitted provided a number of criteria are met.
40. Criterion (a) requires that the special character and appearance of the park or garden and any important landscape features within it are protected. The two landing zones the subjects of this application are not within designated areas of Lever Park. Given their size and scale in the context of the park as a whole it is not considered that they impact on the special character and appearance of the park or result in the loss of any important features within it.
41. Criterion (b) requires compliance with Policy HT13 and this is discussed later under the Historic Park and Garden Section. In relation to criterion (c) - that the proposals are compatible with the character and appearance of the area and the Council's policies relating to the Green Belt - the latter has already found to be satisfied above. The former is discussed under the design section below.
42. Criterion (d) - access is available by a choice of means of transport other than the private car - is not directly relevant to this application as the two landing zones in themselves are for use on the wider Go Ape course.
43. In terms of criterion (e) – the site has adequate access and the traffic generated can be safely accommodated on the local highway network - the changes to the landing zones will not allow more people to participate in the Go Ape course than at present and therefore it is not considered the application is contrary to it.
44. Therefore the proposal is considered to comply with Policy LT12 subject to the proposal being compatible with the character and appearance of the area, under criterion (c) and policy HT13 being satisfied.
45. Impact on the neighbours
The landing zones are located within the Go Ape course itself. The nearest residential property is Great House Cottage adjacent to Great House Barn and is over 200m from the nearest landing zone the subject of this application. It is not considered the changes to the landing zones from that previously approved will have detrimental impact on this property and they are not visible from it.
46. Design
The landing zones have been increased in length and height from that approved. The landing zones have soil topped with bark shavings, this mixture is retained by logs and planks which raise up and lengthen them. In design terms, the visual impact of these elevated landing zones is considered acceptable, they are constructed of materials which are easily removed from the land and are appropriate to the woodland setting and therefore are considered compatible with the character and appearance of the area. Policy LT12 is also therefore considered to be met.
47. Trees and Landscape
Policy EP9 of the Local Plan covers trees and woodlands. The Council's Arboricultural Officer has been consulted on the application and has inspected the two landing zones the subject of this application.
48. He advises that the extending of the landing bases for the zip lines will make little or no difference to the surrounding trees. He acknowledges that the base of one of the pines is enclosed by the end of the landing zone, but advises that the influence upon its root zone will be minor as the woodchip used as a landing cushion is porous and so will let through air and water and that it doesn't actually cover a large percentage of the root plate. As a result the landing zone should cause the tree no extra hardship and he finds the application acceptable. The retrospective changes to the two landing zones are therefore considered acceptable in relation to Policy EP9.

49. Ecology

Policy EP2 of the Local Plan covers County Heritage Sites and Local Nature Reserves. The two landing zones are within a Biological Heritage Site (BHS). The County Ecologist has been consulted on the application and visited the site. Their advice deals with the raising of the landing zones and their increase in footprint separately.

50. With regard to the raising of the two zones they advise that it seems unlikely that raising of the landing areas would have any additional impact on biodiversity, over and above the impact of the footprint of the landing areas itself [as previously approved]. They advise that the 'log pile' construction of the raised areas appears to have created log pile/dead wood habitats for species such as invertebrates, amphibians and small mammals. The raised construction is therefore likely to be of greater biodiversity value than a landing zone flush with the woodland floor. It is not therefore considered this aspect will have an adverse effect on the BHS.

51. With regard to the increase in the footprint of the landing zones the County Ecologist advises that this could potentially result in additional losses of ground flora and/or prevent the establishment of new trees in these areas. The submitted photographs clearly show the whole area around the landing zones as devoid of vegetation (although understorey/ground cover can be seen in the background) and this might be interpreted as an impact of the Go Ape course/construction of the landing zone areas. They advise the photographs are somewhat misleading however, as in reality it is more likely that the area is devoid of ground flora not as a result of the Go Ape course but due to its location in an area of shady beech plantation woodland where the ground flora is both shaded out by the dense canopy and suppressed by the thick layer of leaf litter and beech mast (as this takes longer to decay than the leaves of other tree species). Indeed, the extent to which ground flora has been suppressed over a wider area by the even-aged beech planting becomes clear when viewed in person, and cannot therefore be directly attributed to the increased landing zone footprint.

52. Having reviewed the submitted information, and visited the site, they advise it is their opinion that the increase in the footprint of the landing zones will not have resulted in significant impacts on biodiversity and there is no requirement for mitigation or compensation. They consider the proposals are in accordance with the requirements of biodiversity planning policy and guidance (i.e. PPS9, ODPM Circular 06/2005 and RSS Policy EM1). It is therefore considered that the enlargement of the floor area of the landing zones is not contrary to policy EP2.

53. Historic Park and Garden

The landing zones are within Lever Park which is registered Grade II Park covered by Policy HT13 of the Local Plan: Historic Parks and Gardens. PPS5: Planning for the Historic Environment is also relevant.

54. A resident has contacted English Heritage regarding the application and they have confirmed that since Lever Park is a Grade II registered landscape the Council are not obliged to consult English Heritage on such development applications, as they are only statutory consultees on grade I and II* parks and gardens (the Council was copied in to their response). They advise that Garden History Society, are consultees on all grades of park and garden and they have been consulted on the application.

55. The Garden History Society were consulted on the application as required but have not responded.

56. Lancashire Gardens Trust has objected to the application as detailed in the representations section above. They state there are two heritage assets in consideration Lever Park and Great House Barn, both Grade II. The setting around them is important. Chorley's conservation policy states: *'We take our responsibility for listed buildings very seriously. We encourage and enable the enhancement of the borough's heritage'*. They comment that incremental development of commercial activities surrounding both the Barn and Lever Park represent a threat to the setting of these important places, which people come to visit because of their beauty. Their beauty should not be compromised further.

57. The Council's Conservation Officer has reviewed their comments. He advises, that in his opinion *'the development is so far removed from the designated heritage assets as to have no impact upon their setting. The development site is out of view of the designated heritage assets, obscured by trees. Furthermore the works are outside the designed landscape areas of Lever Park and are set within natural self seeded woodland and is of such small scale as to have very limited impact upon the character of Lever Park. As the designated heritage assets and the development site cannot be seen one from the other he fails to see how 'their beauty' could in any way be compromised'*.

58. Taking into account the above objection it is not considered changes to the landing zones the subject of this application have an unacceptable impact on the setting of Lever Park. In addition the listed Great House Barn, Great House Cottage and the building housing the Information Centre are some 200m away from the nearest landing zone, are not visible from it and visitors pass a car park in front of the Barn

before they reach the nearest landing zone. Therefore it is not considered the changes to the landing zones impact on the setting of the listed buildings.

59. In terms of Policy HT13 it is not considered the changes to the landing zones would lead to the loss of, or cause harm to, the historic character or setting of any part of a Park of Garden of Special Historic Interest, given their limited size in the context of the Park as a whole and their location within it, i.e. not within a designed part of the Park. The changes to the two zones would not block an historic path or route, the proposal is therefore considered to comply with Policy HT13.
60. As it is considered that the proposal complies with HT13 the proposal also therefore complies with Policy LT7 as detailed at paragraph 37 above.
61. Traffic and Transport
The changes to the two landing zones do not permit more participants on to the course, and therefore there is no increase in demand for parking as a result of them. Parking issues raised in relation to the Go Ape course are being looked into separately and further proposals are expected.
62. Public Right of Way
Bridleway 15 (Rivington) is a right of way shown on the definitive map and runs parallel with the Go Ape course to its west. It is not considered the changes to the two landing zones will impact on the setting of this Bridleway and they do not obstruct it in any way. Lancashire County Council Public Rights of Way Officer has been consulted on the application and makes no comments on it. The application is therefore considered to comply with policy LT10 of the Local Plan which covers public rights of way.
63. The issue of the right of way raised by objectors in relation to the Lever Park Act is a separate issue, the rights they refer to are not a public right of way shown on the definitive map. The Lever Park Act is discussed at the end of this report.
64. Response to Objections Not Already Covered
This application is not accompanied by a tree survey, however it is considered that there is enough information available to the authority to make a decision on the retrospective changes to the two landing zones.
65. The two landing zones are not within the conservation areas on the edge of the reservoir that United Utilities have created (these are not planning conservation areas as defined in the local plan).
66. There is an undetermined application with the Council for an additional zip wire but this is a separate issue to the two landing zones.
67. The site notices have been displayed for the required 21 days.
68. The applicants are criticised for their description of where the landing zones are in the application submission. However, the Council have described the location of the two landing zones in its consultation on the application.
69. The application is only for the change to the two landing zones themselves, it is not in relation to anchor trees. Section 9 (materials) on the application is filled in and refers readers to the statement accompanying the application in terms of materials.
70. In terms of noise pollution, at the time of the original application it was noted that Rivington is an area of countryside people enjoy, but it is considered that the area is large enough to accommodate a whole range of activities that people may wish to pursue in this type of environment. In addition, it is to be located in an area close to the existing Barn and car park, rather than it being located in some of the more isolated areas.
71. Section 38(6) of the Planning and Compulsory Act 2004 expressly requires an application be determined in accordance with the development plan unless material considerations suggest otherwise.
72. There are no matters raised by either consultees or objectors that would outweigh the acceptability of this application when assessed against the development plan.

Ministerial Statement – Planning for Growth

73. This was made in March 2011 and gives the Governments clear expectation that the answer to development and growth should wherever possible be 'yes'. The growth agenda also means a need for a range of leisure activities to support the increased development expected. Local Authorities should place particular weight on the potential economic benefits offered by an application

Overall Conclusion

74. The changes to the landing areas are considered acceptable for the reasons set out above and the retrospective application is recommended for approval subject to a condition that the use of the course ceases for a period of one year within 10 years of its completion the landing zones the subject of this approved shall be removed and the area restored to its former condition. However, it is recommended that Members defer the application to make a site visit before determining the application.

Other MattersLever Park Act

75. Section 38(6) of the Planning and Compulsory Act 2004 expressly requires an application be determined in accordance with the development plan unless material considerations suggest otherwise and that the Planning Acts were of course prepared after the Lever Park Act.

76. The advice of the Council's Head of Governance has been sought as to whether the application breaches the provisions of the Liverpool Corporation Act 1902.

77. *'Firstly, prior to considering the Act I can confirm that as local planning authority, the duty as a committee is to consider the planning merits of the application. You are not required to consider whether the proposed development can take place due to restrictions on the legal title to the land.'*

78. *'However, due to past history on this matter I am fully aware of the position of the Friends of Lever Park in relation to the Go-Ape site. They oppose this development and seek to rely on the wording at section 21 (2) of the Act "desirable in order to secure their free and uninterrupted enjoyment by the public" to support their position that the application should be refused. The group suggest that this development will prevent their "free and uninterrupted enjoyment".'*

79. *'I do not agree with this interpretation, even with the restrictive extract provided. If members of the committee consider the full provisions of this subsection it specifically grants to the owner general powers to do almost what they wish to provide that the public enjoy the park. This includes the provision of new buildings.'*

80. *'To confirm therefore, my advice is that this development / application does not contravene the Act, indeed, given that it may open Lever Park up for the enjoyment of a different category of the public it would appear to be in line with its requirements.'*

81. *'To be absolutely clear however, the committee do not need to have regard to the Act when considering the planning application. It is a private act and is not a material planning consideration'.*

Other Non Material Considerations

82. With regard to the point raised by objectors that the application has not been consulted on by the applicants in line with the Council's Statement of Community Involvement, this is something the Council encourages but it cannot refuse to deal with an application that has not been subject to it. In respect of the landing zones, they are already on the site and therefore the scope to change them through consultation is limited and they are the subject of an existing complaint to the Council. It is therefore considered expedient to progress the application as soon as possible.

83. The Lancashire Gardens Trust questions why the application is not subject to an Environmental Impact Assessment. The landing zones are not Schedule 1 development. It is not considered the changes to the two landing zones have a significant impact on the environment by virtue of their nature, size or location. They are not above the threshold set out in Schedule 2 or in a defined 'sensitive area' in the regulations.

84. The issue of public liability insurance is not a matter for the Council as Planning Authority in determining the application.

Planning PoliciesNational Planning Policies:

PPG2, PPS5, PPS9

Adopted Chorley Borough Local Plan Review

Policies: DC1, EP2, EP9, HT13, LT7

Planning History

08/00553/FUL - Proposed high wire adventure course with associated equipment, cabin and shelter, and extension to existing carpark. Permitted July 2008.

10/00426/FUL - Addition of additional zip line to Go Ape course (at site 4 within course) with associated landing area. Application undetermined.

**Recommendation: Permit Full Planning Permission
Conditions**

1. Where the use of the course hereby approved ceases for period of one year within 10 years of its substantial completion the landing zones hereby permitted shall be removed and the area restored to its former condition.

Reason: To avoid a proliferation of structures in the Green Belt for which there is not a continuing need and in accordance with Policy No. DC1 of the adopted Chorley Local Plan Review and PPG2.

Item 4	11/00574/OUT
Case Officer	Mr Matthew Banks
Ward	Euxton South
Proposal	Outline application for the erection of 2no. two storey detached dwellings and provision of public greenspace in place of private garden (all matters reserved apart from access).
Location	Balshaw Villa Balshaw Lane Euxton ChorleyPR7 6HZ
Applicant	Mr Steven McCarthy

Consultation expiry: 25 August 2011

Application expiry: 2 September 2011

Proposal

1. Outline application for the erection of 2no. two storey detached dwellings and provision of public greenspace in place of private garden (all matters reserved apart from access).

Recommendation

2. It is recommended that this application is refused.

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Principle of the development;
 - Density;
 - Design and impact on the streetscene;
 - Impact on neighbour amenity;
 - Impact on Locally Important building;
 - Impact on Highways, access and parking.

Representations

4. To date (15 August 2011) a total of 4 neighbour letters have been received objecting to this application as well as an objection from Councillor Goldsworthy.
5. The comments from the neighbouring residents can be summarised as follows:
 - Euxton has little need for a village green given the existing number of public open spaces in the immediate area;
 - There are two existing areas of open space within close proximity to the site including the playground off Balshaw Lane and Millennium Green off Wigan Road;
 - The village green is not well situated at the centre of a busy junction and at the confluence of two major roads;
 - The village green offers very little recreational value;
 - The village green is likely to act as a magnet for anti-social behaviour;
 - The existing access to the site is already dangerous;
 - Traffic in the area is fast moving and heavy;
 - The steep incline in Balshaw Lane reduces visibility;
 - There are two roundabouts within close proximity to the site access;
 - There are two bus stops within close proximity to the site access;
 - The proposed dwellings would be visible from surrounding properties;
 - The proposal is contrary to the council's garden grabbing policy;
 - There is no need for housing in the area;
 - The dwellings will result in the loss of light and overshadowing of neighbouring properties;
 - The area is green belt land.
6. The comments from **Councillor Goldsworthy** can be summarised as follows:
 - The proposal is a violation of the Council's 'Garden Grabbing Policy';

- The land is 'Amenity Open Space' with significant historical connection to Euxton Hall;
- Building on this land will have a significant negative visual impact on valued open space.

Consultations

7. **The Environment Agency** – no objection in principle subject to conditions.
8. **The Architectural Design and Crime Reduction Advisor** – no objections subject to the removal of the public art and benches in the area of public greenspace.
9. **Chorley's Conservation Officer** – objects – The significance of the heritage asset (locally important building – Balshaw Villa) will be compromised by the proposal.
10. **United Utilities** – no objection
11. **Lancashire County Council (Highways)** – object – the proposed development would have a detrimental impact on the operation and safety of the highway network at this location.
12. **Chorley's Waste & Contaminated Land Officer** – no objections
13. **Planning Policy** – object – the proposal would be contrary to Policy LT15 of the Adopted Chorley Borough Local Plan Review and the Council's Adopted Interim 'Garden Grabbing' Policy.
14. **Parish Council** – Euxton Parish Council would support this application in principle but, would like to see an increased area of Public Open Space in relation to the whole site.

Assessment

Principle of the development

15. This application seeks outline planning permission for the erection of 2.no two storey detached dwellings and to provide public greenspace at Balshaw Villa, Euxton. The site comprises the residential garden of Balshaw Villa (a locally important building) and is situated on a prominent corner plot at the junction of Balshaw Lane and Wigan Road. The site is allocated under Policy LT15 of the Chorley Borough Local Plan Review as amenity open space
16. Historically, this site was subject to an objection at the Chorley Local Plan Review Inquiry. The Council proposed the site for amenity open space under Policy LT15 and the objector proposed housing development on this site. The Inspector concluded that the visual impact of the site was particularly important in providing a sense of space and openness and made a significant positive contribution to the character of the area. The Inspector also commented that public access to the site was not decisive in considering the site's visual impact or its contribution to the character of the area. As such, the Inspector concluded the site should be allocated for amenity space under Policy LT15 purely for its positive visual impact in the area.
17. Policy LT15 states that development within areas of amenity open space or on land which makes a significant contribution to the character of an area, either individually or as part of a wider network will not be permitted unless either (1) it will lead to greater public access to, and enhance the visual amenity of, the open space and it will not have a detrimental effect on any site of nature conservation value or (2) it involves a change of use or extension to an existing building which will not harm the amenity value of the open space.
18. The site is currently not open to the public (in terms of physical access) and forms the private residential garden of Balshaw Villa. The applicant proposes to open up part of the site, near the junction of Balshaw Lane and Wigan Road to form an area of public greenspace in a bid to comply with criteria (a) of Policy LT15.
19. In terms of design, the Councils Open Space Officer has been consulted who stated that the council would be in a position to adopt the public greenspace; however, this would be on the proviso that it would be significantly simplified in design to assist with future maintenance costs.
20. The proposed public greenspace originally incorporated a new public art feature, seating area and extensive landscaping. However, the design has now been simplified in line with the comments from the Council's Open Space Officer and Architectural Design and Crime reduction officer and the council is currently awaiting comments which will be addressed in the Addendum. If the amended Public Greenspace is considered acceptable, the future maintenance of the public greenspace would be secured through Section 106 agreement together with a suitable commuted sum.
21. With regard to the acceptability of the proposal it has been acknowledged that the development will lead

to greater public access to the site because there is currently none. However, the application site can be seen from numerous vantage points and is prominent in the surrounding area, contributing significantly to the open aspect of this part of Euxton.

22. It has been noted that since the site was allocated under Policy LT15, the hedge enclosing the site has been allowed to grow, consequently making the site less visible in the summer months. However, the site is more visible when the deciduous trees and hedges lose their leaves and still retains open aspects above the hedge significantly contributing to a sense of space and openness in the area.
23. It is considered that the amended design of the public greenspace means it will function more as a transitional space rather than an area of amenity space which further reduces the benefit to the local community. It is considered that the public greenspace is not particularly well sited, being near to a busy, noisy roundabout and would offer limited recreational value given its simplified design. The Parish Council have stated they would look to support the application in principle, however, would like to see an increased area of Public Open Space in relation to the whole site.
24. The significant contribution this site makes to this part of Euxton is the primary reason why it was allocated under Policy LT15 by the Inspector in 2007. Therefore, although the proposed development would be increasing public access to the site in accordance with criteria (a) of Policy LT15, the limited benefit this would have is not considered to outweigh the visual harm that would come to the surrounding area as a result of losing a significant part of the site to built development.
25. It must also be noted at this point that an outline application (ref: 99/00678/OUT) for two detached dwellings on this site was previously refused, with one of the reasons for refusal relating to non-compliance with Policy LT15.
26. The council aims to protect the quality, character and amenity value of urban areas and in this case, the proposal is therefore considered contrary to Policy LT15 of the Adopted Local Plan Review. Additionally, it must also be taken into consideration that the National Planning Policy Framework (NPPF) – Consultation Draft outlines that one of the objectives of the current government is to secure a greater coherence of strategic networks of green infrastructure by planning positively for their creation, protection, enhancement and management to help ensure green space is preserved for future generations. The application site is allocated as Amenity Open Space and as such is subject to this guidance as outlined in the draft NPPF.
27. Changes to National Planning Policy Statement 3: Housing (PPS3) means that private residential gardens have now been excluded in the definition of previously developed land. By removing private residential gardens from this definition, gardens are now considered Greenfield land which has removed the presumption in favour of the development of such sites.
28. In response to the changes to PPS3, the council formulated and adopted an 'Interim Garden Grabbing Policy' which places a greater restriction on what development can be considered acceptable within residential gardens. This proposal is for the erection of two detached dwellings and as such, would technically not accord with the Council's 'Interim Garden Grabbing Policy'. However, following a recent appeal decision, an Inspector ruled the 'Interim Garden Grabbing Policy' carried limited weight as it has not been subject to independent scrutiny and did not form part of the Development Plan. As a result each case is assessed on its own merits.
29. The national move to restrict 'garden grabbing' now places a greater emphasis on the need for applicants to demonstrate clearly that there are no previously developed sites available in the settlement. As such, criterion (f) of Policy HS6 of the Adopted Chorley Borough Local Plan applies to this site. Policy HS6 (f) states that in the case of previously undeveloped sites applicants are required to demonstrate that there are no suitably allocated or previously developed sites available in the settlement which can be demonstrated through the submission of a valid HS6 (f) Appraisal.
30. The applicant has prepared a HS6 (f) Appraisal and identified only one available site at Wigan Road, however, this is under construction. No further sites are identified in the report, however, there is a further site at the former concrete works at Wigan Road (which is covered by Policy HS7 as being suitable for residential development) as and when it becomes vacant or land assembly takes place. This site currently remains in employment use and is not available or deliverable for housing. As such, it is considered that applicant has satisfied the HS6 (f) test.
31. In addition to the above, regard must be had to a recent appeal decision (ref: 10/00414/OUTMAJ / APP/D2320/A/10/2140873) which assessed the deliverable housing supply in Chorley. The Inspector found that the council had a 5.38 year deliverable housing supply which is comfortably in excess of the required five year RSS requirement. As such there is not considered to be an additional presumption to

consider this planning application favourably in terms of housing need.

32. With regard to the above, the development is considered contrary to Policy LT15 of the Adopted Local Plan Review and the principle is therefore found to be unacceptable.

Density

33. This application is for the erection of two dwellings within the garden of Balshaw Villa and as such, will result in a density of approximately 0.21 dwellings per hectare. The density is considered acceptable given the variety of housing types and plot sizes in the surrounding area.

Design and impact on the streetscene

34. Scaled plans detailing the design and appearance of the proposed dwelling have not been submitted with this application; however, indicative photomontages and a site layout plan have been submitted to illustrate how the development would appear when viewed in the streetscene. As such, it is still appropriate to assess the indicative images and how the development will appear within the streetscene.
35. In terms of design, it has been noted there are a variety of building types in the surrounding area, constructed from a variety of materials ranging from stone and brick to a rendered finish. As such, the applicant has shown both a brick and rendered properties which are substantial in size. Therefore, in terms of design, it is not considered the proposed dwellings will appear incongruous or out of character in the streetscene.
36. As established previously, the site is allocated as Amenity Open Space and as such, it is considered the visual impact the proposed dwellings will have on the character of the streetscene is an issue closely linked to the assessment of the proposal in accordance with Policy LT15 (as detailed earlier in this report).
37. With regard to siting, the photomontages show the proposed dwellings to be set back from the immediate road frontage on both Balshaw Lane and Wigan Road. However, given the open nature of the site, the dwellings would still be visible within the streetscene.
38. It is therefore considered that because the properties would be visible from numerous viewpoints in the surrounding area, and the site adds a significant degree of openness to the character of the surrounding area, the resulting built development will cause significant detrimental harm to the open aspect of this part of Euxton and consequently the streetscene
39. The proposal is therefore considered contrary to Policy HS4 of the Adopted Local Plan Review.

Impact on neighbour amenity

40. Whilst the application is not seeking permission in relation to siting or design, the applicant has submitted an indicative plan showing the position of the proposed dwellings. As such, taking into account the proposed dwellings will be two stories in height and the surrounding land levels are relatively flat, it is considered that in principle, the site would be capable of accommodating an additional two dwellings whilst ensuring no significant detrimental harm would come to the amenity of the neighbouring occupiers.
41. This would be subject to detailed plans formulated in accordance with the requisite design guidance.

Impact on Locally Important building

42. Balshaw Villa is a locally important building and is an example of an early 20th Century 'Arts & Crafts' style detached house set in quite extensive gardens located in a prominent position close to the junction of Balshaw Lane and Wigan Road. It is constructed in quite a soft, red brick with stone sills, lintels and other details with a 'Welsh' slate roof.
43. Balshaw Villa would be sited adjacent to the proposed dwellings and as such, the council's Conservation Officer has been consulted regarding the impact the proposed development will have on this locally important building.
44. The Council's Conservation Officer considers the erection of two detached dwellings within such close proximity to this heritage asset will have an unacceptably detrimental impact upon the significance of the setting of the building. It has been acknowledged that the introduction of a planting scheme will go some way to soften the impact, however, the overall relationship is still considered unacceptable.
45. As such, the proposed development is considered to compromise the significance of the heritage asset and its setting and is considered contrary to Planning Policy Statement 5 (PPS5).

Access and parking

46. With regards to access, Lancashire County Council Highways have been consulted regarding the application.
47. As highlighted previously, the site forms a corner plot between Balshaw Lane and Wigan Road and the existing access to the site is taken from Balshaw Lane, serving one property, Balshaw Villa.
48. It has been noted that Balshaw Lane is effectively 3 lanes wide at the site entrance, comprising 2 lanes westbound (towards the roundabout) and 1 lane eastbound (heading towards Chorley) which results in significant vehicular movement within the area.
49. To the north of the existing access, opposite the site is Balshaw Avenue which serves a further 10 residential properties which also contributes to vehicular movement within the area.
50. The existing access serving Balshaw Villa is sited approx 30m from the roundabout give-way markings, and bus stops exist on both sides of the road within close proximity to the access (1no. bus stop to the west of the access on the same side and 1no bus stop on the other side of the road in an easterly direction). Both the bus stops provide a regular bus service (buses stopping every 10-15min depending on the time of the day) and the proposed access would be effectively sandwiched between these.
51. The significant traffic movement within the area is also substantiated through a traffic count carried out at the roundabout (dated Sept 2007) which recorded approximately 4000 two way vehicle movements on Balshaw Lane during both am & pm peak 3-hour periods. This equates to approximately 1300veh/hr vehicle movements across Balshaw Lane within the immediate locality. As such, it is clear that in terms of traffic movement, the site is located on approach to what is considered to be a busy stretch of highway.
52. With regard to accident records in the area, LCC Highways have confirmed there are no recorded injury or accident records within the last 5 years within the immediate vicinity of the access, which in itself would indicate there is no underlying accident problem. However, there are 4 recorded injury accidents at the main roundabout to the west which demonstrates highway safety issues exist in the surrounding area.
53. As such, taking into consideration the above, and with regard to the submitted plans, LCC Highways have raised a number of concerns with the proposed development which are examined in more detail below.
54. It has been established that this section of the highway network is already very busy at peak traffic times, which is exacerbated by the presence of the nearby bus stops, the existing site access to Balshaw Villa, the existing access to Balshaw Avenue and an already significant level of conflicting vehicle movements (turning and manoeuvring) at the locality. As such, it is considered that any increase in conflicting vehicular movements at this busy and congested location should not be encouraged.
55. It is considered that an increase in vehicle movement at the Balshaw Villa access by way of an additional 2 dwellings will lead to increased vehicle conflict between vehicle movements at Balshaw Avenue and Balshaw Villa. This is because the two accesses are directly opposite each other and will lead to an added level of confusion as to who has right of way when vehicles are emerging/exiting at the same time across the highway.
56. It is considered that when vehicles turning into the site (when heading east along Balshaw Lane) meet vehicles exiting the site (also heading in an easterly direction along Balshaw Lane), a conflict may arise whereby vehicles entering the site will have to wait for a gap in the westbound traffic which could lead to congestion with the potential for traffic to queue back towards the roundabout, thereby worsening the complex highway situation at the site.
57. It is considered that 2no. 4 bedroom dwellings will result in an additional fourteen vehicle movements at the site (on a daily basis), and whilst this number may not seem excessive, it is a combination of the location of the access and the volume of passing traffic that raises serious cause for concern.
58. With regards to visibility, it is considered that this has already somewhat been affected by the presence of parked buses which stop immediately west of the site entrance. The proposal seeks to relocate the existing access approximately 5m west of its current position which will further exacerbate the problem by bringing the new access closer to the existing bus stop and into further conflict with parked buses. It is considered that the proposed access will further obstruct driver visibility thereby worsening the situation at the site.

59. The visibility sightline at the existing access is poor because it is partially obstructed by the existing adjacent hedgerow and due to the fact that the access falls away sharply from the back of the footway towards the body of the site.
60. The resulting visibility in the lead direction (east) as indicated on plan drawing SCP/10051/F004 is proposed over third party land. As such, a condition could not be enforced requiring visibility improvements and future maintenance and in any case, it is not considered the required visibility is achievable as it would involve looking over and through the existing timber fencing on third party land. As such, the council is not satisfied that adequate visibility can be achieved at the site to enable safe entry and exit at the proposed access.
61. The proposal does not specifically indicate the parking layout at the site, however, it is considered that adequate off-road parking and turning provision could be accommodated for each dwelling.
62. As such, it is considered that the application will have a significant detrimental impact on the operation and safety of the highway network at this location and potentially in the surrounding area and is therefore contrary to Policy TR4 of the Adopted Chorley Borough Local Plan Review.

Overall Conclusion

63. On balance of the above, the application is recommended for refusal as it would be contrary to PPS5 and Policies LT15, TR4 and HS4 of the Adopted Chorley Borough Local Plan Review.

Planning Policies

National Planning Policy

Planning Policy Statement 3: Housing (PPS3)

Planning Policy Statement 5: Planning and the Historic Environment (PPS5)

Adopted Chorley Borough Local Plan Review

Policies: GN1, EP9, HS4, HS6 and LT15.

Development Plan Documents and Supplementary Planning Documents/Guidance.

Sustainable Resources Development Plan document (Policy SR1)

Sustainable Resources Supplementary Planning Document

Householder Design Guidance Supplementary Planning Document

Supplementary Planning Guidance: Design Guidance

Planning History

The site history of the property is as follows:

Ref: 02/01161/FUL

Decision: PERFPP

Decision Date: 27 January 2003

Description: Erection of two storey extension to the rear of the property and single storey detached store room and creation of new vehicular access onto Balshaw Lane,

Ref: 99/00678/OUT

Decision: REFOPP

Decision Date: 3 November 1999

Description: Outline application for the erection of two detached bungalows,

Application Number-

- Outline application for the erection of 2no. two storey detached dwellings and provision of public greenspace in place of private garden (all matters reserved apart from access).
- Refuse
- 2 September 2011.

Recommendation: Refuse Outline Planning Permission

Reasons

1. The proposed development is contrary to Policy LT15 of the Adopted Chorley Borough Local Plan Review which identifies the site and an area of Amenity Open Space. The development would result in built development which would cause significant detrimental harm to the open and spacious character of the area and would be contrary to the purposes for which the site was allocated under Policy LT15.
2. The proposed development will have an unacceptably detrimental impact upon the significance of the designated heritage asset and its setting (Balshaw Villa) and is therefore contrary to Planning Policy Statement 5 (PPS5).

3. The proposed development is contrary to Policy GN4 of the Adopted Chorley Borough Local Plan Review as the development does not respect the surrounding area in terms of design and layout and would cause significant detrimental harm to the open and spacious character of the streetscene.
4. The proposed development would cause significant detrimental harm to the operation and safety of the highway network and is contrary to Policy TR4 of the Adopted Chorley Borough Local Plan Review.

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Item 5	11/00437/FUL
Case Officer	Mr David Stirzaker
Ward	Wheelton And Withnell
Proposal	Application to vary condition no. 5 of planning permission no. 10/00901/FUL (which permitted the use of the property as a dental laboratory) to enable the opening hours of the dental laboratory to be 8am to 8pm Monday to Friday only
Location	Matrix Dental Laboratory 87 School Lane Brinscall Chorley Lancashire
Applicant	Mr Andrew Lee
Consultation expiry:	9 August 2011
Application expiry:	14 July 2011

Proposal

1. This application is retrospective and seeks planning permission for the variation of the condition attached to the planning permission (Ref No. 10/00901/FUL) which permitted the use of the property (formerly a picture framing workshop) as a dental lab. The condition in question restricts the hours of the dental lab to 8am until 6pm Monday to Friday with no working on Saturdays, Sundays and Bank Holidays. This application seeks to vary this condition by allowing extended opening hours in the evening until 8pm thus enabling the business to operate for a further 2 hours each weekday. No changes are sought in relation to working at weekends and on Bank Holidays.
2. The site comprises of Matrix Dental Lab which is located on the corner of School Lane and Dick Lane and is in the settlement of Brinscall. The dental lab operates from a building that was previously used as a picture framing workshop and planning permission was granted last year for the use of the property as a dental lab.
3. The property has 2 off road parking spaces available on site. The applicant advises that an agreement is in place which allows staff to park at the Cricket Club which is located further along School Lane. The issue of car parking is being dealt with separately through a travel plan submitted pursuant to the discharge of one of the conditions attached to the planning permission for the dental lab.

Recommendation

4. It is recommended that the condition be varied to allow the new workings hours of 8am until 8pm Monday to Fridays only with the prohibition of working on Saturdays, Sundays and Bank Holidays maintained.

Main Issues

- The main issues for consideration in respect of this planning application are as follows:
- Principle of the development
- Background information
- Impact on the neighbours
- Traffic and Transport

Representations

5. To date, 21 letters of have been received in relation to this application with 20 of these being objections. The contents of these letters can be summarised as follows: -
- Car parking on Dick Lane is presently at capacity
 - The cricket club do not allow parking outside of the hours of 8am to 6pm
 - There would be an increase in noise and activity at the premises throughout the day and night 7 days a week
 - There are no other commercial premises in the area which operate with unrestricted opening hours
 - Unrestricted working hours will have a negative impact on the local population
 - The business, with unrestricted hours, would be more suited to an industrial estate
 - It is unreasonable to expect local residents to endure the existence of what could become a 24 hour a day, 365 days a year, commercial premises within 20 yards of residential property/properties
 - When local residents return from work, they should be able to park in their local area, if not outside their properties
 - The lack of blinds and late night use disturbs local residents
 - The completion of a new building at the cricket club means that the lab have lost some parking spaces
 - The proposal is contrary to Policy EM7 of the Local Plan Review
 - It is possible to overlook neighbouring garden areas from the windows in the dental lab
 - Car arriving early morning and early evening cause a lot of disturbance to local residents
 - Unrestricted working hours will exacerbate existing problems
 - The company do not work within the permitted hours at the moment
 - When the first employee arrives at 6am and turns off the alarm, this creates noise disturbance
 - The security light causes disturbance when it is in use
 - Late night working causes light pollution
 - When staff are working at weekends, they are parking on Dick Lane, causing further problems for residents
 - This application should be determined by Development Control Committee
 - Whilst 80% of staff park at the cricket club, some staff and delivery vehicles are still parking on Dick Lane
6. A further letter from a local resident has also been received in relation to the revised working hours stating that as a result of this change, there are no longer objections to the application.
7. No comments have been received from the Parish Council in relation to the application.

Consultations

8. **Director People and Places** advises that no complaints have been received in relation to noise and disturbance and does not wish to raise any objections in relation to the amended working hours.
9. **Lancashire County Council (Highways)** raised objections to the original proposal to remove the working hours condition altogether stating the following: -
- School Lane is the main thoroughfare through the village, and it is very much apparent there is significant reliance on on-street car parking on School Lane and the adjoining side roads in the immediate area. The adjacent publicly maintained streets are subject to various traffic regulation orders prohibiting /restricting parking. As such there is little spare parking capacity in the area away from normal Mon- Fri working hours.
 - The likelihood of the extended hours of opening is that it will encourage staff to seek more local parking spaces closer to the site. However as indicated there is already little spare parking capacity in the area. This will place an unacceptable strain on the limited resources of the local network and result in indiscriminate parking and unnecessary trips in congested residential roads as drivers search for a legal parking space. This would be detrimental to the operation, sustainability and ultimately the safety of the public highway.

10. As a result of this, the applicant has agreed to now seek only a variation of the working hour's condition which if approved, will allow the dental lab to operate between the hours of 8am to 8pm Monday to Friday. The originally approved working hours would therefore be extended by 2 hours in the evening from 6pm to 8pm. **LCC (Highways)** now advise that such working hours would not have any strong objections to these working hours.

Applicants Case

11. The applicant asserts the following in support of the application: -
- Directors are local people who have brought an old building back into use
 - A Travel Plan has been implemented to deal with parking issues
 - Extraction has been installed in the building
 - There will not be any changes to pedestrian arrangements
 - No changes with regards to light as blinds have been installed and utilised
 - The changes are critical to enable the current level of service to be maintained
 - The hours condition is ambiguous as it is not clear if paper work and cleaning can be carried out
 - Staff are local people including mums who require flexible working to maintain jobs within and outside of school hours
 - Flexible working reduces commuting times
 - The property is detached
 - No evidence that occupancy will disturb domestic properties in terms of acoustics and light and these are understood not to be above and beyond those of a domestic property
 - No further problems to neighbours as use will continue as has been since July 2009
 - Allowing increased working hours will allow business to prosper within these tough economic times
 - The Council encourages small to medium enterprises to sustain economic growth during these difficult times

Assessment

Principle of the development

12. The change of use of the property to a dental lab was permitted in 2010 and the property is being used as such although the Council has received complaints that the working hour's condition which allows the dental lab to operate only between 8am and 6pm on weekdays has not been adhered to. This issue is presently the subject of an enforcement investigation. However, the 'principle' of the use of the property has already been established by virtue of the planning permission granted in 2010 (Ref No. 10/00901/FUL).

Background Information

13. One of the conditions attached to the original planning permission required the submission of a Travel Plan to the Council. This Travel Plan has now been deemed acceptable by the Council in liaison with the Travel Plan Officer at LCC. The Travel Plan requires staff members to park at the cricket club.
14. An enforcement investigation is also taking place in relation to a breach of the original working hour's condition attached to the planning permission which permitted the Dental Lab.

Impact on the neighbours

15. Prohibiting earlier opening hours in the morning will mean the impact on local residents will not be exacerbated, subject to the working hour's condition being adhered to by the applicant. Extending the working hours until 8pm in the evening will mean staff leave the premises later in the day but at this time, it is likely that most local residents would have returned or are returning from work and ambient noise levels in the locality would be higher than in the early part of the morning before the permitted 8am opening time.
16. It is considered that any noise and disturbance created as a result of the dental lab staff members leaving work between the hours of 6pm and 8pm would not be as significant as that generated by staff

arriving from 7am onwards. The Travel Plan prepared by the company requires staff to utilise the Cricket Club car park which is further along School Lane approx. 375m to the northwest of the site. Any staff members should therefore be leaving the premises on foot between 6pm and 8pm which would negate the noise and disturbance that would be caused by the opening and closing of car doors, engines starting, cars manoeuvring etc.

17. In terms of the concerns expressed by the neighbour in relation to overlooking, this matter was addressed in the Case Officers report for the application to use the property as a dental lab (10/00901/FUL) which also confirms that the roof lights installed constituted permitted development so did not require planning permission from the Council. The Case Officer, in recommending approval for the dental lab, did not consider it necessary for any of the windows in the property to be fitted with obscure glazing or be non-opening in the interests of neighbour amenity. An extension to the working hours until 8pm will obviously mean the building is occupied later that it is at present but even so, it is not considered that an additional 2 hours working time is sufficient to justify, for example, requiring the applicant to change the glazing in the windows from clear to obscure glass, when the dental lab operates from 8am to 6pm as existing.
18. The applicant has also requested clarification on the issue of cleaning so the proposed amended hour's condition is worded to allow cleaning between the hours of 7:30am and 8:30pm Monday to Friday and between the hours of 8am and 12pm on Saturdays. Cleaning is not permitted outside of these hours. It is not considered that enabling cleaners to go into the building 30 minutes earlier in the morning and leave the building 30 minutes later in the evening would cause detrimental harm to the living conditions of neighbours as the level of activity generated by cleaning would be low in comparison to the main use of the premises as a Dental Lab.
19. On this basis, it is not considered that extending the opening hours by 2 hours will result in detrimental harm to the living conditions of local residents that would be sufficient to justify recommending the refusal of planning permission.

Traffic and Transport

20. LCC (Highways) objected to the original proposal to remove the working hour's condition on the basis that unrestricted working hours would have the potential to impact on highway safety due to an increased likelihood of vehicle movements taking place earlier in the day prior to the present approved opening time of 8am. The applicant then amended the application to encompass working hours of 7am to 7pm but further concerns were raised by LCC (Highways) in terms of extending the working hours in the morning to 7am.
21. The applicant, in an attempt to address LCC (Highways) concerns, now proposes working hours of 8am to 8pm. The morning opening time is to therefore remain as approved whilst an additional 2 hours working time is requested in the evening. LCC (Highways) do not now raise concerns. Notwithstanding this, the Council is currently considering a Travel Plan which was a requirement of one of the conditions attached to the planning permission which permitted the use of the building as a Dental Lab. This Travel Plan states that staff should park on the Cricket Club car park which is further along School Lane to the northwest of the site approx. 375m away.

Overall Conclusion

22. The original proposal to remove the working hour's condition has now been changed and the applicant is now seeking to extend the working hours until 8pm with the starting time of 8am remaining unaltered. This means that additional activity will be limited to only the evening between 6pm and 8pm. Increased activity at this time is less likely to cause detrimental noise and disturbance to local residents as most residents will have arrived home from work or will be arriving home around this time. Allowing the cleaning of the building 30 minutes before opening and 30 minutes after closing is something that is unlikely to have a detrimental impact on the living conditions of local residents as the level of activity associated with cleaning is likely to be much lower than that associated with the use of the premises as a Dental Lab. It is also considered reasonable to word the hour's condition to allow essential maintenance to take place in the building if/when it is necessary.

Planning PoliciesNational Planning Policies:

PPS1

Adopted Chorley Borough Local Plan Review

Policies: GN4 / GN5 / EP20 / EM2 / TR4

Joint Core Strategy

Policy 1: Locating Growth

Policy 10: Employment Premises & Sites

Planning History

98/00644/FUL - Erection of metal railings and raising in height of existing stone pillars – Permitted – 4th November 1998

10/00901/FUL - Retrospective application for change of use from picture framing workshop and gallery to dental laboratory and for a proposed first floor rear extension – Permitted – 24th December 2010

11/00438/DIS - Application to discharge condition no. 4 of planning permission no. 10/00901/FUL (which permitted the use of the premises as a dental laboratory) which requires the submission of a Travel Plan – Pending Consideration

Recommendation: Permit Full Planning Permission

Conditions

1. The use of the premises as a Dental Lab shall be restricted to the hours between 8am and 8pm Monday to Friday only and there shall be no operation on Saturdays, Sundays or Bank Holidays. Cleaning shall only take place between the hours of 7:30am and 8:30pm Monday to Friday and between the hours of 8am and 12pm on Saturdays. There shall be no cleaning outside of the specified times. This condition shall not operate so as to prevent, outside of the specified hours, essential maintenance works associated with the Dental Lab.

Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. EM2 and EP20 of the Adopted Chorley Borough Local Plan Review.

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Item 6 **11/00635/FUL**

Case Officer **Caron Taylor**

Ward **Wheelton And Withnell**

Proposal **Erection of 2 no. of 3 bedroom detached dwellings on part of the existing car park belonging to the Golden Lion Public House.**

Location **Golden Lion Hotel 369 Blackburn Road Higher Wheelton Chorley Lancashire**

Applicant **Daniel Thwaites Brewery**

Consultation expiry: 17 August 2011

Application expiry: 8 September 2011

Proposal

1. Erection of 2 no. 3 bedroom detached dwellings on part of the existing car park belonging to the Golden Lion Public House.
2. Two previous applications for three dwellings on the site have been withdrawn (10/00795/FUL and 11/00195/FUL).

Recommendation

3. It is recommended that this application is granted planning approval subject to conditions and an associated Section 106 Agreement

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Background information
 - Housing Development
 - Density
 - Levels
 - Impact on the neighbours
 - Design
 - Open Space
 - Trees and Landscape
 - Ecology
 - Flood Risk
 - Traffic and Transport
 - Public Right of Way
 - Drainage and Sewers

Representations

5. Seventeen letters of objection have been received on the following grounds:
 - Congestion problems for car parking will increase and result in people parking in surrounding roads. It will also result in the access to the lane being blocked making it one way. This will mean that cars will have to wait on the A674 causing a traffic hazard and a danger for walkers. Parking will also block field gates in the lane;
 - Brown House Lane is a public footpath and parking will cause a danger to pedestrians;
 - Additional luxury housing is not a priority;
 - They erected a garage on the site 25 years ago because parking in front of 368 Blackburn Road across from the Golden Lion was almost impossible due to the public visiting the pub. This will be worse if they lose most of their car park;
 - The existing car park is often full to capacity, with the growing popularity of the pub with patrons subsequently parking in the adjacent Brown House Lane. Although the applicant's traffic counts show the capacity will be adequate they know from experience this is very unlikely to be the case. It is a very popular pub;

- The car park is used not only by patrons of the pub but also by local and walkers as there is no other off road parking in the village;
 - The parking for the houses would be nose to tail resulting in backing out on to the lane and as more cars park in the lane access is becoming more of a problem. Refuge, agricultural and brewery wagons struggle to gain access and emergency services will also struggle;
 - To create the number of parking spaces proposed the grass verge is to be removed. Every inch of greenery will be removed which will look out of place at a country pub and be detrimental to the area. When the original car park was approved it was a condition that the verge along Brown House Land would be screened with a hedge – this was planted but never maintained. There should be sufficient space left for screening around the car park;
 - The parking spaces proposed are of the minimum size required so 4x4s will have trouble parking;
 - LCC has recommended and maintained that more spaces would be required to sustain an increased footprint to the Golden Lion. There are 34 current spaces, the parking standards require up to 35 spaces. A reduction to 32 is incompatible with current customer usage and where will visitors to the new properties park if both parking spaces are occupied;
 - The proposal will change the character of the area;
 - The garages on the site are still in full use by residents who lease the plots off the brewery and have spent a lot of money erecting them. Removal of the garages will only increase the pressure on parking spaces in Brown House Lane;
 - Some of the garages are used as storage for the cottages that only have small back gardens;
 - The access road is very busy as a number of allotments and people keeping horses and other properties and businesses. It is not lightly used as stated in the application;
 - They have doubts about the properties being able to access the mains sewer in the area as it is at a higher elevation than the application site which should be confirmed before permission is approved and any changes to the plans necessary included. Any disruption in flow would impact on the properties on Blackburn Road and Lawton Close;
 - The proposed properties will obscure the existing view from the properties on Blackburn Road;
 - The proposal will set a precedent and lead to further development in the future;
 - The application states that the stream that runs along the eastern boundary of the car park will be covered over. This stream is fed by a watercourse which runs beneath the basements of the cottages on Blackburn Road. Should the covered section become blocked it is likely to cause a backup of the watercourse and lead to flooding. Poultry from the nearby farm also use the stream;
 - The applicants states the proposal provides affordable housing to meet recognised local need, however there are still several houses in the village that have been for sale for many months and they argue this does not show a local need for more large houses;
 - Green Belt - Although the site is previously developed land they feel there is a dramatic difference between a car park with little visual impact on the outlook and two large properties in this small lane;
 - There is currently a small recycling facility in the car park which it is stated will be repositioned but the proposed plans do not seem to indicate where this will be, the facility is well used and it would be a shame if it were to be removed;
 - Ecology - The car park and waste land around it provide a miniature wildlife reserve. A pair of Tawny Owls uses the car park as part of their hunting territory and another set and a pair of barn owls nests either side of the car park. There are also a number of different types of birds and bats using the mature trees around the car park;
 - The houses will overlook and cause privacy issues to surrounding properties;
 - The proposal will put pressure on the existing infrastructure – water pressure or sewerage the latter have been blocked in the past;
 - The submitted transport statement understates the number of users of Brown House Land. It also uses TRICS information which is not accurate for this location as the pub has had an extension and is successful at a time when most others are not;
 - What materials would be used for the buildings? Stone would be in keeping;
 - Development should be stopped to keep our villages from becoming little towns;
6. A letter of objection has been received from Cllr Hansford on the following grounds:
Concerns about the evidence supporting the application:
- The applicant states that there is light usage of this lane and that there are only a few properties, but in addition to the properties there are a large number of allotments on the lane not mentioned in the application and are used by people living throughout the borough as they are privately owned and leased so regularly accessed via vehicles;
 - The applicant talks about knocking down the garages which they themselves state are in current use so this would only further emphasise the current parking issue that Wheelton has in relation to the lack of parking facilities throughout the village as where will the vehicles currently using this site go?;

- The width of the lane is that where there is only access for one vehicle at a time and as there are no passing places further up on the lane where the public house is situated this is going to cause further problems with the increased volume of traffic going down the lane as well as the amount of ramblers that use this lane to access numerous public footpaths within the area. The applicant talks about making enough access space for two car passing places in accordance with a city plan that was undertaken by their consultants however as this is a rural location it does not take into account the 7.5 ton vehicles used as horse boxes or the tractors which would be accessing the lane as well as your usual traffic;
- A little while ago the same public house applied for an extension as they were unable to cope with the demand of the people using the facility especially when they have their promotional steak nights on a Tuesday and Thursday evening, this was granted and since then the trade has increased further and this is acknowledged by the applicant. Therefore how can they now look at reducing the amount of car places available especially when on these evenings there are not enough parking spaces now and a noticeable increase in the amount of traffic parking on Blackburn Road and the surrounding areas. She also questions the suggestion made by the applicant that the closure of the Golden Lion was under review and if this was still a current suggestion?
- A plan of a typical day was submitted with an average number of 12 vehicles which she would like to question when this was done as usually even on a lunch time there is a minimum of 15 vehicles parked in the car park and if they took into account the amount of weekend traffic or when they have a match being played as the Golden Lion makes full use of their sky sports promotions and would ask for a recalculation of this figure done by LCC Highways;
- Within the design and access statement it states at 2.4.02 that "Low fencing & hedgerows are proposed as a natural boundary between the three Housing plots. I would question why Three not two?"
- Within the same document at 3.1.05 it states that buses run along Blackburn Road every ten minutes which is not the case and there is actually no bus service at all to Withnell Fold so that also has a problem for the quote at 3.1.06 that states the local village school situated in Withnell Fold is only 1 mile away and there is a bus to access this facility every ten minutes, again this is incorrect and there is no bus at all to Withnell Fold. There is a bus 124 that goes from Chorley interchange to Blackburn every hour and this accesses Wheelton, goes along Blackburn Road to Brinscall and Abbey Village onto Blackburn. Therefore making the provision of cars more important as bus service is very limited within the area and even more so on a Sunday and evenings;
- There is also an additional report by Brian Evans which again states that there are three detached houses and 26 car parking spaces which is not in keeping with the application so I would ask that this report is either amended or removed;
- She would like to know if the person who has the ownership of the lane has given permission for the lane to be used by the residents of these properties as currently the lane is unadopted and is not maintained by Chorley or Lancashire Councils.

Cllr Hansford therefore suggests that the application is refused upon the issues of highways grounds and also the increase of parking that would occur due to erection of these buildings and the problems it would create throughout the village not just within this small area. If by any chance the officer decides that this application should be approved they would ask that the application is then taken to the Development Control Committee giving the local residents an opportunity to speak of their strong objections to this development.

7. Wheelton Parish Council make the following comments on the application:
Whilst they have still left 31 car parking spaces- however is the layout compliant with national/local statutory requirements?
8. They are still asking to put two houses on site - our preferred option is one house for the location of this site because the access to the lane is still restricted, where will their overflow parking take place? They cannot guarantee being able to park on the pub car park again because the extension to the Golden Lion was because it was so popular hence the pub car park should be filled to capacity if it's as popular as the brewery say! Where will residents park their cars once the garages are demolished?

Consultations

9. Lancashire County Council (Highways)

Do not object to the proposal. The development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site. At the time of the site visit there was a significant level of on street parking in the vicinity of the access road junction with Blackburn Road, however, the proposals provide adequate off road parking provision for the type and size of development. As such they do not consider that the addition of the dwellings will exacerbate the situation. It is noted that the existing car park for The Golden Lion will be reduced by one parking space to that which is existing. Given the minor reduction in parking provision they do not object to the proposed alteration to the Golden

Lion car park. They recommend conditions to be applied to any approval.

10. United Utilities

Have no objection to the proposal providing it drains on a separate system with only foul drainage connected to the foul sewer. Surface water should be discharged to a soakaway and or water course and may require the consent of the Environment Agency. No surface water will be allowed to discharge to the public sewerage system.

11. Environment Agency

Have no objection in principle to the proposed development but note that it is proposed to discharge foul and surface water to the existing sewer. The site is adjacent to an ordinary watercourse and United Utilities may request that, if possible, the applicant discharge clean, uncontaminated surface water from the proposed development to the watercourse. Any surface water discharge to the adjacent ditch should be restricted to Greenfield rates and, in the case of the car park, should be via trapped gullies. Any works to the watercourses within or adjacent to the site which involve infilling, diversion, culverting or which may otherwise restrict flow, require the prior formal Consent of the Environment Agency under Section 23 of the Land Drainage Act 1991. Culverting other than for access purposes is unlikely to receive Consent, without full mitigation for loss of flood storage and habitats. Details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to us for approval in accordance with the Water Resources Act 1991.

12. Chorley's Waste & Contaminated Land Officer

Request a condition in relation to ground contamination.

Assessment

Principle of the development

13. The application site is an area of land to the rear of the Golden Lion Public House and access from Brown House Lane, Higher Wheelton. It is currently occupied by the pub car park and a row of garages and is therefore previously developed land. All the land is owned by Daniel Thwaites Brewery, the land the garages are on being leased by the brewery.
14. The application site is within the settlement of Higher Wheelton apart from a very small triangular part at the northern end of the site that is in the Green Belt (and will form a small part of the garden of the property). Policy GN4 of the Local Plan covers development in Higher Wheelton and states that the re-use of previously development land will be permitted, bearing in mind the scale of any proposed development in relation to its surroundings and the sustainability of the location.
15. A very small piece of the garden of Plot 1 would fall within the Green Belt but it is not considered the proposal would have an impact on its openness and the garden boundary follows the natural boundary of the site as exists.
16. The proposal is therefore considered acceptable in principle, subject to the other aspects of the proposal also being acceptable.

Levels

17. Brown House Lane drops down from its junction with Blackburn Road and so the properties will be at a lower level than the pub.

Impact on the neighbours

18. The main impact of the proposals in terms of neighbour amenity will be to number 6 Lawton Close which bounds with the site to the west. This property has a garage in its rear garden to the side of the property and is at a slightly higher level than the application site. There will be 13.2m between the rear windows of the property on Plot 1 and the boundary with this property and 12m between Plot 2 and this property which complies with the interface guidelines. There are habitable room windows in the side elevation of 6 Lawton Close which Plot 2 will face towards, however there will be 21m between the proposed property and 6 Lawton Close as the case officer has south an amended plans moving the property forwards by half a metre towards Brown House Lane. This relationship is considered acceptable. It is not considered the proposal will have a detrimental impact on the amenity of any other properties.

Design

19. In terms of design the dwellings will have a front gable with a canopy over the front door and side carport built of materials to match the property. The rear and frontage of the dwellings will be faced in stone with stone quoins details with render to the side elevations. This mix of materials is found elsewhere in the village and although the design of the dwellings is modern it is considered the traditional materials chosen will allow the properties to sit more comfortably beside the older properties on Blackburn Road. The properties will not be readily visible in the context of the properties on Lawton Close. The design of

the properties is considered to be acceptable in relation to HS4.

Trees and Landscape

20. A tree survey has been submitted with the application. The existing trees on the southern boundary of the site are proposed to be retained. It is proposed to remove four existing trees, three sycamores and a cherry on the east boundary of the site, it is not considered that these trees would warrant a tree preservation order. Although the tree survey recommends removal of further trees along this boundary and replacement with better trees, the proposed layout proposes to retain them in the new scheme and they will fall within the gardens of the proposed properties. Conditions requiring tree protection measures are proposed and the proposal is therefore considered acceptable in relation to policy EP9.
21. The verge around the existing car park will be removed allowing its enlargement and objectors have complained that this will result in all the greenery being lost and ruining the character of a country pub as the car park will appear very urban. Views of the car park from outside the immediate vicinity are limited and it is not readily visible from Blackburn Road. The trees on the southern boundary will be retained and although it is accepted limited opportunity for planting within the new car park layout it is not considered that the application could be refused on these grounds.

Ecology

22. In terms of ecology, objectors have stated that wildlife use the trees around the car park. Only four trees are proposed to be removed, with the rest to be retained it is not considered that the proposal will have a detrimental impact on ecology.

Flood Risk and Drainage

23. The site is not within a flood zone area as identified by the Environment Agency. Between the eastern embankment and the boundary there is a narrow watercourse in a ditch.
24. United Utilities have not objected to the application subject to conditions.
25. The Environment Agency have noted that the site is adjacent to an ordinary watercourse and stated that United Utilities may request that, if possible, the applicant discharge clean, uncontaminated surface water from the proposed development to the watercourse. They state any surface water discharge to the adjacent ditch should be restricted to Greenfield rates and, in the case of the car park, should be via trapped gullies. Any works to the watercourses within or adjacent to the site which involve infilling, diversion, culverting or which may otherwise restrict flow, require the prior formal Consent of the Environment Agency under Section 23 of the Land Drainage Act 1991. Culverting other than for access purposes is unlikely to receive Consent, without full mitigation for loss of flood storage and habitats. Details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to us for approval in accordance with the Water Resources Act 1991.
26. To respond to the comments above a condition is proposed requiring full details of the foul and surface water arrangements to be submitted to the Council including any treatment of the watercourse on the site.
27. The case officer has checked with building control and the main sewer is to the rear of the Golden Lion pub, however building control state that the sewage can be pumped from the properties if necessary. This would not need a separate planning application.

Traffic and Transport

28. The proposed dwellings each have three dwellings and therefore require two off road parking spaces each in line with the parking standards. One of these spaces will be provided under a carport and the other in front of it. It is considered that the properties are more likely to use the spaces within the carport than if it was a garage and therefore it is considered that a condition would be appropriate to prevent it being converted to a garage if the application is approved. The parking at the properties complies with the relevant policies and is therefore considered acceptable in terms of parking provision.
29. The current car park for the pub has 33 parking spaces, however at least one of these spaces is unusable due to it having recycling containers on it, effectively giving the current car park 32 usable spaces. The car park as proposed would also have 32 spaces, which has been achieved by rearranging its layout and also removing the verge from around the edge.
30. The pub will therefore effectively have the same number of spaces as it has at present and although it is accepted that the current car park is full to capacity at certain times the proposal will not make this worse in terms of the change to the car park itself.

31. The proposal will however, also result in the loss of five (one double) garages. It is noted from the representations received to the application that at least one of these is used as storage rather than for the parking of a vehicle. The garages are on land owned by the applicant (brewery). Therefore if the application was refused on the grounds that the garages would be lost, the brewery could end the lease of the land resulting in the garages being lost anyway and therefore overcoming this issue. It is not therefore considered that the Council could substantiate a refusal on these grounds.
32. The applicant proposes to re-site the recycling receptacles that are on the present car park and a condition is proposed requiring details of this to be provided.

Public Right of Way

33. Brown House Land is a public right of way, however the proposal will not result in blocking or diverting of the footpath.

Section 106 Agreement

34. As the proposal is for two new dwellings there is a requirement for a commuted sum towards public open space. This would be secured through a Section 106 legal agreement.

Overall Conclusion

35. The proposed development is acceptable in principle under policy GN4 of the Local Plan. The main issue with the application is highways and parking. The proposed properties have the necessary relevant parking spaces for their size. Although it is accepted that there will be loss of one parking space in the pub car park as a result of the scheme, it will effectively be the same size, as one of the current spaces is unusable due to recycling receptacles placed in it. Therefore although it is accepted that the current car park is often full and requires parking on the road, the parking situation for the pub will remain as at present. The loss of the garages to the north of the site is unfortunate but as the land is only leased to them by the applicant this could be ended anyway (not just as a result of the proposal), resulting in them having to find alternative parking. It is therefore not considered that the Council could substantiate a refusal on highways grounds and the application is recommended for approval subject to conditions and a section 106 agreement.

Planning Policies

National Planning Policies:

PPG2, PPS3, PPS9, PPG13, PPG25

Adopted Chorley Borough Local Plan Review

Policies: GN4, DC1, EP4, EP18, HS4, TR4

Planning History

10/00679/FUL Proposed single storey front extension. Permitted 22 September 2010.

10/00795/FUL 3no new 4 bedroom detached dwellings on part of the existing car park to the Golden Lion Public House. Withdrawn 5 November 2010.

11/00195/FUL Erection of 3 No detached dwellings on land to the rear of the Golden Lion Public House (re-submission of application 10/00795/FUL). Withdrawn 28 April 2011.

Recommendation: Permit (Subject to Legal Agreement)

Conditions

- 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.
- The development hereby permitted shall not commence until details of the re-siting of the recycling receptacles on the existing carpark 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 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.
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 1, Class A) or any Order revoking or re-enacting the Order, the carports hereby permitted shall not be converted to living accommodation or be enclosed to form garages. They shall be left open for the parking of cars.
Reason: To ensure the properties permitted have sufficient off road parking, to discourage on-road parking and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

4. The site must be drained on a separate system with only foul drainage connected into the foul sewer.
Reason: To secure proper drainage and in accordance with Policy EP17 of the Adopted Chorley Borough Local Plan Review.
5. 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. This shall include details of any treatment to the ditch within the application site. Any surface water discharged to the adjacent ditch should be restricted to Greenfield rates and, in the case of the car park, should be via trapped gullies. 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 PPS25 and Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review.
6. Before the dwellings hereby permitted are commenced the car park hereby approved 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. TR4 of the Adopted Chorley Borough Local Plan Review.
7. During the construction period, all trees to be retained, as shown on the approved plans, 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 No. EP9 of the Adopted Chorley Borough Local Plan Review.
8. The development hereby permitted shall not commence until full details of the 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. This shall include details of the surfacing of the car park and specifically the materials to be used within the roof protection areas of the trees shown to be retained on the approved plans. 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 EP9 of the Adopted Chorley Borough Local Plan Review.
9. Before the development hereby permitted is first commenced full details of the proposed finish floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall 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.
10. Before the dwellings hereby permitted are first occupied, their driveways shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveway shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.
Reason: To ensure adequate off-road car parking is provided and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.
11. 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 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.
12. 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.

13. The approved plans are:

Plan Ref.	Dated:	Title:
09/1261-02 Rev D	24 th August 2011	Proposed Street Elevation Site Plan
09/1261-03 Rev C	13 th July 2011	Floor Plans & Elevations

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

14. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall not at any time in connection with the development hereby permitted to be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of the condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed driveway from the continuation of the nearer edge of the carriageway of the access road to points measured 25m in each direction along the nearer edge of the carriageway of the access road, from the centre line of the driveway.

Reason: To ensure adequate visibility at the street junction or site access and in accordance with Policy TR4 of the Adopted Chorley Borough 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.

Item 7	11/00480/FULMAJ
Case Officer	Caron Taylor
Ward	Clayton-le-Woods West And Cuerden
Proposal	Demolition of Burrows Grass Machinery and removal of car sales forecourt and demolition of The New Bungalow and erection of 13 no. detached two-storey dwellings and associated infrastructure.
Location	Burrows (Grass Machinery) Limited Wigan Road Clayton-Le-Woods LeylandPR25 5UE
Applicant	Wainhomes Development Ltd

Consultation expiry: 30 August 2011

Application expiry: 9 September 2011

Proposal

1. The application is for demolition of Burrows Grass Machinery and removal of car sales forecourt, demolition of The New Bungalow and erection of 13 no. detached two-storey dwellings and associated infrastructure.

Recommendation

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

Main Issues

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

- Principle of the development
- Housing Development
- Density
- Levels
- Impact on the neighbours
- Design
- Open Space
- Trees and Landscape
- Ecology
- Flood Risk
- Traffic and Transport
- Drainage and Sewers

Representations

4. Five letters of objection have been received on the following grounds:

- The proposal would accommodate some 50 people on 2.1 acres which would be over-density of population with its attendant vehicles, parking and garaging;
- The site is on a busy main road and the entrance and exit of vehicles would impact on traffic flow causing traffic jams and a dangerous congested site leading to accidents;
- Parking for visitors is not provided for so there would be overspill parking on Wigan Road;
- The change of use from the current one would adversely impact on the character of a semi-rural area of farmland, trees and fields with single properties on their own land and no stress on infrastructure such as drains and roads;
- The area has already suffered from overdevelopment locally on several sites in Lancaster Lane and Moss Lane which has impacted on the character of the area and its infrastructure by overpopulation;
- More green space and wildlife habitat is set to disappear and be replaced by housing. Although the proposed site is partially industrial in nature, it borders on fields and there are fields to the rear of the site;
- A decision is still awaited on application 10/00414/OUTMAJ and the impact of both applications together needs to be considered. They do not see how the council can consider the current application before knowing how it might relate to the other houses, if the planning appeal is

approved. It is also difficult for residents to consider what might be the combined impact of both proposals on properties nearby on Wigan Road;

- There are already severe traffic problems at the Lancaster Lane and A49 junction. LCC Highways should be made aware of the proposal. More houses will only increase this serious problem, caused by not only occupants but also deliveries, tradesmen etc. Since the recent housing developments on Lancaster Lane there has been a noticeable increase in the traffic already and this development will only add to this and the associated problems.
5. One letter has been received stating they have no objection to the principle of the development but raise the following concerns:
- They have children at St Catherine's School on Moss Lane and people access the school via the subway from Moss Lane/Wigan Road end. Should the development gain approval they would like to raise the need to consider a pedestrian crossing on Wigan Road, the lack of pavements on Wigan Road opposite Moss Lane and/or the option of providing school crossing patrol at peak times. They believe St Catherine's is one of the only schools in the borough without an assisted crossing;
 - They raise the issue of the current capacity of the main drains/sewers on/adjacent Moss Lane as in winter during heavy downfalls the man sewers can't cope and they have instances of ground floor toilets backing up. New developments will only add to this issue.
6. Clayton-le-Woods Parish Council have no comments to make on the application.

Consultations

7. Lancashire County Council (Ecology)

Based on the information provided within the ecological appraisal (ERAP May 2011), it seems reasonably unlikely that the proposed development would result in significant ecological impacts, provided that the recommendations given in Section 5 of the ecological report are implemented in full.

8. They recommend that implementation of the recommendations given in Section 5 of the Ecological Appraisal report should be the subject of a planning condition.

9. The Environment Agency

Originally objected to scheme on the basis that no assessment of the risks to nature conservation had been submitted, however a report had been done, they had just not received it. Once they had received the report they withdraw their objection on these grounds and state that they support the pond enhancements as recommend in paragraph 5.1.9, but we would also recommend that natural features such as the pond and trees in the working area should be protected by temporary protective fencing to avoid them becoming polluted or damaged during construction.

10. With regard to flood risk they state surface water run off from the site should be restricted to existing rates in order that the proposed development does not contribute to an increased risk of flooding.

11. United Utilities

Have no objection to the proposed development, however they state in accordance with PPS25 surface water should not be allowed to discharge to the foul/combined sewer, this prevents foul flooding and pollution of the environment. They also state the site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

12. Chorley Planning Policy

This site was last used for grass machinery sales, servicing, repairs and for car sales and as such is predominantly a brownfield site. The proposal involves the demolition of a property known as The New Bungalow but this does not take the appearance of a typical residential property and it is not clear whether it has been in any form of residential use, or whether it has provided further accommodation for the businesses on site.

13. Whilst the uses on site have now largely ceased this site did provide a range of employment opportunities. Policy EM9 of the Chorley Local Plan relates to the redevelopment of existing employment sites and is accompanied by Supplementary Planning Guidance (SPG) on this matter. The policy does not define employment use, but Paragraph 3 of the SPG relating to Policy EM9 states that for 'policy EM9 sites employment use is defined as Use Classes B1, B2, B8 & A2'. This site includes a mix of uses including car sales, which is a sui generis use, and the sale, servicing and repair of grass machinery to the general public and to the trade. Therefore, although the site provides employment opportunities they

are not in the form of typical B1, B2, B8 & A2 uses as envisaged by the SPG and the site was not assessed as part of the Central Lancashire Employment Land Review. Therefore, the site is not an employment site as protected under Policy EM9.

14. This site has been suggested for housing purposes as part of the site allocations process. The report on the 'Site Allocations and Development Management Policies Development Plan Document – Preferred Option Stage' does not propose to allocate this site for housing use as it was considered to be in active employment use. The assessment process for this document took a wider view than Policy EM9 of what constitutes employment uses. Since the assessment was made it has also become clear that most of the employment generating uses on site have now ceased.
15. The Secretary of State's has recently granted an outline application for 300 residential properties on land adjoining the site. The site will therefore be bordered by residential properties to the north, south and east. In these circumstances re-use of the site for employment purposes may be inappropriate in terms of residential amenity due to potential disturbance by noise and overlooking. The Preferred Options Report also proposes the development of the Safeguarded Land adjoining the site for mixed uses including housing and employment, but it does not set out where differing uses are most appropriate at this stage.
16. This proposal does incorporate a small piece of land to the rear of the bungalow but this does not take the form of a private residential garden and its development would not undermine the local character of the area.
17. In summary, this site is not considered to be an employment site as protected under Policy EM9 and its associated SPG. It is a brownfield site and it is considered that residential use could be acceptable.
18. **Lancashire County Council (Highways)**
State the A49 Wigan Road is a heavily used primary distributor road with a 40mph speed limit. Initially LCC Highways objected to the scheme due to the radii into the site being too small, that there was no pedestrian footway within the site and the private access to plots 2 & 3 was located too close to the junction. Also, the brickwork pier and railing wall would fall within the visibility splay and plot 3 had insufficient parking. They also asked for vehicle swept path analysis to prove the vehicle turning facility for plots 8 and 10.
19. Amended plans were submitted in response to these comments and LCC Highway no longer objects to the proposal subject to conditions being applied.
20. **Chorley's Waste & Contaminated Land Officer**
Ask for a pre-commencement condition in relation to land contamination including a methodology for ground contamination and investigation.
21. **Lancashire County Council (Education)**
State that a claim for school places is not required for the development.

Assessment

Principle of the development

22. The site is within the settlement of Clayton-le-Woods as defined in the Local Plan.
23. This site was last used for grass machinery sales, servicing, repairs and for car sales and petrol station and as such is predominantly a brownfield site. Although the site provided employment opportunities they were not in the form of typical B1, B2, B8 & A2 uses as envisaged by the Supplementary Planning Guidance to Policy EM9 and the site was not assessed as part of the Central Lancashire Employment Land Review. The site is not considered an employment site as protected under Policy EM9 and therefore the proposal is not contrary to this policy.
24. Part of the site is occupied by a property know as The New Bungalow which is overgrown and is not clear if part of it has been used as accommodation for the businesses on the site. The Council have adopted an Interim Policy – Private Garden Development, however it is considered very little weight can be given to this policy considering the recent appeal decision at Lancaster Lane. It is not considered that the loss of the garden of this property, which is not viewed as such, would have a detrimental impact on the local character of the area and therefore the proposal is not considered contrary to PPS3.
25. In addition, during the consideration of this application the Secretary of State has granted an outline application for 300 residential properties on land adjoining the site. The site will therefore be bordered on all sides by residential properties.

26. The proposal for residential properties on the site is therefore considered acceptable in principle.

Housing Development

27. Policy HS4 of the Local Plan covers the Design and Layout of Residential Developments. It is considered that the proposal complies with this policy. The surrounding properties of varying styles and materials and the proposed properties comply with the Council's interface guidelines within the site.

Density

28. The density of the proposal would be 16 dwellings per hectare, although this is slightly less than normal, the surrounding area is generally made up of properties on larger plots and therefore the density is considered acceptable for the local context. There are concerns expressed by objectors that the proposal is overdevelopment of the site, however PPS3 states the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. The main views of the development will be of the frontage properties which largely reflect the layout of the existing frontage on Wigan Road, therefore it is considered that the density of the proposal is acceptable.

Levels

29. There will be approximately a 1m difference in levels between the properties on the frontage with Wigan Road and those to the rear of the site as the land rises west to east, however it is not considered this will be readily noticeable due to the length of the site and the rise will be gradual across the properties. It is therefore considered acceptable.

Impact on the neighbours

30. The only neighbour directly bounding with the site is Oaktree Bungalow to the south. This property is a bungalow with a driveway and single width tandem garage attached to it on the side bounding with the application site. It has a window, door and high level window in its southern elevation facing plot 1 which has a proposed double garage nearest this boundary. It is considered that this relationship is acceptable as although the side window in Oaktree Bungalow will look on to the side of the proposed garage between which there will be approximately 5.5m this is not an unusual relationship between side windows and it would be expected that there would be a boundary treatment between neighbouring properties preventing views from this window. The relationship with Plot 1 is therefore considered acceptable.

31. The property on Plot 8 will face towards the rear of Oaktree Bungalow but there will be approximately 35m between the first floor windows of plot 8 and the rear of this property. Although Plot 8 will be closer to the garden of the bungalow it will not be directly over looking.

32. The surrounding land has recently been granted outline planning permission at appeal for 300 dwellings. Originally the proposed properties on plots 9-10 fell short of the interface distance to the rear boundary with the adjacent land and the property on Plot 8 was originally a Montgomery 'L'- shaped house type. It was considered these may sterilise development on the adjacent land and therefore amended plans have been received so that all properties comply with the interface distance of 10m to a boundary. In addition Plot 8 has been amended to a Stephenson house type, reducing the massing of the property against the adjacent land. There are no properties directly facing the site, the side of the garden of the property known as Congham House is opposite a small part of the site but there are over 34m between the property on Plot 1 and this garden which exceeds the interface guidelines.

33. The amended plans are therefore considered acceptable in relation to neighbour amenity.

Design

34. The proposed house types are from the standard palette of Wainhomes. However, there is variation across the site and there are a wide variety of properties in the vicinity. The properties are set back from the road in line with the existing properties along this part of Wigan Road. The application is considered acceptable in this respect.

Open Space

35. There is a requirement for a Section 106 agreement to secure a contribution to public open space and this application is therefore recommended subject to that agreement being in place.

Trees and Landscape

36. There is a mature oak tree on the frontage with Wigan Road. This is proposed to be retained as part of the scheme and a condition will be applied with regard tree protection during construction. There is some hedging existing on the site that is also to be retained and a landscaping condition will be applied to any permission.

Ecology

37. The County Ecologist has reviewed the ecological appraisal submitted with the application and is satisfied that it seems reasonably unlikely that the proposed development would result in significant ecological impacts, providing the recommendations given in Section 5 of the report are implemented in full. This will be secured by condition. The proposal is considered acceptable in relation to Policy EP4 of the Local Plan and PPS9.

Traffic and Transport

38. LCC Highways now have no objection to the amended plans. The radii have been amended and a footway added. Plot 2 is now accessed off Wigan Road directly but has off road turning space and Plot 3 has a driveway positioned away from the junction. The brickwork piers have been removed from the visibility splay and the developer has provided vehicle swept path analysis to the satisfaction of LCC.

39. In terms of parking, although some of the double garages are deficient in size to be classed as two parking spaces, all the four bedroom properties now have two off-road parking spaces and a garage of a size that can be counted as one further space, giving them three spaces. The Davy house type on plot 4 has a tandem drive and has had its single garage enlarged to 6m x 3m to be counted as a further space. All the properties therefore have the required number of parking spaces in accordance with the Council's standards.

40. The proposal is now considered acceptable in terms of highways safety and parking in accordance with Policy TR4 and PPG13.

Drainage and Sewers

41. The Environment Agency has asked for surface water runoff to be restricted to existing run-off rates. United Utilities also have no objection subject to the site draining on a separate system, with only foul drainage connected into the foul sewer. In addition they require surface water to discharge to the soakaway/watercourse/surface water sewer which may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system they may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

42. The case officer has liaised between the two bodies to ensure that a discharge rate that they are both happy with can be agreed.

43. The Environment Agency has confirmed that surface water will be attenuated to existing rates (31l/s), and United Utilities have agreed this. The Environment Agency have no problem with this agreed discharge rate as surface water run-off rates will not increase as a result of the redevelopment of the site.

44. The Environment Agency does however note that it is proposed to attenuate surface water on-site and it is noted that SUDS are not appropriate. As such, attenuation is likely to be through the use of oversized pipes or underground storage tanks, but no details are provided. They advise that if the local authority wants control over the method of attenuation, they would still recommend that a condition be applied, alternatively the developer will agree it directly with United Utilities and therefore a condition would not be needed. As the Council is satisfied that the Environment Agency and United Utilities agree on the discharge rate (to existing rates), meaning run-off will not increase as a result of the development, it is considered that the method of attenuation can be agreed between the developer and United Utilities directly (subject to a condition restricting run-off to existing rates).

Other Issues Raised in Representations

45. In relation to access to St Catherine's School on Moss Lane the site will have an internal footway which leads onto Wigan Road. The east side of Wigan Road has a footpath to where it meets Moss Lane and Moss Lane itself has a footpath on one side. LCC Highways are satisfied with the scheme.

46. With regards to drainage the site will drain to existing rates and therefore surface water run-off rates will not increase as a result of the redevelopment of the site.

Overall Conclusion

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

Planning PoliciesNational Planning Policies:

PPS3, PPS9, PPG13, PPS25

Adopted Chorley Borough Local Plan Review

Policies: GN1, EP4, EP9, HS4, EM9, TR4

Planning History

79/1371 Outline permission for workshop and showroom for horticultural equipment. Permitted

90/00446/FUL Extension of stores and workshop areas and erection of new structure for storage of grass cutting machinery. Permitted

97/00610/COU Use of front of forecourt for sale of cars. Permitted retrospectively. September 2000.

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

1. The integral/attached and detached garages hereby permitted shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.
Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.
2. Surface water run off from the site shall be restricted to existing rates.
Reason: In order that the proposed development does not contribute to an increased risk of flooding and in accordance with PPS25 and Policy EP18 of the Adopted Chorley Borough Local Plan Review.
3. 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.
4. The recommendations given in Section 5 of the ecological report (ERAP May 2011) shall be implemented in full and the pond and trees in the working area shall be protected by temporary protective fencing during construction to avoid them becoming polluted or damaged during construction.
Reason: To ensure ecology on site is protected during construction and in accordance with PPS4 and Policy EP4 of the Adopted Chorley Borough Local Plan Review.
5. Surface water shall not discharge to the foul/combined sewer and the site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer (which may require the consent of the Environment Agency).
Reason: To prevent flooding and foul flooding and pollution of the environment and in accordance with PPS25.
6. There is a potential for ground contamination at this site (including depot). Due to the size of development and sensitive end-use, 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 sites - 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 any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of 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, in accordance with PPS23.

7. 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. Full details of the boundary to the north of the site shall be submitted to and approved in writing by the Local Planning Authority and shall only be carried out in accordance with the approved details.

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.

8. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building(s) (notwithstanding any details shown on the 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.

9. 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.

10. Before the properties hereby permitted are first occupied, the driveways shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways 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. TR4 of the Adopted Chorley Borough Local Plan Review.

11. The development (or any phase or sub-phase) hereby permitted shall not begin until details of a 'Design Stage' assessment have been submitted to and approved in writing by the Local Planning Authority to show how the development will meet the Code for Sustainable Homes Level 3 (if the development is commenced before 2013) or Level 4 (if the development is commenced after 2013). The development shall be carried out entirely in accordance with the approved assessment and certification.

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.

12. No dwelling shall be occupied until a letter of assurance, detailing how the dwelling in question will meet the necessary code level, has been issued, to the Local Planning Authority, by an approved code assessor. The development thereafter shall be completed in accordance with the approved measures for achieving the required code level. Within 6 months of completion of that dwelling a Final Code Certificate shall be 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.

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

Plan Ref.	Received On:	Title:
072.01.55.P01 Rev G	9 August 2011	Planning Layout
DG/6.0/1/B Rev #	31 May 2011	Double 2 Door Garage
04289/050	2 August 2011	Single Garage
5.230/P/B/G Rev #	31 May 2011	Cambridge
4.309/P/B/L Rev #	31 May 2011	Oxford
5.312/P/L Rev A	31 May 2011	Raleigh
5.312/P/B/L Rev B	31 May 2011	Raleigh

5.236/P/B/L Rev #	2 August 2011	Richmond
5.133/P/B/L Rev	31 May 2011	Montgomery
5.133/P/B/G Rev #	31 May 2011	Montgomery
4.212/P/B/L Rev C	2 August 2011	Davy
4.203/P/B/L Rev B	2 August 2011	Stephenson
05036/20	31 May 2011	Wall/Fence Detail
05036/21	31 May 2011	Wall/Railings Detail
05036/22	31 May 2011	Gates/Pier Detail
05036/01	31 May 2011	Close Boarded Timber Fence
05036/05	31 May 2011	Screen Fence Details

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

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. Before the construction of the site hereby permitted is commenced facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.
Reasons: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose material thus creating a hazard for road users and in accordance with Policy No. TR4 of the Chorley Borough Local Plan Review.
16. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan 072.01.55.P01 Rev G.
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.
17. The level of the driveway shall be constructed 0.150m above the crown level of the carriageway.
Reason: To safeguard the future reconstruction of the highway and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
18. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the footway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays shall be 45° to the centre line of the access. The gates shall open away from the highway. Should the access remain ungated 45° splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the carriageway.
Reason: To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
19. Before the access is used for vehicular purposes, that part of the access and driveways extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.
Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 4.5m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Wigan Road to points measured 120m in each direction along the nearer edge of the carriageway of Wigan Road, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.
Reason: To ensure adequate visibility at the street junction or site access and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
21. The proposed access from the site to Wigan Road shall be constructed to a (minimum) width of 5.5m and this width shall be maintained for a minimum distance of 20m measured back from the nearside edge of the carriageway. Radii shall be 10m.
Reason: To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
22. The existing access shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification

for Construction of Estate Roads (concurrent with the formation of the new access).

Reason: To limit the number of access points to, and to maintain the proper construction of the highway and in accordance with TR4 of the Adopted Chorley Borough Local Plan Review.

23. The dwellings shall be commenced until all the off-site highway works have been constructed in accordance with the approved plans.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

24. 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.

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Item 8	11/00494/FULMAJ
Case Officer	Mr David Stirzaker
Ward	Chorley East
Proposal	Erection of 23 dwellings (amendment to layout, design, landscaping and external appearance approval as part of planning approval 02/00680/REMAJ and 07/01051/FULMAJ)
Location	Land Between Froom Street And Crosse Hall Lane Chorley
Applicant	Mrs Nichola Burns
Consultation expiry: 17 August 2011	
Application expiry: 6 September 2011	

Proposal

1. The application seeks planning permission for amendments to a previously approved scheme on the site. The previous scheme (02/00680/REMAJ) incorporated the erection of 161 dwelling houses. Permission was granted in 2007 for house type substitutions and 3 additional dwellings (Ref No. 07/01051/FULMAJ). An amendment to the original plans gained planning permission for 164 dwellings and a re-plan of the central part of the site permitted in 2009 (Ref No. 09/00749/FULMAJ) resulted in an increase to the number of dwellings across the site to 172. A further planning permission was granted in 2010 (Ref No. 10/00820/FULMAJ) for further amendments to design and layout of the northern part of the site. The current proposals incorporate amendments to a portion of the site which is in the south-western corner and seek to amend the layout, design, landscaping and external appearance of 23 dwellings on the site. It should be noted that the number of dwellings on the part of the site to which this application relates will remain the same as will the position of the roads.
2. The overall development site is in the main Chorley settlement area and is located between Froom Street and Cross Hall Lane covering a site area of 7.83 hectares. The principle of redeveloping the site for residential use was established as far back as 1988 with the grant of outline planning permission. In addition to this the site is allocated as a housing site within the Adopted Chorley Borough Local Plan Review.
3. The part of the site to which this application comprises of a site area of 0.82 hectares. The site is generally flat and is accessed via the existing internal road which adjoins Crosse Hall Street to the west once it has crossed the Leeds and Liverpool Canal via the recently constructed bridge.

Recommendation

4. It is recommended that this application is granted planning approval subject to the associated supplemental Section 106 agreement to link this application to the original Section 106 agreement on the site.

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Proposed Amendments
 - Levels
 - Impact on the neighbours
 - Design
 - Trees and Landscape
 - Ecology
 - Flood Risk
 - Traffic and Transport
 - Public Right of Way
 - Contamination and Coal Mines
 - Drainage and Sewers

Representations

6. One representation has been received. This letter makes reference to the fact that a footbridge which was originally shown on approved site layout plan to the east of plot 14 and to the west of the road turning head between plots 152 and 164 is no longer shown on the plans. This footbridge was omitted from the plans as part of a minor amendment in 2008 due to concerns from the Environment Agency that the footbridge would have a harmful impact on water vole habitats. It should also be noted that the footbridge is not within the red edge of this application site.

Consultations

7. **Lancashire County Council (Ecology)** advise that on review of the plans, it is not considered that the proposals will result in significant impacts on biodiversity. The proposals therefore appear to be in accordance with the requirements of biodiversity planning policy, guidance and legislation.
8. The **Environment Agency** do not raise any objections 'in principle' subject to the inclusion of a condition requiring a method statement to safeguard protected species on the site. The Environment Agency also requests that a condition relating to flood risk that was previously attached to the 2007 planning permission (Ref No. 07/01051/FULMAJ) be attached to this planning permission. Comments have also been made in relation to flood risk whereby the **Environment Agency** advise that since the original planning permission was granted, Black Brook has been mapped for flooding purposes and as a result of this, parts of the site are within Floodzones 2 and 3. It is therefore recommended that floor protection measures be incorporated into the development.
9. **British Waterways** do not consider it necessary to make any comments on the application.
10. **United Utilities** do not raise any objections subject to the site being drained on a separate system with only foul drainage connected to the foul sewer and surface water should discharge directly into the adjacent watercourse for which Environment Agency consent may be required.
11. **Lancashire County Council (Highways)** do not raise any objections to the application.
12. **Chorley's Waste & Contaminated Land Officer** does not raise any objections to the amendments proposed by the application.

Applicants Case

13. The applicant states that the amendments will provide a greater level of variety to the housing mix which will respond to a wider market, but most noticeably these are improvements to the overall design of the area.

AssessmentPrinciple of the development

23. The principle of redeveloping the site for residential development has been established for a number of years. Outline planning permission was originally granted in 1988 to develop the site for residential purposes. Reserved matters were granted at the site in 2003 (02/00680/REMMAJ). This permission related to the erection of 161 dwellings and the development is currently under construction on site.

Proposed Amendments

14. The proposed amendments to the plans comprise of changes to the house types and minor changes to the layout of the 23 dwellings on this particular part of the site. The access road serving the dwellings and the private drives serving plots 159 to 164 are to remain in almost the same positions as already approved so it is the house types and their positions on the site which are being amended.
15. The mix of dwelling types will comprise of 2, 2½ and 3 storey dwellings which is consistent with the dwelling mix across the wider site and that previously approved on this part of the site. The applicant has sought to improve the layout of the site which in turn will improve the aesthetics of the development.

Density

16. The application site covers an area of 0.822 hectares on which 23 dwellings are proposed. The density of the development therefore equates to 28 dwellings per hectare. PPS3 no longer contains a specific density requirement per hectare and given the same number of dwellings is proposed as has already been approved, the density of the development on this particular part of the site is considered to be acceptable.

Levels

17. The areas of development proposed cover the same areas of the site as already approved. The site is at a lower level than Froom Street and the canal but in terms of the positions of the dwellings, there is not a significant difference between the approved layout and the one now proposed. The site is generally flat

hence there are no particular concerns with the amended layout which is very similar to that already approved on this part of the wider site.

Impact on the neighbours

18. The layout of the dwellings within the application site will provide a satisfactory inter relationship between the proposed dwellings giving each dwelling sufficient private amenity space.
19. The dwelling proposed on plot 158 will be 19.5m from the existing dwelling on plot 125 wherein distance was originally 21.5m. However, the nearest part of the existing dwelling on plot 125 is a gabled two storey projecting element with only a window serving an en-suite bathroom (non-habitable room) set 1.5m forward of the main front elevation of the house which contains the habitable (bedroom) first floor windows. This being the case, the habitable room window to window distance is still 21m which complies with the Council's Spacing Standards.
20. The property proposed on plot 145 will be 15.5m from the existing property on plot 129 to the east. However, the property on plot 145 is offset so it is not directly opposite the existing property on plot 129 and the original property approved on plot 145 was 2½ storeys in height with dormer windows in the roof set 19.5m away whereas what is now proposed on plot 145 is only two storeys in nature off set. Moreover, in addition to this, the property previously proposed on plot 146 on the corner had first floor windows in its gable end and was angled facing towards plot 129 approx. 17m away so neither of these properties complied with the Council's Spacing Standards. Whilst the relationship now proposed between plot 145 and the existing property on plot 129 does still not accord with the Council's Spacing Standards, overall, it is not considered to be any worse than what has already been approved given plot 145 is now offset from the existing property on plot 129 and is no longer a 2½ storey property. Also, the property on plot 146 no longer faces plot 129. It should also be noted that the three storey properties on plots 143 and 144 are the same distance from the existing properties on plots 129 and 130 as has already been approved.
21. On the basis of the above, the relationship between the proposed dwellings and the existing dwellings to the east of the site is considered to be an acceptable one.

Design

22. The amendments will result in a more cohesive layout to this part of the site, especially in terms of the longer distance views of the dwellings which are adjacent to Black Brook (plots 151, 152, 163 and 164) and the open space onto which plots 159 to 164 will front. The layout will also provide a more attractive frontage to the open space to the north of the amendment area in that the dwellings now follow a more linear curve. The design mix of the dwellings comprises of 2, 2½ and 3 storey dwellings which is consistent with the dwelling mix found on the rest of the site.
23. The design of the dwellings are aesthetically consistent with the other dwellings which have already been constructed on the rest of the site and using the same mix of materials already utilised for the other dwellings on the site will bring cohesion between this phase of the development the rest of the site. Also, once landscaped, plots 159 to 164 and plots 151 to 152 will provide a more attractive frontage to the development area.
24. It is considered that the layout of the site represents an improvement over the originally approved plans and subject to the use of materials consistent with the dwellings already built on the site; there are no objections to this element of the application.

Trees and Landscape

25. There are trees on the site which are protected by a Tree Preservation Order. However, none of those trees will be affected by the development of this part of the site.
26. The application has already been cleared ready for development so there is little in the way of landscaping to be retained. However, the proposed site plan indicates landscaping will be provided which will help to soften the development and assimilate it into the wider residential development site. A condition is therefore recommended requiring the final landscaping details to be submitted to the Council for consideration.

Ecology

27. The applicant has submitted a report with the application regarding the implications of the development in relation to Water Voles. LCC (Ecology) have considered the proposals and the report and consider that the development will not result in significant impacts on biodiversity hence the proposals appear to be in accordance with biodiversity Planning Policy, guidance and legislation. LCC (Ecology) do not therefore raise any objections to the application.

28. The Environment Agency have also commented on the biodiversity aspects of the application and recommend that a condition attached to the 2007 planning permission (Ref No. 07/01051/FULMAJ) be re-imposed. This condition requires the submission of a method statement setting out how protected species will be safeguarded.

Flood Risk

29. The Environment Agency do not raise any objections to the application in terms of Flood risk but ask that previous conditions attached to the 2007 planning permission (Ref No. 07/01051/FULMAJ) in relation to surface water drainage and previously approved attenuation measures be attached.
30. Also, since the original planning permission was approved, the Environment Agency now advise that Black Brook has been mapped in terms of flooding and a significant proportion of the site now lies within Floodzone 2 and Floodzone 3 so the applicant should be aware of this and it is therefore recommended that flood mitigation measures should be included as part of the development.
31. Whilst the application site has extant planning permission for 23 dwellings which the applicant could still build, there has been a change in circumstances in relation to the flood mapping of Black Brook. Also, the Environment Agency comments on Flood Risk are a material consideration to the determination of this application so a condition requiring flood prevention measures is therefore recommended.

Traffic and Transport

32. No notable changes are proposed to the road serving the properties. Each property will also be served by an adequate level of car parking spaces and LCC (Highways) have considered the plans and do not raise any objections to the amendments to the approved plans. On this basis, there are no traffic and transport concerns with the amendments proposed to the approved plans.

Public Right of Way

33. Several public footpaths (Footpaths No. 4 and 19) run through the wider development site whilst footpath no. 4 has recently been diverted slightly around the eastern part of the site which is the subject of this application. The new route of the footpath is the same as shown on the previously approved plans and will follow the footpath on the highway to the east of the application site so there are no concerns with this element of the application.
34. In terms of the comments made by a local resident regarding the previously shown footbridge over Black Brook, this was removed from the plans as part of a minor amendment to the approved plans as a result of Environment Agency concerns in relation to the impact it would have on Water Voles.

Contamination and Coal Mines

35. The application site falls within a British Coal Consultation Area. A standard informative is recommended to be attached to the planning permission drawing the applicants attention to this and the need to obtain specific information relating to any past coal mining activity and any other ground stability information in order to make an assessment of the risks associated with this.
36. The Environment Agency do not raise any concerns in relation to ground contamination nor does the Council's Waste and Contaminated Land Officer. Ground Contamination has been addressed on the site through previous planning applications whereby a Ground Investigation and Remediation Report has already been approved. As with the recent amendment applications on this site approved in 2009 and 2010, a condition is recommended requiring an updated Method Statement to be agreed with the Council in writing if any further contamination is found during the course of construction works and that the site be remediated in accordance with the recommendations made in approved Ground Investigation and Remediation Report.

Drainage and Sewers

37. United Utilities do not raise any objections subject to the site being drained on a separate system with only foul drainage connected to the foul sewer whilst surface water should discharge directly into the adjacent watercourse for which Environment Agency consent may be required. As with previous applications on this site, a condition is recommended requiring full surface water drainage details to be submitted to the Council for approval prior to the commencement of works. The Environment Agency also request that a previous surface water drainage condition and a condition requiring the implementation of a previously approved attenuation scheme be attached to any permission granted.

Section 106 Agreement

38. An original Section 106 Agreement was secured on the site for the provision of on site affordable housing along with a commuted sum for off site affordable housing. The legal agreement also covered open space provision. The agreement was originally signed in 1999 and a supplementary agreement was signed in 2003 requiring the payment of additional commuted sums.

39. As the approval of the reserved matters has been granted on the site and the date for submitting reserved matters has expired, this application is dealt with as a full application. As such a supplemental S106 agreement is required to tie this application into the Section 106 obligations.

Overall Conclusion

40. The principle of developing the site for residential purposes was established nearly 20 years ago and the redevelopment of the site is currently ongoing. The amendments to the approved plans proposed as part of this application are considered to be acceptable in that they will improve the layout of the site and provide a more visually satisfactory boundary to the large area off open space. The layout of the dwellings meets with the objectives of the Council's Spacing Standards in terms of the relationship between the proposed dwellings and the proposed dwellings and the existing dwelling to the east. There is also adequate off road parking provision for each dwelling to minimise the risk of on street parking problems and as already stated, LCC (Highways) have not raised any objections to the application.

Other Matters

Sustainability

41. Since the grant of reserved matters approval in 2003 the Council now has an adopted Development Plan Document and Supplementary Plan Document on Sustainable Resources which requires the submission of a Sustainability Statement. The applicants have submitted a Sustainability Statement as part of this application. However, the dwellings which could be constructed on the application site are subject to the 2002 building regulations. The applicant has however specified that the dwellings which are the subject of this application would be constructed with energy efficiency improvements to reduce carbon emissions by 10-15% over the dwellings that could be constructed under the older Building Regulations. The same issue was encountered with the applications permitted in 2009 and 2010 (Ref Nos. 09/00749/FULMAJ & 10/00820/FULMAJ) for a re-plan of another part of the site. This permission included a specific condition requiring the applicant to submit full details of predicted energy use so as to reduce carbon emissions in accordance with Policy SR1 of the Development Plan Document in light of the fact that there is an extant permission on the site for dwellings that could be built to 2002 Building Regulations. The same condition is therefore recommended in relation to this application.

Waste Collection and Storage

42. A bin collection point has been added to serve plots 160 to 162. This also ensures that the distances residents have to carry their bins is now in compliance with Manual for Streets. The Waste and Contaminated Land Officer does not raise any objections to the amended layout plans.

Planning Policies

National Planning Policies:

PPS1, PPS3

Adopted Chorley Borough Local Plan Review

GN1 / GN5 / EP4 / EP9 / EP17 / EP18 / HS1.5 / HS3 / HS4 / HS6 / HS21 / TR4

Supplementary Planning Guidance:

- Interim Playspace Guidelines
- 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 1: Locating Growth

Policy 2: Infrastructure

Policy 5: Housing Density

Policy 7: Affordable Housing

Policy 17: Design of New Buildings

Policy 22: Biodiversity and Geodiversity

Policy 26: Crime and Community Safety

Policy 27: Sustainable Resources and New Developments

Planning History

9/88/527 - Outline application for residential development on approximately 8 hectares of land. Approved.

9/90/693 - Renewal of outline planning permission for residential development. Approved.

9/93/89 - Provision of canal bridge, access road and footways to serve approved residential development site. Approved.

9/93/332 - Application for renewal of outline planning consent no 9/90/693 for residential development of approximately 19.5 acres of land. Approved.

96/00391/FUL - Amendment to condition no 1 of outline planning permission 9/93/332 for residential development and open space to alter time period for submission of reserved matters from three to five years. Approved.

98/00207/OUT - Renewal of outline planning permission 9/93/332 for residential development. Approved.

98/00208/FUL - Renewal of planning permission 9/93/89 for provision of canal bridge, access road and footways to serve residential development site. Approved.

02/00680/REMAJ - Reserved Matters application for proposed housing development consisting of 161 dwellings and public open space Approved

02/01123/FULMAJ - Modification of condition 1 on planning permission 9/98/00207/OUT for residential development, to extend the period of time in which reserved matters can be submitted by one year. Withdrawn.

06/01057/FULMAJ - Substitution of house types and minor amendments to plots 1, 8, 10, 14, 15, 17, 31 and 32, and amendments to approved layout (02/00680/REMAJ). Approved.

06/01187/TPO - Crown reduce or remove assorted trees (removed trees to be replaced) some covered by TPO4 (Chorley) 2003. Approved October 2006

06/01301/FUL - Erection of electric substation to serve approved residential development. Approved.

07/00538/FUL - Proposed amendments to approved layout 9/02/00680/REMAJ. House type substitution to plot 25. Approved

07/01051/FULMAJ - House type substitutions, the erection of 3 additional dwellings and minor revisions to roads serving plots 84 - 161. Part amendment to the originally approved layout ref 9/02/00680/REMAJ (site area 7.83 hectares). Approved.

09/00749/FULMAJ - Erection of 37 dwellings (amendment to layout, design, landscaping and external appearance approval as part of planning approval 02/00680/REMAJ). Approved.

10/00820/FULMAJ - Amendment to siting, design, landscaping and external appearance of planning consents 09/00749/FULMAJ and 02/00680/REMAJ for residential development of site. Approved.

11/00431/DIS - Application to discharge conditions attached to planning permission no. 10/00820/FULMAJ which permitted the erection of 163 dwellings on part of the site. Pending Consideration.

11/00432/DIS - Application to discharge conditions attached to planning permission no. 09/00749/FULMAJ which permitted the erection of 37 dwellings on part of the site. Pending Consideration.

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

1. 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.

2. 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.

3. 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, to prevent flooding and to prevent pollution to the waterway. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS25: Development and Flood Risk

4. Before any development hereby permitted is first commenced the temporary protective metal fencing along the full length and both sides of Black Brook shall have been erected in accordance with the approved details. The fencing, thereafter, shall remain in place at all times during the course of the permitted development being carried out, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the watercourse and prevent debris and construction material from encroaching into this area and in accordance with Policy EP17 of the Adopted Chorley Borough Local Plan Review.

5. The development hereby permitted shall be carried out in accordance with the approved scheme for the provision and implementation of a surface water regulation system to limit surface water run off from the completed development to existing rates.

Reason: To reduce the increased risk of flooding and in accordance with Government advice contained in PPS25: Development and Flood Risk.

6. Prior to the commencement of the development full details of the predicted energy use of the development expressed in terms of carbon emissions shall be submitted to and 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. 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 and Supplementary Planning Document

7. Before the development hereby permitted is first commenced there shall have been submitted to and approved in writing by the Local Planning Authority a method statement for providing protection to protected species during the course of the development and a ten year plan (including provision for protecting all protected species and their habitats) for the maintenance and management of all areas other than garden curtilages and highways. Thereafter, the approved method statement and ten year maintenance and management plan shall be fully complied with and implemented in full.

Reason: In the interests of the visual amenities of the development, the amenities of future residents and nature conservation and in accordance with Policies GN5 and EP4 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS9.

8. 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 and EM2 of the Adopted Chorley Borough Local Plan Review.

9. Prior to the commencement of the development hereby permitted, full details of the measures to be taken to mitigate flooding shall be submitted to and approved in writing by the Local Planning Authority in liaison with the Environment Agency. The development shall only thereafter be carried out in accordance with the approved flood mitigation measures which shall be retained and maintained as such at all times thereafter.

Reasons: To minimise flood risk and in accordance with Policy No. EP19 of the Adopted Chorley Borough Local Plan Review and PPS25.

10. The approved plans are:

Plan Ref.	Received On:	Title:
-----	6 th June 2011	Location Plan
HB155/PL02 Rev QQ	26 th July 2011	Proposed Site Plan
N155/P/HTWHA/01	6 th June 2011	Wharfdale Elevations
N155/P/HTWHA/02	6 th June 2011	Wharfdale Floor Plans
N155/P/HTDID/01	6 th June 2011	Didsbury Floor Plans
N155/P/HTDID/02	6 th June 2011	Didsbury Elevations
N155/P/HTCAP/01	6 th June 2011	Capesthorpe Floor Plans
N155/P/HTCAP/02	6 th June 2011	Capesthorpe Elevations
N155/P/HTWOR/01	6 th June 2011	Worseley Floor Plans
N155/P/HTWOR//02	6 th June 2011	Worseley Elevations
N155/P/HTWIL/01	6 th June 2011	Willington Floor Plans
N155/P/HTWIL//02	6 th June 2011	Willington Elevations
N155/P/HTSTR/02	6 th June 2011	Stratford Floor Plans
N155/P/HTSTR/01	6 th June 2011	Stratford Elevations
N155/P/HTSUTT/02	6 th June 2011	Sutton Floor Plans
N155/P/HTSUTT/01	6 th June 2011	Sutton Elevations
N155/P/HTWIN/02	6 th June 2011	Winster Floor Plans
N155/P/HTWIN/01	6 th June 2011	Winster Elevations
N155/P/HTMT/02	6 th June 2011	Moreton Floor Plans
N155/P/HTWMT/01	6 th June 2011	Moreton Elevations
N155/P/HTBOL/01	6 th June 2011	Bollington Floor Plans
N155/P/HTBOL/02	6 th June 2011	Bollington Elevations
N155/P/HTDH/02	6 th June 2011	Dunham Floor Plans
N155/P/HTDH/01	6 th June 2011	Dunham Elevations
N155/P/HTAPP/02	6 th June 2011	Appleton Floor Plans
N155/P/HTAPP/01	6 th June 2011	Appleton Elevations
N155/P/HTBRA/02	6 th June 2011	Bramhall Floor Plans
N155/P/HTBRA/01	6 th June 2011	Bramhall Elevations
N155/P/HTSTAU/02	6 th June 2011	Staunton Floor Plans
N155/P/HTSTAU/01	6 th June 2011	Staunton Elevations
GR2-1	6 th June 2011	Detached Garage Details Gable Roof
GR1	6 th June 2011	Detached Garage Details Pyramid Garage
F2-3	6 th June 2011	Standard Screen Wall Detail 2
F2-1	6 th June 2011	Standard Screen Wall/Fence Detail
F1-1	6 th June 2011	Standard Screen Fence Details 1

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

11. 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.

12. The development hereby permitted shall be carried out in accordance with the approved details of the measures to be taken, during the period of construction, to prevent mud and other debris being carried onto the public highway by vehicles leaving the site. The agreed measures shall be implemented in full before commencement of the development and retained in operation until such time as the development is complete.

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

13. All vehicles entering and leaving the site in connection with the construction of the development hereby permitted shall only do so via the new access road and canal bridge permitted under planning permission 9/98/00208/FUL, unless otherwise agreed in writing by the Local Planning Authority.

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

14. The site shall be remediated fully in accordance with recommendations made in the Ground Investigation and Remediation Statement Ref: 588/02 Chorley, Crosse Hall Mill Farm (May 2004) by Woodford Consulting Engineers Ltd.

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

15. 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.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E) (as amended), 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.

17. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building(s) (notwithstanding any details shown on the 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.

18. 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.

19. 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.

20. Prior to the commencement of the development details of appropriate mitigation measures to prevent pollution of the waterway during and after the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in accordance with the approved details.

Reason: In order to avoid contamination of the waterway and ground water from wind blow, seepage or spillage at the site. In accordance with Policy EP5 of the Adopted Chorley Borough Local Plan Review.

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Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	6 September 2011

PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 29 JULY 2011 AND 24 AUGUST 2011 -

PLANNING APPEALS LODGED

1. Appeal by Adactus Housing against the Development Control Committee decision to refuse planning permission for erection of five 3-bedroom houses and four 2-bedroom apartments and associated works at land bounded by Park Road and 1 Acresfield, Adlington (Planning Application: 10/00770/FUL Inspectorate Reference: APP/D2320/A/11/2155297/NWF). Planning Inspectorate letter received 1 July 2011.

PLANNING APPEALS DISMISSED

2. Appeal by Miss V. Mason against the delegated decision to refuse planning permission for erection formation of a sand paddock measuring 40m x 30m, hay store extension to existing stable building, formation of horse trailer parking area and variation of condition 11 of planning permission 08/01117/FUL to allow the horse trailer to be parked on the site on a permanent basis (resubmission of application 09/00908/FUL) at Stables 50m South of Brown House Farm, Brown House Lane, Higher Wheelton PR6 8HR (Planning Application: 10/00283/FUL Inspectorate Reference: APP/D2320/A/11/2151788). Planning Inspectorate letter received 22 August 2011.
3. Appeal by.
4. Appeal

PLANNING APPEALS ALLOWED

5. Appeal by Mr Ian Trafford against the delegated decision to refuse a Certificate of Lawful use or development (LDC) for a proposed three bay detached garage with adjoining store/workshop area and gym/leisure room at Ridley House, Ridley Lane, Croston PR26 9JA (Planning Application: 10/01088/CLPUD Inspectorate Reference: APP/D2320/X/11/2151200). It is hereby certified that on 16 December 2010, the operations described were lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason: The operations were permitted by the Town and Country Planning (General Permitted Development) Order 1995 under Schedule 2, Part 1 Class E. Planning Inspectorate letter received 11 August 2011
6. Appeal by

PLANNING APPEALS WITHDRAWN

7. None

ENFORCEMENT APPEALS LODGED

8. None.

ENFORCEMENT APPEALS DISMISSED

9. None.

ENFORCEMENT APPEALS ALLOWED

10. None

ENFORCEMENT APPEALS WITHDRAWN

11. None.

LANCASHIRE COUNTY COUNCIL DECISIONS

12. Planning permission granted for the installation of a new canopy to form new covered play area to reception class room at Buckshaw Primary School, Chancery Road, Astley Village (Application No. 11/00527/CTY). Received 2 August 2011.

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

Report Author	Ext	Date	Doc ID
Robert Rimmer	5221	24.08.2011	***