



Development Control Committee

Agenda and Reports

For consideration on

**Tuesday, 13th December
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.

02 December 2011

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 13TH DECEMBER 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, 13th December 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 as a correct record the enclosed minutes of the last meeting of the Development Control Committee held on the 22 November 2011.

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 three 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) 11/00764/OUT - 11 Sutton Grove, Chorley (Pages 5 - 12)

Proposal

Outline application for the erection of two detached houses and a pair of semi-detached houses

Recommendation

Refuse full planning permission

- (b) 11/00875/FULMAJ - Land Formerly Talbot Mill, Froom Street, Chorley (Pages 13 - 24)

Proposal

Application to extend the time limit for implementation of extant planning permission 07/01426/FULMAJ at Talbot Mill for the erection of 149 residential dwellings including landscaping and access off Froom Street

Recommendation

Permit subject to legal agreement

- (c) 11/00879/FULMAJ - Land south of Parcel 7 and Parcel F Buckshaw, Euxton Lane, Euxton (Pages 25 - 30)

Proposal

Application for the variation of condition 11 (balcony details) attached to planning approval 07/00483/FULMAJ

Recommendation

Permit full planning permission

5. **Enforcement Item - Jumps Farm, 147 South Road, Bretherton** (Pages 31 - 34)

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

6. **Tree Preservation Order No. 6 (Withnell) 2011** (Pages 35 - 36)

Report of the Head of Governance to approve Tree Preservation Order No.6 (Withnell) 2011 for confirmation without modification (enclosed).

7. **Objection to Tree Preservation Order No. 8 (Withnell) 2011** (Pages 37 - 38)

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

8. **Planning Appeals and Decisions** (Pages 39 - 40)

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

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

Yours sincerely



Gary Hall
Chief Executive

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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, David Dickinson, Dennis Edgerley, Christopher France, Marie Gray, Alison Hansford, Hasina Khan, Paul Leadbetter, Roy Lees, June Molyneaux, Mick Muncaster and Dave Rogerson) for attendance.
2. Agenda and reports to Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Jennifer Moore (Head of Planning), 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, (Councillor Alistair Bradley and Councillor Simon Moulton) for information.

**This information can be made available to you in larger print
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આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

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

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Development Control Committee

Tuesday, 22 November 2011

Present: Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair) and Councillors Ken Ball, Henry Caunce, David Dickinson, Dennis Edgerley, Christopher France, Marie Gray, Hasina Khan, Paul Leadbetter, Roy Lees, June Molyneaux, Mick Muncaster and Dave Rogerson

Officers in attendance: Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), Nicola Hopkins (Principal Planning Officer (Major Projects)), Alex Jackson (Senior Lawyer) and Cathryn Filbin (Democratic and Member Services Officer)

Also in attendance: Councillors Steve Holgate, Keith Iddon and Ralph Snape MBE.

11.DC.112 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Alison Hansford.

11.DC.113 MINUTES

RESOLVED - That the minutes of the meeting held on 3 November 2011 be confirmed as a correct records and signed by the Chair.

11.DC.114 DECLARATIONS OF ANY INTERESTS

In accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct the following Councillor declared a personal interest in relation to the agenda item indicated.

Councillor	Item
Dennis Edgerley	4b 11/00624/FUL

11.DC.115 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, Members of the Committee took into account the agenda reports, the addendum, and the verbal representations or submissions provided by officers and individuals.

- a) **Application:** 11/00773/FUL - 24 Eaves Green Road, Chorley **Proposal:** Erection of a new three bedroom two storey dwelling on land adjoining 24 Eaves Green Road.

RESOLVED (8:5:1) – That planning permission be granted subject to a Section 106 legal agreement and that the conditions be delegated to the Director of Partnerships, Planning and Policy in consultations with the Chair and Vice Chair of the Committee to be determined.

(Councillor Dennis Edgerley declared a personal interest on the following item and took part in the discussion and subsequent vote.)

- b) **Application:** 11/00624/FUL - **Proposal:** Retrospective application to vary Bluestone Barn, Blue Stone Lane, condition 1 of planning permission Mawdesley 08/00084/FUL (to reduce the 'work' element of units 1 and 2 and minor internal alterations).

RESOLVED (11:1:2) - That retrospective planning permission be granted subject to a Unilateral Undertaking and the conditions detailed within the report.

- c) **Application:** 11/00783/FUL - Pole Green Nurseries, Church Lane, Charnock Richard, Chorley **Proposal:** Full planning application for the erection of a residential development comprising of 30 new houses and associated access, car parking and landscaping arrangements.

RESOLVED (12:0:2) – That planning permission be granted subject to a Section 106 legal agreement, the conditions detailed within the report, and the additional condition from the addendum which was amended at the meeting by Members of the Development Control Committee as detailed below:

No development shall take place until details of the proposed drainage strategy, including full details of the existing drainage ditch, have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved drainage arrangements have been fully implemented.

Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review.

- d) **Application:** 11/00791/FUL - Former Quarry Road Industrial Estate, Quarry Road, Chorley **Proposal:** Revisions to approved layout including plots 26 - 30, 49, 55, 56, and 64.

RESOLVED (unanimously) – That planning permission be granted subject to the signing of a supplemental legal agreement and conditions detailed within the report.

- e) **Application:** 11/00865/FULMAJ - Land to the north of Northenden Road with access off Moss Bank, Coppull **Proposal:** Application to vary conditions 1, 4 and 8 of planning approval 10/00833/FULMAJ to follow alterations to the approved plans. The amendments are: slight repositioning of plots 5-13 to accommodate a sewer easement, changes to the finished floor levels (raising plots 1-4, lowering plots 5-13 to accommodate a sewer easement, changes to the finished floor levels (raising plots 1-4, lowering plots 5-13 and raising plots 14-22), alterations to the elevations of the Rufford house type, changes to window style of all properties and omission of the water pumping station building.

RESOLVED (unanimously) – That planning permission be granted subject to a Section 106 legal agreement and conditions detailed within the report.

11.DC.116 ENFORCEMENT REPORT - ORCHERTON HOUSE FARM

The Committee received a report from the Director of Partnerships, Planning and Policy which sought Members views on whether it was expedient to serve an enforcement notice to rectify a breach of planning permission in that without planning permissions the formation of a raised hard standing area, steps and brickworks walls and the encasing of the chassis of the Park Home with concrete blocks or bricks result in the degree of permanence and physical attachment of the Park Home changing to a material extent resulting in the Park Home becoming a building had been built.

RESOLVED (unanimously) – That it was expedient to issue an enforcement notice in respect of the breach of planning control, subject to a specialist inspection, for the reasons outlined within the report.

11.DC.117 PLANNING APPEALS AND DECISIONS

The Director of Partnerships, Planning and Policy submitted a report which gave notification of two appeals that had been lodged with the Planning Inspectorate against the refusal of planning permission, one planning appeal that had been allowed by the Planning Inspectorate, and one planning application for the variation of conditions approved by Lancashire County Council.

RESOLVED – That the report be noted.

11.DC.118 ANY OTHER ITEM(S) THAT THE CHAIR DECIDES IS/ARE URGENT

The Head of Planning updated Members of the Development Control Committee on a number of appeals due to be heard in February 2012.

Chair

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Item 4a	11/00764/OUT
Case Officer	Mr Niall Mellan
Ward	Chorley North East
Proposal	Outline application for the erection of two detached houses and a pair of semi-detached houses
Location	11 Sutton Grove Chorley PR6 8UL
Applicant	Mr A E Sumner And Mrs J Stevens
Consultation expiry: 6 December 2011	
Application expiry: 30 December 2011	

Proposal

1. The application seeks outline planning approval for the erection of two detached dwellings and a pair of semi-detached dwellings. The application is for the principle of development only with all matters reserved.
2. The site forms a large garden area belonging to no. 11 Sutton Grove. The site is located at the end of a cul de sac within the Chorley settlement. The area contains a mixture of detached bungalows and two storey dwellings with materials mainly being red brick and concrete roof tiles.
3. An easement of the Thirlmere Aqueduct runs through the site. To the east of the site is a woodland area which defines the beginning of the Green Belt and is also a designated Biological Heritage Site. To the north are the rear gardens of the adjacent neighbours and to the west and south are residential properties.

Recommendation

4. It is recommended that this application is refused outline planning permission.

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Background information
 - Principle of the development
 - Density
 - Levels
 - Impact on the neighbours
 - Design
 - Traffic and Transport
 - Thirlmere Aqueduct

Representations

6. To date 11 letters of objection have been received which raise the following issues:
 - Garden grabbing is having a devastating affect on many areas like our estate and also has detrimental effects on our quality of life, the environment, children's health and education and everybody's general well being.

- We are concerned that with building land at a premium in urban areas, cases of 'garden grabbing' are on the rise, completely disregarding town planning and our communities interests and moreover central governments election policy commitments.
- We do not see why this mistaken development needs to be repeated, when there are hundreds of new affordable houses being built in nearby areas such as Buckshaw Village.
- We do not see why there is a need to repeat this on land which is on the edge of the estate next to open countryside and on land that currently adds considerably to the atmosphere of the open aspect of living near to the countryside. We believe that if this development goes ahead it will have an adverse effect on the amenities of local residents, including loss of light, overlooking, loss of privacy, noise and disturbance.
- It will change the character of the surroundings by removing a pleasantly wooded area and there will be a further increase in traffic to an already congested junction from the estate onto Blackburn Road. We also believe that there will be a severe impact by this proposal on nature conservation and trees in the area and on the character and appearance of an existing Conservation Area that has seen an increase in the number of deer recently.
- We also understand that there is a mains water pipe in the area that is covered by strict restrictions which prohibit planting of new trees let alone building new houses and this also covers the land near the old railway line along the boundary edge.
- Restrictions on the land due to the Thirlmere Aqueduct.
- Increase in traffic volumes and issues regarding highway safety.
- Infringement onto the privacy of gardens to adjacent bungalows.
- Scale of the proposed development which would be an increase of 40% on the cul de sac.
- Impact on the character of the area, noise, disturbance and appearance.
- Safety issue in exiting driveways with increased traffic as a result of turning an end cul de sac into a thoroughfare.
- Loss of privacy with the whole development overlooking our property which is currently mature and secluded
- Chorley Policy "Private Residential Garden Development (October 2010)" which clearly discourages development within private residential gardens.
- Inadequate drainage to service the area; a septic tank solution would not be appropriate in view of the adjacent Thirlmere aqueduct,
- Potential risk of damage to aqueduct during construction resulting in flooding of the area particularly our property
- Proposed site is adjacent to an area of environmental protection and green belt.
- The development is not in keeping with the area.
- Impacts on biological heritage site.
- Removal of trees and hedges will cause a reduction in availability of wildlife habitat.

- There is no current market need – at adjacent Ewell garden development, 5 out of 7 of these properties remain unsold more than a year after construction.
 - Proposed road and associated traffic will place an unacceptable load on Thirlmere aqueduct.
 - Two storey properties overlooking neighbouring garden areas.
 - Two storey dwellings will be out of character of the surrounding properties.
 - Four dwellings on land represents significantly greater building density than surrounding area.
 - Will create a precedent for future garden development in the area.
 - Restrictive covenant on land stating that land cannot be built on.
 - References to newspaper article which states the Council opposes garden grabbing.
 - The proposed development extends beyond the established boundary.
 - Aqueduct is designed to take in the drainage of groundwater around it. Drainage pipes in the surrounding area feed local groundwater into the aqueduct. Developing dwellings, garages and driveways close to the porous aqueduct will lead to vehicle oil spillage going directly into aqueduct.
 - Will lead to parking problems on the turning bay at end of cul de sac.
 - The dwellings will ruin the panoramic views of the beautiful countryside.
7. 1 letter of support has been received from the applicant which raises the following:
- Reference to recent appeal decision for 26 Lancaster Lane (APP/D2320/A/10/2142561). The Inspector considered the question of whether the principle of development was acceptable having regard to current local and national housing policies. In this case the site was a garden and Chorley Council applied its Interim Planning Policy on Private Residential Garden Development. The Inspector found that the principle of development was acceptable, despite the Interim Policy. In particular I would point out paragraph 9 where, in reference to the Interim Planning Policy on Private Residential Garden Development, the Inspector states: *"Nonetheless this change in policy does not preclude development where it would accord with the development plan and satisfy the housing policy objectives set out in PPS3. Whilst the interim policy is put forward by the Council as an example of localism being put into practice, it is not part of the development plan and must be given significantly less weight than that afforded to the LP and PPS3. Consequently, notwithstanding the conflict with the interim policy, I conclude that the principle of the proposal is acceptable having regard to current local and national housing policies and in particular to the provisions of LP Policy HS6 and the guidance in PPS3."*
 - This recent statement by the Inspector, made in an appeal against a decision by Chorley Council, directly contradicts the recommendation to 11 Sutton Grove not being acceptable because it is contrary to the interim policy.
 - The Inspector allowed an application for an award of costs by the applicant, since he considered that the Council had behaved unreasonably and caused the applicant to incur unnecessary expense in the appeal process by giving undue weight to its Interim Policy on Private Residential Garden Development.

- In paragraph 4 of his Costs Decision he referred to an earlier appeal relating to garden land development in Whittle-le-Woods (APP/D2320/A/10/2130056) in which the Inspector had concluded that the Interim Policy goes further than the revised PPS3, is not a part of the development plan, has not been subject to independent scrutiny and should therefore be afforded only limited weight.
- I therefore request that you reconsider your recommendation in the light of this information and recommend approval of our application.
- I also request that, regardless of the recommendation you make, you include this email from me in your submission to the DC Committee and ensure that the committee members are fully aware of the Inspector's findings quoted above when they make their decision.
- I believe that in view of these findings by the Inspector it is reasonable to conclude that a refusal of our application on the grounds that it is contrary to the Interim Planning Policy on Private Residential Garden Development would be very likely to be overturned at appeal, so such a refusal should not be made. Furthermore this would cause the Council to incur unnecessary costs (quite possibly including the costs of the appellant) which, since the outcome is reasonably foreseeable, would not be an acceptable use of public funds.

Consultations

8. **Lancashire County Council (Ecology)** – no comments.
9. **The Environment Agency** – no comments.
10. **United Utilities – Object** to the application. The Thirlmere Aqueduct crosses the site and this Aqueduct supplies hundreds of thousands of customers and we need access for operating and maintaining it. The aqueduct is protected by formal easement and we will not permit development in close proximity to it. A diversion of the pipeline is not feasible.
11. **Lancashire County Council (Highways) – No objection.** Vehicular access will be by means of a private driveway with access via the end of the turning head arrangement. The turning head is 5.5m wide and is of suitable size to permit private access. Also, the development will have little material impact in terms of additional traffic on the highway. Therefore, based on the information I would have no overriding highway objection to the proposed development in principle.
12. **Chorley's Waste & Contaminated Land Officer – No objection.** One request for a condition on gas protection, and one recommendation for desk study report.
13. **Chorley's Planning Policy - Object** to the application. This proposal is in a private residential garden and as such is contrary to the Council's Interim Policy on Private Residential Garden Development. This aims to prevent garden development in the Borough and was adopted in October 2010. This proposal is located within the designated Chorley settlement. Criterion f) of Policy HS6 of the Local Plan requires applicants for residential proposals on undeveloped sites within settlements to demonstrate that there are no suitable allocated or previously developed sites available in the settlement before developing such sites. The applicant has not undertaken this exercise and therefore this proposal is contrary to Local Plan Policy HS6 f).

Assessment

Principle of the development

14. The site is considered to be a domestic garden belonging to no. 11 Sutton Grove. The site appears to be regularly maintained and there are examples of typical garden paraphernalia including children's play equipment, seats, a trampoline and various outbuildings.

15. In accordance with changes to PPS3, the site is classed as Greenfield land as gardens are now no longer considered to be previously developed land. The presumption in favour of residential development in gardens has therefore been removed.
16. As the site is located within the settlement the Council's Interim Planning Policy on Private Residential Garden Development is relevant which has been produced in response to these changes to PPS3. The Policy reads as follows:

Within the boundaries of settlements, applications for development within private residential gardens on sites not allocated in saved Local Plan Policy HS1 will only be permitted for:

- *agricultural workers dwellings/dependents where there is a proven need and where they need to be located in a specific location.*
 - *appropriately designed and located replacement dwellings where there is no more than a one for one replacement.*
 - *The conversion and extension of buildings, provided they are not allocated for, currently used for, or their last use was for, employment uses, and the conversion would have significant urban regeneration benefits.*
17. The erection of the four dwellings as proposed does not fall within any of the appropriate forms of development in private residential gardens and as such, it is the Council's view that the principle of the development is not considered acceptable.
 18. Policy HS6 (f) of the Local Plan Review also requires any application for residential development on garden or Greenfield land, irrespective of size, to include details which demonstrate to the Council that there are no suitable allocated or previously developed sites which are available in the settlement of Chorley, as defined in the Local Plan Review, that could accommodate the dwellings being proposed. The agent advises that an assessment of other sites is presently being prepared.

Density

19. The application site measures approximately 0.17ha and so the density of development results in approximately 24 dwellings per ha. PPS3 no longer prescribes a set density per hectare and it is considered that the dwellings would be easily accommodated on the site. The resultant gardens would also be sufficient to serve the properties so the density of the development is considered to be satisfactory in this case.

Ecology

20. The site adjoins a biological heritage site to the east. Plots 3 and 4 will be erected fairly close to this biological site, however it is envisaged that there will be no significant adverse impacts to it as a result of the development. LCC Ecology have been consulted on the application will provide further advice on this in due course.
21. It is noted that various trees and shrubs will be removed as part of the development, however this would not have any significant impacts on protected species. None of the trees are worthy of a TPO.

Levels

22. Ground levels drop significantly from west to east at the site. However the indicative layout shows that the proposed dwellings will face each other 'side-on' with gardens to the rear. It is envisaged that the dwellings could be designed so there are no habitable room windows on the side elevations and as such the level differences at the site will not result in the interface distances having to be increased. This would be assessed further during reserved matters stage.

Impact on the neighbours

23. The closest neighbour is no. 11 which is a bungalow in the applicants' ownership to the west. This contains a side ground floor sunroom which will face the proposed dwellings. In terms of neighbour amenity, this sunroom will overlook the front garden and the side elevation of the closest proposed dwelling. This will not cause significant harm to the future occupiers of this dwelling as potential overlooking will be to non-amenity areas.

24. In terms of the amenity of no. 11, due to the relationship between this existing dwelling and proposed dwelling at plot 1, there will be no significant loss of light and it is envisaged that the new dwelling can be designed so as there is no overlooking from its side elevation.
25. The rear of the proposed dwellings will face the garden of no. 78. Plot 1 as annotated on the site plan, will be 16m from the boundary it faces which complies with the Council's interface distances. Plot 2 will be a minimum of 6m from part of the boundary it faces. The garden of no. 78 is significantly long and the amenity area associated with it is adjacent to the dwelling. A large part towards the rear of this neighbour's garden is used for the planting of vegetation. The element of the garden which plot 2 will be closest to is not considered an amenity area and therefore there will be no significant harm caused to the living conditions of this neighbour in terms of overlooking.

Impact on the character of the area

26. As this application is in outline with all matters reserved, the final design and access requirements of the dwellings will not be assessed until reserved matters stage. It is noted that there are both bungalows and two storey dwellings within the streetscene. The agent's Design and Access Statement and site plan sets out the indicative parameters which illustrates that the detached dwellings will have a footprint of 6m by 9m and the semi-detached dwellings will have a footprint of 5.5m by 9m, with both house types having a ridge height of 7.0m to 7.5m.
27. The cul de sac has a defined limit of buildings that was restricted by the limits of the Thirlmere Aqueduct and this defines the existing character of the locality. The proposed development seeks to extend the built form of the area out towards the open countryside and Green Belt. There is no evidence of how this development contributes to the improvement of the character of the area and in fact harms the positive character due to its layout, relationship to other dwellings and projection into the open area beyond the dwellings and towards the Green Belt.
28. As the site adjoins the Green Belt the impact on the visual amenity of the Green Belt must be considered. The east of the site adjoins a large woodland area which defines the beginning of land designated as Green Belt. PPG2 states that "*the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.*" Whilst it is appreciated that the levels drop from the end of the cul de sac towards the east edge of the site, it is considered that the new dwellings would be visible from cul de sac having a negative impact on the views across the Green Belt. It is therefore the Council's opinion that the proposed dwellings by reason of their siting would be detrimental to the visual amenity of the Green Belt.

Traffic and Transport

29. The application is in outline form and the details of the access will be assessed at reserved matters. However LLC Highways were still consulted to advise on potential highway issues of the development. They have advised that the turning head is 5.5m wide and is of suitable size to permit a private access. Also, the development will have little material impact in terms of additional traffic on the highway. They have raised no objections at this stage.

Thirlmere Aqueduct

30. The Thirlmere Aqueduct is part of a water supply system built by the Manchester Corporation Water Works between 1890 and 1925. The aqueduct was constructed to carry large volumes of water from the Thirlmere Reservoir to Manchester. The Aqueduct runs through the application site between plots 3 and 4. United Utilities have control over the Aqueduct and have objected to the proposed development. They have advised that the critical Aqueduct supplies hundreds of thousands of customers and they will not permit development in close proximity to it and that a diversion is not feasible.
31. United Utilities directed the Council to a distribution manual which deals with standard conditions for works adjacent to pipelines. This states that the easement width shall be 10m,

measured 5m each side from the centreline of the pipeline. The agent has shown an easement of 6.4m wide which falls short of the required width advised by United Utilities and as such there is a risk that the proposed dwellings could impact on the Aqueduct. The guidance also states that no buildings of any description shall be erected within the easement unless with the company's written consent (United Utilities). United Utilities have confirmed they object to the development.

32. The previous owner of the land has submitted evidence that development on the land has always been restricted from the 1970's due to conditions and reservations under the grant of the easement.
33. No evidence has been submitted by the applicant to demonstrate that the proposed development would not have an impact on the Aqueduct and based on the information supplied by United Utilities, it is likely that the development would have a harmful effect to the Aqueduct and its maintenance.

Section 106 Agreement

34. The development will result in a further four dwellings at the site and as such there is a requirement of a commuted sum of £5,516 for the provision or upgrading of equipped play areas, casual / informal play space and playing fields within the area. The open space officer has confirmed that an existing play space on Heapey Road could benefit from investment. A letter has been sent to the agent informing him of this and our legal department are drafting a S106 agreement to secure payment. If the planning application was to be approved, it should be subject to the signing of this legal agreement.

Overall Conclusion

35. Given the site comprises of garden land, it is the Council's view that the provision of a pair of semi-detached properties and a pair of detached dwellings on the land is contrary to the Interim Policy on Private Residential Garden Development and no exceptional circumstances have been submitted in support of the proposal by the applicant. It is also considered that the proposal will have a negative impact on the visual amenity of the Green Belt. The Council is not satisfied that the proposal will not impact on the Thirlmere Aqueduct which runs through the site. The issues raised by the neighbours have been taken into account and on balance it is recommended to Committee that the application is refused.

Planning Policies

National Planning Policies:

PPS1, PPS3

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, HS4, HS6, HS21, TR4

Supplementary Planning Guidance:

- Design Guide
- Interim Policy on Private Residential Garden Development

Planning History

None relevant

Recommendation: Refuse Full Planning Permission

Reasons

1. **The proposed dwellings will be on land which forms the garden curtilage associated with 11 Sutton Grove and the land is not allocated for housing in the Adopted Chorley Borough Local Plan Review. In response to recent changes to Planning Policy Statement 3 (PPS3), the Council has prepared an Interim Policy on Private Residential**

Garden Development which seeks to resist residential development taking place on private garden land unless certain criteria are met or there are exceptional circumstances. In this case, the proposed dwellings do not meet one of the three criteria listed in the Policy nor are there considered to be exceptional circumstances that weigh in favour of approving the development and as such the proposed development is contrary to the Council's Interim Policy on Private Residential Garden Development.

2. The Thirlmere Aqueduct which transports high volumes of water from the Thirlmere Reservoir to Manchester runs through the site. United Utilities which are responsible for this pipeline have objected to the proposal due to the proximity of proposed buildings to the Aqueduct. A 10m wide easement should be kept clear development. No evidence has been submitted by the applicant and the Council is therefore not satisfied that the proposal will not have a detrimental impact on the use of this Aqueduct. It is considered that the proposal is therefore contrary to Policy No. HS6 of the Adopted Chorley Local Plan Review.
3. The site is located on the edge of the settlement where it adjoins land to the east which is designated as Green Belt as defined in the Adopted Chorley Local Plan Review. PPG2 states that the visual amenities of the Green Belt should not be injured by development conspicuous from the Green Belt. The proposed two storey dwellings, by reasons of their siting would have a detrimental impact on the visual amenities of the Green Belt as the properties will take development up to the Green Belt boundary. The proposal is therefore contrary to PPG2.

Item 4b	11/00875/FULMAJ
Case Officer	Mrs Nicola Hopkins
Ward	Chorley East
Proposal	Application to extend the time limit for implementation of extant planning permission 07/01426/FULMAJ at Talbot Mill for the erection of 149 residential dwellings including landscaping and access off Froom Street.
Location	Land Formerly Talbot Mill Froom Street Chorley
Applicant	St Francis Group
Consultation expiry:	9 November 2011
Application expiry:	28 December 2011

Proposal

1. This application relates to an extension to the time period for implementation of a previously approved planning application (which was extant at the time of submission) for the erection of 149 residential dwellings at the former Talbot Mill site including landscaping and access off Froom Street.
2. Full planning permission was granted for the development on 12 June 2009 and the applicants have until 12 June 2012 to commence the development. This development has not commenced however in October 2009 legislation was introduced, subsequent to the 2008 Planning Act, which allows applicants to extend the time period for implementation of extant planning approvals.
3. This legislation was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. A new planning permission is applied for to replace the existing permission.

Recommendation

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

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Background of the development
 - Parking
 - Sustainable Resources
 - Neighbour concerns

Representations

6. 10 letters of objection have been received raising the following points:
 - Safety issues and increased traffic concerns of access via Froom St.
 - Loss of our privacy.
 - Noise & disturbance
 - Loss of mature trees
 - Too much traffic
 - Froom Street has inadequate traffic management- issues of access during bad weather
 - Junction with Eaves Lane is very narrow and constricted
 - Impact on pedestrian using the bridge and footpaths

- Access should be gained off Bagganley Lane
- Employment use would be preferred
- Impact on wildlife
- Will have no countryside left if this carries on, more and more houses are being built on what used to be green belt area.
- Too many houses

Consultations

Assessment

Principle of the development

7. Guidance issued by the Department of Communities and Local Government states that when determining applications for extensions to time limits the development will by definition have been judged to be acceptable in principle at an earlier date (in this case by permitting application 07/01426/FULMAJ). While such applications must be decided in accordance with the plan, unless material considerations indicate otherwise, Local Planning Authorities should in making their decision focus their attention on development plan policies and other material consideration which may have changed significantly since the original grant of planning permission.
8. In this case there has not been any physical change to the site however, there have been a number of changes to policy that the proposal should be assessed against. The Government have amended PPG13 which previously required local authorities to set limits for off street parking in residential developments. The revised PPG13 removes this requirement and allows local authorities to set their own parking levels.
9. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted and is a material planning consideration in respect of this application.

Background of the development

10. There is extensive planning history relating to the Talbot Mill Site all of which relates to the use of the site for residential development. The site was previously occupied by a large Mill building which has now been demolished. Due to the previous use of the land the site falls to be considered as previously developed land within the PPS3 definition and as such is the preferred choice for residential redevelopment rather than Greenfield land. This fact was established by the Inspector at the previous public inquiry. Therefore, in principle, the redevelopment of the land for residential purposes is considered to be acceptable. However the nature and location of the site raises several issues some of which lead to the previous refused applications, these issues will be dealt with in turn.
11. Outline planning permission was refused for the residential redevelopment of the site in 2000 (00/00021/OUT) however this decision was overturned at appeal. As such the principle of redeveloping the site for residential purposes was established. Although this application was determined in 2003 an application was submitted (03/00857/FULMAJ) which sought to vary conditions attached to planning permission 00/00021/OUT seeking to extend the period of time for the submission of reserved matters and the commencement of development. At the time of considering the previous application on this site the extension of time period application had not been determined. As the application was still live this held the original outline planning permission as extant. This extension of time period application was subsequently withdrawn following the approval of full planning permission at this site.

Parking

12. The original application was considered at DC Committee in May 2008 and in respect of parking the dwelling houses incorporates either in curtilage and/or garage accommodation and the apartments incorporate parking courts. However the levels of parking do not meet the Council's requirements in respect of the size of dwellings proposed.

13. The parking is deficient in the following areas: all of the two bedroom apartments proposed (within the apartment blocks) do not accommodate 2 spaces per apartment and 28 of the approved four bedroom dwellings do not accommodate 3 off road parking spaces.
14. In addition to the above although it appears that 48 of the other approved properties accommodate sufficient parking the driveways do not appear to accord with Council's requirements (6 metres long in front of a garage and 5.5 metres in all other cases).
15. Due to the restrictions within the site in some cases it does not appear possible to incorporate sufficient parking for the properties proposed however it is possible to replace the 4 bedroom dwellings with 3 bedroom dwellings and incorporate some 1 bedroom apartments which have a reduced parking requirement.
16. The agent for the application was advised of this and the plans have been amended to incorporate adequate parking levels in accordance with the above suggestions. The amended proposals result in a reduction of 2 bedroom apartments from 64 to 39 with the inclusion of 25 one bedroom apartments and the removal of all of the 4 bedroom houses (31 units) to be replaced with 3 bedroom units.
17. Additionally the approved garages do not meet the standard set out within Manual for Streets (6x3 metres). These dimensions are required to enable a car to be accommodated within the garage along with storage space to ensure that the garage is actually used as a parking space. The garages do however incorporate sufficient space to accommodate a vehicle, particularly in respect of the width, and as such in this case a condition will be attached to the recommendation requiring a shed at each of the plots with a garage.

Sustainable Resources

18. As set out above the Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted in September 2008. The previous application was considered by DC Committee in May 2008 and it was resolved (8:7) to grant planning permission subject to a Legal Agreement and suggested conditions. This consideration pre-dates the DPD however the associated S106 Agreement was not signed until 11 June 2009 and the decision issued on 12 June which post dates the adoption of the DPD.
19. As the application was considered prior to the adoption of this DPD the requirements of Policy SR1 were not incorporated into the development. Although it was noted that the principles of sustainable design should be incorporated into the development. To secure this the following condition was attached to the decision notice:

Prior to the commencement of the development full details of a scheme for the collection and storage of rainwater shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include full details of the systems to be installed at each of the apartment blocks and individual residential units, and how this water will be recycled within the residential units.

Reason: In the interests of reducing the potential of flooding at the site and as a contribution to renewable energy resources at the site. In accordance with Government advice contained in Planning Policy Statement 1: Delivering Sustainable Development, the supplement to PPS1: Planning and Climate Change and Planning Policy Statement 25: Development and Flood Risk.

20. Policy SR1 currently requires properties to be built to Code for Sustainable Homes Level 3 (raising to Code Level 4 in 2013) and incorporate 15% reduction in carbon emissions which is over and above the above condition. As such appropriately worded conditions will be attached to the recommendation in accordance with Policy SR1.

Neighbour concerns

21. As set out above a number of concerns has been raised by residents in respect of increased traffic along Froom Street. This was addressed as part of the previous application Highway safety issues were not a reason for refusal in respect of the previous scheme however the Inspector and Secretary of State were concerned with the Traffic Assessment and pedestrian

movements within the area. Concern was raised that, contrary to advise in PPG3, priority was given to vehicles rather than the needs of the pedestrians.

22. As part of the highway works proposed the deck structure of the Froom Street bridge will be replaced with an in-situ concrete structure having an overall width of 5.9 metres, the same as the existing structure. This allows for a 3.1 metre wide carriageway with a 1.8 metre wide footway to its north and a 600mm margin to its south. Traffic calming will be incorporated along Froom Street in the form of speed bumps.
23. Priority will be given for vehicles travelling down Froom Street. The level of the existing unadopted access to the east of the bridge will be raised to achieve a minimum forward visibility of 70 metres which exceeds the requirements set out within Manual for Streets. As part of the previous application the plans were amended to accommodate the Highway Engineers requirements and no objections were received from Lancashire County Council Highways in respect of the highway implications of the development.
24. A further traffic assessment was carried out at the site which demonstrated that there is adequate capacity at the Froom Street/ Eaves Lane junction to accommodate the traffic generated by the proposal.
25. A pedestrian count was carried out at the site in July 2007 during the morning and mid-afternoon/ evening peak period. The traffic assessment demonstrated that the majority of pedestrians passing through the junction travelled along either footway of Eaves Lane crossing Froom Street and Aniline Street. Occasionally pedestrians crossed Eaves Lane at the central refuge to the north of the Froom Street junction. Some people travelling to and from Froom Street crossed this street within 20 metres of the junction depending upon which side of the street they lived. No adverse pedestrian movement/ vehicle interaction was observed given the good intervisibility between all users on Froom Street and Eaves Lane.
26. The pedestrian refuges will be retained on Eaves Lane and, taking into consideration pedestrian movement in the area, it is considered that the increased vehicle movements can be accommodated at the existing junction whilst maintaining pedestrians' safety.
27. The traffic assessment demonstrated that, other than a relatively short length of Froom Street serving the terraced housing where the effective carriageway is restricted by parked vehicles to single lane working at certain times of the day, the majority of the length of Froom Street is of adequate width and utility to accommodate the traffic generated by the development.
28. As such the traffic implications were fully considered and satisfactorily addressed during the consideration of the previous application.
29. Concerns have also been raised in respect of ecology. The Ecologist considered the previous application and concluded that the ecological impacts (bat roosting opportunities, nesting birds, water voles, trees, spread of Japanese Knotweed) can be avoided and appropriate conditions were attached to the decision. These conditions will be replicated on this recommendation.
30. The proposals also include a scheme to enhance the canal footpath by replacing seating etc. A walkway west of the Black Brook will be provided to ensure residents can enjoy a circuitous route around the site.

Density

31. The site covers 4.37 hectares, the erection of 149 dwellings equates to 34 dwellings per hectare. Taking into consideration the character of the surrounding area, which is relatively high density, a high density development is considered to be appropriate in this location. The Inspector for the appeal in respect of the 2000 application, which was for a higher number of dwellings, agreed that the density was appropriate for the location.

Section 106 Agreement

32. Due to the nature of this development the original planning approval had an associated S106 Agreement which secured affordable housing and public open space. As this application results in the issuing of a new planning permission the obligations of the original agreement will be incorporated into a new S106 Agreement to accompany this planning approval, if members are minded to grant this time limit extension application.
33. Lancashire County Council Planning Contributions team have also requested £635,120 for Primary school places and £ 71,520 for waste management. This application purely relates to extending the time period for commencing the development and as set out above the S106 obligations have previously been agreed. As such it would not be possible to justify further S106 obligations in respect of this application.

Overall Conclusion

34. The Planning Policy changes which have occurred since the original grant of planning permission would not have resulted in a different outcome if a new planning application for this site was submitted now. As such it is recommended that a three year extension for the commencement of this development is approved.

Planning Policies

National Planning Policies:

PPS 1, PPS3, PPS23, PPS25, PPG13.

North West Regional Spatial Strategy

Policy DP1, Policy DP3, Policy UR7, Policy ER5

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, HS1, HS4, HS5, HS19, HS21, EP4, EP9, EP10

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Chorley's Local Development Framework

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

Joint Core Strategy

Policy 1: Locating Growth

Policy 4: Housing Delivery

Policy 7: Affordable Housing

Policy 10: Employment Premises and Sites

Policy 17: Design of New Buildings

Policy 22: Biodiversity and Geodiversity

Policy 27: Sustainable Resources and New Developments

Sites for Chorley- Issues and Options Discussion Paper December 2010

HS1.8: Talbot Mill, Froom Street

Planning History

99/00708/OUT- Outline application for the erection of 120 dwellings. Refused (Appeal Withdrawn)

00/00021/OUT- Outline application for 120 dwellings. Refused (Allowed on Appeal)

03/00857/FULMAJ- Variation of Conditions 2 and 3 on application 9/00/00021 (to extend time periods for submission of reserved matters and commencement of development). Withdrawn.

03/01037/REMMAJ- Residential Development Approval of Reserved Matters. Withdrawn

04/00618/FULMAJ- Development of 159 residential dwellings including public open space, road layout, car parking and landscaping, with means of access off Froom Street and highway improvements to Froom Street. Refused

05/00007/FULMAJ- Development of 158 residential dwellings including landscaping, access off Froom Street and highway improvements to Froom Street / Eaves Lane. Refused

05/00050/FUL- Erection of 6 apartments. Refused

05/00344/FULMAJ- Development of 164 residential dwellings including landscaping, access off Froom Street, and highway improvements to Froom Street/Eaves Lane. Refused (Appeal dismissed).

07/01426/FULMAJ- Erection of 149 residential dwellings including landscaping and access off Froom Street. Approved June 2009

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

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

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

2. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details.

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

3. 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.

4. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.

5. The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings (notwithstanding any details shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
6. 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.
7. Prior to the commencement of the development a scheme for the provision and implementation of a surface water regulation system shall be submitted to and approved in writing by the Local Planning Authority. The scheme thereafter shall be completed in accordance with the approved details.
Reason: To reduce the increased risk of flooding and in accordance with Government advice contained in PPS25 Development and Flood Risk
8. The development hereby approved shall be carried out in accordance with the measures outlines in the Flood Risk Assessment dated December 2007 and the addendum to the Flood Risk Assessment dated 18th February 2008 carried out by Weetwood Environmental Engineering.
Reason: To reduce the risk of flooding and in accordance with Government advice contained in PPS25 Development and Flood Risk
9. Prior to the commencement of the development a Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include measures to ensure the protection of the Leeds Liverpool Canal during construction. Including measures to prevent any pollution of the canal by construction materials, dust or contaminated surface water run-off. The development thereafter shall be carried out in accordance with the approved method statement.
Reason: To ensure the development does not adversely impact on the water course and in accordance with Policy EP17 of the Adopted Chorley Borough Local Plan Review.
10. Prior to the occupation of the dwelling houses hereby permitted the emergency access link from Bagganley Lane shall be constructed and operational in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The details shall include the measures to be implemented to prevent vehicular access except in emergencies and shall include details of proposed signage, details of the proposed bollards and samples of the proposed hard surfacing materials. The development thereafter shall be carried out in accordance with the approved scheme.
Reason: To ensure the acceptable development of the site and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.
11. Prior to the first use of the development hereby permitted, a Residential Travel Plan shall be submitted to and approved in writing by, the local planning authority. The measures in the agreed Travel Plan shall then thereafter be complied with unless otherwise agreed in writing by the Local Planning Authority.
Reason: To reduce the number of car borne trips and to encourage the use of public transport and to accord with Policies TR1 and TR4 of the Adopted Chorley Borough Local Plan Review.

12. Prior to the occupation of the dwelling houses hereby permitted the highway serving the site and the traffic calming measures along Froom Street shall have been completed in accordance with the approved details shown on plans reference P2040/04/118A and 04/210/100/003A, or as otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.
13. Prior to the felling of trees which have the potential to support bat roosts the trees and bridges shall be resurveyed to establish the presence of bats. The survey shall include the recommendations set out within the by Penny Anderson Associates Ltd. 2006. Baxter Estates Ltd, Talbot Mills, Ecological Assessment (paragraphs 6.5-6.15). If bats are found to be present work on site should cease and a professionally qualified Ecologist should be consulted to ensure that there will be no harm to bats.
Reason: In the interest of the continued protection of protected species and in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.
14. Prior to the commencement of the development a scheme for the provision of bat boxes/ bat bricks and bird boxes shall be submitted to an approved in writing by the Local Planning Authority. The scheme shall include the number proposed and the proposed location. The development thereafter shall be carried out in accordance with the approved details.
Reasons: In the interests of protected species and providing nesting opportunities for protected species. In accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.
15. An undeveloped buffer zone of at least 5m should be retained along the watercourses and should include the pond to the north of the site. This buffer zone must be protected from construction activities (e.g. run-off/pollution, the storing of any material, or vehicle movements), and secured herras fencing at least 5m from the brook and canal shall be erected and retained during the period of construction to ensure the continued protection of Water Voles and the water bodies.
Reason: In the interests of the continued protection of protected species and to ensure the water body is not affected by any changes to drainage/hydrology, and does not receive any surface run-off or pollution from the development site. In accordance with Policies EP4 and EP17 of the Adopted Chorley Borough Local Plan Review.
16. 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.
17. The site shall be remediated in accordance with the approved remediation proposal, reference TC/P2062/04/GC produced by Gary Clarke (& Kathryn Iddon) of Thomas Consulting. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to 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 and in accordance with Government advice contained in PPS23: Planning and Pollution Control
18. 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

19. Prior to the commencement of the development full details of the walkway enhancements along the canal and the Black Brook shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed improvement measures (e.g. replacement seating), a demonstration that a circuitous route can be achieved and evidence that the route is fully accessible, including disabled access. Additionally the details shall include the footpath link to the housing development to the south of the site. The development thereafter shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and the future amenities of the residents. In accordance with Policy GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

20. Prior to the commencement of the dwelling houses on plots 70-73, 74-79, 80-85, 100-103 and 107 full details of the measures to be incorporated to protect these dwellings affected by the M61 Motorway, shall be submitted to and approved in writing by the Local Planning Authority. All work which forms part of the approved scheme shall be completed before the first occupation of the noise-sensitive dwellings and noise protection measures shall be retained thereafter.

Reason: To protect the amenities of the future occupiers of the properties affected by the motorway and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review.

21. Prior to the commencement of the development full details of the laying out of the public open space and equipped play area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the play equipment and other equipment to be provided. The approved scheme shall be completed prior to the occupation of the dwellings on plots 1-4, 10-15 and 146-149 and the open space and play area shall be retained thereafter.

Reason: To ensure adequate provision is made for public open space and in accordance with Policies GN5 and HS19 of the Adopted Chorley Borough Local Plan Review.

22. Prior to the occupation of the dwelling houses hereby permitted full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company.

Reason: To ensure the satisfactory management of the private driveways and refuse storage/ collection at the site and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

23. Prior to the commencement of the development full details of a scheme for the collection and storage of rainwater shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include full details of the systems to be installed at each of the apartment blocks and individual residential units, and how this water will be recycled within the residential units.

Reason: In the interests of reducing the potential of flooding at the site and as a contribution to renewable energy resources at the site. In accordance with Government advice contained in Planning Policy Statement Delivering Sustainable Development, the supplement to PPS1: Planning and Climate Change and Planning Policy Statement 25: Development and Flood Risk.

24. The approved plans are:

Plan Ref.	Received On:	Title:
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	22 January 2008	Site Location Plan
07/091/P01 Rev 0	28 November 2011	Proposed Site Layout
2314.04F	10 March 2008	Landscape Structure Plan
2314.01C	11 February 2008	Tree Survey
P2040/04/118A	25 February 2008	Canal Bridge and Site Entrance Layout
04/210/100/003A	31 January 2008	Proposed Traffic Calming Measures
BH007/T01B	9 January 2008	Topographical Survey
07/091/P74A	2 May 2008	Street Scenes 1, 2 & 3
07/091/P75A	2 May 2008	Street Scenes 4 & 5
07/091/P76A	2 May 2008	Street Scene 6, 7 & 8
07/091/P77	2 May 2008	Street Scene 9
07/091/P60A	2 May 2008	Plots 16-21
07/091/P61 Rev B	28 November 2011	Plots 30-35
07/091/P63A	9 May 2008	Plots 36-46 Elevations
07/091/P62 Rev B	28 November 2011	Plots 36-36 Floor Plans
07/091/P64 Rev B	28 November 2011	Plots 54-59
07/091/P65 Rev B	28 November 2011	Plots 60-65
07/091/P66A	9 May 2008	Plots 66-69
07/091/P67Rev B	28 November 2011	Plots 74-79
07/091/P68 Rev B	28 November 2011	Plots 108-113
07/091/P69A	2 May 2008	Plots 137-141
07/091/P29A	4 March 2008	House Types E1/ E2 Elevations
07/091/P30B	2 May 2008	House Types E1/E2 Elevations
07/091/P03A	4 March 2008	Apartment Block 1- Elevation
07/091/P02A	4 March 2008	Apartment Block 1 Floor Plans
07/091/P46	4 March 2008	Single and Double Garage
07/091/P47	4 March 2008	Single and Double Garages Pyramid Roof
07/091/P50	4 March 2008	Quad Garage Block 1
07/091/P27 Rev B	28 November 2011	House Type E1- Floor Plans
07/091/P28 Rev A	28 November 2011	House Type E2- Floor Plans
07/091/P70A	2 May 2008	House Type E3- Floor Plans
07/091/P71A	2 May 2008	House Type E3- Elevations
07/091/P26A	4 March 2008	House Type D1 Special- Elevations
07/091/P25A	4 March 2008	House Types D/D1- Elevations
07/091/P24A	4 March 2008	House Type D Elevations
07/091/P23	4 March 2008	House Type D1 Special Floor Plans
07/091/P22	4 March 2008	House Type D- Floor Plans
07/091/P21A	4 March 2008	House Type C- Elevations
07/091/P20	4 March 2008	House Type C- Floor Plans
07/091/P19A	4 March 2008	House Type B1 Special Elevations
07/091/P18A	4 March 2008	House Type B1/B3 Elevations
07/091/P17	4 March 2008	House Types B1/B2 Elevations Block 3
07/091/P16	4 March 2008	House Type B1- Elevations Semi-detached
07/091/P15	4 March 2008	House Type B1 Special Floor Plans
07/091/P14B	2 May 2008	House Type B3- Floor Plans
07/091/P13	4 March 2008	House Type B2- Floor Plans
07/091/P12	4 March 2008	House Type B1- Floor Plans
07/091/P40A	4 March 2008	House Type J1- Elevations
07/091/P41	4 March 2008	House Type J2- Elevations
07/091/P39 Rev A	28 November 2011	House Type J1/J2 Floor Plans
07/091/P38A	4 March 2008	House Type H Elevations
07/091/P37	4 March 2008	House Type H Floor Plans
07/091/P72	4 March 2008	House Type H1- Floor Plans
07/091/P73	4 March 2008	House Type H1- Elevations
07/091/P36A	4 March 2008	House Type G- Elevations
07/091/P35	4 March 2008	House Type G- Floor Plans
07/091/P34A	4 March 2008	House Type F2- Elevations
07/091/P33A	4 March 2008	House Type F1- Elevations
07/091/P32	4 March 2008	House Type F2- Floor Plans
07/091/P31 Rev A	28 November 2011	House Type F1- Floor Plans

07/091/L01H	2 May 2008	Location Plan
07/091/P59 Rev B	28 November 2011	Proposed Plot 6-15
07/091/P79	2 May 2008	Proposed Site Section
07/091/P78	9 May 2008	House Types B3/E1 Elevations
07/091/P80	15 May 2008	Binstore Locations
07/091/P81	15 May 2008	Bin Store and Cycle Store Plans and Elevations

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

25. No dwelling on plots 1, 2, 3, 4, 22-29 (inclusive), 47-53 (inclusive), 71, 72, 80-90 (inclusive), 98-107 (inclusive), 125-129 (inclusive), 143-148 (inclusive) hereby permitted shall be occupied until garden sheds have been provided in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority. The garden sheds shall be retained in perpetuity thereafter.
Reason: The garages are smaller than would normally be provided and therefore to ensure sufficient storage/cycle storage is provided at the properties in accordance with Manual for Streets
26. The integral and detached garages hereby permitted on plots 1, 2, 3, 4, 22-29 (inclusive), 47-53 (inclusive), 71, 72, 80-90 (inclusive), 98-107 (inclusive), 125-129 (inclusive), 143-148 (inclusive) shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.
Reason: In order to safeguard the residential amenity and character of the area and to ensure adequate off street parking is retained. In accordance with Policies HS4 and TR4 of the Adopted Chorley Borough Local Plan Review
27. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1st January 2010, Level 4 for all dwellings commenced from 1st January 2013 and Level 6 for all dwellings commenced from 1st January 2016).
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.
28. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.
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.
29. No dwelling shall be occupied until a letter of assurance, detailing how each plot will meet the necessary code level, has been issued by an approved code assessor and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved measures for achieving the required code level. Prior to the completion of the development 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

30. Prior to the commencement of the development full details of the on site measures to reduce the carbon emissions of the development, through the use of renewable or low carbon energy sources/ technologies, by 15% shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details.

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.

Item 4c **11/00879/FULMAJ**

Case Officer **Mr Matthew Maule**

Ward **Astley And Buckshaw**

Proposal **Application for the variation of condition 11 (balcony details)
attached to planning approval 07/00483/FULMAJ**

Location **Land South Of Parcel 7 And Parcel F Euxton Lane Euxton
Lancashire**

Applicant **Miller Homes**

Consultation expiry: 23 November 2011

Application expiry: 4 January 2012

Proposal

1. This application is a section 73 application to vary condition 11 attached to planning approval 07/00483/FULMAJ.
2. Full planning permission was granted in July 2007 to redevelop the land known as Land south of Parcel 7 and Parcel F, Euxton Lane, Euxton, for the erection of 139 dwellings. The scheme incorporated the erection of 78 dwelling houses comprising of detached properties, semi-detached properties, terraced properties and flats over garages together with the erection of 61 apartments located in three apartment blocks.
3. Seventeen conditions were attached to this full planning permission. Condition 11 stated that: "Prior to the commencement of the development full details of the timber 'Juliet' balconies proposed on the apartment blocks shall be submitted to and approved in writing by the Local Planning Authority. The balconies thereafter shall be constructed and maintained in accordance with the approved plans".
4. This application seeks permission to vary condition 11 by substituting the material used for the 'Juliet' balconies from timber to GRP.

Recommendation

5. It is recommended that this application is granted conditional planning approval.

Main Issues

6. The main issues for consideration in respect of this planning application are:
 - Design and impact on the street scene; and
 - Impact on neighbours.

Representations

7. The initial consultation letters sent to the occupiers of neighbouring properties described the proposal as an application to vary condition 11 attached to planning approval 07/00483/FULMAJ. Neighbouring properties were subsequently re-consulted on an amended description for the proposal which referred to the application seeking permission to vary condition 10 attached to 07/00483/FULMAJ. This second description of the development was however incorrect as the application does, as originally noted, seek permission to vary condition 11 rather than condition 10. It is however considered that the neighbour consultation undertaken has been sufficient as the occupiers of neighbouring properties have been provided with the required 21 days to comment on the application as correctly described.

8. Only one letter of representation has been received in relation to the consultation on the proposed development. This letter is from the occupants of no. 5 Holland House Way and does not object to the application but instead raises a question in relation to the proposed replacement material.
9. No representations have been received from the Parish Council.

Consultations

10. Chorley Council Design Advice – have stated that the substitution of GRP for timber is an appropriate choice for this development and that the simple yet robust design allied to a robust material would sit well with the overall design concept for the development. They therefore conclude that the application is acceptable.
11. Coal Authority – Standing advice

Assessment

Design

12. Planning Policy Statement 1 (PPS1) seeks to ensure that development is well designed and adopts the Government's principles of sustainable development. Paragraph 34 states that "Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted".
13. The importance of ensuring that new development is well-designed and built to a high standard is also emphasised in PPS3 and by policy DP7 of the Regional Spatial Strategy.
14. Policy GN5 of the Local Plan also underlines the importance of securing high standards of design in new development. It states that the design of proposed development will be expected to be well related to their surroundings and that the appearance, layout and spacing of new buildings should respect the local distinctiveness of the area. In addition, policy HS4 of the Local Plan requires proposals for residential development to, inter alia, provide for a high quality and interesting visual environment and to respect the surrounding area in terms of scale, design, layout building style and facing materials.
15. The Chorley Design Guidance Supplementary Planning Guidance states that the materials used for walls and roofs, and other forms of detailing should be appropriate for the locality. It states that materials and features that are of a contemporary character can be appropriate, but must show regard for their context.
16. The application site occupies a prominent position that is visible from both Central Avenue and Buckshaw Avenue. To reflect the prominence of their location, the apartment blocks themselves are intended as landmark buildings that form an important feature of the Buckshaw Village development. It is therefore imperative that the apartment blocks are faced with high quality facing materials in order to ensure that the buildings make a positive contribution to the streetscene.
17. To ensure that the apartment blocks achieve a high design quality and can be considered to form landmark buildings, it was proposed that timber 'Juliet' balconies would be incorporated into the apartment blocks to 'break up' the elevations and add visual interest to the development.
18. Due to the potential maintenance issues associated with standard timber balconies, the applicant proposes to substitute the material used for the 'Juliet' balconies from timber to GRP. Samples of the material have been provided to the Council and it is considered that the

use of GRP would eliminate the maintenance issues associated with the balconies but would continue to create the visual appearance originally sought by 'breaking up' the elevations.

19. The Council's Urban Design Advisor has commented that he considers the substitution of GRP for timber to be an appropriate choice for this development and that the simple yet robust design allied to a robust material would sit well with the overall design concept for the development. He therefore concludes that the application is acceptable.
20. It should be noted that the Council has resisted proposals for metal Juliet balconies in discussions with the developer and has considered several other designs and materials before this design was proposed.
21. The proposed material substitution is therefore considered to be acceptable and the proposal is considered to be in accordance with Policy GN5 and HS4 of the Local Plan.

Impact on the neighbours

22. The 'Juliet' balconies would be visible from surrounding properties. Nevertheless, it is considered that the material substitution would not cause any significant detrimental harm to the amenity of neighbouring residents. Furthermore, no letters of objection have been received from the occupants of neighbouring properties.

Overall Conclusion

23. The alternative material proposed for the 'Juliet' balconies is considered to be acceptable and it is therefore recommended that the application be approved subject to conditions.

Planning Policies

National Planning Policies:
PPS1, PPS3

Adopted Chorley Borough Local Plan Review
Policies: GN5, HS4

Supplementary Planning Guidance:
• Design Guide

Joint Core Strategy
Policy 17

Planning History

The site history of the property is as follows:

Ref: 07/00483/FULMAJ

Decision: PERFPP Decision Date: 18 July 2007

Description: Proposed private residential development consisting of 139 No 2, 3, 4 and 5 bedroomed dwellings

Ref: 08/00078/FUL

Decision: PERFPP Decision Date: 28 March 2008

Description: Substitution of house type to plots 24 & 25 on Parcel F,

Ref: 08/00524/FUL

Decision: PERFPP Decision Date: 16 July 2008

Description: Substitution of house types on plots 25, 112, 120, 124, 125 and 128 on Parcel F, Buckshaw Village (part amendment to original approval 07/00483/FULMAJ),

Ref: 10/00435/FULMAJ

Decision: PERFPP Decision Date: 19 August 2010

Description: Proposed re-plan of plots 44, 111-113 and 124-128 of previous approval (07/00483/FULMAJ) to replace 9 dwellings with 13 dwellings

Ref: 11/00417/FUL

Decision: PERFPP Decision Date: 29 July 2011

Description: Application for a material amendment to planning application 07/00483/FULMAJ to change the approved facing materials

Ref: 11/00418/FUL

Decision: PERFPP Decision Date: 29 July 2011

Description: Application vary condition 4 (approved facing materials) of planning approval 10/00435/FULMAJ

Ref: 11/00879/FULMAJ

Decision: PCO Decision Date:

Description: Application for the variation of condition 11 attached to planning approval 07/00483/FULMAJ

Recommendation: Permit Full Planning Permission

Conditions

1. The proposed development must be begun not later than three years from the date of this permission.
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall only be carried out using the external facing materials approved by application 11/00418/FUL.
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.
3. The development hereby permitted shall only be carried out in conformity with the landscaping detailed on plans reference 109-01A and 109-02A, received 18th December 2007
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.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, 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.
5. The development hereby permitted shall only be carried out in conformity with the construction details for the hardsurfacing areas detailed on plan reference ED/012A, received on 18th December 2007.
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.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).
Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 1, Class F and Schedule 2, Part 2, Class B) or any Order revoking or re-enacting the Order, no hard surfacing shall be provided within any curtilage that is adjacent to a highway of any dwelling hereby permitted, nor shall any means of access to a highway be formed, laid out or constructed to any dwelling hereby permitted (other than those expressly authorised by this permission).
Reason: To protect the appearance of the locality, in particular to avoid the proliferation of frontage parking and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
8. The garages hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.
Reason: 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.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwelling hereby permitted (other than those expressly authorised by this permission).
Reason: To protect the appearance of the locality and in accordance with Policy No HS4 of the Adopted Chorley Borough Local Plan Review.
10. The 'Juliet' balconies hereby permitted shall only be constructed using the materials submitted and detailed on the approved plans.
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.
11. The development hereby permitted shall only be carried out in conformity the submitted details of the cycle parking provision (detailed on plan reference STD/CS01) received on 18 December 2007. The cycle parking provision shall be in accordance with the approved details.
Reason: To ensure adequate on site provision for cycle parking and in accordance with Policies No. TR18 and HS4 of the Adopted Chorley Borough Local Plan Review.
12. The development hereby permitted shall only be carried out in conformity the submitted bin store details (plan reference BSD/001), received 18th December 2008. The bin storage thereafter shall be constructed and retained in accordance with the approved plans.
Reason: To ensure that adequate refuse storage is provided on site and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.
13. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.
Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the adopted Chorley Borough Local Plan Review.
14. The development hereby permitted shall only be carried out in conformity the surface water drainage arrangements detailed on plan reference ED/001D, received 18th December 2007. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.
Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.

15. The first floor windows on the rear elevation (east elevation) of the Melville House type (Plot 131 of Plan reference PL/01N) shall be fitted with obscure glazing and obscure glazing shall be retained at all times thereafter.

Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review

16. The development hereby permitted shall only be carried out using the railings detailed on plan reference BRP/001 received 18th December 2007

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

17. The approved plans are:

Plan Ref.	Received On:	Title:
PL/01	5 October 2011	Planning Layout
6251(PL) B	3 July 2007	Apartment Block A Plans and
Elevations Apt A 006	5 October 2011	Apartment Block B Elevations
Apt B 007	5 October 2011	Apartment Block B Elevations
6251(PL) B	3 July 2007	Apartment Block B Floor Plans
Apt C 007	5 October 2011	Apartment Block C Elevations
6251(PL) B	3 July 2007	Apartment Block C Floor Plans
6251 03 C	16 July 2007	Apartment Elevations
6251(PL) 10	30 May 2007	Darwin (Special) Elevations
6251(PL) 09	30 May 2007	Darwin (Special) Floor Plans
6251(PL) 03A	3 July 2007	Scott Elevation
6251(PL) 02A	3 July 2007	Scott Floor Plans
109-01A	24 April 2007	Planting Plan 1 of 2
109-02A	24 April 2007	Planting Plan 2 of 2
	24 April 2007	Location Plan
6251(PL) 04	24 April 2007	London Plans and Elevations
6251(PL) 07	24 April 2007	Jerome Floor Plans
6251(PL) 08	24 April 2007	Jerome Elevations
6251(PL) 11	24 April 2007	Buchan Plans and Elevations
6251(PL) 12	24 April 2007	Beckett Plans and Elevations
6251(PL) 13	24 April 2007	Tarporley Plans and Elevations
6251(PL) 14A	3 July 2007	Kipling Plans and Elevations
6251(PL) 15	24 April 2007	Twain Plans and Elevations
SD/SW4	16 July 2007	Screen Wall and Fence
MEL/ENG/PD/1000	3 July 2007	Melville Planning Drawings
A1a	2 June 2010	Proposed Site Layout
ML/01	17 May 2011	Materials Layout
A1c	2 June 2010	Boundary Treatments
A1d	2 June 2010	Esk House Type
A1e	2 June 2010	Esk House Type 2/06/2010
A1f	2 June 2010	Milne House Type
A1g	2 June 2010	Milne House Type
A1h	2 June 2010	Rolland House Type
A1i	2 June 2010	Rolland House Type
A1j	2 June 2010	James House Type
A1k	2 June 2010	James House Type

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



Report of	Meeting	Date
Director of Partnerships, Planning and Policy	Development Control Committee	13 December 2011

ENFORCEMENT ITEM

TITLE: USE OF CABIN AS WOOD WORKSHOP, ERECTION OF STORAGE BINS, SITING OF METAL STORAGE CONTAINERS AND ERECTION OF TIMBER SCREENS ON LAND AT JUMPS FARM, SOUTH ROAD

PURPOSE OF REPORT

1. To consider whether it is expedient to serve an enforcement notice in respect of the above matters.

RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice in respect of the following breaches of planning control:

Alleged Breach A

- 2.1. Without planning permission use of existing cabin (B) as a wood workshop.

ii Remedy for Breach

1. Cease the use of cabin (B) as a wood workshop.

iii (a). Period for Compliance

Nine Months.

iv (b). Reason.

The use of the cabin as a wood workshop has an adverse impact on the amenities of the neighbouring residential properties due to the noise and disturbance generated as a result of the use of the building.

Alleged Breach B

- 2.2. Without planning permission the erection of material storage bins.

ii Remedy for Breach

1. Demolish the material storage bins and remove any materials other than topsoil from the land.

iii (a). Period for Compliance

Six months.

iv (b). Reason.

The storage bins erected at the site are located within the Green Belt wherein only limited forms of development are considered appropriate. The provision of storage bins is inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. It is considered that no very special circumstances exist that would outweigh the harm caused to the Green Belt by way of its inappropriateness. Therefore, the storage bins are contrary to policies DC1, and EM5 of the Chorley Borough Local Plan Review Adopted Edition and policy of the North West Of England Plan Regional Spatial Strategy (RSS) to 2021, and provisions within PPS1: Delivering Sustainable Development; PPG2: Green Belt; PPS4: Planning for Sustainable Economic Growth and PPS7: Sustainable Development within Rural Areas.

Alleged Breach C

2.3. Without planning permission the siting of storage containers on the land.

ii Remedy for Breach

1. Remove the storage containers from the land.

iii (a). Period for Compliance

Nine months.

iv (b). Reason.

The storage containers sited on the land are located within the Green Belt wherein only limited forms of development are considered appropriate. The provision of storage containers is inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. It is considered that no very special circumstances exist that would outweigh the harm caused to the Green Belt by way of its inappropriateness. Therefore, the unauthorised units are contrary to policies DC1, and EM5 of the Chorley Borough Local Plan Review Adopted Edition and policy of the North West Of England Plan Regional Spatial Strategy (RSS) to 2021, and provisions within PPS1: Delivering Sustainable Development; PPG2: Green Belt; PPS4: Planning for Sustainable Economic Growth and PPS7: Sustainable Development within Rural Areas.

Alleged Breach D

a. Without planning permission the erection of timber screens.

Remedy for Breach

1. Remove the timber screens from the land.

Period for Compliance

Three months.

Reason

The timber screens erected are located within the Green Belt wherein only limited forms of development are considered appropriate. The erection of the screens is inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. It is considered that no very special circumstances exist that would outweigh the

harm caused to the Green Belt by way of its inappropriateness. Therefore, the timber screens are contrary to policies DC1, and EM5 of the Chorley Borough Local Plan Review Adopted Edition and policy of the North West Of England Plan Regional Spatial Strategy (RSS) to 2021, and provisions within PPS1: Delivering Sustainable Development; PPG2: Green Belt; PPS4: Planning for Sustainable Economic Growth and PPS7: Sustainable Development within Rural Areas.

EXECUTIVE SUMMARY OF REPORT

- 3. The issues for consideration in this case are whether the unauthorised development carried out constitutes inappropriate development within the Green Belt, whether there are any very special circumstances that would outweigh the harm caused to the Green Belt by reason of its inappropriateness and whether it has led to a loss of amenity for local residents.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- 4. The site is located within the Green Belt wherein only limited forms of development are considered to be appropriate, including (a) agriculture and forestry;; (b) essential facilities for outdoor sport and outdoor recreation, for cemeteries or other uses of land which preserve the openness of the Green Belt and do not conflict with its purposes; (c) limited extension, alteration or replacement of existing dwellings providing it is in accordance with Policy DC8A; (d) the re-use of existing buildings providing it is in accordance wit Policy DC7A; (e) limited infilling in accordance with Policy DC4; (f) to provide affordable housing for local needs in accordance with Policy DC5; (g) the re-use, infilling or development of Major Developed Sites in accordance with policy DC6.
- 5. The unauthorised storage bins, containers and timber screens are not for any of the above purposes set out in policy DC1 or PPG2 and therefore constitutes inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and would only be considered acceptable in very special circumstances. The Council is not aware of any very special circumstances that would outweigh the harm caused by way of its inappropriateness.
- 6. Furthermore, it is considered that the nature and characteristics of the storage bins, containers and timber screens causes harm to the character and openness of the Green Belt and surrounding countryside.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 7. None

CORPORATE PRIORITIES

- 8. This report relates to the following Strategic Objectives:

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

BACKGROUND

- 9. The site comprises former agricultural buildings at Jumps Farm which have become redundant to agricultural and have received planning permission to be used for a landscape garden business, an office in connection with that use and a wood working workshop. The site is located within the Green Belt, and whilst a previously developed site it is not allocated as a major developed site within the Green Belt.
- 10. Planning permission was granted in 2010 to rebuild the cabin used as a wood working workshop however that permission has not been implemented and a temporary permission to use the existing cabin as a workshop has expired. The Council have received complaints that the use of the workshop creates noise and disturbance and this is having an adverse impact on the amenities of neighbouring residents. The original cabin construction does not have sufficient noise attenuation to prevent the escape of noise from the building which is one reason why only temporary permission was granted. If the planning permission were implemented to rebuild the cabin then this would overcome the loss of amenity however the land owner does not wish to implement that permission until he can secure permission on another building on the site which would then enable him to carry out the development. There is no guarantee that planning permission will be granted and therefore that the permission would be implemented. In those circumstances therefore it is considered expedient to take enforcement action.
- 11. In addition to the unauthorised workshop a series of bin stores for materials have been formed and six containers placed on the land together with the erection of two screens. It is claimed that the bin stores and containers are for the use of the existing landscaping business however it has been reported that other businesses are storing materials and equipment. The bin stores and containers are not appropriate development in the Green Belt and the containers appearance is harmful to the character and appearance of the Green Belt. The two screens do not appear to have been erected for any specific purpose and although they have a limited visual impact their erection would not constitute appropriate development in the Green Belt and should be resisted.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

- 13. None

LESLEY-ANN FENTON
 DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Peter Willacy	5226	28/11/11	***



Report of	Meeting	Date
Head of Governance	Development Control Committee	13 December 2011

PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO. 6 (WITHNELL) 2011 WITHOUT MODIFICATION

PURPOSE OF REPORT

1. To consider formal confirmation of the Tree Preservation Order No.6 (Withnell) 2011 without modification.
2. That Tree Preservation Order No.6 (Withnell) 2011 be formally confirmed without modification to the location of the protected trees as described in paragraph 8 below.

RECOMMENDATION(S)

3. Formal confirmation of the Order affords permanent as opposed to provisional legal protection to the tree covered by the Order.

EXECUTIVE SUMMARY OF REPORT

4. Not to confirm the Order would mean allowing the Order, and thereby the protection conferred on the trees covered by the Order to lapse

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

5. This report relates to the following Strategic Objectives:

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

BACKGROUND

6. The Order was made on the 7 October 2011. The Order was made and served along with the statutory notice prescribed in Regulations on all those with an interest in the land on which the trees are situated on the 7 October 2011. The same documents were also served

on owners/occupiers of adjacent properties. The Order was made because on the assessment of the Council’s Tree Officer the trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public.

- 7. No objection has been received in response to the making of the above Order. It is therefore, now open to the Council to confirm the above Order as unopposed. The effect of formally confirming the Order will be to give permanent legal force to the Order, as opposed to provisional force, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc, any of the trees covered by the Orders without first having obtained lawful permission.

DETAILS OF PROPOSALS

- 8. It is proposed that the above Tree Preservation Order is approved without modification.

IMPLICATIONS OF REPORT

- 9. This report has no implications in any of the following areas below:

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

CHRIS MOISTER
HEAD OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Liz Leung	5169	17.11.11	875



Report of	Meeting	Date
Director Partnerships, Planning and Policy	Development Control Committee	13 December 2011

**OBJECTION TO TREE PRESERVATION ORDER NO. 8
(WITHNELL) 2011**

PURPOSE OF REPORT

1. The purpose of this report is to decide whether or not to confirm the above Tree Preservation Order (TPO) with or without modification in light of the objection received.

RECOMMENDATION(S)

2. That Tree Preservation Order No. 8 (Withnell) 2011 is confirmed.

EXECUTIVE SUMMARY OF REPORT

3. The purpose of this report is to decide whether to confirm the above Tree Preservation Order with or without modification. The Order was placed on the site following the submission of an outline planning application for residential development on the site.

Confidential report Please bold as appropriate	Yes	No
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REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

4. It is recommended that the Order be confirmed as the intention is to build a new property next to healthy trees in prominent positions with significant amenity value.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. The Council could have not placed the preservation order however this could have led to the damage and eventual loss of healthy trees with significant amenity value.

CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

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

BACKGROUND

- 7. This objection relates to trees on a parcel of land at the side of 43 Thirlmere Drive, Withnell. It was considered expedient to protect the better quality trees on site and an order was made on that basis.

OBJECTION

- 8. A letter of objection has been received from the owner of the property on the following grounds:
 - a. T1 is not a native species (Eucalyptus) and due to its shape will eventually require maintenance work.
 - b. T2 (Field maple) is a small tree.
 - c. The plans were designed to allow the trees to co-exist with the proposed development.

In response to the objection the Council’s Arboricultural Officer has the following comments:

- a. The fact that T1 is not a native species is irrelevant in this situation. It is a prominent tree clearly visible to all that pass and so contributes significantly to the amenity of the area. The comment that it will eventually need work is self evident. Trees are living, growing things and so all will at some point need maintenance work.
- b. The tree T2 is smaller than the eucalyptus but, like T1 is visually prominent and contributes significantly to the area visually.
- c. The position of the eucalyptus on the plans submitted for the proposed development is actually within the patio on the proposal and only 2 metres from the rear of the property. This is well within any Root Protection Area that would need to be established for the protection of the tree. The Maple is 6 metres away from the side of the proposed build and although this is less of a problem, would still be within the RPA of the tree.

Because of these reasons I recommend that the TPO is confirmed without change.

IMPLICATIONS OF REPORT

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

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

LESLEY-ANN FENTON
 DIRECTOR PARTNERSHIPS, PLANNING AND POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Keith Winstanley	5603	18 November 2011	



Report of	Meeting	Date
Director of Partnerships, Planning and Policy	Development Control Committee	13 December 2011

PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 11 NOVEMBER 2011 AND 1 DECEMBER 2011

PLANNING APPEALS LODGED

1. Appeal by Miss L.J. Calderbank against the delegated decision to refuse planning permission for Outline application for the erection of a detached dwelling house at Land 15M North West Of Southlands, Bolton Road, Heath Charnock (Planning Application: 11/00695/OUT Inspectorate Reference: APP/D2320/A/11/2165214/NWF). Planning Inspectorate letter received 28 November 2011

PLANNING APPEALS DISMISSED

2. Appeal by BTI Ltd against the delegated decision to refuse planning permission for temporary (2 1/2 years) permission for the erection of 5No. lodges and associated track/hardstanding to the land at the rear of BTI Ltd. offices. Lodges to be used for sale demonstration at Land 35M South Of Units 1 - 12 Grove Park Industrial Estate, The Green, Eccleston (Planning Application: 10/01066/FUL Inspectorate Reference: APP/D2320/A/11/2159150/NWF). Planning Inspectorate letter received 14 November 2011.
3. Appeal by Mr Allister Stokeld against the delegated decision to refuse retrospective permission for the erection of a 2m high close boarded wooden fence fronting Belvedere Drive and erection of part 2m high, part 1.1m high close boarded wooden fence fronting Glamis Drive at 7 Glamis Drive, Chorley, PR7 1LX. (Planning Application: 11/00690/FUL Inspectorate Reference: APP/D2320//D/11/2163068). Planning Inspectorate letter received 28 November 2011.

PLANNING APPEALS ALLOWED

4. None.

PLANNING APPEALS WITHDRAWN

5. None

ENFORCEMENT APPEALS LODGED

6. Appeal by Mr Allister Stokeld against Enforcement Notice: EN642 – Operational Development the erection of fencing exceeding 1 metre in height. at 7 Glamis Drive, Chorley PR7 1LX (Inspectorate Reference: APP/D2320/C/11/2164868). Planning Inspectorate letter received 16 November 2011.

ENFORCEMENT APPEALS DISMISSED

7. None.

ENFORCEMENT APPEALS ALLOWED

8. None

ENFORCEMENT APPEALS WITHDRAWN

9. Appeal by D and B Stores against the Enforcement Notice 637 – Erection of balustrade and decking at 1-3 Rock Villa Road, Whittle-le-Woods PR6 7LL (Inspectorate Reference: APP/D2320/A/11/2158177/NWF). Planning Inspectorate letter received 18 November 2011.

LANCASHIRE COUNTY COUNCIL DECISIONS

10. None.

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

LESLEY-ANN FENTON
DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY

Report Author	Ext	Date	Doc ID
Robert Rimmer	5221	01.12.2011	***