



Development Control Committee

Agenda and Reports

For consideration on

Tuesday, 17th January 2012

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.

09 January 2012

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 17TH JANUARY 2012

You are invited to attend a meeting of the Development Control Committee to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 17th January 2012 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 minutes of the last meeting of the Development Control Committee held on 13 December 2011 (enclosed).

3. **Declarations of Any Interests**

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

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

4. **Planning applications to be determined**

The Director of Partnerships, Planning and Policy has submitted 12 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 - 14)

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 15 - 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) 11/00934/REMAJ - Parcel F3 Buckshaw Central Avenue, Buckshaw Village, Lancashire (Pages 25 - 32)

Proposal

Erection of 53 dwellings including associated roads and footpaths at Parcel F, Buckshaw Village

Recommendation

Approve Reserved Matters

- (d) 11/00837/FULMAJ - Site 7 and 9 Buckshaw Avenue, Buckshaw Village, Chorley (Pages 33 - 56)

Proposal

Erection of 2 no. distribution centre/industrial buildings (Use Class B1c, B2, B8) with ancillary office accommodation, service yard areas, car parking, access, internal circulation areas and landscaping.

Recommendation

Permit Full Planning Permission

- (e) 11/00871/FULMAJ - Former Initial Textile Services, Botany Brow and Willow Road, Chorley (Pages 57 - 70)

Proposal

Proposed residential development of 41 no. 2 storey dwellings (Resubmission of application no. 10/00834/FULMAJ)

Recommendation

Permit (Subject to Legal Agreement)

- (f) 11/00892/FUL - Initial Textiles Services, Botany Brow Chorley (Pages 71 - 74)

Proposal

Proposal to utilise existing former initial laundry site entrance and apply for adaptation, to become LCC highway compliant residential access to redevelopment on the site.

Recommendation

Permit Full Planning Permission

- (g) 11/01062/FUL - Land East of and adjacent to 99 Lakeland Gardens, Chorley (Pages 75 - 80)

Proposal

Erection of a single storey community centre on playing fields adjacent to Lakeland Gardens

Recommendation

Permit Full Planning Permission

- (h) 11/00894/FULMAJ - Burrows Ltd, Wigan Road, Clayton-le-Woods, Leyland (Pages 81 - 92)

Proposal

Demolition of Burrows Grass Machinery and removal of car sales forecourt and demolition of The New Bungalow and erection of 14 no. detached two-storey dwellings and associated garaging and infrastructure (changes to access point and layout of the previously approved permission 11/00480/FULMAJ and an additional house).

Recommendation

Permit Full Planning Permission

- (i) 11/00977/FUL - Barratt Development, Pilling Lane, Chorley (Pages 93 - 96)

Proposal

Substitution of house types on 5 plots previously approved under permission reference 07/01226/REMMAJ (substitute 5x Patterdale with 5x Kingsville houses) and associated works.

Recommendation

Permit subject to Legal Agreement

- (j) 11/00974/REMMAJ - Land South of Buckshaw Avenue, Buckshaw Village, Chorley (Pages 97 - 100)

Proposal

Section 73 application to vary condition 1 (approved plans) of reserved matters approval 06/00786/REMMAJ involving altering the location of the junctions

Recommendation

Approve Reserved Matters

(k) 11/00874/FUL - 41 Wigan Road, Euxton, Chorley (Pages 101 - 108)

Proposal

Proposed residential development of 4 No. detached houses on plots 5, 6, 7 & 12 (amendment to planning approval 10/00573/FUL)

Recommendation

Permit Full Planning Permission

(l) 11/00989/FUL - Jumps Farm, 147 South Road, Bretherton (Pages 109 - 116)

Proposal

Section 73 application to remove Conditions 2 (use of building) and 5 (personal permission) attached to planning approval 10/00563/COU.

Recommendation

Permit Full Planning Permission

5. **Tree Preservation Order No.16 (Mawdesley) 2011 (Pages 117 - 134)**

Report of the Head of Governance to approve Tree Preservation Order No.16 (Mawdesley) 2011 without modification (enclosed).

6. **Tree Preservation Order No. 15 (Euxton) 2011 (Pages 135 - 150)**

Report of the Head of Governance to approve Tree Preservation Order No.15 (Euxton) 2011 without modification (enclosed).

7. **Planning Appeals and Decisions Report 17 January 2012 (Pages 151 - 152)**

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

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

Yours sincerely



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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) for information.

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

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

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

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Development Control Committee**Tuesday, 13 December 2011**

Present: Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair) and Councillors Ken Ball, Henry Counce, 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), Helen Lowe (Planning Officer) and Cathryn Filbin (Democratic and Member Services Officer)

Also in attendance: Councillor Keith Iddon, Lesley-Ann Fenton (Director of Partnerships, Planning and Policy) and Robert Rimmer (Business Support Team Leader)

11.DC.119 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Alison Hansford.

11.DC.120 MINUTES

RESOLVED – That the minutes of the meeting held on 22 November 2011 be confirmed as a correct record and signed by the Chair.

11.DC.121 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

11.DC.122 PLANNING APPLICATIONS TO BE DETERMINED

The Director of Partnerships, Planning and Policy submitted reports on three 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.

- a) **Application:** 11/00764/OUT - 11 **Proposal:** Outline application for the erection of two detached houses and a pair of semi-detached houses.

The report for this item was withdrawn from the agenda for the reason detailed in the addendum.

- b) **Application:** 11/00875/FULMAJ - **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.

The report for this item was withdrawn from the agenda for the reason detailed in the addendum.

- c) **Application:** 11/00879/FULMAJ - **Proposal:** Application for the variation of Land south of Parcel 7 and Parcel F condition 11 (balcony details) attached to Buckshaw, Euxton Lane, Euxton planning approval 07/00483/FULMAJ

RESOLVED (unanimously) – That planning permission for the variation of condition 11 (balcony details) attached to planning approval 07/00483/FULMAJ be granted subject to the conditions detailed within the report.

11.DC.123 ENFORCEMENT ITEM - JUMPS FARM, 147 SOUTH ROAD, BRETHERTON

Members of the Committee received a report from the Director of Partnerships, Planning and Policy which sought their instruction as to whether it was expedient to serve an enforcement notice to rectify four alleged breaches of planning control.

Members of the Committee received an update detailed on the addendum which reported that the remedy for alleged breach 'D' which related to the erection of timber screens had been complied with since the report was written.

RESOLVED (unanimously) – That it was expedient to serve an enforcement notice, for the reasons detailed within the report, and presented verbally to secure -

- a. **The use of cabin B being used as a wood workshop ceasing - period of compliance nine months**
- b. **the demolition of material storage bins and any materials other than topsoil be removed from the land – period of compliance six months**
- c. **the removal of the storage containers from the land – period of compliance nine months.**
- d. **the removal of a static caravan from the land – period of compliance nine months**

11.DC.124 TREE PRESERVATION ORDER NO. 6 (WITHNELL) 2011

Members of the Committee considered a report from the Head of Governance which sought instruction on whether to formally confirm Tree Preservation Order No. 6 (Withnell) 2011 without modification. No objections had been received in response to the making of the order.

RESOLVED (unanimously) – That the Tree Preservation Order No. 6 (Withnell) be confirmed without modification.

11.DC.125 OBJECTION TO TREE PRESERVATION ORDER NO. 8 (WITHNELL) 2011

Members of the Committee considered a report from the Director of Partnerships, Planning and Policy which sought instruction on whether to confirm Tree Preservation Order No. 8 (Withnell) 2011 in light of an objection being received by the landowner.

RESOLVED (unanimously) - That Tree Preservation Order No. 8 (Withnell) 2011 be confirmed without modification.

11.DC.126 PLANNING APPEALS AND DECISIONS

The Director of Partnerships, Planning and Policy submitted a report which gave notification of one appeal that had been lodged against the delegated decision to refuse planning permission, two planning appeals had been dismissed, an enforcement appeal that had been lodged, and an enforcement appeal that had been withdrawn.

RESOLVED – That the report be noted.

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:	13 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. Councillor Lowe objects to the application on the following grounds:
 - Impact on the visual amenity of the greenbelt. The proposed dwellings project beyond the established building line out towards the green belt and would have a significant impact on it not withstanding the sloping nature of the cul de sac.
 - If development were allowed on this site it could make it more difficult to refuse development in the area and together they would constitute a very serious impact on the greenbelt.
 - The interim policy on development in private gardens has been strengthened since the Government declassified gardens as Brownfield land. In addition the policy has moved

significantly towards adoption as a full policy since it has been consulted on in the site allocations DPD and can now be accorded more weight.

7. 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.
- The Aqueduct is a vital national secure asset supplying a major portion of fresh drinking water to Manchester.
- Failure to disclose relevant risk assessments relating to the potential damage/contamination of a vital asset either during construction or during lifetime of development.
- Object to the failure of the applicant to demonstrate how the development serves the public good, satisfies the priorities of local housing needs in this location, guarantees the safeguarding of a vital national asset.
- By what legal authority has the easement now become 10m.
- Development for housing/heavy plan moving should not be allowed over and adjacent to a legally established easement.
- Committee should be aware that a much greater width than 10m may be required to replace the existing brick Aqueduct with pipelines of up to four steel pipes side running in parallel side-by-side, as used elsewhere in the Aqueduct.
- Is the depth of the Aqueduct under the current surface of the applicant's garden?
- Is the Committee satisfied that the depth of such an excavation, together with the necessary space required by heavy lifting equipment and other heavy plant adjacent to the excavation?
- Chorley Council could be potentially liable for compensation if excavation of the aqueduct necessitated the demolition of one of the houses.
- Aqueduct serves much more of an important role than that of access and right of way.
- The authority prevented encroachment to the Aqueduct at the Whelmar development of the mid 1970's.
- Pipe of raw sewage to run directly over the Aqueduct. Since the Aqueduct is a porous brick structure that allows the entry of ground water, any leakage into Manchester's drinking water may have serious consequences.
- A consideration is required to the depth to which excavation for sewage conduits across the easement.
- Consideration into how far above the top of the brick tunnel would these sewage conduits pass.
- Lack of evidence which would be obtained from test-drillings, to indicate the nature of the existing infill over the Aqueduct, and consequently the precautions that would be necessary to excavate directly over the Aqueduct and to pass raw sewage conduit over the Aqueduct.
- Lack of technical feasibility linking the planned development to the existing sewage system.

- Should the development cause damage to the Thirlmere Aqueduct either during the construction or over the lifetime of the development has the Committee established where legal liability rests.
- The applicant has failed to understand that their proposal seeks to sweep aside both legal and material safeguards put in place by society over many generations to protect key national secure assets and thus the public.
- Request a committee site visit.

8. 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.

- The view from the existing cul-de-sac in the direction of the proposed buildings is quite limited between 11 and 13 Sutton Grove and would not be strongly affected by the visibility of the roofs of the new buildings which would be to the left of the cul-de-sac, largely hidden by 11 Sutton Grove.
- Revised plans have been submitted which accommodate the 10m easement request. The latest submission is fully compliant with the standard conditions for works adjacent to pipelines as specified by United Utilities. The conclusion that "it is likely that the development would have a harmful effect to the Aqueduct and its maintenance" is therefore now unwarranted.

Officer Comments on Applicant's Letter

9. The applicant refers to the appeal decision for 26 Lancaster Lane (APP/D2320/A/2142561) - in particular the inspector's findings on the interim garden grab policy, and the fact that an award of costs was made to the appellant on the basis that undue weight was given that policy.
10. However, the inspector also reported (paragraph 4 of the costs decision letter) that the Council failed to amend its approach during the 26 Lancaster Lane appeal in the light of an appeal decision issued 24 November for the Royle & The Coppice, Whittle-le-Woods (APP/D2320/A/10/2130056), and in response to an assessment submitted as part of the appellants appeal submission (for the 26 Lancaster Lane appeal) on whether alternative brownfield sites were available. He also noted that the Council did not refer to Local Plan policy HS6 in the reasons for refusal in relation to the 26 Lancaster Lane appeal (paragraph 5). In awarding partial costs, the inspector found that the Council behaved unreasonably in relying on its interim policy and failed to review development in the context of the Local Plan and PPS3.

Consultations

11. **Lancashire County Council (Ecology)** – no comment.
12. **The Environment Agency** – no comment.
13. **United Utilities** – The amended plan is in compliance with the 10m easement therefore United Utilities have no formal objection. Due to the criticality of the Thirlmere Aqueduct United Utilities insist that the developer adheres to the Standard Conditions for Works Adjacent to Pipelines. The exact location and depth will need to be determined prior to works. If planning permission is granted it must be clearly stated to any future developer the conditions (Standard Conditions for Works Adjacent to Pipelines) and requirement to contact United Utilities prior to any works. The aqueduct is approx. 3m wide and 3m deep (from invert to soffit) and is constructed of mass concrete without re-enforcement and was constructed in 1890-94.
14. **Chorley's Building Control** has made comments regarding the Thirlmere Aqueduct: As plots 2 and 3 will be adjacent to the easement a possible solution may be the use of bored piles, but this would have to be put forward by a Structural Engineer as a designed solution. The use of bored piles, close together so as to act as a possible retaining structure, may be possible but it could be difficult to achieve. There would always be the danger that sideways movement of the aqueduct could take place due to the subsoil removal during piling. These plots are possibly not a viable proposition on cost grounds alone. The prospect of damage occurring would be one big problem. The cost of Insurance against such damage may be prohibitive let alone implementing any design.

15. **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.
16. **Chorley's Waste & Contaminated Land Officer – No objection.** One request for a condition on gas protection, and one recommendation for desk study report.
17. **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 and Policy HS4 of the LDF Site Allocations and Development Management Policies OPD (SADMP). 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).
18. Members of the Committee should note that:
- The interim policy was adopted 14 Oct 2010
 - The decision notice refusing 26 Lancaster Lane was issued 4 Nov 2010
 - The appeal decision for 26 Lancaster Lane was issued 16 Mar 2011
 - The LDF Site Allocations & Development Management DPD (preferred option paper) was published Sep 2011, with public consultation ending 18 Nov 2011. Policy HS4 details a policy restricting development in private residential gardens. Policy HS4 has been the subject of both supporting and objecting representations. The DPD is of course at the preferred option stage, and as such it remains the case that limited weight can be applied to this policy.

Assessment

Principle of the development

19. 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.
20. 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.
21. PPS3 requires Local Authorities to apply the principles of 'plan, monitor and manage' in order to assess and demonstrate a rolling 5 year supply. Chorley Council has a 5 year supply which can be met from existing housing allocations, previously developed sites and safeguarded land so there is no reason to release gardens for housing development.
22. As the site is located within the settlement the Council's Interim Planning Policy on Private Residential Garden Development and Policy HS4 SADMP are relevant which have 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.*

23. 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.
24. 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

25. 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

26. 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.
27. 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

28. 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

29. 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.

30. 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.
31. 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

32. 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.
33. 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.
34. 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

35. 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

36. 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.

37. 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 had shown an easement of 6.4m wide which fell short of the required width advised by United Utilities. However an amended plan now shows an easement of 10m.
38. 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. The owner has also raised concerns about the construction of the dwellings and the impact of construction and sewers on the aqueduct in the short term and also long term.

Section 106 Agreement

39. 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

40. 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 Guidance
- 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 and included Policy HS4 within the Site Allocations and Development Management DPD 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 and Policy HS4.
2. 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

7. Lancashire County Council (Planning Obligations) have requested contributions towards waste management and education.

AssessmentPrinciple of the development

8. 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.
9. 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.
10. 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

11. 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.
12. 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

13. The original application was considered at DC Committee in May 2008 and in respect of parking the dwellinghouses incorporate 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.
14. 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.
15. 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).
16. 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.
17. 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.

18. 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

19. 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.
20. 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.

21. 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

22. 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.
23. 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.
24. 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.
25. 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.
26. 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.

27. 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.
28. 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.
29. As such the traffic implications were fully considered and satisfactorily addressed during the consideration of the previous application.
30. 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.
31. 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

32. 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

33. 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.
34. 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

35. 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/REMAJ-** 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 dwellinghouses 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 dwellinghouses 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 dwellinghouses 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 dwellinghouses 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:
	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, 80-97 (inclusive), 98-107 (inclusive), 120-122 (inclusive), 125-129 (inclusive), 131-133 (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, 80-97 (inclusive), 98-107 (inclusive), 120-122 (inclusive), 125-129 (inclusive),

131-133 (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	11/00934/REMAJ
Case Officer	Mr Adrian Morgan
Ward	Astley And Buckshaw
Proposal	Erection of 53 dwellings including associated roads and footpaths at Parcel F, Buckshaw Village
Location	Parcel F3 Central Avenue Buckshaw Village Lancashire
Applicant	Barratt Homes Manchester
Consultation expiry:	21 December 2011
Application expiry:	19 January 2012

Proposal

1. This application is a reserved matters application for Parcel F for the construction of 53 no. dwellings together with associated works.

Recommendation

2. It is recommended that the application is approved and planning permission granted subject to conditions.

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - a. Principle of the proposal
 - b. Design, layout and scale
 - c. Access and parking
 - d. Impact on neighbour amenity

Representations

4. 36 representations containing objections or expressing concerns have been received, including one from Councillor Perks.

One representation in support has been received

The supportive representation welcomed the provision of additional affordable housing.

Councillor Perks' concerns relate to the levels of traffic that would be generated on Bryning Way and Sharrock Street, roads that he considers to be too narrow for the additional volume of traffic. He is of the opinion that other parts of the village have suffered problems due to similar designs, with road safety, larger vehicle access, double parking and on street parking issues. He considers that this experience should be taken account of in this case. Councillor Perks also considers that the junction of Sharrock Street and Buckshaw Avenue could become an accident black-spot as the road is narrow and has a pedestrian crossing near to it.

Councillor Perks suggests that the whole site be served by one road connecting to Main Street, with the two separate sections of road running through the development being joined to form one and the two access points to Sharrock Street and Holland House Way being removed from the scheme, including any pedestrian access.

Councillor Perks also requests that landscaping is provided to provide privacy between the existing properties and the proposed new ones.

The various objections received expressed concerns relating to the following issues: -

- Inadequate consultation has been undertaken; both on this application and on the decision to remove the road link to the east that was included in the Masterplan for the area
- The site should not be developed at all and should be left as green space.
- That 53 homes was too many for the site.

- That the proposed development would make the area feel claustrophobic and congested.
- Gardens and windows would be overlooked from the new homes.
- That the new homes would be too close to existing properties.
- That the new road would be used as a rat-run between the community centre, school, hub, medical centre and Rowland development.
- Too much additional traffic would be generated on adjoining roads, thereby compromising road safety.
- Access to and from the proposed development would be poor due to poorly designed roads and inadequate access points.
- Insufficient car parking would be provided on the site and car parking would cause problems on adjoining roads.
- The design of the new development is poor and not fitting with the existing developments.
- Vacant ground would be left between proposed and existing homes.
- There should be no more than 10% social housing.
- Rented housing should not be sited in an owner occupied housing area.
- The proposed affordable / social / rented housing would: -
 - be too concentrated and should be more mixed with market housing;
 - generate anti-social behaviour and crime;
 - be too close to the school, thereby giving residents an advantage when seeking school places;
 - would cause problems in terms of school capacity as residents would be likely to have children;
 - would have a negative effect on the area and on home values.

Consultations

5. Environment Agency – No objection subject to a remediation strategy being agreed should any previously unidentified contamination being found on the site.

The Coal Authority - Standard Advice

Assessment

The site

6. The parcel is bounded by Main Street to the north, the community centre site to the east, and residential development to the south (Bryning Way) and west (Holland House Way). It is relatively flat.

Principle of the development

7. The principle of housing on this site has already been established by the original outline permissions for the whole of Buckshaw Village (granted in 1999 and modified in 2002). This application relates to reserved matters only.

Design & layout

8. Policy GN2 of the Local Plan applies to the former Royal Ordnance Site. This states that high quality and phased development will be permitted for purposes appropriate to the concept of an Urban Village. The site is identified as a village street area in the Masterplan approved under the outline permission and the Buckshaw Village Design Code. The Design Code states that the village street area will be characterised by 2 to 3 storey blocks, principally terraces with other buildings sandwiched and attached, at a density of 40 – 50 units per hectare. Roads to have a 20mph design speed and generally courtyard type parking with archway access. The proposed homes would be built at a density of 44 units per hectare and it is considered that the proposals accord with Policy GN2.
9. Policy GN5 covers building design and states that developments should be well related to their surroundings with landscaping integrated into the scheme. The appearance, layout and spacing of new buildings should respect the distinctiveness of the area. As stated previously the proposals are considered to be in line with the Buckshaw Village Design Code.

Access and Parking

10. Policy TR4 of the Local Plan outlines the highway development control criteria.
11. The two vehicular access points have been designed into the scheme to aid permeability. Both Miller Homes and Roland Homes left roads to these points for the expressed purpose of continuing the road

through. Following consultations with Lancashire County Council, links through to the East West link road to the north were omitted to avoid rat running.

12. The original Masterplan included a through road linking Parcel F to the school, across the green corridor. When, however, the primary school application was considered (09/00180/FULMAJ) it was concluded that vehicular traffic crossing the pedestrian/cycle route in the green corridor would not be appropriate in terms of safety. As such the road was redesigned to create a turning head with only pedestrian/ cycle access to the Green Corridor. The Highway Engineer at Lancashire County Council did not object to the Masterplan being modified. This application was considered at Development Control Committee in May 2009 before there were residents on Sharrock Street and Bryning Way to formally consult although the existing neighbours to the site were consulted on the application.
13. In respect of the parking requirements the original layout detailed 1.5 parking spaces per property in accordance with the Design Code, however, as the Council now requires more parking per property the parking has been increased in accordance with the current requirements.
14. Subject to conditions, the layout, access and parking are therefore considered acceptable in accordance with Policy TR4 and the Manual for Streets.

Neighbour Amenity

15. The parcel bounds directly with other homes to the west and south only and the position of the proposed properties complies with the Council's interface distances.
16. No vacant land will be left between the new development and adjoining properties. The revised plans have included a landscaped buffer to the rear of the gardens of the houses at the south-western corner of the site.

Affordable Housing

17. The 20 affordable rent properties proposed as part of this application are not related to the original S106 Agreement associated with Buckshaw Village. The original S106 Agreement required affordable housing provision at a level far below the Council's current policy requirement of 20%. Barratt Homes, in connection with Progress Housing, have successfully applied to the Homes and Community Agency (HCA) for funding to erect additional affordable units at Buckshaw Village.

Grouping of affordable units

18. Although ideally the affordable and market units would be inter-mixed, in this case the proposed 20 affordable units are sited together for the following reasons: -
19. The HCA has imposed strict deadlines for the funding which, it is understood, require the units to be completed by June 2012. In order to meet this deadline, the units will have to be constructed prior to the remainder of the scheme, requiring that they be grouped together.
20. The affordable units will be built to meet Level 3 standard of the Code for Sustainable Homes. As Level 3 requires a different build specification and different access requirements to the market units, which will not be built to Level 3 standards due to viability constraints, it will not possible to mix the units together.
21. The HCA require units of a certain size and that none of their plots use communal car parks, constraints which again require the funded units to be grouped within the development.
22. Progress Housing prefers their units to be grouped together as it allows for more efficient management.
23. Affordable Housing is a Corporate Priority and the need for affordable housing is reflected in the Council's present policy requirements and the even higher requirements set down in the Central Lancashire Publication Core Strategy.

Other Issues raised by objectors

Housing tenure

24. National planning policy requires that new developments offer a good mix of tenures in order to contribute to the creation of sustainable mixed communities. Planning Policy Statement 3 (PPS3)

requires that Local Planning Authorities should ensure that the mix of housing on large strategic sites, such as Buckshaw Village, reflects the proportions of households that require market or affordable housing and achieves a mix of households as well as a mix of tenure and price. The mix of housing should contribute to the creation of mixed communities having regard to the proportions of households that require market or affordable housing and the existing mix of housing in the locality.

25. The affordable housing requirements applied to the original planning permission for Buckshaw Village were far below the Council's present affordable housing policy requirements. The Council's present policy seeks a minimum of 20% affordable housing on such developments. The Council's draft Core Strategy, which is based on the latest evidence of local housing requirements, seeks 30%. The proposed additional affordable units will, therefore, contribute to addressing the shortfall of affordable housing, relative to present policy requirements, that presently exists at Buckshaw Village.
26. Objections have raised concerns about rented homes being situated in a predominantly owner-occupied area, but whether market housing is owner-occupied or private rented is not a material planning consideration. In addition, private rented properties do not meet the criteria to be considered to be affordable homes.

School enrolment

27. Enrolment at the Buckshaw Village school will be unaffected by the proposal. Outline planning permission for the housing development across Buckshaw Village, including the site in question, was granted in 1999 and the school has been planned specifically to accommodate sufficient pupils from the area.

Crime and anti-social behaviour

28. The design of the proposed development satisfies the requirements of Policy HS4(e) of the Local Plan that requires that account has been taken of design measures which help prevent crime and promote community safety and public health initiatives.

Home values

29. The effect that new developments may have on the values of existing homes is not a material planning consideration.

Other Matters

Public Consultation

30. All consultations were undertaken in accordance with the relevant legislation. The following residents were initially consulted: -
 - Hillcrest Vet Clinic, Buckshaw Community Centre,
 - 1 to 7 New Inn Close, Buckshaw Village,
 - 1 New Inn Close, Buckshaw Village,
 - 21 Holland House Way, Buckshaw Village,
 - 8 Robinson Close, Buckshaw Village,
 - 45 & 47 Bryning Way, Buckshaw Village,
 - 136 & 138 Main Street, Buckshaw Village,
 - 22, 24, 26 & 28 Holland House Way, Buckshaw Village,
 - 16, 18, 20 & 22 Roby Avenue, Buckshaw Village,
 - 18 to 22 Darwen Fold Close, Buckshaw Village,
 - 9 Roby Avenue, Buckshaw Village,
 - 23 to 27 Darwen Fold Close, Buckshaw Village,
 - Buckshaw Community Centre, Unity Place,
 - 36 & 38 Bryning Way, Buckshaw Village,
 - 57 & 59 Main Street, Buckshaw Village,
 - 130, 132, 134, 140 Main Street, Buckshaw Village,
31. Residents were originally consulted on 2 November and given 21 days to comment however the letters went out with the incorrect application reference and as such the residents were re-consulted, and again given 21 days to comment, on 23 November.

32. Additionally two site notices were erected on 8 November and there have been 2 notices in The Guardian on 9 and 30 November.
33. Following the receipt of amended plans the residents initially consulted and contributors were re-consulted on 8th December.

Overall Conclusion

34. The principle of developing the site for housing has already been approved and the details of the proposal are considered to comply with the Buckshaw Village masterplan which requires a density of housing on the site such as that proposed. The principle of whether the site is suitable for housing development, and whether the number of units proposed is appropriate, are, therefore, matters that have previously been approved.
35. The application is considered acceptable in relation to policies GN2, GN5, HS4 and TR4 of the Local Plan subject to conditions.
36. The revised plans have incorporated changes intended to address some of the issues raised by objectors to the proposal, for example, a landscaped buffer has been added at the south western edge of the site and car parking provision has been increased.
37. A key issue concerning many objectors has been the provision of the proposed affordable housing on the site. As previously indicated, the level of affordable housing agreed at the time of the original outline planning permission for Buckshaw Village was far below the levels required by the Council's present policy standards. This proposal represents an opportunity to rectify some of the current shortfall in affordable housing at Buckshaw Village relative to current standards.
38. Affordable Housing is a Corporate Priority and the need for affordable housing is reflected in the Council's present policy requirements and the even higher requirements set down in the Central Lancashire Publication Core Strategy.
39. Affordable housing provision is only a material planning consideration to the extent that minimum policy requirements have to be met. The tenure of housing is not, in itself, a material planning consideration and minimum policy requirements can be exceed. As the proposed provision of affordable housing units on Parcel F would be in excess of the requirements applied at the time of the original outline planning permission being granted, this provision is not, in itself, material to the consideration of this application.
40. Due to the funding available from the HCA, these affordable homes would also be constructed to a higher standard (Level 3 standard of the Code for Sustainable Homes) than will be viable for the market homes on the site. For the funding requirements to be met and these higher standards to be accomplished, the proposed site layout is necessary.
41. For the funding from the HCA to be obtained, and therefore, for the affordable units needed to support the Council's Corporate Priority objective to be achieved, it is necessary that the affordable homes element of the proposal is completed by June this year, requiring the development of this part of the scheme to be commenced without delay.

Planning Policies

National Policies

PPS3, PPG13, PPS23

Adopted Chorley Borough Local Plan Review

Policies: GN2, GN5, HS4, TR4.

Planning History

97/509/OUT: Outline application for mixed use development (granted in 1999)

02/748/OUT: Modification of conditions on outline permission for mixed use development (granted December 2002)

**Recommendation: Approve Reserved Matters
Conditions**

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

Drawing Number:	Date:	Title:
424/P/PL01 Rev C	7/12/11	Planning Layout
424/P/ML01 Rev C	7/12/11	Materials Layout
424/P/BT01 Rev C	7/12/11	Boundary Treatments Layout
424/P/RS01 Rev C	7/12/11	Refuse Strategy Layout
424/ED/03 -	7/12/11	Engineering Layout
424/HT/HEL/C/01 Rev A	7/12/11	Helmsley House Type (Terraced Option)
424/HT/HEL/C/02 Rev A	7/12/11	Helmsley House Type (Semi Option)
424/HT/ALY/C/01 -	7/12/11	Alysham House Type
424/P/SS01 Rev A	7/12/11	Proposed Street Scenes AA, BB, & CC
293/ED/11/03 Rev E	7/12/11	Finished Floor Levels

Design and Access Statement Rev A
(Including materials and existing site photographs). 7/12/11
Reason: For the avoidance of doubt and in the interests of proper planning.
2. 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.
3. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development. The railings used on the development shall be the 'Buckshaw Village railings' as used on other parcels on Buckshaw Village.
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. 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.
5. 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 Nos. GN2 and GN5 of the Adopted Chorley Borough Local Plan Review.
6. During the development, if contamination which has not previously been identified, is found to be present at the site no further development shall be carried out until a Method Statement has been submitted to and approved in writing by the Local Planning Authority detailing how this unsuspected contamination will be dealt with. The development shall then only be carried out in accordance with the Method Statement.
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 PPS23.
7. Before the properties hereby permitted are first occupied, the car parking spaces shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

8. The integral 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 (as amended).

Reason: To ensure the properties have sufficient off street parking and in order to safeguard the residential amenity and character of the area and protect highway safety in accordance with Policies HS4 and TR4 of the Adopted Chorley Borough Local Plan Review

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

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

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Item 4d	11/00837/FULMAJ
Case Officer	Mrs Nicola Hopkins
Ward	Astley And Buckshaw
Proposal	Erection of 2 no. distribution centre/industrial buildings (Use Class B1c, B2, B8) with ancillary office accommodation, service yard areas, car parking, access, internal circulation areas and landscaping.
Location	Site 7 And 9 Buckshaw Avenue Buckshaw Village Lancashire
Applicant	Evander Properties Ltd

Consultation expiry: 4 January 2012

Application expiry: 22 December 2011

Proposal

1. This application relates to the erection of 2 distribution centre/industrial buildings (Use Class B1c, B2, B8) with ancillary office accommodation, service yard areas, car parking, access, internal circulation areas and landscaping at the Strategic Regional Site, Buckshaw Village (now known as The Revolution).
2. The application occupies site 5, 7 and 9 which are the last remaining parcels of land at the Strategic Regional Site and occupy 10.20 hectares.
3. The largest of the 2 buildings proposed occupies sites 7 and 9 which covers approximately 7.7 hectares. The proposals incorporate the erection of a single distribution centre/ industrial unit (Use Class B1c, B2 or B8) extending to 34,383sqm in total. This floorspace is made up of 32,641sqm of distribution/ industrial space and 1,742 sqm of ancillary office accommodation.
4. The other smaller proposed building occupies site 5 which covers approximately 2.85 hectares and incorporates the erection of a single distribution centre/ industrial unit (Use Class B1c, B2 or B8) extending to 10,590sqm in total. This floorspace is made up of 10,033sqm of distribution/ industrial space and 557.5 sqm of ancillary office accommodation.

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:
 - Principle of the development
 - Background information
 - Green Belt
 - Levels
 - Design and Layout
 - Noise
 - Flood Risk
 - Traffic and Transport

Representations

7. 2 letters of objection have been received raising the following points:
 - Scale- loss of light and loss of privacy
 - Adjacent to houses that are currently being built- occupants cannot object
 - Noise disruption
 - Effect on local nature and trees

- Proposed offices and car park should be used as a buffer adjacent to the neighbouring residential properties
8. 1 letter has been received commenting on the application stating that red cladding is out of place with all other units on development
9. **De Pol Planning & Development Consultants** have submitted an objection letter on behalf of Barratt Homes & Stewart Milne Homes raising the following concerns:
- The letter confirms that they raise no objection whatsoever to the principle of the application site being developed for employment uses. However they are equally of the opinion that this should not be at all costs and in this respect they wish to raise strong objection to the proposals as currently submitted.
 - The scale and bulk of the main industrial building relative to the dwellings under construction to the west, would create a wholly unacceptable relationship for existing and future residents particularly as it would be located only 14 - 25 metres away from the rear gardens and only 25 - 34 metres away from the rear facades of the affected dwellings.
 - A 15 metre high industrial building particularly with a length of approximately 209 metres in such close proximity to dwellings would result in an adverse effect for those residents most affected.
 - The distance between the residential properties and the main industrial building is wholly inadequate. Whilst a landscaped area is proposed to the west of the building 7/9, this is only 5 – 17 wide (after allowing for the fire track) which is felt would be incapable of satisfactorily alleviating the overall adverse effect on residential amenities created by the length, scale and bulk of the building. It is in this respect somewhat incredulous to note from paragraph 4.3 of the submitted Design & Access Statement that the position of industrial building 7/9 was "... orientated to create a visual and acoustic buffer..." between the operational parts of the site and the adjacent residential development.
 - A further issue for consideration is noise, there is potential for the proposed B2 / B8 development to result in adverse noise impact on the amenity of the residents of the approved housing site. There should be an increased separation distance between the western boundary of the residential development and the main industrial building 7/9 and the HGV parking /service area to the north and furthermore, that the acoustic screening of the HGV area to the North West should be improved.
 - The applicants should be requested to amend the proposals in an attempt to lessen the overall impact on the residential development. One option would be to seek the removal of a bay from the western end of the building which would not only have the effect of increasing the separation distance of the building and northern HGV parking / service area by around 30 metres, but would also enable a greater degree of screen planting with additional landscaped mounded areas to be introduced. The latter element would also help to more instantly reduce the overall visual impact of the mass and bulk of the very long façade of industrial building when viewed from the dwellings and gardens to the west. Such amendments would still enable a very substantial distribution / industrial building to be erected in a manner which was consistent with existing recent development within Revolution Park but which also more appropriately respected the amenities of the adjoining residential development.
 - The proposals would not accord with the following policies of the Chorley Borough Local Plan Review:-
 - Policy EM1A criterion (d) which requires industrial development to integrate with its surroundings and criterion (g) which requires such development to have no significant adverse effect on the residential amenities of nearby residences;
 - Policy EM2 criteria (c) which seeks to avoid unacceptable harm to surrounding uses. It is noted that criterion (g) of this policy requires peripheral landscaping ranging between 5 & 10 metres where industrial sites adjoin residential areas;
 - Policy GN5 which seeks to ensure that the design of proposed developments is well related to their surroundings.
 - Policy EP20 which seeks to prevent noise-generating uses close to noise sensitive areas unless adequate measures can be implemented.

- The original masterplan for this general area of the overall site, had the concept of residential parcels separated from the southern commercial / industrial area by landscaped road network. The plan also indicates that the location of the proposed distribution / industrial building would in that context have adjoined the Southern Commercial Area and not a residential development as is currently the
- Our clients have no objection in principle to appropriate employment development for the application site and indeed fully support the potential that such a development could generate for economic growth and creation of jobs in the Chorley area.
- It is however considered that the sheer scale, length and bulk of the proposed distribution centre / industrial building 7/9 in such close proximity to the adjoining residential development to the west would result in a loss of amenity for existing and future residents and indeed could also potentially prejudice future sales of those dwellings which are most affected by the proposals as currently submitted.
- It is requested that further discussions are entered into with the applicant in an attempt to seek amendments to the submitted scheme in a manner which more appropriately took account of the amenities of the adjacent residential development.
- If appropriate amendments to the proposals are however not undertaken, then the planning application as currently submitted should be refused planning permission.

10. **Stewart Milne Homes** have appointed Hepworth Acoustics to comment on the submitted noise assessment. They have made the following comments:

- There are no planning conditions requiring any noise mitigation measures on the residential development site, so it is incumbent upon the developer of the proposed industrial site to incorporate adequate noise mitigation on their development site in order to safeguard the amenity of the new residents, as well as existing residents.
- The Resound Acoustics noise report is dated September 2011 and so should take full account of the adjoining approved residential site – however no background noise readings were taken at the eastern boundary of the approved residential land.
- The B1/B2/B8 development is a speculative proposal with an illustrative layout only, so there is uncertainty as to what will actually be built:
 - The current illustrative layout shows a B8 proposal with a large warehouse building very close to the approved housing site, with parking spaces to the north of the building for heavy goods vehicles which could come and go at any time of day and night.
 - Some types of B2 'General Industry' involve noisy manufacturing processes. Such industry may involve noise generating equipment/processes not only inside buildings but also external plant such as industrial fans, motors, compressors, pumps, valves, pipework, etc.
- The large warehouse building that is shown on the illustrative layout is proposed to be within 20 metres of the western site boundary. Thus the building will be very close to the approved houses. These types of building are invariably built with lightweight cladding walls and roofs which provide only a low level of sound insulation. A larger stand-off distance would therefore be appropriate. Any development close to the housing development should be restricted to B1 uses only, which by definition would be compatible with the residential area.
- No background noise readings were taken at the nearest noise-sensitive location to the site i.e. the location of the approved houses which will adjoin the western boundary of the employment land. Thus, in the noise report, there is no background noise data at the nearest noise-sensitive location on which to base the subsequent assessment of noise impact.
- The measurement data shows that the prevailing background noise climate of the area to the west of the site, particularly in the evening and night, is very low. Clearly, the lower the level of existing background noise, the greater the potential noise impact will be from an adjacent B2/B8 development.
- Because the background noise level is low, the recommended noise limit for plant and machinery at night is extremely low. It may not be feasible for some types of B2 uses to comply with this very low noise limit, without a very large stand-off distance and extensive noise mitigation measures.

- For most B8 operations, the most significant noise emission is from HGV movements and this type of intermittent vehicle noise would be noticeable above the low background noise climate.
- The character of the night-time noise climate will be changed. Also the peaks of noise inside the bedrooms would exceed the 45 dBLAmax criterion that is recommended in British Standard 8233.
- The mitigation proposed by Resound Acoustics to reduce noise from on-site HGV activity is an acoustic fence of only 2.5 metres in height. This does not appear to be sufficient. The bedrooms of the approved houses in the northern area adjacent to the site boundary will overlook the B8 site. These houses will have first-floor bedroom windows at a height of approximately 4 metres and some houses will have Velux windows at a height of approximately 6 metres. Therefore an acoustic fence of 2.5 metres would not provide significant noise screening for the bedrooms of the nearest houses on the approved residential site.
- From the above we conclude that there is potential for the proposed B2/B8 development to result in adverse noise impact on the amenity of the residents of the approved housing site. Therefore, we recommend that the separation distance between the western boundary and the start of the development (i.e. the building and HGV area) should be increased, and the acoustic screening of the HGV area improved.

11. **Following receipt of these comments the applicants noise consultants have provided the following comments:**

- It was not possible to measure at, or close to the boundary between the residential site and Plots 7/9 as construction works were ongoing in this area. The location selected by Resound Acoustics was within a completed part of the housing development, further to the west.
- At the time of the survey, there were completed houses to the north of the monitoring position, and various site buildings to the east
- It was considered to be acoustically similar, if not slightly quieter than the boundary between the two sites, as the measurement position was enclosed on most sides by residential properties, whereas the boundary between the tow sites had a more open aspect to the dominant noise sources such as the surrounding roads.
- The acoustic performance of any proposed building can be conditioned.
- As noted above, the selected position was within a completed part of the new development and was considered representative of, and potentially quieter than, the part of the residential development closest to plots 7/9
- The basis of the describing background noise levels as 'very low' is not clear. BS4142 provides a description of what constitutes a very low background noise level, for situation where that standard is used. The background noise level in this instance is higher than that described in BS4142 as very low.
- Notwithstanding the semantics of what is a low, or very low background noise level, the background noise level at that measurement position if reported and used in the assessment. As exact description of the noise level is not relevant to the analysis
- In terms of the ability of a particular design or process to achieve those limits, a planning obligation would take precedence. The specific scheme would need to ensure that fixed items of plant achieve the noise limit.
- The approach to the assessment, in terms of which sources were assessed against which standards, was agreed in advance with Chorley Council
- The fact that the unmitigated maximum noise levels exceed the World Health Organisation guidance on sleep disturbance is acknowledged in the report and is the reason mitigation was recommended. The mitigated maximum noise levels meet the World Health Guidance recommended limits.
- In acknowledgement of residual concerns raised by the Environmental Health Officer at Chorley Council, it is proposed to increase the height of the acoustic fence to 3.5 metres.

12. **Councillor Mark Perks** originally objected to the application however following the receipt of amended plans he has withdrawn his objection.

13. **Stewart Milne Homes** have sent a further letter raising the following points:
- The amended plans received do not consider our initial objection or noise comments. Our concerns have not been properly considered.
 - The Masterplan for Buckshaw Village is flawed in this area. The Stewart Milne Homes approval was in context of the current application site having no extant approval. The original masterplan for this part of the site assumed the Stewart Milne Homes land was commercial land. It is wrong to use the outline approval on the Evander Properties site as the fallback position as the outline approval was approved in a completely different context to the current situation.
 - The noise report is flawed and makes no reference to the completed houses or those under construction. The Council are making a decision using inaccurate and misinterpreted information. The Council's noise consultant has not been provided with a copy of our noise report. The Council must request that the applicants do an updated survey
 - There is no other relationship between commercial and residential development elsewhere on Buckshaw Village. Across the Village the stand off is between 50 and 100 metres. The Evander proposal is, at its closest 19 metres away from Parcel L
 - Evander Properties have an approval for the Waitrose distribution centre in South Ribble. The stand off distance between the approved residential development on Group 1 and the distribution centre is 75 metres. We are not aware of any reason why it is suitable to reduce the distance between the commercial and residential development
 - There is a contractual obligation between Bae Systems and Redrow PLC that affects the land between Parcel L and the Evander Properties Lane. There are covenants created by this contract that allowed for Redrow Homes and Barratt Homes to apply for planning permission without the requirements of a landscape buffer within Parcel L. the responsibility of the appropriate stand off was on BAE Systems and the subsequent developments on Parcels 7 and 9.
 - The expired outline approval has been cited as the fallback position by Evander Properties. Unfortunately Evander only apply elements of the fall-back position that is convenient for their application. The expired outline requires the provision of not less than 20 metres of structural landscaping and shows an indicative stand off distance from Parcel L of 50 to 60 metres. The current Evander application shows 12 metres of landscaping and a stand off distance of between 19 and 25 metres
 - The proposed landscaping does not provide adequate screening of the proposed building. Evander properties are relying on an ineffective and reduced landscape area to justify the height and scale of the proposal. A decision should be made on the appropriateness of the proposed building in this location by reference to design principles, planning policy, amenity, public health and visual impact
 - If the above application is approved it would threaten the delivery of this part of Buckshaw Village. This will affect the timing and payment of S106 monies due from Barratt Homes and Redrow Homes.
 - We feel the full impact of the proposals on the 59 homes being built is not being fully considered and this application is being accelerated through the planning process. We feel that the full relationship can only be assessed on site.
14. **In response to these concerns:**
- The Council's Environmental Health Officer was forwarded a copy of Stewart Milne's Noise report and have commented accordingly below.
15. Following the receipt of amended plans **Stewart Milne Homes** have sent an e-mail raising the following points:
- There are only three areas of interface between residential and commercial across Buckshaw Village of less than 150 metres. It is clear that Chorley Borough Council have been consistent in their approach to the appropriate stand off distance between residential and industrial land uses.
 - The distance between the occupied Kimberley Clark Building and Parcel L ranges from 113 metres to 149 metres.
 - The stand off distance between the industrial buildings located on Buckshaw Avenue and Parcel L is 50 metres.

- The stand off distance between the industrial buildings located on Matrix Park and the existing residential development ranges from 69-90 metres.
16. However it should be noted that there is no set specific distance set out within the Masterplan for the interface between residential and commercial development to ensure that a mixed use village accommodating both residential and commercial units is achieved on the Village. Each application is considered on its own merit.
17. **Concerns** have been raised by the property advisor for unit 3 (Wolseley) in respect of the impacts of a shared access on their clients operation.
18. Following the receipt of amended plans **De Pol Planning & Development Consultants** have submitted a further objection letter on behalf of Barratt Homes & Stewart Milne Homes raising the following concerns
- Whilst our clients welcome the slight increase in distance from the proposed industrial unit 7/9 to their respective residential developments to the west, together with the additional mounding and planting, they nevertheless wish to continue to object to the proposals essentially on the understandable basis that the scale and nature of the proposed building continues to be much too close to the residential properties.
 - Trevor Bridge Associates have concluded that the distance from the proposed building to the residential properties should be increased which would thereby also enable the mounding to be increased in height.
 - CGIs have been submitted which demonstrate the unacceptability of the closeness of the proposed industrial building to the residential properties.
19. **Stewart Milne Homes** have appointed Trevor Bridge Associates to comment on the submitted landscaping details. They have made the following comments
- Concerns are raised about the effectiveness of the proposed screen planting between the residential development and the proposed units. The concerns are as follows:
 - Suitability of species in relation to the residential development
 - The real screening value in the early stages of establishment (first twenty years)
 - Possible future maintenance issues
 - **Suitability of species** – The extensive use of native or native derived species limits the choice of plants, particularly where evergreen species are concerned. A reasonably high % of evergreens are required if a screen is to have year round effect. The only coniferous tree included is Pine. These are at intervals along the buffer but do not provide a continuous screen, also the habit of this species means that once mature they will have a fairly high canopy, with no screen value at the lower level. The only other evergreen species is the Holly in the Structure Planting and there is only 5% of this species, so they are unlikely to have any significant impact at the lower level.
 - The remainder of the trees planted all have the benefit of being fairly fast growing but are unlikely to have dense canopies. The native structure planting has a much greater variety of species, although with the shortfall in evergreens as described previously.
 - Suggest that the Ash and the Oak are potentially too big for the location. They both have potential to overhang the boundary fences into gardens and Oak is a high water demand tree with implications for foundation calculations. With their proximity to garden space they also have potential to cause problems by shading. They would be OK if located further into the business park.
 - **Possible solutions** –More scope to diversify the tree planting. Some medium sized, native trees planted at the bigger sizes, could be added which are compatible with the original concept, but would increase the canopy type. With the native structure planting a higher % of (Holly) say 10-15% and some Yew say 5-10% is suggested.
 - **Real Screen Value** – The fact that the planting is on a mound helps to increase the impact slightly by raising the height and it also reduces noise nuisance.
 - The trees planted at nursery stock sizes do not have fully developed crowns and the height is to the extreme growing tip. As a result they are not substantial in terms of screen value when first planted. The native structure planting is transplants so will have a planted size of 1.0m maximum. The planting is likely to remain in this condition for the first couple of years with only slight growth.

- Need to know what the mound will be formed from in order to ensure that good quality soil is used to adequate depths. What is likely to happen is that the larger trees will not put on a great deal of growth for the first few years but the structure planting will grow more quickly once established – so after the first couple of years. The growth of new planting tends to concentrate on making height, before the crown develops, so whilst trees may become tall the canopies are unlikely to be dense.
- The sections submitted are optimistic in their prediction of 8-9m in height at seven years. A realistic height is around 5 metres at 7 years old. Anticipate that by year 15 the trees are more likely to be only 6-7 metres tall, as opposed to the 9-10m shown in the section. Predicting the growth rate of new planting is very difficult as many factors come in to play.
- **Possible Solutions** –the mound should be increased in height. This height is currently restricted by the width of the mound and whilst it would probably be possible to get another 1.0m in the current format it would be better if the mound was wider. If this width was increased to a minimum of 20m wide then it should be possible to easily get a height of 4-5.0m. The increase in the width of the mound would also allow the inclusion of bigger growing trees.
- The sections submitted are over optimistic and the impact of the proposed building on adjacent housing will be great during the establishment period.
- **Maintenance Issues** – For this planting to establish well there needs to be an agreed maintenance programme which should be submitted and approved as part of the planning application. A maintenance Obligations document has been submitted which ensures that future works such as thinning and pruning works are properly carried out.
- The LPA should also consider the making of a Tree Preservation Order on the new planting, thereby ensuring that the screen is safeguarded in the long term.
- Including a hedge on the boundary will be a maintenance liability. With a fence on one side and dense planting on the other it will not be possible to gain access to cut it and keep it in shape at a sensible height.
- The landscape scheme, in its present form, will offer little screening benefit to occupants of the residential development. The residents will have a minimum ten year period until a reasonable screen is achieved by planting and twenty before full cover is established.
- It would be better if the overall site layout was re-considered, in terms of the siting of the building. If the proposed building were sited further from the boundary then it would reduce the reliance on screen planting to lessen its impact.
- Recommend that the bund and structure planting is carried out prior to the remainder of the development and fenced off to protect it. Not only will this allow for early establishment of planting, but it will afford residents protection from the site operations.

20. **Stewart Milne Homes** have sent a further e-mail raising the following points:

- The revised proposal still results in an unsatisfactory relationship in planning terms between residential and commercial use.
- Images of the relationship have been produced because Evander Properties have not provided this level of information within the application.
- We are also concerned that Evander Properties have not produced a Shadow Path Analysis of the proposed building and landscaping that will screen the building in accordance with British Standard 8206.
- We are also not aware of any evidence that the current proposal meets the BRE tests for sunlight and shadowing in relation to the existing homes on Parcel L.
- The reluctance of Evander Properties to provide full supporting information for the application is unhelpful and further highlights the lack of consideration for neighbours and future occupiers of Parcel L.
- Can you please confirm if the Planning Committee will visit the site before the application is discussed at the Development Control Committee? I would also suggest it would be helpful for Members to visit the Waitrose Distribution site in South Ribble currently under construction by Evander Properties as the building is of similar size to the current proposal by Evander Properties.

Consultations

21. **Environmental Health (Noise)** have made several comments on the proposals which are addressed below
22. **The Environment Agency** originally objected to the application however following discussions with RPS, the applicant's engineers, the Agency have withdrawn their objection to the proposed development but recommend that any subsequent approval is conditioned.
23. **The Architectural Design and Crime Reduction Advisor** has no objection
24. **United Utilities** have no objection subject to various conditions/ informatives
25. **Lancashire County Council (Highways)** have no objection. Their specific comments are addressed below.
26. **Chorley's Waste & Contaminated Land Officer** has no objection

AssessmentPrinciple of the development

27. The site constitutes plots 5, 7 and 9 on the Regional Investment Site (RIS) originally identified in Regional Planning Guidance for the North West. This designation was carried through into Policy 15 of the Joint Lancashire Structure Plan, although the Structure Plan has now been removed.
28. Policy EM1A of the Adopted Chorley Borough Local Plan Review reserves the land for strategic investment of regional significance, and lists a number of criteria that proposal should comply with including the scale of development, impact on surroundings and nearby occupiers, satisfactory vehicular access, occupation by a limited number of occupiers, comprehensive planning for the site as a whole, and safe links for pedestrians and cyclists.
29. This site constitutes 10.20 ha, (divided between site 5- 2.85 hectares and sites 7 and 9- 7.7 hectares) which equates to approximately 47% of the RIS.

Background Information

30. Reserved matters approval has already been granted at this site however this was never implemented and the permission has now expired. When outline planning permission was originally granted for the development the associated Section 106 required not less than 40% of the overall site to be used for High Quality Generic Manufacturing uses and Knowledge Based Industry. Sites 2, 3, 4 and 6/8 were granted reserved matters approval on a speculative basis including B8 uses and are all occupied by B8 uses. The Council's aims for the site included a mixed use B2/ B8 site and as such when reserved matters approval was granted on this site previously is was for B2 (High Quality Generic Manufacturing uses and Knowledge Based Industry) use only.
31. This 60/40% split was dictated by the associated S106 Agreement. The agreement stated:
The Owner hereby covenants with the Council that not less than 40% of the site shall be used for High Quality Generic Manufacturing Uses and Knowledge Based Industry provided that:
 - the Owner will use reasonable endeavours to secure that a greater percentage of the Site is used for such uses and industry;
 - if the Site has been marketed in accordance with the approved marketing strategy for a period of 5 years to the reasonable satisfaction of the Council in writing then the Owner shall be entitled to market the Site for uses not falling within the definition of High Quality Generic Manufacturing Uses and Knowledge Based Industry.
32. The marketing, referred to above, began in 2005 and as such from 1st October 2010 the site, including plots 5, 7 and 9, could be marketed and occupied for uses other than High Quality Generic Manufacturing and Knowledge Based Industry.

33. This application is not a reserved matters application as the time period for submitting reserved matters, in accordance with the original outline permission, has expired. However as set out above alternative industrial uses, other than B2, can be considered on this site.

Green Belt

34. This site is located within the Green Belt and as such Policy DC1 of the Chorley Borough Local Plan Review is applicable. Policy DC1 advises that planning permission will not be granted, except in very special circumstances, for development other than agriculture, forestry, recreational facilities, cemeteries, the re-use of buildings, replacement dwellings and affordable housing in certain circumstances, and the redevelopment of Major Developed Sites in accordance with Policy DC6. The application site is within the Major Developed Site designation.
35. Policy DC6 states:
The re-use, infilling or redevelopment of major developed sites in the Green Belt, as shown on the Proposals Map, will be permitted providing all the following criteria are met:
- a. the proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;
 - b. the development is in scale and keeping with the main features of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance;
 - c. the development does not exceed the height of the existing buildings;
- and in the case of infill
- d. the proposal does not lead to a major increase in the developed portion of the site, result in a significant additional impact on the surrounding countryside or give rise to off-site infrastructure requirements;
- in the case of redevelopment
- e. the proposal contributes to the achievement of the objectives for the use of land in Green Belts;
 - f. the appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive long term plan for the site as a whole;
 - g. the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction if this is appropriate;
 - h. the new buildings do not occupy a larger area than the buildings they replace nor result in a significant additional impact on the surrounding countryside.
36. The landscape of the Royal Ordnance site is essentially a very artificial one, having been subject to massive earth movements to form underground bunkers and blast mounds with a variety of buildings and infrastructure. The application site is now a levelled formed building platform with access laid out in accordance with the outline application.
37. When outline planning permission was originally granted the artificial landscape of the area was taken into consideration and the parameters of building heights were identified to be 12-16m which was considered to be acceptable in respect of Policy DC6. The other approved buildings on The Revolution have been built in accordance with the Masterplan and are approximately 14 metres high.
38. Although this application is a full application which is not related directly to the original outline approval the original design concepts are still applicable particularly when assessing an application against criteria (f) of Policy DC6. This application cannot be viewed in isolation in respect of this site as it would not achieve a *comprehensive long term plan for the site as a whole*. Concerns were originally raised that the scheme did not accord with the original Masterplan for the site as it did not incorporate a 20 metre structural landscape strip along the western boundary. However the plans have been amended to incorporate a buffer landscaping strip and mound (which extends from 10 metres at the narrowest point to 23 metres at its deepest point adjacent to the proposed building), a drainage ditch and a turf laid

fire path along the western boundary. This results in the building being sited further away from the common boundary and respects the original Masterplan in terms of a 20 metre landscape strip along this boundary.

39. It is considered that the amended proposals reflect the originally envisaged design principles for the whole site in accordance with the original Masterplan and are in accordance with the criteria of Policy DC6 for this major developed site within the Green Belt.

Levels

40. The proposed finished floor levels are 65.7 for the building on site 7 and 9 and 70.4 for the building on site 5. This reflects the fact that the site steps up. The building on site 7 and 9 is adjacent to the residential dwellings on parcel L of Buckshaw Village currently being constructed by Stewart Milne Homes (11/00149/REMAJ) and Barratts Homes (10/00792/FULMAJ). The finished floor levels of the dwellings along the common boundary range from 65.00 to 66.25 (at the north west corner of the site) which ensures that the maximum level difference between the dwellings and the buildings is 0.7 metres however they are proposed to be separated by a landscape strip which is addressed below and as such it is not considered that the level difference will adversely impact on the neighbours amenities.

Design and Layout

41. When outline planning permission was originally approved for the whole Strategic Regional Site there was accompanying S106 which incorporated several clauses. Clause 5 of this agreement incorporated the design principles which were required to be incorporated into the reserved matters approvals for the site. these included:
- a. The provision of not less than 20m depth of structural landscaping between the edge of the road corridor and the front elevation of any building which may include staff and customer car parking with each phase of the Development;
 - b. The provision of not less than 20m depth of structural landscaping between the boundaries of each plot within each phase of the Development;
 - c. The provision of not less than 15m depth of structural landscaping between the rear elevation of the buildings and the boundary of each plot with the railway line within each phase of the development;
 - d. The design of each of the buildings shall accord with the following principles:
 - the main front façade will incorporate windows and doors, the main entrance reception and offices
 - profiled and flat metal panels will be the main cladding materials for the warehouse and factory elements with curtain wall glazing and flat metal panels for the office and reception elements
 - elevation treatments will include cladding in light colours and large areas of the same colour and profile of cladding will be avoided
 - window and door frames will be anodized or powder coated aluminium
 - the roof will be shallow pitched with ridges running east-west or a parapet to give a horizontal profile to the link road.
42. Additionally the S106 included a Masterplan which indicatively detailed the layout of the buildings and the proposed landscaping. This Masterplan was subsequently amended removing the landscape strip between site 7 and 9 to allow more flexibility within the layout.
43. These design principles have been established across the remainder of the site and as such are the starting point for the consideration of this application.
44. As set out above concerns were originally raised from the adjacent land owners that the buildings on site 7/9 were too close to the residential dwellings currently under construction. This was mainly due to the fact that the scheme did not incorporate a 20m structural landscaping strip as indicated within the original S106 Agreement, the height of the proposed building and the fact that the building is closer to the common boundary than the Masterplan originally envisaged.
45. As detailed earlier the height of the building is within the range originally envisaged for this

site and the Masterplan was only indicative in respect of the siting however at pre-application stage the agent and the applicant were advised that the western boundary was the most sensitive location of the site due to the proximity of the residential dwellings and a 20m structural landscaping strip was envisaged when the scheme was originally approved. The applicant was advised that any deviation away from this original design concept would require justification.

46. In this regard there have been several versions of the layout and landscaping plan submitted as part of this planning application which has including increasing the depth of the landscaping and the distance between the boundary and the building. The most recent plans detail the proposed landscaping at year 1, year 7 and year 15 to detail how the landscaping will develop through the years to provide a buffer strip between the proposed building and the adjacent dwellings. Additionally the landscaping is incorporated onto a mound to increase the height of the landscaping when viewed from the adjacent residential dwellings.
47. The width of the landscaping itself does vary along the common boundary (adjacent to the building) from 10 metres at its narrowest to 23 metres at its greatest however this area also incorporates a meadow and a 'green' turf laid fire track to ensure that there is a minimum 20 metres separation between the boundary and the building. It is noted that Policy EM2 states that on the edges of industrial areas, where sites adjoin residential areas or open countryside, developers will be required to provide substantial peripheral landscaping ranging between 5 and 10 metres in width. It is considered that this is provided within this scheme.
48. The agent has confirmed that the applicant is also proposing to create a series of landscape mounds on which the proposed screening vegetation will be planted. The agent has confirmed that *the landscape buffer area is currently in the ownership of BAe. In developing the site, there will be a legal obligation placed upon BAe to carry out the landscaping works in accordance with the approved plans. The landscaping area will subsequently be transferred to the Revolution Park Management Company Ltd which has now been set up. The management company will be directly responsible for maintaining the landscaping area in accordance with the approved maintenance scheme thereafter.* Plant species proposed are essentially native and planted at one-metre centres in order to develop dense natural woodland that is ecologically appropriate to the site. However, in order to strengthen the winter screening effects of the proposals, evergreen species have also been incorporated in the form of Holly in the mix of young woodland transplants and Pine trees as specimens amongst the larger trees. The largest trees to be planted will be native Ash trees which establish well as extra-heavy standards, whereas the Oaks and Birch often fail at this size, so will be planted as slightly smaller feathered stock.
49. It is considered that the inclusion of a mound, which was not a requirement of the original outline approval, increases the effectiveness of the screening and the landscaping proposed will provide a high quality landscape scheme along this boundary. Additionally the applicant has agreed to a condition which requires the landscaping to be planted within the first planting season following any approval which will enable the planting to begin maturing prior to the construction of the building (which would be in the next few months).
50. As set out above Trevor Bridge Associates, on behalf of Stewart Milne Homes, have raised concerns in respect of the effectiveness of the landscaping proposed. The Council's Parks Open Spaces Team are undertaking an assessment of the submitted details and further comments will be reported on the addendum.
51. The proposed building will be 20 metres from the common boundary at its closest point and 30 metres from the common boundary at its furthest point. It is acknowledged that this will result in a large building relatively close to residential dwellings however the landscaping proposed will assist in alleviating the visual impact. Concerns have been raised in respect of noise which is addressed below.
52. The proposed materials are also a consideration to ensure that the buildings 'fit into' the character of the remaining site and from the neighbouring residents perspective a 207 metre long elevation will be visible from their properties. The materials include grey profiled metal

cladding on the roof and duck egg blue horizontally spanning profiled metal cladding panels and silver vertically spanning profiled metal cladding panels for the walls on the warehouse element of the building. For the offices the materials include grey profiled metal cladding panels for the roof, horizontally spanning composite micro-rib metal panels in Silver for the walls, PPC frames in graphite grey with grey tinted glazing and grey lookalike panel spandrels where required for the doors and windows. For the entrance lobby and canopy grey profiled metal cladding panel roof in grey with grey eaves soffit and fascia and grey composite micro-rib metal panels in grey above glazing.

53. The buildings incorporate windows within the main front façade profiled metal panels, a mix of materials to break up the elevations and the roof is designed to give a horizontal profile to the link road all in accordance with the original design concept for the Strategic Regional Site. The materials match those used elsewhere on the site with the exception of the red feature band. One letter has been received stating that the red cladding is out of place with all other units on development. The inclusion of this red banding is a branding inclusion by the applicant and only introduces a small amount of red into the buildings facades. It is not considered that this small inclusion will result in buildings which are out of character with the surrounding area.
54. As set out above Stewart Milne Homes have raised concerns that a Shadow Path Analysis has not been produced and whether the current proposal meets the BRE tests for sunlight and shadowing. As set out elsewhere within this report the site is allocated for industrial/commercial development and the adjacent parcel (Parcel L) is allocated for residential development. As such the interface between commercial and residential uses was always going to be a consideration. The building on plot 7/9 is east of parcel L which will affect sunlight within the morning. A shadowing and sunlight analysis has been requested and this will be addressed on the addendum.

Noise

55. Noise is a particular concern to the adjacent land owners due to the proximity of the building on site 7/9 to the dwellinghouses and the fact that the building is being constructed on a speculative basis (no end user identified) which means the applicants are seeking 24 hour operation.
56. In this regard the applicants have submitted a noise assessment in support of the application.
57. The proposed service yard for this building is situated within the rear elevation close to the common boundary of the site which raised concerns with the Council's Environmental Health Officer. He confirmed that on the whole the noise report is quite comprehensive and offers some mitigation measures to deal with noise that may affect noise sensitive dwellings at the site boundary (which originally included a 2.5m acoustic barrier (now increased to 3.5 metres in height) along the western edge of the loading bays which returns for a distance of 25meters along the northern edge).
58. The EHO considers that the fence would afford protection to the ground floors and garden areas of domestic dwellings during the day. However he did have concerns that noise maybe able to be heard at domestic dwellings at the other side of the acoustic fence under certain circumstances.
59. The EHO's past experience with loading bays means that areas of concern with regards to noise are: reversing alarms on vehicles, general vehicle manoeuvring and operation of air brakes, operation of chiller units onto of the cab areas of HGV's, general activities with the unloading of HGV's fork lift trucks, trolleys being rolled along the ground, trolleys being rolled about in the rear of HGV's, tannoy noises.
60. He has also noted that the operation of chiller units, HGV noise through engine exhausts, trolley movements in the rear of the HGV and in the loading bay (building) would be at an elevated position.
61. Taking the above into account the EHO originally considered that there are really only two

proposals which would ensure that the receipt of complaints about statutory nuisance is reduced is (1) the implementation of strict hours of operation or (2) a re designing of the site with the loading bay being relocated to the other side of the site near to existing commercial buildings.

62. Following further discussion between the applicants' noise consultants and the EHO the EHO considers that there are two issues (1) HGV noise and associated vehicle movement noise (2) noise from plant / machinery from the building. In this regard he considers that there is a potential for a larger acoustic barrier which would be better sited on an earth mound to increase its height (for obvious reason of stability of the barrier). The EHO considers that an increased height barrier (for the HGV area) coupled with an increased separation distance between this and the dwellings would protect future residents from noise.
63. The agent for the application has made the following comments in respect of noise. It is noted that the Council has previously approved an application for the development of a B2 use on the application site which included a service yard located in the approximate position of that currently proposed to the north of the Plot 7/9 building. Furthermore it is noted that the distance between the western edge of the previously approved service yard and the western boundary of the site ranged from between 28 and 40 m. In contrast, the current proposal will provide a separation distance of between 35 m and 45 m between the western boundary of the northern service yard and the western boundary of the site.
64. The agent comments that whilst the residential developments currently under construction to the west of the site had not been approved at the time of the previous reserved matters application, this land was allocated for residential development at this point and it was known by the Council that this land would come forward for residential development in the near future. As such the Council has previously accepted the principle of locating a service yard to serve an industrial development closer to the site's common boundary with a residential site than is now proposed through the current application. In the circumstances, the principle of the location of the northern service yard is considered to be acceptable based on this precedent. Notwithstanding this, it is acknowledged that the requirement for noise mitigation measures must be considered.
65. To further this the agent confirms that the current application is supported by a comprehensive noise assessment which considers the noise impact of the service yard on surrounding residential properties. This identifies the requirement to provide a 2.5m acoustic fence (now increased to 3.5 metres in height) running along the length of the northern service yard's western boundary and a section of its northern boundary. As evidenced within the submitted noise assessment, the provision of this fence would mean that the noise impact of the northern service yard would not breach World Health Organisation (WHO) standards at the most sensitive/vulnerable residential properties.
66. Notwithstanding this conclusion, the Council's Environmental Health Officer has requested that the applicant consider further mitigation to provide additional certainty that the WHO standards will not be breached. The applicant has considered a range of measures to achieve this. Whilst restricting the use of the northern service yard or controlling the activities which can take place within this area may have some positive effect, such measures would undermine the operational efficiency of the facility as a distribution centre/industrial use. This will in turn impact upon the commercial appeal of the facility and put the development at a significant competitive disadvantage in securing an end user and delivering resultant employment for Chorley. In the circumstance, such controls are not considered to be appropriate although this area will be restricted by condition to parking only with no loading/unloading permitted in this area.
67. The agent therefore concludes that the optimum solution would be to increase the height of the proposed acoustic screen by a further 1m to 3.5m. Increasing the height of the barrier represents a more robust approach to mitigating the potential noise impact of the northern service yard, providing added certainty that this will not result in WHO standards being breached. As a result it can be concluded, with further confidence, that the operation of northern service will not give rise to any unacceptable impacts on the amenity of nearby

residential properties.

68. The agent has considered the Environmental Health Officer requirement to be aware of additional noise generating activities at the site, such as the operation of plant and internal noise; however the agent has noted that such noise can be readily mitigated and adequately controlled by condition so as to not exceed an unacceptable level at the nearest noise sensitive receptor. External lighting can also be controlled by condition to ensure it does not give rise to any amenity impact. Appropriate conditions are attached in this regard.
69. The EHO has reviewed the report from Hepworth acoustics which criticises the report submitted by Resound acoustics. The EHO acknowledges that they do point out that as a B1/B2/B8 development the proposal is a speculative proposal and there is uncertainty as to what will be actually built and recognises that the 'large warehouse building' will be very close to the yet to be built housing and that they point out that for a B2 use background levels may be so low that uses under B2 find compliance difficult. However the EHO has confirmed that the assessment is not entirely 'flawed' and that they **do** consider dwellings which have not been built yet. (hence they talk about an acoustic fence line specifically located in a position in order to protect these residents).
70. Amended plans were received on 25th November which detail a 3.5 metre high acoustic fence and the building is sited further away from the common boundary. These plans have been forwarded to the EHO. Additionally the applicant's noise consultants, Resound acoustics, have submitted a further letter responding to specific comments received from the EHO.
71. Following receipt of these amended plans and letter the EHO has confirmed that he has no further comments to make on the proposals. As such from a noise perspective the proposals are considered to be acceptable subject to specific conditions.

Flood Risk and drainage

72. The application is supported by a Flood Risk Assessment and Drainage Strategy which has been reviewed by the Environment Agency (EA) The Environment Agency initially objected to the proposals as they were concerned that the scheme did not clearly establish the surface water drainage scheme for the site.
73. These concerns were forwarded to the agent for the application and the applicant's drainage consultants have had further discussions with the EA. There are two issues, one who is responsible for the maintenance of Pond 5a and confirmation that Evander Properties have the ability to enforce this maintenance thereby ensuring Pond 5a is able to function effectively.
74. The other matter relates to the proposed surface water discharge rate. The EA initially did not consider that the rate proposed by Evander was acceptable and requested a lower discharge rate.
75. The Environment Agency has subsequently confirmed that they have discussed the site with RPS, who are the applicants' engineers, and they have received additional information on 29 November 2011 (their ref. AMS/NK016970). The EA consider that the additional information addresses their previous concerns regarding the maintenance of the surface water drainage system. The EA have also reviewed the additional details submitted in relation to the surface water run-off rates. They still do have concerns about the proposed surface water run-off rates from the proposed development however they are satisfied that these concerns could be addressed by condition. In this regard appropriately worded conditions have been attached to the recommendation.
76. The proposals include a landscape mound along the western boundary and relocating the existing drainage ditch. The agent for the application has confirmed *RPS have been consulted regarding surface water runoff from the proposed landscaped bunding to the western of the building occupying Plots 7 and 9. The landscaped area in question would itself be permeable and therefore rainwater which falls upon it would normally be expected to be absorbed via infiltration into the ground. The dense planting of the landscaped zone would*

also significantly arrest the rate at which none-absorbed rainwater would runoff this area.

77. Based upon a typical “greenfield” runoff rate this mound is *very unlikely to present any significant risk of flooding of the gardens of residential properties beyond the western boundary.*
78. In this regard the Environment Agency have confirmed that they have no concerns in relation to surface water and the proposed landscape mound. As such it is not considered that this mound will create any surface water flooding issues.

Traffic and Transport

79. The application is supported by a Transport Statement which has been reviewed by the Highway Engineer at Lancashire County Council. The Highway Engineer has no overriding highway objection to the proposed development in principle. However he has made specific comments which are addressed below.
80. The Highway Engineer understands that provision for a Bond for Phase 2 Highway Works was put in place with the S106 with Chorley B.C. This is addressed below within the S106 section
81. In respect of access it is proposed that the larger unit (site 7/9) will be via the two existing access points off Buckshaw Avenue. One access point will cater for private cars and the second access will be for HGVs.
82. Vehicular access to the second smaller unit is proposed by utilising the existing private access road serving Unit 3 (Wolseley) to form a new spur access point. This access has been constructed on site and formed part of the planning approval for unit 3. The Highway Engineer has commented however that the limit of highway adoption is 10m back from the nearside edge of the carriageway on Buckshaw Avenue (i.e. 10m into the access road). As such the access road is essentially private from this point onwards and the new access point to serve the proposed Unit is to be taken off the private section of the access road. The Highway Engineer considers that whilst this in itself would not constitute a reason for highways objection, the existing access road is privately maintained and the Applicant should check with their solicitors that they have a right to use the private road for access to the proposed new Unit.
83. Additionally in this regard concerns have been raised by the property advisor for unit 3 (Wolseley) in respect of the impacts of a shared access on their clients operation. In response to this the agent for the application has commented that the cumulative traffic generated by the development on Plots 3 and 5 will be less than that generated by development on some of the individual plots on the opposite side of Buckshaw Avenue which provide a greater level of floor space.
84. The application is also supported by a tracking plan for the largest HGV vehicle permitted on UK road. This demonstrates that the proposed access to Plot 5 off the shared Plot 3/5 access road can adequately accommodate large service vehicles of the type which are likely to serve the development.
85. The Highway Engineer considers that the principle of access is already agreed and as such there are no grounds for any highway objection at this stage. The Highway Engineer has confirmed that the capacity of the T-junction at Buckshaw Avenue is of sufficient capacity to cope with the proposed level of traffic generation from the combined Units. The proposed access arrangements for Unit 5 would therefore be deemed acceptable.
86. In terms of car parking provision for private cars and operational space for HGVs. The Highway Engineer is satisfied that the proposed levels should prove adequate for B1c/B2/B8 Use. The proposed levels of operation space including parking for HGV's are also considered appropriate.
87. However the Highway Engineer has requested that the number of disabled parking spaces

for unit 7/9 should be increased to 12, that cycle parking should be provided along with 12 motorcycle spaces for unit 7/9 and 4 motorcycle spaces for unit 5. This can be addressed via condition.

88. The Highway Engineer has commented that a Travel Plan has not been submitted as part of the application. As such Transport contributions will be sought by LCC to enable Travel Plans to be developed for both of the sites/units: Unit 7/9 - £18,000 and unit 5 - £6,000.
89. For any S106 requests the Council are required to ensure, in accordance with the Community Infrastructure Levy Regulations, that the following tests are met:
 - (a) necessary to make the development acceptable in planning terms
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development
90. The application is however supported by a Framework Travel Plan which demonstrates the applicant's commitment to providing a full travel plan. If has not been demonstrated that the above request meets the CIL tests and as such it is proposed to deal with the requirement for a travel plan via condition.

Section 106 Agreement

91. When outline planning approval was originally granted for this site there was an associated S106 Agreement. As this is a full application which is not associated with the outline planning approval there is a requirement to ensure that all of the originally agreed obligations have been satisfied and any outstanding would have to be secured via a new S106 Agreement. All of the obligations within this agreement have been met apart from clause 8 which the Highway Engineer refers to above.
92. Clause 8 relates to phase II highway works and requires works to be done at the junction with the A6 when certain triggers are met. These triggers have not yet been met. The owner was required to provide a bond or a parent company guarantee to the Council to cover the cost of the phase II highway works.
93. BAE, as the owner, were responsible for securing this bond/ guarantee and they have confirmed that their bondsman asked BAE on 28th April 2011 if they wanted to retain the bond for 'highways works at A6 Chorley'. A letter was issued from BAE on 17th May requesting that it be retained.
94. As the necessary arrangements are in place in respect of clause 8 and the remainder of the obligations have been satisfied there is no requirement for a S106 in respect of this application.

Overall Conclusion

95. It is acknowledged that this is a 'stand alone' application for the erection of 2 industrial units at The Revolution however the fact that in the past it has been established that this type of use is appropriate for this site is a material consideration. The site is allocated within the Local Plan under Policy EM1a as a regional investment site which reserves land at the Royal Ordnance Site for strategic inward investment of regional significance. The applicants have confirmed that the proposed units will generate in the region of 600 new jobs into the Borough. PPS4 advocates that (policy EC10) planning applications that secure sustainable economic growth should be treated favourably and as such the proposals are considered to be acceptable in this regard.
96. It is acknowledged that the building on plot 7/9 will be close to the residential dwellings on Parcel L (currently under construction by both Barratt Homes and Stewart Milne Homes) and this is the most sensitive location of the site. The building height accords with that originally envisaged for the whole site, as set at outline stage, and although the proximity in respect of the siting of the building is closer than that agreed on the Masterplan at outline stage this plan was only indicative. It is considered that the suggested landscaping on a mound, which was not a requirement of the original outline approval, will achieve a high quality landscape

scheme which was the original intention of the outline approval.

97. Noise is a concern particularly due to the potential for 24 hour working however it is considered that adequate mitigation measures can be accommodated and secured via condition to ensure that the proposals do not create a statutory nuisance.
98. As such the proposals are considered to be acceptable and the application is recommended for approval.

Other Matters

Concerns raised

99. Concerns have been raised about the fact that the landscaping plan shows land adjacent to the site shaded green and does not incorporate the approved housing layout. In response to this the landscape proposals plan has been amended purely removing the green shading originally included outside the application site. In respect of the approved housing layout the agent for the application has confirmed that *viewing the landscaping scheme in the context of the other submission plans, including the site layout plan (ref: 5050-60) which shows the adjacent houses in situ, provides further clarification that no works are proposed outside of the site boundary and that the submitted plans correctly reflect the extent of the proposed development.*

Public Consultation

100. In accordance with the Council's Statement of Community Involvement the applicant carried out a consultation exercise prior to submission. This was in the form of an informal exhibition event. 16 members of the public attended and 10 questionnaires were completed. 8 supported the scheme and 2 raised concerns in respect of the impact on the highway network, the scale of the development and potential overshadowing to the neighbouring properties and the effects on the local landscapes.
101. Concerns have been raised from neighbouring land owners about the extent of consultation undertaken. In response to this the agent for the application has confirmed that the applicant worked closely with the BVCA to design an appropriate community consultation programme to ensure the local community, including residents, businesses and landowners, were given the opportunity to meet the applicant and view and comment on draft development proposals at an appropriate stage of the planning process.
102. The principal consultation exercise took the form of an exhibition held on 31st August between 3pm and 8pm at the Buckshaw Village Community Hall. Advertisement of this event was largely co-ordinated by the BVCA and consisted on the following:
- An emailed advert of the proposed exhibition sent to over 1,200 members of the Community Association's Community Forum on 5th August 2011;
 - Display of the aforementioned advert on the BVCA website from 5th August to 31st August;
 - Display of the aforementioned advert on seven notice boards across Buckshaw Village on 6th and 7th August 2011;
 - Distribution of 150 copies of the aforementioned advert to residential properties located close to the application site.
103. Whilst the applicant did not originally approach individual landowners direct, the above advertisement was intended to reach as many realistically interested parties as possible, including businesses and landowners. The advertisement was proven to be successful in this respect as an employee of Barratt Homes, who are developing land immediately to the west of the application site, attended the exhibition.
104. Following their attendance at the exhibition a meeting was held with Barratt Homes on 7th September. At the meeting a number of matters were discussed and concerns explained which were taken on board. It was agreed that a full set of the application documents would be issued to Barratt Homes following submission and that a further meeting would be considered. An email was subsequently sent to Barratt Homes on 20th October suggesting a further meeting to discuss the proposals. No response was received to this invitation.

Sustainability

105. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted. The applicants have provided an Energy Efficiency/Resources Conservation Statement which sets out how they propose to meet the requirements of Policy SR1 of the Sustainable Resources DPD. Policy SR1 requires these types of developments to achieve BREEAM 'Very Good' and incorporate a 15% reduction in carbon emissions through the use of low/ zero carbon technology.
106. The submitted document confirms that the development will be designed to achieve a BREEAM 'Excellent' rating, which is a measure of high all round sustainability performance, and will incorporate numerous measures to conserve the use of natural resources including energy, water, materials and land.
107. The energy and carbon performance of the proposed development has made best use of the functional characteristics of the site and its future use to deliver 15% carbon reduction below Building Regulations 2010 through a carefully conceived package of energy efficiency and conservation measures.
108. Energy efficiency will be delivered through the use of high levels of insulation, air tightness, protection against thermal bridging, lighting specification, use of daylight where practical, and the general use of efficient systems throughout the design.
109. The applicants have considered the full range of potential low carbon generation technologies and should additional measures be required to meet the 15% threshold, then air source heating and/or cooling offers the best solution and will be included as part of the energy solution for the office spaces only. In this way, the overall 15% carbon reduction below 2010 Building Regulations is ensured using the most resource efficient methods while minimising risks and ongoing costs to the final occupier.
110. This is considered to be the most appropriate solution for the buildings proposed and the above requirements can be addressed by suitably worded conditions.

Planning PoliciesNational Planning Policies:

PPS1, PPS4

Adopted Chorley Borough Local Plan Review

Policies: GN5, DC6, EM1A, EM2, EP18, EP20, EP21A, TR4, TR11, TR18 (ACBLPR)

Supplementary Planning Guidance:

- Statement of Community Involvement

Chorley's Local Development Framework

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

Planning HistorySite:**04/00029/FULMAJ** - Remediation and reclamation earth works. Approved 28 April 2004.**04/00882/OUTESM** - Outline application for employment development including full details of a link road – Approved December 2004**07/01395/REMAJ**- Reserved matters application for the erection of 3 buildings for B2 use with ancillary parking areas. Approved March 2008

Adjacent Sites:

06/00589/REMAJ – Site 6/8- Erection of regional distribution centre, including warehouse/storage, ancillary offices, car and lorry parking, access and part circulation space, gatehouse, MHE store and fuel point (site area 6.6 Ha) – Approved September 2006

06/00590/REMAJ – Site 6/8- Part gatehouse, circulation space, MHE store and fuel point, associated with the erection of Regional Distribution Centre (Site area 1.0 Ha) – Approved September 2006

06/00601/REMAJ – Site 2 - Reserved Matters Application for the erection of 18,353 Sq m building for B2/B8 use with ancillary parking areas and landscaping – Approved July 2006

06/00602/REMAJ – Site 3- Reserved Matters Application for the erection of 9,821 Sq m building for B2/B8 use with ancillary parking areas and landscaping- Approved July 2006

06/00674/REMAJ- Site 4- Reserved Matters Application for the erection of 21,563 Sq m building for B2/B8 use with ancillary parking areas and landscaping. Approved October 2007

06/01078/REMAJ- Site 6/8- Part RDC, access, parking gatehouse, circulation space, part MHE store, bottle gas store and fuel point and landscaping. Approved December 2006

06/01079/REMAJ- Site 6/8- Erection of regional distribution centre, including warehouse/storage, ancillary offices, car and lorry parking, part circulation space and landscaping. Part MHE store, pallet store, bottle gas store and compactor machine. Approved December 2006

10/00792/FULMAJ- Erection of 42 No 2 and 2½ storey dwellings. Approved November 2010

11/00149/REMAJ- Reserved Matters Application for southern part of Parcel L for the construction of 59 No dwellings together with associated works. Approved May 2011

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 approved plans are:

Plan Ref.	Received On:	Title:
EVAM2000	15 September 2011	Site Location Plan
5050-60	14 December 2011	Site Layout Plan
5050-48	15 September 2011	Proposed Building Plan and Office Plans (Plot 5)
5050-61	14 December 2011	Proposed Elevations (Plot 7/9)
5050-46	15 September 2011	Proposed Office Plan (Plot 7/9)
5050-57	17 November 2011	Proposed Building Plan (Plot 7/9)
NK016970_0300 Rev A	15 September 2011	Foul & Surface Water Layout
D18940/Plot7-9/JM/A	15 September 2011	Lighting Plot 5
D18940/Plot7-9/JM/A	15 September 2011	Lighting Plot 7/9
5050-49	15 September 2011	Proposed Elevations (Plot 5)
2018-DL003 (2) Rev A	14 December 2011	Cross Sections showing proposed planting at Year 15
2018-DL003 (1) Rev A	14 December 2011	Cross Sections showing proposed planting at Year 15
2018/DL002 (1) Rev B	14 December 2011	Cross Sections showing proposed planting at Year 7
2018/DL002 (2) Rev B	14 December 2011	Cross Sections showing proposed planting at Year 7

2018/DL001 (1) Rev B	14 December 2011	Cross Sections showing proposed planting at Year 1
2018/DL001 (2) Rev B	14 December 2011	Cross Sections showing proposed planting at Year 1
2018-PL001 Rev G	22 December 2011	Landscape Proposals
NK016970_SK800	14 December 2011	Site Access Layout

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

3. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority, notwithstanding the previously submitted plans. The scheme shall include details of the surface water discharge rates from the site in accordance with the Buckshaw Village Drainage Strategy and details of how the scheme shall be maintained and managed after completion. The scheme shall also include details of surface water from yard storage areas, vehicle washing areas, loading and unloading areas. Any areas which are likely to be contaminated by spillage should be connected to the foul sewer. In the absence of a sewerage system, such drainage must go to a tank(s) with no discharge to watercourse.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review.

4. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking / servicing areas shall be passed through an oil interceptor in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority, notwithstanding the previously submitted plans. The scheme shall be designed and constructed to have a capacity and details compatible with, the site being drained.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To protect water quality. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review.

5. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

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

6. Before the development commences full details, of the 3.5 metre high acoustic fence, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved plans.

Reason: To protect the amenities of the neighbouring residents and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review.

7. Prior to the first use of the development hereby permitted, a Business 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.

8. Before the development hereby permitted is first commenced full details of lighting proposals for 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, to prevent light pollution, in the interests of public safety and crime prevention and in accordance with Policy Nos. GN5, EM2 and EP21A of the Adopted Chorley Borough Local Plan Review.

9. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

10. Before the development hereby permitted is first occupied details of the cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. 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 Policy No. TR18 of the Adopted Chorley Borough Local Plan Review.

11. Before any development hereby permitted is first commenced, full details of the surfacing, drainage and marking out of all car park and vehicle manoeuvring areas shall have been submitted to and approved in writing by the Local Planning Authority. The car park shall include provision for 12 disabled parking spaces (unit 7/9), 12 motorcycle spaces (unit 7/9) and 4 motorcycle spaces (unit 5). The car park and vehicle manoeuvring areas shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

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

12. No 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: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy SR1 of the Sustainable Resources DPD and PPS4

13. Within 6 months of occupation of each building hereby approved a 'Post Construction Stage' assessment shall be carried out and a Final Certificate, certifying that a BREEAM standard of minimum 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy SR1 of the Sustainable Resources DPD and PPS4

14. Prior to the commencement of the development full details of the on-site measures to reduce the carbon emissions of the development (related to predicted energy use) 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.

15. The buildings hereby approved shall be constructed in accordance with the mitigations measures set out within the submitted Noise Assessment. In particular:
- the noise limits set out in Table 5.5 of the report should be applied to all service plant;
 - the external building fabric envelope will be designed to optimise the containment of noise to reduce noise emissions from the site.
 - The noise emission limits set out in Table 5.5 shall be incorporated into the building design; and
 - intrinsically quiet plant shall be utilised.

Prior to the occupation of the buildings hereby permitted full details of the measures which have been installed to achieve the above measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of the neighbouring residents and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review.

16. Prior to the occupation of unit 7/9 by a B2 operator the following noise mitigation measures must be installed/implemented
- Penetrations through the building fabric shall be minimised;
 - The number and sizes of doors and windows in noisy areas shall be minimised;
 - The building materials shall have sufficient mass to contain the noise generated
 - by any plant or machines that generate low frequency noise;
 - The buildings shall be designed such that their natural frequencies do not coincide with the dominant frequencies of the plant;
 - All personnel openings shall be fitted with self-closing doors; and
 - Fast-closing roller doors will be used where large openings are required.

Prior to occupation full details of the measures which have been installed in accordance with the above criteria shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of the neighbouring residents and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review.

17. Prior to the occupation of the buildings hereby permitted full details of any external fixed plant shall be submitted to and approved in writing by the Local Planning Authority. Any fixed plant shall be designed, located and installed to ensure that the recommended noise limits in Table 5.5 of the submitted Noise Assessment are achieved. The development thereafter shall be carried out in accordance with the approved details.

Reason: To protect the amenities of the neighbouring residents and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review.

18. Prior to the commencement of the development full details of the pump house associated with plots 7/9 shall be submitted to and approved in writing by the Local Planning Authority. The details shall include elevations of the pump house along with any acoustic mitigation measures proposed. The development shall thereafter be carried out in accordance with the approved details.

Reason: in the interests of the visual amenities of the area and to mitigate any potential noise impact. In accordance with Policies GN5 and EP20 of the Adopted Chorley Borough Local Plan Review.

19. Prior to the commencement of the development hereby permitted full details of the

public footpath along the eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the levels of the footpath and the surrounding land, the gradient of the footpath and the route. The footpath shall be completed and open to the public prior to the occupation of the building on site 5.

Reason: To ensure that safe and adequate links for pedestrians and cyclists are incorporated into the development connected to the surrounding area. In accordance with Policy EM1a of the Adopted Chorley Borough Local Plan Review.

20. 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 grant of this planning approval 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.
21. The external facing materials detailed on the approved plans shall be used and no others substituted.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.
22. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.
Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.
23. 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
24. No materials or equipment shall be stored on the site other than inside the building.
Reason: In the interests of the amenity of the area and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.
25. The development hereby permitted shall be carried out in accordance with the submitted 'Obligations And Maintenance Operations For Landscape Works Post Completion Landscape Management (5 Years) & Woodland Establishment (15 Years)', dated December 2011.
Reason: In the interests of the proper development of the site. In accordance with Policy EM1a of the Adopted Chorley Borough Local Plan Review
26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 8, Classes A, B and C) or any Order revoking or re-enacting that Order, no extension or alteration shall be carried out in respect of the buildings to which this permission relates.
Reason: To prevent an intensification in the use of the premises, in the interests of the visual amenities of the area and the amenities of local residents and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.

27. The Lorry Parking Bays to rear of plots 7/9 shall be used for the parking of vehicles only and shall not be used for loading and unloading purposes.

Reason: To define the permission and to protect the amenities of the neighbours. In accordance with Policy No. EP20 of the Adopted Chorley Borough Local Plan Review.

Item 4e	11/00871/FULMAJ
Case Officer	Mr David Stirzaker
Ward	Chorley North East
Proposal	Proposed residential development of 41 no. 2 storey dwellings (Resubmission of application no. 10/00834/FULMAJ)
Location	Former Initial Textile Services Bounded By Botany Brow and Willow Road Chorley Lancashire
Applicant	Elmwood Construction LLP
Consultation expiry:	9 January 2012
Application expiry:	17 January 2012

Proposal

1. The application seeks planning permission for the erection of 41 two storey houses, 20% of which will be affordable, on the site of the former Initial Textile Services, on Botany Brow and Willow Road, Chorley
2. The properties will all be a mix of two and three bedroom semi-detached properties with a single 4 bedroom detached dwelling, on a site, which is just short of 1 hectare in area at 0.9975 square metres. The density is therefore approximately 41 dwellings to the hectare.
3. The main access is proposed to be off Willow Road, where the existing access into the site is also located. A one way access is also proposed off Botany Brow at the point of another existing access to the site. The properties will be located on either side of the road with 6 of these dwellings having parking spaces at the rear (plots 31 to 36).
4. There are two car parking spaces provided for each property, which are within their curtilage apart from the 4 bedroom detached property which will have space for an additional car to be parked off road due to the number of bedrooms in the property. The proposed site plan also provides details of how the main Botany Brow frontage of the site may be developed in the future although it should be noted that this is only indicative and is not the subject of a planning application at this time.
5. A separate application (Ref No. 11/00892/FUL) is also being considered for a one way vehicular access to the site from Botany Brow which will serve the properties and any future development fronting Botany Brow. The access is detailed on the proposed site plan and a report in relation to this application can be found on the Development Control Committee agenda.

Recommendation

6. It is recommended that this application be granted conditional planning approval subject to the signing of a Section 106 Legal Agreement.

Main Issues

7. The main issues for consideration in respect of this planning application are:
 - Principle of the Development
 - Loss of Employment Land
 - Levels
 - Impact on Existing & Future Neighbours
 - Design & Layout
 - Affordable Housing
 - Trees

- Flood Risk
- Traffic & Transport
- Open Space/Play Space Provision
- Contamination & Coal Mines
- Drainage & Sewers
- Section 106 Agreement

Representations

8. To date, 3 no. letters of support and 1 no. letter raising concerns have been received. The letter raising concerns can be summarised as follows: -
 - Car parking on Willow Road may not be possible as a result of the additional traffic
 - Could a road be put in behind 147 and 149 Harpers Road as these properties have garages at the back and a road here would reduce anti-social behaviour
 - Perhaps an access road could be provided off the roundabout so as not to affect Willow Road
 - Concerned that crime prevention measures have not been thought about for existing residents
9. The letters of support can be summarised as follows: -
 - New jobs will be created and the area will be enhanced by a new development instead of derelict land
 - The site is currently an eyesore
 - Wish houses were being built across the whole site
 - Houses are in keeping with the present state
 - The sooner this development gets under way the better
 - The reduction in the number of houses from the previous application makes the site look less overdeveloped
 - Wish the steel frame building had been demolished and continue the site up to Botany Brow and Harpers Lane as the remaining building is an eyesore
10. Cllr Dennis Edgerley has also made the following comments on the application: -
 - Could the backs of the properties fronting Botany Brow and Harpers Lane be improved?
 - Something should be done with the derelict shell at the Harpers Lane and Botany Brow junction
 - If possible, a new junction should be created off the roundabout so as the junction off Willow Road could be closed

Consultations

11. **The Environment Agency** has no objection in principle subject to the inclusion of a condition in relation to site investigations prior to the commencement of development. The reason for this is to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors.
 - To enable a risk assessment to be undertaken, refinement of the conceptual model and the redevelopment of a Method Statement and Remediation Strategy. This is to ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off the site. The Environment Agency promotes the use of the Sustainable Drainage Systems (SUDS) and recommends their use at this site. It is recommended that the developer considers the following as part of the scheme; water management in the development, including dealing with grey waters, use of sustainable forms of construction including recycling of materials and energy efficient buildings.
12. **Chorley's Planning Policy and Urban Design Officer** advise that that the premises on site have been marketed since May/June 2008, 'to let' as a whole or split into smaller units. However, the information does not indicate that the site was marketed for redevelopment

purposes, as required by Policy EM9, and it does not appear that the site has been marketed for sale.

- However, it is accepted that the marketing process has been hindered by vandalism and theft from the buildings, followed by serious arson attacks. The applicants state that subsequent safety concerns meant that viewing could not take place although it is unclear whether the site continued to be marketed after this stage, or whether viewings just did not take place. It is not considered that the marketing of this site has therefore fully complied with the marketing requirements in policy EM9.
 - It is also noted that the applicants are suggesting employment use at the front of the site, although it should be noted this area of the site is not the subject of this application. As a former employment site, employment use is supported, although any proposals that involve main town centre uses should be subject to Policy EC15 of PPS4.
 - The whole of the former Initial Textiles site (including the section that is not the subject of this application, which the applicants propose for employment) is proposed for housing (HS1.1) in the Sites for Chorley Preferred Options Paper. This decision was taken on the basis that it is a vacant brownfield site predominantly bordered by residential properties in a sustainable location in Chorley Town. Policy 1 of the draft Central Lancashire Core Strategy identifies Chorley Town as a Key Service Centre where growth and investment is to be focussed and Policy 4 requires at least 70% of new housing to be located on Brownfield sites. Therefore, the development of housing (or employment) on this site would accord with Policy 1 of the Core Strategy and as a brownfield site its development for housing would help Chorley to meet its 70% Brownfield target.
 - Concerns are also expressed in relation to the design and layout of the development although these were made in relation to the originally submitted plans prior to the amendments to the design and layout of the site.
13. **Corporate Director (Neighbourhoods)** has advised that the nearby Harper's Lane recreation ground would benefit from upgrading works. Therefore the financial contribution towards open space/play space provision should be provided towards this area instead of creating a new area. This is in lieu of on-site provision.
14. **United Utilities** have no objection to the proposed development. They state that the site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require flow to be attenuated to a maximum discharge rate determined by United Utilities.
15. **Lancashire County Council (Highways)** originally objected to the latest application as a result of the proposed layout and parking provision levels. However, following negotiations with the applicant, the latest scheme is generally considered to be acceptable subject to the provision of a turning space to serve plot 31 so further amended plans have been requested detailing this.
16. **Chorley's Waste & Contaminated Land Officer** states that due to the past processes and activities upon the site, there is potential for ground contamination. Therefore a condition requiring a site investigation and assessment is required prior to the commencement of development. The applicant is also advised to consult the Council's 'Waste Storage and Collection: Guidance for New Developments' document in order to address the household waste and recycling.
17. **Chorley Council (Housing)** state that the applicants are proposing to provide 20% affordable dwellings (8 units) which would be managed by Elmwood Properties. This does not comply with the Council's current definition of Affordable Housing and therefore the 8

units would need to be delivered in partnership with and managed by a Registered Social Landlord (RSL). A list of RSLs can be provided to the applicants with whom they will need to undertake negotiation. The request tenure split would be 6 Social Rented Units and 2 Intermediate Units, this is in line with the indicated tenure need denoted in the most recent Strategic Housing Market Assessment (SHMA) 2009. The Council are not able to accept the management of the units by Elmwood.

18. **LCC (Planning Contributions)** have made a request for a contribution towards education (£183,208 for primary school places).
19. **Lancashire County Council (Archaeology)** have studied the application and noted its contents. They have no archaeological comments to make on this application.
20. The **Police Architectural Liaison Officer** advises that during the last 12 months (01/01/2011-01/01/2012) there have been a number of recorded crimes committed within the immediate vicinity of this location. On Botany Brow crimes include criminal damage to vehicles and burglary, on Harpers Lane there have been theft from the vehicle, burglary and criminal damage.
 - It is recommended that the properties are built to Secured by Design standard to prevent burglary and vehicle crime. The boundary treatments to the individual dwellings are acceptable e.g. 1.8m timber fence and brick wall arrangements and 1.2 Bow Top metal fences at the front to provide defensible space.
 - I do have some concerns regarding the parking arrangements for certain plots e.g. those properties where parking is to the side of the gable end. Parking spaces should preferably be situated to the front of properties to allow the opportunity for good natural surveillance from active rooms. First floor level gable end windows are crucial in this circumstance so as to maximise the opportunity for natural surveillance. Ground floor gable end windows that adjoin public property should be finished with 6.4mm laminated glazing.
 - Plot 29 details parking on the hard standing and manoeuvring vehicle space next to the substation. This area must be well lit within the Street Lighting Scheme so as to discourage criminal activity and reduce the fear of crime. Plating on and around the scheme must not restrict the opportunities for natural surveillance or create areas of concealment for potential offenders e.g. low level to 1m.
 - Should this development seek formal Secured By Design accreditation checklists and further Secured By Design advice can be sought from the Constabulary Architectural Liaison Officer.

Assessment

Principle of Development

21. The site is not an allocated site in the Local Plan, but is located within a residential area within the main settlement area of Chorley Town where Policy GN1 of the Chorley Local Plan Review is of relevance. In this area, there is a general presumption in favour of appropriate development subject to normal planning considerations and other Policies in the Local Plan.
22. In addition to the above, the site was previously used for employment purposes having been occupied by Initial Textile Services up until a few years ago, therefore Policy EM9 (Redevelopment of Existing Employment Sites for Non-Employment Uses) of the Local Plan is of relevance. This is now discussed in more detail in the following section.

Loss of Employment Land

23. Policy EM9 of the Local Plan states that the redevelopment of these sites is encouraged for employment use. It is for the applicant to demonstrate that employment re-use is not appropriate and economically viable. There is also Supplementary Planning Guidance (SPG) relating to the redevelopment of existing employment sites for non-employment uses, which goes into such details of how the site should be marketed etc.

24. The applicant has provided some supporting information in relation to the application titled 'Proof of Marketing on Former Initial Laundry.' This provides detail on the marketing that was carried out on the site and gives a chronology of what material has been put together and states that 10 viewings were carried out but the premises were not suitable. It states in the marketing report that *'The premises have been comprehensively marketed and such endeavours have stimulated interest and enquiry, but have not produced any party sufficiently interested to take part or whole of the premises.'* It is also noted that there were a couple of fires and therefore they were unable to continue marketing or undertake viewings as there were health and safety concerns.
25. The Proof of Marketing SPG is specific about how sites/premises should be marketed, and that they should be marketed for at least 12 months in this economic climate. In this respect, the marketing has exceeded this requirement. However, whilst it is accepted that the marketing does not fully meet the specific requirements of Policy EM9 of the Local Plan, this has to be balanced against the potential to see the site redeveloped for housing and the improvements this would bring to the locality given the current state of the site and its former industrial use.
26. Moreover, as stated, the site is identified as a whole as being suitable for housing in the Sites for Chorley Preferred Options Paper although it should be noted that this document is still the subject of consultation and is not likely to be adopted for some time. Also, Policy 1 of the draft Central Lancashire Core Strategy identifies Chorley Town as a Key Service Centre where growth and investment is to be focussed and Policy 4 requires at least 70% of new housing to be located on Brownfield sites. Therefore, the development of housing (or employment) on this site would accord with Policy 1 and as a brownfield site its development for housing would help Chorley to meet its 70% Brownfield target.
27. Also, it has to be borne in mind that for the most part, the site is bounded by existing residential properties so a new employment use on the site would be difficult to accommodate whilst protecting the amenities of the occupiers of the existing residential properties which bound the site. The applicant also wishes to retain the land at the front of the site for a use that will accommodate some employment generating uses along with further residential development (subject to a planning application). Therefore, on balance, taking into account all of the factors, it is considered in this particular case that the provision of housing on the site is 'in principle' an acceptable one.

Levels

28. The site is generally flat and the proposed site plan details the slab levels of the dwellings and the levels of the road. There is not a significant difference between the existing ground levels on the site and the proposed slab and road levels proposed hence the relationship between the proposed dwellings and the existing properties will be an acceptable one as there is not a significant difference in levels between the existing site and the surrounding properties which would necessitate an increase in the Spacing Standards. The proposed levels detailed on the site plan are therefore considered to be acceptable and do not raise any significant issues in relation to the proposed development of this site.

Impact on the Existing and Future Neighbours

29. The site is surrounded on all sides by residential development. The privacy distances for the most part comply with the minimum 21 metre required (habitable room windows facing each other at first floor level) and the 10m distance required (first floor habitable room window to boundary).
30. However, there are certain plots where these distances fall slightly under those specified. The distances from first floor habitable room windows to the boundaries they face in relation to plots 26 to 29 falls just short of the required 10m distance specified in the Design Guide SPG. However, the maximum by which the 10m is not met is plot 29 which falls short by approx. 80cm. This means that the first floor window to window distance between plot 29 and 36 Larch Avenue is approx. 1m short of the usual 21m distance. However, such a small shortfall is not considered such that the relationship between the existing and proposed

dwellings would be an unacceptable one.

31. In terms of the relationship between plot 19 and 14 Larch Avenue, the gable of plot 19 is off set from the rear elevation of this property so it is considered that the usual 12m distance (windows to blank gable) is not necessary as the main windows in the rear of this property will still have an open outlook onto the access road in the site.
32. With regards to the internal privacy distances, for the future residents, these have also all been accommodated throughout the development in terms of the 10m distance from first floor windows to rear garden boundaries. Some of the plots facing each other have less than 21m between them but this is reflective of the terraced street character of the locality and this interface is less critical when new properties are facing each other so in this case, this internal relationship is considered to be an acceptable one.
33. In terms of the properties side on to Willow Road on plots 1 and 41, the gable of these properties will be just under 21m from the front of the existing properties on Willow Road. This interface distance is therefore considered acceptable given the Spacing Standards require a distance of 21m when first floor windows are facing each other.
34. There are also no significant level changes across the site in terms of the slab levels of the dwellings and the levels of the road that would exacerbate any of the relationships between the proposed dwellings and the existing dwellings so on this basis, it is considered that the proposed residential development of this site will not result in detrimental harm to the living conditions of the occupiers of the adjacent existing dwellings.

Design and Layout

35. There is a definite character to the area which is mainly of terraced and semi-detached properties, all with defined building lines. The amended proposals reflect this layout to a greater extent than the previous application did due to the provision of a mix of modest semi-detached properties on the site. There is also a single detached dwelling house at the main entrance to the site from Willow Road but this does not detract from the overall design and layout of the development.
36. The properties are now also set back from Willow Road at the north western corner of the site with space available for landscaping. This will provide an attractive interface between the development and Willow Road which is an improvement over the previous scheme put forward. This part of the site is also adjacent to a wide grassed verge on Willow Road so this will ensure that the development represents an improvement to the character and appearance of the locality as a result of its layout in this position. Tree planting along the site frontage to Willow Road will also improve the aesthetic characteristics of the development and how it is seen from Willow Road.
37. The properties at the entrance to the site are side on to Willow Road. However, they have now been set back from Willow Road to enable the provision of landscaping which again will soften the outward impact of the dwellings in this position whilst providing an attractive entrance to the site from Willow Road.
38. The proposed dwellings are of modern design and typical of new build properties. However, they do incorporate sufficient detailing to the elevations and design features so as to provide interesting frontages and provide an interesting addition to the character and appearance of the streetscene, particularly those plots adjacent to Willow Road.
39. The layout also includes (plots 20 to 37) properties sited opposite each other at approx. 16m which is reflective of the terraced properties in the locality to the south.
40. A further access into the site is also proposed which is the subject of a separate application (Ref No. 11/00892/FUL). This will provide a one way access to the site from Botany Brow and will also serve the future development of the site fronting onto Harpers Lane and Botany Brow for which an indicative layout is detailed on the proposed site plan.

41. In terms of the request from Cllr Dennis Edgerley for the backs of the terraced properties fronting onto Botany Brow and Harpers Lane, this has been put to the applicant but the applicant advises that this land is not within the ownership boundaries of the site. The design of the development is considered to now be satisfactory and will ensure that the development results in an improvement to the locality whilst providing a good quality layout from an aesthetic perspective and for residents in terms of day to day living.
42. The development of the part of the site fronting onto Botany Brow is not the subject of a planning application at this juncture but the indicate layout on the plans does show what could potentially be accommodated on this site in the future (subject to consideration as part of a planning application).

Affordable Housing

43. The applicant has stated that they will provide and manage 20% affordable housing units on the site, which is in compliance with Planning Policy.
44. The 20% affordable housing obligation would need to be delivered in partnership and managed by a Registered Social Landlord (RSL). The required tenure split would be 6 no. Social Rented Units and 2 no. Intermediate Units which is in line with the indicated tenure need denoted in the most recent Strategic Housing Market Assessment (SHMA) 2009.
45. Whilst it is acknowledged that the applicant is willing to provide and manage the required 20% affordable dwellings as outlined in Policy HS5 Affordable Housing of the Chorley Local Plan Review, Elmwood Properties is not a RSL at this juncture and the request made for the affordable housing to be secured via a planning condition is not appropriate as this can only be secured through a S106 agreement so as an RSL can manage the properties. The applicant has been made aware of this and the need for the S106 agreement to specify management of the affordable units by an RSL.

Trees

46. The site has largely been cleared apart from a small group of trees adjacent to the existing Willow Road access and an evergreen tree and a larger lime tree adjacent to the substation in the north western corner of the site. The proposed layout does not show the trees retained adjacent to the access nor the lime tree retained adjacent to the substation. However, a condition can secure a scheme of replacement tree planting to mitigate the loss of these trees along the Willow Road frontage as there is sufficient space along this part of the site to enable such replanting to take place. This will overtime soften the visual impact of the development and provide an attractive frontage to Willow Road.

Flood Risk

47. The application is accompanied by a Flood Risk Assessment and the site is not in Flood Zone 2 or 3. The Environment Agency do not raise any objections to the application in relation to Flood Risk and do not recommend any conditions in terms of surface water run off attenuation although recommendations are made in terms of the developer utilising Sustainable Urban Drainage Systems (SUDS) which can be made the subject of an informative.

Traffic and Transport

48. The originally proposed layout generated objections from LCC (Highways) due to the lack of parking provision and the layout and dimensions of the internal roads. However, following negotiations with the applicant, highway safety issues have now been addressed and sufficient parking will also now be provided for each of the dwellings.
49. The main access road from Willow Road into the site varies in width starting off at 5.5m and then reducing down to 4.8m wide as it runs into the site. Plots 31 to 36 have parking spaces at the rear with access from between plots 37 and 38. The layout has been designed to enable service and refuse collection vehicles to enter and leave the site in a forward gear.
50. In relation to the car parking, each property will now have adequate off road parking space available comprising of 2 spaces or 3 spaces for the single 4 bedroom detached property.

The level of car parking provision across the site is therefore considered to be acceptable.

51. LCC (Highways) have requested a turning space for plot 31 and some minor alterations to parking spaces so this request for amended plans has been made to the applicant. The details of the amended plans will be reported in the addendum.
52. A one way access is also proposed off Botany Brow. This access is being applied for (Ref No. 11/00892/FUL) in tandem with this application and is the subject of a separate report on the agenda and it is also recommended that planning permission be granted for this access.

Open Space/Play Space Provision

53. There is no on-site open space/play space provision provided within the scheme. Therefore to comply with saved Policy HS21 Playing Space Requirements the Council will secure a commuted sum from the development for use in the provision or improvement of open space facilities in the locality.
54. Specifically, the contribution will go towards the upgrading of the existing facilities at the Harper's Lane Recreation Ground, which is within 500m walk of the application site. It is therefore recommended that £1369 per dwelling is secured, and therefore a total of £56129 will be put towards the upgrading of Harper's Lane Recreation Ground. Policy HS21 will therefore be complied with as a result of this.

Contamination and Coal Mines

55. The Waste & Contaminated Land Officer states that due to the past processes and activities upon the site, there is potential for ground contamination hence a condition requiring a site investigation and assessment is required prior to the commencement of development.
56. With regards to coal mining, the application site is not in a referral area so under the Coal Authority consultation requirements, an informative will be attached drawing the applicants attention to Coal Authority advice in relation to risks.

Drainage and Sewers

57. United Utilities and the Environment Agency do not raise any objections to the application. United Utilities state that this is on the basis that the site is drained on a separate system with only foul drainage connected to the foul drain and surface water discharging to a soakaway, watercourse or surface water sewer. It is also stated that if surface water is allowed to be discharged to the public surface water sewerage system, the flow rate may need to be attenuated.
58. The Environment Agency do not object in principle subject to a condition requiring the submission of a desktop study, the undertaking of a site investigation and the provision of mitigation measures to remediate the site if deemed necessary. This is on the basis of the sites previous industrial use. Recommendations are also made in relation to reducing flood risk although no conditions are recommended in relation to this matter.

Section 106 Agreement

59. A Section 106 agreement is required to ensure that the affordable housing and open space/play space requirements are delivered. The commuted towards off site play space will be specifically directed towards the Harpers Lane recreation ground which is only a short distance from the site.
60. In terms of the affordable housing, the Section 106 agreement will secure the provision of 20% affordable units on the site (8 in total).

Overall Conclusion

61. Whilst this site was last used for employment purposes and has been marketed, the concerns over the marketing are outweighed by the benefits of providing housing on this site. Also, the site is a sustainable location for housing development, as it is surrounded by residential development and in close proximity to the town centre with good transport links so the 'principle' of the residential redevelopment of the main part of the site is considered to be

acceptable.

62. The design of the dwellings and the layout is considered to be acceptable in terms of both national and local planning policy in that it now reflects the characteristics of the area and complies with the objectives of the Spacing Standards set out in the Design SPG in terms of the relationship with the existing dwellings and the relationship between the proposed dwellings..
63. From a highways perspective, the layout of the site is now considered to be an acceptable one and adequate off road parking will be provided for each dwelling.
64. Affordable housing is also to be provided within the scheme and will be delivered by a Registered Social Landlord. The proposal therefore complies with the requisite planning policies.

Other Matters

Public Consultation

65. The application includes summary details of a public consultation exercise undertaken by the applicant prior to the submission of this latest application. The summary explains that local residents were sent a letter and site plan and that 50% responded in a generally positive manner towards the redevelopment of the site. Any issues raised by residents have been addressed as part of the application plans.

Sustainability

66. There has been some information provided in relation to energy efficiency and resource conservation with the application. It states that the building materials and labour from the houses will be sourced from local housing stock, reducing the impact of travel to the site. The properties will be constructed to meet the current Building Regulations and will provide minimum carbon emissions by meeting the national standards for Code for Sustainable Homes. To ensure that these measures are carried out and to ensure that the proposal complies with Policy SR1 Incorporating Sustainable Resources into New Development, then a condition can be added.

Waste Collection and Storage

67. Each property will have adequate space for waste storage and the layout will allow refuse collection vehicles to enter and leave the site in a forward gear to empty bins from kerbside on collection days. Also, the Waste and Contaminated Land Officer does not raise any objections to the application on the basis of the amended plans in terms of waste collection and storage.

Impact on Local Services

68. In respect of the impact on schools the Education Authority have confirmed that there were 525 places in the local primary schools (within 2 miles of the development) at October 2011 pupil census. Latest forecasts for the local primary schools show there to be 39 places in 5 years' time. These forecasts take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.
69. There have been recent planning approvals in the Borough which will create a yield of 89 pupils. The Education Authority has confirmed that this development will create a pupil yield for this development of 15 and there are insufficient places available to accommodate this development. As such they are seeking a contribution of £183,208 for primary schools. The Authority have confirmed that there are sufficient places within the secondary schools to accommodate the development.
70. As set out above for a S106 contribution to be justified the following tests have to be met:
 - a. necessary to make the development acceptable in planning terms

- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

71. As confirmed by the Education Authority there are 39 places available within the local primary schools and as this development will yield the need for 15 places there is sufficient places to accommodate this development. The Education Authority has not confirmed that the local primary school (St Peters C of E Junior School) is full and have included it within their list of local schools. Also, the fact that other residential permissions have been approved which results in this development necessitating the need for school places does not meet criterion (b) of the above tests.
72. It is therefore considered that sufficient places exist within the local primary schools to accommodate the proposed development and as such a contribution could not be justified in this particular case.

Overall Conclusion

73. It is recommended that the applicant be granted conditional planning permission subject to the signing of a S106 Legal agreement.

Planning Policies

National Planning Policies:

PPS1 / PPS3 / PPS4 / PPG13

North West Regional Spatial Strategy

DP1 / DP4 / DP7 / RDF1 / W3 / L4 / RT9

Adopted Chorley Borough Local Plan Review

GN1 / GN5 / HS4 / HS5 / HS6 / HS21 / EM9 / TR4

Supplementary Planning Guidance:

- Design Guide
- Proof of Marketing (Policy EM9)

Chorley's Local Development Framework

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

Planning History

09/00635/DEMCON - Application for prior determination in respect of the proposed demolition of the former 'Initial Washroom Solutions' site. Approved 4 September 2009.

10/00834/FULMAJ – Proposed residential development for 50 two storey houses (20% affordable houses). Withdrawn 2 December 2010.

11/00892/FUL – Proposal to utilise existing former Initial Laundry site entrance and apply for adaptation, to become LCC (Highways) compliant residential access to redevelopment of site.

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. **Notwithstanding the details shown on the approved plans, the proposed driveways to the dwellings hereby permitted shall be constructed using permeable materials laid on**

a permeable sub-base, the details of which shall first have been submitted to and approved by the Local Planning Authority prior to the commencement of the development and the development shall be thereafter be carried out using the approved materials and shall be retained and maintained as such at all times thereafter.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off. In accordance with Policy No.GN5 and EP18 of the adopted Chorley Borough Local Plan Review.

3. 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 the approved plans. The development shall only be carried out in conformity with the approved details.

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

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

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

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

6. 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.

7. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed dwellings (notwithstanding any details shown on the approved plans) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

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

8. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground-surfacing materials (notwithstanding any such detail shown on the approved plans) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved hard ground-surfacing 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 HS9 of the Adopted Chorley Borough Local Plan Review.
9. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. If surface water is to discharge to the public surface water sewerage system, details of attenuation measures shall first be submitted to and approved in writing by the Local Planning Authority (in liaison with United Utilities) as United Utilities may require the flow rate to be attenuated to a maximum discharge rate. The attenuation measures (if required by United Utilities) shall be implemented in full accordance with the approved details and retained and maintained as such at all times thereafter.
Reason: To secure proper drainage and in accordance with Policy Nos. EP17 and EM2 of the Adopted Chorley Borough Local Plan Review.
10. Prior to the first occupation of the dwellings on plots 10 and 11, the car park and vehicle manoeuvring areas shall associated with these dwellings shall be surfaced or paved, drained and marked out all in accordance with the approved plans. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.
Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E) (as amended) or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling(s) hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).
Reason: To protect the appearance of the locality, the amenities of adjacent residents, the amenities of the occupiers of the new dwellings and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
12. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1st January 2010, Level 4 for all dwellings commenced from 1st January 2013 and Level 6 for all dwellings commenced from 1st January 2016) and achieve 2 credits within Issue Ene7: Low or Zero Carbon Technologies.
Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
13. 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.

14. No dwelling shall be occupied until a letter of assurance, detailing how the dwelling in question meets the necessary code level and 2 credits under Issue Ene7, has been issued to the Local Planning Authority, by an approved code assessor. Within 6 months of completion of that dwelling a Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change-Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
15. No development approved by this planning permission shall be commenced until:
- a. A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b. A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site.
 - c. The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the local planning authority.
 - d. A Method Statement and remediation strategy, based on the information obtained from c) above has been submitted to and approved in writing by the Local Planning Authority.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale agreed in writing by the local planning authority: unless otherwise agreed in writing by the local planning authority.

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 addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reasons: To identify all previous site uses (a), potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors; b) To enable a risk assessment to be undertaken, refinement of the conceptual model, and the development of a Method Statement and Remediation Strategy; c) & d) to ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site and in accordance with Policy No. EP16 of the Adopted Chorley Borough Local Plan review.

16. The approved plans are:
- | | | |
|-------------------|------------------|---------------|
| Plan Ref. | Received On: | Title: |
| Drg No. 003 Rev B | 16 November 2011 | Location Plan |

Drg No. 002 Rev A	6 December 2011	Topographical Survey
Drg No. 003 Rev F	22 December 2011	Site Plan
Drg No. 10 Rev A	13 October 2011	House Types A & B
Drg No. 11 Rev C	22 December 2011	House Types C & D
Drg No. 13 rev B	19 December 2011	Wall / Fencing Types
Drg No. 004 Rev C	22 December 2011	Proposed House Elevations

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

Item 4f	11/00892/FUL
Case Officer	Mr David Stirzaker
Ward	Chorley North East
Proposal	Proposal to utilise existing former initial laundry site entrance and apply for adaptation, to become LCC highway compliant residential access to redevelopment on the site.
Location	Initial Textile Services Botany Brow Chorley Lancashire
Applicant	ELMWOOD CONSTRUCTION LLP
Consultation expiry:	24 November 2011
Application expiry:	29 December 2011

Proposal

1. This application seeks planning permission for the utilisation of the existing vehicular access from Botany Brow into the former site of Initial Laundry Services. The site is in the settlement of Chorley covered by Policy GN1 of the Local Plan.
2. The access is intrinsically linked with an application for residential development on the site for the erection of 41 two storey dwellings (Ref No. 11/00871/FULMAJ) and should be considered in tandem with this application which is also being reported to Development Control Committee hence a report relating to this application can be found on the agenda.
3. The access is proposed to be one way and will serve the residential development referred to above and any future development of the site fronting onto Botany Brow and Harpers Lane facing the roundabout. The plans show a layout of a possible future development of the site so it should be noted that the plans are only indicative at this juncture and that any development on this site would be the subject of full consideration through a planning application.

Recommendation

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

Main Issues

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

Representations

6. No letters of objection have been received
7. No letters of support have been received

Consultations

8. **Lancashire County Council (Highways)** advise that it would be inappropriate to give highways approval for the access when objections have been expressed in relation to the residential development of the site.

Applicants Case

9. The applicant states that the proposal is to create a one way access into the site from Botany Brow which will create a desired link from Botany Brow/Eaves Lane junction and will be the supplementary access to that proposed from Willow Lane. The design and construction of the access will comply with Lancashire County Council requirements set out in "Creating Civilised Streets" and associated directives. The road is to be constructed from similar materials, alignment principles and landscaping

to edges as remained of the residential site.

Assessment

Principle of the development

10. The 'principle' of the access is considered to be acceptable given there is already an existing access to the site from Botany Brow/Harpers Lane at the moment that historically served the Initial Textile Services site.

Background Information

11. As already stated, the proposed access detailed by this application is intrinsically linked with the application for the residential redevelopment (Ref No. 11/00871/FULMAJ) of the main part of the former Initial Laundry Services site for which an application is also being considered by the Council and also reported on the addendum.

Levels

12. The plans do not propose any notable changes to land levels to facilitate the construction of the access road as the level would be at almost the same level as the existing access which presently serves the site. There are not therefore any concerns with regards to the proposed level of the access into the site.

Impact on the neighbours

13. The access is obviously not a form of development that will have scale or mass so will physically have little or no impact on the occupiers of the nearest adjacent residential properties.
14. Any associated walls or fences could have an impact but the plans do not include details of walls and fences although the existing brick wall which bounds the north of the access up to the point at which it meets the residential development site. Road markings on the road to indicate its one way nature will also have limited visual impact as they will be seen with and as part of the highway.
15. The actual use of the access will have an impact on neighbour amenity. However, the access has historically been present for many years serving the former Initial Laundry Services site wherein the predominant use of the access would have been by commercial vehicles serving the site. Whilst use of the access will reintroduce vehicular movements, private vehicle movements are likely to generate less noise than commercial vehicles would have and given the access is one way only, the noise of vehicles pulling away will not be present when in use.
16. Also, there is a further access which runs to the backs of the existing residential properties fronting onto Botany Brow between the access boundary wall and the nearest property (1 Botany Brow). These factors mean that the use of the access would be unlikely to generate detrimental levels of noise and disturbance for the occupiers of the nearest residential properties and the boundary treatment of the access nearest to 1 Botany Brow can be made the subject of a planning condition to ensure a suitable replacement if the brick wall is demolished.

Design

17. The design of the access is akin to the existing access into the site and the plans detail the brick wall on the northern side of the access being retained. Given there is already an existing access, there is a wide dropped kerb in place although at present the access is gated. Other than the road markings necessary to draw drivers' attention to the one way nature of the access, the frontage onto Botany Brow around the access will be similar until proposals for the development of the frontage are brought forward. There are not therefore any concerns in terms of the design of the access.

Traffic and Transport

18. As stated, the initial consultation response from LCC (Highways) was to decline making any comments due to the unacceptable nature of the original layout of the residential development which the access would in part serve. However, amended plans for the residential development have now been submitted following negotiations with the applicant and LCC (Highways) and the access has also been amended in line with design comments from LCC (Highways) although the final comments on the access are still being awaited so will be reported in the addendum.
19. In terms of traffic levels, historically this access served the Initial Services Laundry site and would have been utilised on a daily basis by heavy goods vehicles. The proposed residential development of the site will mean that the majority of vehicular movements will initially be associated with the new dwellings. Obviously, the final use of the remaining part of the site is not known at this juncture but any commercial/employment use is likely to involve larger vehicles entering the site but this will still be at a lower level than when the Initial Laundry Services site was being used as full capacity.

Overall Conclusion

20. On the basis of this report, it is recommended that the application be permitted subject to the recommended planning conditions.

Planning Policies

National Planning Policies:

PPS1 / PG13 / Manual for Streets

Adopted Chorley Borough Local Plan Review

Policies: GN1 / GN5 / TR4

Supplementary Planning Guidance:

- Design Guide

Joint Core Strategy

Policy 1: Joint Core Strategy

Planning History

09/00635/DEMCON - Application for prior determination in respect of the proposed demolition of the former 'Initial Washroom Solutions' site. Approved 4th September 2009.

10/00834/FULMAJ – Proposed residential development for 50 two storey houses (20% affordable houses). Withdrawn 2nd December 2010.

11/00871/FULMAJ - Proposed residential development of 41 no. 2 storey dwellings (Resubmission of application no. 10/00834/FULMAJ) (Recommended for approval - see report on agenda)

Recommendation: Permit Full Planning Permission Conditions

1. **Prior to the commencement of the development hereby permitted, a scheme of road marking detailing and defining the one way nature of the access road shall have been submitted to and approved in writing by the Local Planning Authority. The scheme of road marking shall be implemented in accordance with the approved details and retained and maintained as such at all times thereafter.**
Reasons: In the interests of highway safety, to define the permission and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.
2. **The proposed development must be begun not later than three years from the date of this permission.**
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. **The access road hereby permitted shall only be used for ingress purposes into the site in accordance with the approved plans and shall not be used as a means of egress at any time.**
Reasons: To define the permission, in the interests of highway safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.
4. **Before the development hereby permitted is first commenced full details of existing ground level and the proposed road and pavement 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 the approved plans. The road shall only be constructed in conformity with the approved levels details.**
Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
5. **Prior to the commencement of the development hereby permitted, full details of the boundary treatment to the northern side of the access road from the highway to the point at which it adjoins the eastern boundary of the site shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be provided in accordance with the approved details and retained as such at all times thereafter prior to the first use of the access.**

Reasons: In the interests of the character and appearance of the locality, in the interests of highway safety, to define the permission and in accordance with Policy Nos. GN5 and TR4 of the Adopted Chorley Borough Local Plan Review.

6. The approved plans are:

Plan Ref.	Received On:	Title:
Drg No. 017	3 November 2011	Location Plan
Drg No. 003 Rev F	22 December 2011	Site Plan

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

Item 4g	11/01062/FUL
Case Officer	Mr Adrian Morgan
Ward	Chorley South West
Proposal	Erection of a single storey community centre on playing fields adjacent to Lakeland Gardens
Location	Land East Of And Adjacent To 99 Lakeland Gardens Chorley Lancashire
Applicant	Redrow Homes/Taylor Wimpey

Consultation expiry: 4 January 2012

Application expiry: 26 January 2012

1. Proposal

Erection of a single storey community centre on playing fields adjacent to Lakeland Gardens

2. Recommendation

It is recommended that this application is approved.

3. Main Issues

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

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

4. Representations

9 representations expressing objections to the proposal have been received. The various objections received expressed concerns relating to the following issues: -

- The community centre should be sited, where originally proposed, on the Gillibrand development
- The centre would be better sited at Southlands School
- The centre would be better sited 75m further north
- Car parking, traffic and road safety problems would be generated
- Vandalism and anti-social behaviour would be generated
- Residential amenity would be undermined by noise and disturbances, including for elderly and disabled residents who live close to the site
- Vulnerable local residents could be victimised by young users of the centre
- The building would be situated too close to the road
- Local children presently play on the site and this is an important local green leisure area
- The building itself would be higher than neighbouring bungalows and have an unattractive appearance
- The pedestrian link across the fields between the open land near Lakeland Gardens and that near the Gillibrand area will be lost
- 99 Lakeland Gardens would be overlooked
- The centre would be used most by the residents of the social housing rather than the private, potentially creating a clash of interests between the two groups

5. Consultations

- Chorley Leisure services

- Chorley Design Advice
- Coal Authority

6. Assessment

Background Information

7. The Gillibrand housing development is subject to a Development Agreement between the developers and the Council. The Development Agreement covers various matters, most of which were addressed out as the development advanced. One matter that remains to be implemented is the provision of a community centre. The Agreement included a design and specification for a community centre as well as an indication of approximately where it would be located, plus a commuted sum for its on-going maintenance and repair.
8. Since the Development Agreement was signed the design of the proposed centre has been updated and it has also become clear that the type of community centre now needed would not fit well on the original site. An alternative location has been sought that would better accommodate a modern community building and that would be more central and so closer to the long established wider community as well as to the Gillibrand housing estate.
9. The Gillibrand Officer Working Group with representatives of the two house builders, considered various locations. Two potential locations were identified, the site to which this application relates and another at Burgh Wood Way.
10. Community consultations were then undertaken to establish local views on location preference. Residents were also asked to express any interest in joining a group to oversee for the centre; on potential activities they would like to see in such a facility, and about any concerns they might have. There was a good response to the consultation both in terms of number of respondents and the comments that were made including many constructive suggestions for activities.

Previous Public Consultation

11. The proposal represents the culmination of several years of public consultation of which the local community has been encouraged to be an integral part. At least two alternative sites have been the subject of detailed consultation. Through robust debate and assessment of detailed criteria the current proposal has manifested as the preferred option.
12. In terms of the choice between the two locations, the application site was by far the most popular, being favoured by 78% of households. The response rate from the Gillibrand housing estate was higher than the remainder of the consultation area (the "Lakes and Peaks").
13. Most of the Gillibrand residents supported the application site (which is furthest away from them). A significant number of residents nearest to the application site favoured the Burgh Wood Way location. Notwithstanding this there was sufficient widespread support to pursue locating the centre where proposed.
14. A report recommending negotiations to amend the Development Agreement in order to site the community centre at the proposed location and to seek planning permission for the proposal was approved by the Executive Cabinet on 22 February 2007.

Principle of the development

15. The Council's Local Plan Review policy PS2 relates to proposals to build community centres. The policy supports the provision of such facilities provided that the following four criteria are met:
 - a. the use of the site would be compatible with the surrounding land use
 - b. the site is located in close proximity to the population it is intended to serve and has safe and convenient pedestrian access with nearby residential areas;
 - c. the site has adequate road access and its development would not give rise to unsatisfactory traffic, parking or environmental conditions;

- d. the site is well served by the public transport network.

It is considered that the proposal satisfies the four PS2 criteria.

Location

16. The ideal location for a community centre is close to the centre of the residential area that accommodates the community that the facility is intended to serve. The site in question is easily accessible to residents of both the housing estates that it will serve. The proposed site also has the advantage of immediately adjoining the playing fields that will be used for the sports activities related to the changing facilities within the centre.

Impact on the neighbours

17. The presence of the centre would inevitably generate an increase in pedestrian and vehicular traffic as a result of its user's comings and goings. This additional activity which would have the potential to create some noise disturbance in the immediate area, however, the fact that playing fields extend out both eastwards and westwards from the site means that relatively few residential properties are actually situated immediately adjacent to the location of the proposed building. Any community centre, or other facilities such as schools, shops, playgrounds, etc. that can offer great benefits to communities, will always also be accompanied by some disturbance. Provided the facility is adequately managed, the potential benefits of such uses in residential areas are generally considered to outweigh any disadvantages.

Design

18. The new community centre would have approximately 240 square meters of internal floor space. The construction would be single storey with a pitched roof. The plan form is rectilinear in shape and approximately 10m x 28m. Eaves height would be adequate to ensure that mixed use activities associated with a community building are achievable within the internal spaces of the development.
19. The proposed siting and orientation has been determined to take account of the below-ground constraints and to take advantage of surveillance from the nearby CCTV tower.
20. The proposed positioning allows for a clear separation between the nearest homes. Areas around both the community building and the car park would incorporate soft and hard landscaping intended to ensure a pleasant and integrated feel for the development. A private rear garden area would align with the gardens of the adjacent bungalows. The gable wall has been left void of window openings to protect the privacy of the adjacent residence.
21. The site is relatively flat and will allow level access to the building from both the adjacent playing fields and the pedestrian and vehicular access off Lakeside Gardens. In line with current DDA requirements access into the building will be ambulant and wheelchair accessible. Disabled changing & WC facilities will be provided. All internal doorways, light and power switches and general facilities will be designed with disabled users in mind.
22. Disabled parking spaces are provided close to the facility and shall be full identified so that use is restricted. Dropped kerbs and tactile paving will show clear routes for users of wheelchairs.

Security

23. The proposed building would be designed to meet Secure By Design standards. The proposed orientation of the building is intended to ensure that maximum benefit is taken of the nearby CCTV facilities. The site is also overlooked from housing along both its northern and southern boundaries, ensuring considerable natural surveillance.

Traffic and Transport

24. The proposed site is close to public transport routes and undue traffic or parking problems are not expected to be generated as the homes of many of the centre's likely users would be within walking distance. The site has also been designed to provide 16 supplemental on-site parking spaces. Vehicular access would be positioned so as to minimise disturbance on Lakeland Gardens and facilitate safe access and egress for road users. The car park would

be rectangular in shape, offering efficient use of space and providing adequate turning facilities so that vehicles can enter and leave in a forward gear necessitating the need for awkward reversing manoeuvres within the public highway.

Contamination and Coal Mines

25. Ground investigations have since been undertaken to establish that the site is physically suitable for the facility. The proposed orientation of the building takes account of the underlying ground constraints.

Other Matters

26. A pedestrian link between the fields at the east and west of the site will be retained at the northern edge of the site, at the bottom of Ennerdale Road.
27. Ample open play space for local children will be retained around the site.

Overall Conclusion

28. A proposal to seek planning permission for a community centre on the proposed site was approved by the Council's Executive Cabinet on 22 February 2007.
29. The proposal complies with Policy PS2 of the Chorley Local Plan Review.
30. The proposed community centre is intended to provide a facility for the benefit of the local community. Local groups, teams and clubs will be encouraged to make use of the space and it is hoped that the development will act as a catalyst in bringing local people together and providing for all.
31. Groups using the facility may vary but such centres are typically used for play groups; pensioner's gatherings; support group meetings and by sports teams. It is assumed that the facility will accommodate daytime and evening uses and be available for sports on both Saturday and Sunday. It is proposed to limit the hours of use to reasonable operating times throughout the week and weekend periods.
32. Although the provision of facilities such as the proposed community centre can present certain challenges for communities, ultimately they are intended to benefit local residents and contribute to addressing inadequacies in service provision and problems in the localities in which they are sited. It is hoped that the proposed centre, through the opportunities that it will provide to take part in constructive activities and for local people to meet in a well managed, non-biased, venue, will help alleviate some of the issues that have been raised as concerns by some of the consultation respondents, for example, those related to youth nuisance and anti-social behaviour.

Planning Policies

Adopted Chorley Borough Local Plan Review

Policies: PS2

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Planning History

Ref: 11/01061/FUL **Decision:** REC **Decision Date:**

Description: Erection of a single storey community centre

Ref: 11/01062/FUL **Decision:** INSFEE **Decision Date:**

Description: Erection of a single storey community centre on playing fields adjacent to Lakeland Gardens

**Recommendation: Approve
Conditions**

1. The development must be constructed in accordance with the approved plans & documents listed below: -

Plan Ref.	Received On:	Title:
0162 01	2/12/11	Proposed Site Plan
0162 02	2/12/11	Proposed Ground Floor Plan
0162 03	2/12/11	Proposed Elevations
0162 04	2/12/11	Proposed Elevations
4122.01	2/12/11	Landscape Proposals
Design & Access Statement	2/12/11	

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

2. The use hereby permitted shall be restricted to the hours between
08:00 to 22:00 Mondays to Fridays
08:00 to 20:00 Saturdays
08:00 to 18:00 Sundays

Reason: *To safeguard the amenities of local residents and in accordance with Policy Nos. EM2, SP6 and EP7 of the Adopted Chorley Borough Local Plan Review.*

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Item 4h	11/00894/FULMAJ
Case Officer	Caron Taylor
Ward	Clayton-le-Woods West And Cuerden
Proposal	Demolition of Burrows Grass Machinery and removal of car sales forecourt and demolition of The New Bungalow and erection of 14 no. detached two-storey dwellings and associated garaging and infrastructure (changes to access point and layout of the previously approved permission 11/00480/FULMAJ and an additional house).
Location	Burrows (Grass Machinery) Limited Wigan Road Clayton-Le-Woods Leyland Lancashire
Applicant	Wainhomes North West Ltd
Consultation expiry:	30 November 2011
Application expiry:	18 January 2012

Proposal

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

Recommendation

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

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Density
 - Levels
 - Impact on the neighbours
 - Design and Layout
 - Open Space
 - Trees and Landscape
 - Ecology
 - Traffic and Transport
 - Drainage and Sewers

Representations

4. One letter of objection has been received from Oaktree Bungalow stating that the new properties facing on to Wigan Road seem to be being built closer than the existing old property line. They state when they purchased their property their solicitor told them they would not be able to extend the front of the property as it would be out of line with the existing built properties. Even the old Burrows Grass Machinery is in line with the existing buildings. They would like to see the buildings moved back in line with all the properties in existence on Wigan Road to its junction with Lancaster Lane and any future building works kept in line.
5. Clayton-le-Woods Parish Council have no comments to make on the application.

Consultations

6. **Lancashire County Council (Ecology)** see body of report.

7. **The Environment Agency** have no objection in principle to the proposed development but wish to make the following comments:-
8. Surface water run off from this site should be restricted to existing rates in order that the proposed development does not contribute to an increased risk of flooding. Surface water run off can be attenuated through the use of Sustainable Drainage Systems (SUDS). Support for the SUDS approach to managing surface water run-off is set out in paragraph 22 of Planning Policy Statement (PPS) 1: Delivering Sustainable Development and in more detail in PPS 25: Development and Flood Risk at Annex F. Paragraph F8 of the Annex notes that "Local Planning Authorities should ensure that their policies and decisions on applications support and complement Building Regulations on sustainable rainwater drainage". These not only attenuate the rate of surface water discharged to the system but help improve the quality of the water. They can also offer other benefits in terms of promoting groundwater recharge and amenity enhancements. This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands.
9. They state they have reviewed the ecology report submitted with the application in relation to the impact of the development on the aquatic environment. They support the pond enhancements as recommend in paragraph 5.1.9, but would also recommend that natural features such as the pond and trees in the working area should be protected by temporary protective fencing to avoid them becoming polluted or damaged during construction.
10. **United Utilities** have not commented on the current application however they did comment on the previous one to which they had no objection to the proposed development. However they state in accordance with PPS25 surface water should not be allowed to discharge to the foul/combined sewer, this prevents foul flooding and pollution of the environment. They also state the site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.
11. **Chorley Planning Policy** -This proposal differs from the previously approved scheme as it involves a change of access point, change to the layout and the addition of one more dwelling. However, it is not considered that it raises any new planning policy issues. The original policy comments were as follows:
 12. This site was last used for grass machinery sales, servicing, repairs and for car sales and as such is predominantly a brownfield site. The proposal involves the demolition of a property known as The New Bungalow but this does not take the appearance of a typical residential property and it is not clear whether it has been in any form of residential use, or whether it has provided further accommodation for the businesses on site.
 13. Whilst the uses on site have now largely ceased this site did provide a range of employment opportunities. Policy EM9 of the Chorley Local Plan relates to the redevelopment of existing employment sites and is accompanied by Supplementary Planning Guidance (SPG) on this matter. The policy does not define employment use, but Paragraph 3 of the SPG relating to Policy EM9 states that for 'policy EM9 sites employment use is defined as Use Classes B1, B2, B8 & A2'. This site includes a mix of uses including car sales, which is a sui generis use, and the sale, servicing and repair of grass machinery to the general public and to the trade. Therefore, although the site provides employment opportunities they are not in the form of typical B1, B2, B8 & A2 uses as envisaged by the SPG and the site was not assessed as part of the Central Lancashire Employment Land Review. Therefore, the site is not an employment site as protected under Policy EM9.
 14. This site has been suggested for housing purposes as part of the site allocations process. The report on the 'Site Allocations and Development Management Policies Development Plan Document – Preferred Option Stage' does not propose to allocate this site for housing use as it was considered to be in active employment use. The assessment process for this

document took a wider view than Policy EM9 of what constitutes employment uses. Since the assessment was made it has also become clear that most of the employment generating uses on site have now ceased.

15. The Secretary of State's has recently granted an outline application for 300 residential properties on land adjoining the site. The site will therefore be bordered by residential properties to the north, south and east. In these circumstances re-use of the site for employment purposes may be inappropriate in terms of residential amenity due to potential disturbance by noise and overlooking. The Preferred Options Report also proposes the development of the Safeguarded Land adjoining the site for mixed uses including housing and employment, but it does not set out where differing uses are most appropriate at this stage.
16. This proposal does incorporate a small piece of land to the rear of the bungalow but this does not take the form of a private residential garden and its development would not undermine the local character of the area.
17. In summary, this site is not considered to be an employment site as protected under Policy EM9 and its associated SPG. It is a brownfield site and it is considered that residential use could be acceptable.
18. **Lancashire County Council (Highways)** - state they would have a highway objection to the proposed development in principle and would recommend that the application is strongly resisted on highway grounds.
19. Wigan Road is a heavily used primary distributor road with a 40mph speed limit and forms part of the A49 from which access can be gained to the M65, M61 and M6.
20. The site already has approved permission under application 11/00480/FULMAJ for 13no dwellings on the site.
21. The new application is for 14no detached dwellings on the site with proposed changes to the access points.
22. The revised road layout (dwg no: 072.01.55.P01 Rev H) would incorporate shared private driveways (double) on either side of the proposed access road in close proximity of the road junction. This is unacceptable from a road safety view point as the multiple access points (3no) will lead to a level of conflict in vehicle movements at the locality to the detriment of safety for users of the public highway. In addition any short term on-street parking on the A49 by visitors and servicing vehicles to the 4no dwellings that are to be directly accessed off Wigan Road will interfere with the normal visibility sightlines that are to be enjoyed at the new access road. The revised access proposals are therefore likely to have adverse impact on the safety and operation of the highway network at the locality.
23. The previously approved application would have included 2no separate driveways to be accessed off Wigan Road however in this instance the access points, which are both located to the south of the access road, serve individual properties and are set further away from the road junction with the nearest access being 25m away and the second access a further 10m away. In the current application the 2no double driveway access points set either side of the access road are only 15m away.
24. Amended plans have been received since these comments were made and LCC Highways have made further comments:
25. As already indicated Wigan Road is a heavily used primary distributor road with a 40mph speed limit and forms part of the A49 from which access can be gained to the M65, M61 and M6, and any proposals that are likely to have an adverse impact on road safety will simply not be acceptable. The proposal for the two double driveways on either side of the new access road is not acceptable. They therefore maintain their highway objection.

26. **Chorley's Waste & Contaminated Land Officer** - ask for a pre-commencement condition in relation to land contamination. They note that there has been some ground investigation work at the site. However, the development proposal have been altered from the previous application so they would expect any reports that are submitted in support of this new application to make reference to the revised development. Furthermore a detailed remediation statement would be required for approval.
27. **Police Architectural Liaison Officer** - This is a rural location and although crime is low in the area, given that the proposed dwellings are in the main 4/5 bedroom properties there is a potential risk of burglary and car key burglary on site particularly as there is easy access on the A49 to the major motorway networks M64, M61 and M6. As a result it is recommended that consideration be given to achieving Secured By Design accreditation for the individual dwellings. If this is progressed further security advice and checklists can be provided.
28. The change of access point from the centre of the site is acceptable from a crime perspective e.g. restricted to 1 access/egress point however LCC would need to be consulted regarding traffic management issues off Wigan Road.
29. Regarding the wildflower grassland, this should not provide potential areas of concealment for offenders and vertical posts on fencing should not provide climbing aids from the adjoining fields.
30. They have no issues regarding the additional dwelling, the opportunity for natural surveillance has been enhanced by the layout of dwellings.

Assessment

Principle of the development

31. The principle of the development of this site has already been established by the previous permission 11/00480/FULMAJ. This report will therefore focus on the changes to the scheme only.

Density

32. The density of the proposal would be 17.5 dwellings per hectare, although this is slightly less than normal the surrounding area is generally made up of properties on larger plots and therefore the density is considered acceptable for the local context.

Levels

33. There will be approximately a 1m difference in levels between the properties on the frontage with Wigan Road and those to the rear of the site as the land rises west to east, however it is not considered this will be readily noticeable due to the length of the site and the rise will be gradual across the properties. It is therefore considered acceptable. There is no need to increase the interface distances between the properties.

Impact on the neighbours

34. The only neighbour directly bounding with the site is Oaktree Bungalow to the south. This property is a bungalow with a driveway and single width tandem garage attached to it on the side bounding with the application site. It has a window, door and high level window in its southern elevation facing plot 14 which has a two storey gable nearest this boundary. Although on the previously approved layout there was a double garage proposed nearest this boundary it is still considered that this relationship is acceptable as although the side window in Oaktree Bungalow will look on to the side of the property on plot 14 between which there will be approximately 5.5m this is not an unusual relationship between side windows and there will be no windows in the southern elevation of plot 14. The relationship with Plot 14 is therefore considered acceptable.
35. The rear elevation of the property on plot 12 will face towards the rear garden of Oaktree Bungalow. The bungalow has a long rear garden (approximately 33m) and the property on plot 12 will not face towards the most private part of the garden near the rear of the bungalow. There will be 10m from the first floor windows of this property to the boundary which complies with the interface guidelines. The rear of plot 11 will face towards the rear of

the application property but further away from the garden of Oaktree Bungalow. This is considered an acceptable relationship between the properties and their gardens.

36. Oaktree Bungalow has objected to the application but not on neighbour amenity grounds, rather on the building line, this issue is covered in the design and layout section below.
37. During the consideration of the previous application (11/00480/FULMAJ) the Secretary of State granted an outline application for 300 residential properties on land adjoining the site. The site will therefore be bordered on all sides by residential properties. Originally the proposed properties on plots 7 and 8 fell short of the interface distance to the rear boundary with the adjacent land. As per the previous application it was considered this may sterilise development on the adjacent land and therefore amended plans have been received so that all properties comply with the interface distance of 10m to the boundary. There are no properties directly facing the site, the side of the garden of the property known as Congham House is opposite a small part of the site, but there are over 30m between the property on Plot 14 and this garden which exceeds the interface guidelines.
38. The properties within the site comply with the Council's interface guidelines in relation to neighbour amenity following amended plans being received relocating the double garage on plot 6 to prevent direct views from plot 7 into its rear garden.
39. The amended plans are therefore considered acceptable in relation to neighbour amenity.

Design and Layout

40. Policy HS4 of the Local Plan covers the Design and Layout of Residential Developments. The proposed house types are from the standard palette of Wainhomes properties, however, there is variation across the site and there are a wide variety of properties in the vicinity. The properties are set back from the road. One objection has been received to the application on the grounds that the properties facing on to Wigan Road seem to be being built closer than the existing old property line. They state when they purchased their property their solicitor told them they would not be able to extend the front of the property as it would be out of line with the existing built properties and the old Burrows Grass Machinery is in line with the existing buildings. They would like to see the buildings moved back in line with all the properties in existence on Wigan Road to its junction with Lancaster Lane and any future building works kept in line.
41. To respond to this point Burrows Grass Machinery was situated marginally further forward than the existing properties on Wigan Road. The properties now proposed across the front of the site (plots 1, 2, 13 and 14) will project beyond the existing bungalow to the south. Plot 14 the nearest to Oaktree Bungalow will project by 1m (not including the bay window) and plot 13 will project 3m beyond it. Plots 1 and 2 on the other side of the access road will be a mirror image of this. Although the properties do project in front of the existing properties it is not considered unacceptable. They do not project significantly forward and are set back from the pavement by at least 19m so the difference will not be greatly noticed in the street scene. It is not considered that it is necessary for the properties to be in exact line with each other as the properties now proposed will be viewed as being different to the bungalows to the south anyway.
42. The internal layout of the site is that all the properties are served by one cul-de-sac. The layout is considered acceptable.
43. In terms of design the surrounding properties are of a wide range of styles and materials therefore the proposed properties are considered acceptable to their context.

Open Space

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

Trees and Landscape

45. There is some hedging existing on the site that is also to be retained and a landscaping condition will be applied to any permission.

Ecology

46. The County Ecologist has not commented on the current application but did review the ecological appraisal as part of the previous application and was satisfied that it seems reasonably unlikely that the proposed development would result in significant ecological impacts, providing the recommendations given in Section 5 of the report are implemented in full. This will be secured by condition. The changes to the proposal will not impact on the pond area in the northeast corner of the site to a greater extent than the previous layout. The proposal is considered acceptable in relation to Policy EP4 of the Local Plan and PPS9 subject to a condition.

Traffic and Transport

47. LCC Highways have objected to the proposal. This application changes the access point from that previously approved under 11/00480/FULMAJ, being in the centre of the site rather than against the north boundary.
48. LCC Highways stated that the original layout submitted for this application would incorporate shared private driveways (double) on either side of the proposed access road in close proximity of the road junction and that this is unacceptable from a road safety view point as the multiple access points (3no) will lead to a level of conflict in vehicle movements at the locality to the detriment of safety for users of the public highway. In addition any short term on-street parking on the A49 by visitors and servicing vehicles to the 4no dwellings that are to be directly accessed off Wigan Road will interfere with the normal visibility sightlines that are to be enjoyed at the new access road. The revised access proposals are therefore likely to have adverse impact on the safety and operation of the highway network at the locality.
49. The case officer questioned this response as the previously approved application also had two private driveways off the main road as well as the main access point. LCC Highways responded by stating that in the previous application the access points, which were both located to the south of the access road, served individual properties and were set further away from the road junction with the nearest access being 25m away [from the centre of the access point] and the second access a further 10m away. In the current application the 2no double driveway access points set either side of the access road are only 15m away.
50. Amended plans were then received and LCC Highways have made further comments: Wigan Road is a heavily used primary distributor road with a 40mph speed limit and forms part of the A49 from which access can be gained to the M65, M61 and M6, and any proposal that are likely to have an adverse impact on road safety will simply not be acceptable. The proposal for two double driveways on either side of the new access road is not acceptable. They therefore maintain their highway objection.
51. However, the Council are the decision making body and although the advice of LCC Highways is sought, it is for the Local Planning Authority to decide whether to accept that advice. Any unreasonableness on the part of a consultee is in effect the Local Planning Authority's unreasonableness if they accept that advice, as has been borne out in an appeal decision in 2009 when South Ribble Council had costs awarded against them for relying on the advice of Lancashire County Council Highways which the County Council withdrew when the applicant appealed.
52. The Council in considering this application must therefore consider the advice of LCC Highways but must view their comments in the context of other issues including previous permissions. The original approval under 11/00480/FULMAJ had the access point 24m from the nearest of the two private driveway to the south (measurements taken from the centre of the access point). The amended plans on the current application still have two private driveways, one either side of the access point. The one to the south is 22.5m from the access point and the one to the north is 19m from the access point. Although each of the private access drives will serve two properties, it is not considered that this will lead to a material increase in traffic from the single dwellings the private driveways served on the previously

approved application. Overall there will still be two private driveways and the main access to the site. It is not considered that the Council could substantiate a reason for refusal on highway grounds given the previous approvals at the site that are not significantly different.

53. Without control plots 2 and 13 could be tempted to drive onto the cul-de-sac from the driveway in front of their property and so the Council has secured a hedge preventing this from happening that will be controlled by condition. The hedgerow will also match many of the existing boundary frontages on this part of Wigan Lane which are also hedgerows.
54. In terms of parking, although some of the double garages are deficient in size to be classed as two parking spaces, amended plans have been received so that all the properties have the required number of parking spaces in accordance with the Council's standards. The four properties on the road frontage each have three off road parking spaces, not including any integral garages, which should discourage parking on the main road.
55. It is considered that a highways reason for refusal could not be maintained at appeal and the application is therefore considered acceptable in highway terms.

Drainage and Sewers

56. The case officer liaised between the Environment Agency and United Utilities to ensure that a discharge rate that they are both happy with can be agreed as part of the previous application. It is therefore considered the proposal is acceptable in relation to drainage and flood risk subject to the same condition restricting run-off to existing rates.

Overall Conclusion

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

Planning Policies

National Planning Policies:

PPS3, PPS9, PPG13, PPS25

Adopted Chorley Borough Local Plan Review

Policies: GN1, EP4, HS4, EM9, TR4

Planning History

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

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

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

11/00480/FULMAJ Demolition of Burrows Grass Machinery and removal of car sales forecourt and demolition of The New Bungalow and erection of 13 no. detached two-storey dwellings and associated infrastructure. Permitted September 2011

Recommendation: Permit Full Planning Permission Conditions

1. **Surface water run off from the site shall be restricted to existing rates.**
Reason: In order that the proposed development does not contribute to an increased risk of flooding and in accordance with PPS25 and Policy EP18 of the Adopted Chorley Borough Local Plan Review.
2. **The integral/attached and detached garages hereby permitted shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.**

Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.

3. The recommendations given in Section 5 of the ecological report (ERAP May 2011) shall be implemented in full and the pond and trees in the working area shall be protected by temporary protective fencing during construction to avoid them becoming polluted or damaged during construction.

Reason: To ensure ecology on site is protected during construction and in accordance with PPS4 and Policy EP4 of the Adopted Chorley Borough Local Plan Review.

4. Surface water shall not discharge to the foul/combined sewer and the site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer (which may require the consent of the Environment Agency).

Reason: To prevent flooding and foul flooding and pollution of the environment and in accordance with PPS25.

5. There is a potential for ground contamination at this site (including depot). Due to the size of development and sensitive end-use, no development shall take place until:

a. a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2001 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;

b. all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;

c. the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

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

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

6. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development. Full details of the boundary to the north of the site shall be submitted to and approved in writing by the Local Planning Authority and shall only be carried out in accordance with the approved details.

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

7. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building(s) (notwithstanding any details shown on the previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

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

8. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

9. Before the properties hereby permitted are first occupied, the driveways shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

10. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1st January 2010, Level 4 for all dwellings commenced from 1st January 2013 and Level 6 for all dwellings commenced from 1st January 2016) and achieve 2 credits within Issue Ene7: Low or Zero Carbon Technologies.

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.

11. 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.

12. No dwelling shall be occupied until a letter of assurance, detailing how the dwelling in question meets the necessary code level and 2 credits under Issue Ene7, has been issued to the Local Planning Authority, by an approved code assessor. Within 6 months of completion of that dwelling a Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change-Supplement to

Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

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

Plan Ref.	Received On:	Title:
072.01.55.P01 Rev L Planning Layout	9 August 2011	
5.412/P/B/L	4 October 2011	Raleigh
5.412/P/L	4 October 2011	Raleigh
5.412/P/B/L10 Rev #	4 October 2011	Cromwell
5.412/P/L10 Rev #	4 October 2011	Cromwell
4.406/P/B/L10	4 October 2011	Scott
4.408/P/B/L10 Rev #	4 October 2011	Oxford
5.230/P/B/L Rev E	4 October 2011	Cambridge
4.201/P/B/L Rev #	4 October 2011	Newton
4.134/P/B/L Rev A	4 October 2011	Eton
5.236/P/B/L Rev #	4 October 2011	Richmond
072.SD.G.02.01	4 October 2011	Double Garage
05036/05	4 October 2011	Screen Fence Details

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

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

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

15. Before the construction of the site hereby permitted is commenced facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reasons: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose material thus creating a hazard for road users and in accordance with Policy No. TR4 of the Chorley Borough Local Plan Review.

16. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan 072.01.55.P01 Rev L.

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

17. The level of the access shall be constructed 0.150m above the crown level of the carriageway.

Reason: To safeguard the future reconstruction of the highway and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

18. Before the access is used for vehicular purposes, that part of the access and driveways extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmac, concrete, block pavements, or other approved materials.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device. The visibility splay

to be the subject of this condition shall be that land in front of a line drawn from a point 4.5m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Wigan Road to points measured 120m in each direction along the nearer edge of the carriageway of Wigan Road, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

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

20. The proposed access from the site to Wigan Road shall be constructed to a (minimum) width of 5.5m. Radii shall be 10m.

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

21. The existing access to the site shall be physically and permanently closed and the verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads (concurrent with the formation of the new access).

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

22. The dwellings shall not be commenced until all the off-site highway works have been constructed in accordance with the approved plans.

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

23. All planting, seeding or turfing comprised in the approved plans 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, this shall specifically include the 600m high Hawthorne hedge shown on Drawing number 072.01.55.P01 Rev L. Any trees, plants or shrubs 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. The Hawthorn hedge shall be retained in perpetuity. If the Hawthorne hedge shown on this drawing is unsuccessful after a period of 5 years then details of an alternative boundary treatment to prevent vehicles driving onto the access road from the driveways of plots 2 and 13 shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and retained in perpetuity.

Reason: In the interest of the appearance of the locality and in the case of the Hawthorne hedge to prevent vehicles driving across the pavement onto the Cul-de-sac and in accordance with Policy Nos GN5 and TR4 of the Adopted Chorley Borough Local Plan Review.

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Item 4i	11/00977/FUL
Case Officer	Mr Adrian Morgan
Ward	Chorley South East
Proposal	Substitution of house types on 5 plots previously approved under permission reference 07/01226/REMMAJ (substitute 5x Patterdale with 5x Kingsville houses) and associated works.
Location	Barratt Homes Development Pilling Lane Chorley Lancashire
Applicant	Barratt Homes (Manchester)
Consultation expiry: 6 December 2011	
Application expiry: 3 January 2012	

Proposal

1. Substitution of house types on 5 plots previously approved under permission reference 07/01226/REMMAJ (substitute 5x Patterdale with 5x Kingsville houses) and associated works.

Recommendation

2. It is recommended that this application is approved.

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Impact on the neighbours
 - Design

Representations

4. No letters of objection have been received
5. No letters of support have been received

Assessment

Principle of the development

6. The proposal relates to part of an extensive housing development on the former Lex site, which is situated south of Bolton Road and east of Pilling Lane amid areas older housing. Most of the wider development is presently completed and occupied. The application relates to part of the northern most section of the wider development site; situated just to the rear of houses on Bolton Road.
7. As planning permission has already been granted for five houses on the plots in question, the only issue relates to whether substituting the previously approved house type with the proposed alternative house type would present any material planning considerations that would make the proposed substitution unacceptable.

Design

8. The Patterdale house type referred to in the proposal description is identical to the Palmerston referred to on the previously approved plans according to Barratt.
9. The key differences between the approved house type and the proposed alternative are that the Kingsville would be 0.4 metres less deep, 0.6 metres less wide and 1 metre taller than the approved Patterdale, with a third storey in the roof space. There would be one central

dormer window at this second floor level on the front elevation of each house and a roof-light window on the rear roof slope of each. Both house types have four potential bedrooms, the smallest of which is identified as a study on the plans.

10. As a result of the slight narrowing of the footprint, the five-house terrace that would have been formed by the Patterdales is reduced to a three-house terrace and a semi-detached pair, with a break of approximately 2 metres between the two groups.

Impact on the neighbours

11. The distances from both the front and rear elevations to adjoining properties would effectively be the same as previously approved.
12. The additional windows at second floor level present no issues in relation to policy. The front dormer would overlook the Focal Square, with the facing houses standing 25 metres away. The rear roof light windows, being in the roof slope, would not offer direct views over neighbouring properties to the rear. Parts of the development already built and occupied contain similar 3 storey houses directly facing other homes at considerably closer distances.
13. Apart from the slight variation in footprint and additional height, all other aspects of the proposal, for example, materials and car parking requirements, would be consistent with the house types previously approved and reflect the wider scheme.

Overall Conclusion

14. As the wider, previously approved, scheme already includes similar houses to those proposed, the house type itself is acceptable. Likewise, as other aspects of the proposal, such as the car parking requirements and the materials do not vary from the approved type, there are no issues in these respects. The main issue is whether the Kingsville type is appropriate in this particular location within the development, primarily because of its additional height and three storey design.
15. The 1 metre additional ridge height would present no material difference in terms of overshadowing. Although the houses would stand to the south-west of the existing homes on Bolton Road, the minimum distance from a garden boundary would be approximately 13 metres and from a rear elevation, approximately 17 metres. Even these distances would only be at one point, after which they would gradually increase up to 22 and 28 metres respectively. There would be no policy conflicts in terms of overlooking due to both the distances involved and the fact that there would only be roof light windows at the rear.

Planning Policies

Adopted Chorley Borough Local Plan Review

Policies: HS3A, HS4

Supplementary Planning Guidance:

- Design Guide

Planning History

The site history of the property is as follows:

Ref:	04/00934/OUTMAJ	Decision:	PEROPP	Decision
Date:	6 April 2005			
Description:	Residential development including roads, sewers, open space, landscaping and associated works,			

Ref:	07/01226/REMMAJ	Decision:	PERRES	Decision
Date:	21 January 2008			
Description:	Reserved Matters Application for the erection of 200 houses, with associated roads, footpaths, and works,			

Ref: 09/00850/FUL **Decision:** PERFPP **Decision Date:** 7 January 2010

Description: Re-plan of part of the site including the construction of 8 dwellings, parking court and associated garages (amendment to reserved matters approval 07/01226/REMMAJ). Including the erection of 1 additional dwelling.

Ref: 09/00865/DIS **Decision:** PEDISZ **Decision Date:** 17 November 2009

Description: Application to discharge condition 5 attached to planning approval 07/01226/REMMAJ

Ref: 11/00977/FUL **Decision:** PCO **Decision Date:**

Description: Substitution of house types on 5 plots previously approved under permission reference 07/01226/REMMAJ (substitute 5x Patterdale with 5x Kingsville houses) and associated works.

**Recommendation: Permit subject to legal agreement
Conditions**

1. The approved plans are:

Plan Ref.	Received On:	Title:
400-SLP-00	8/11/11	Site Location Plan
400-PL-00 Rev M	8/11/11	Proposed Planning Layout
400-ML-00 Rev M	8/11/11	Proposed Materials Layout
400-BTL-00 Rev M	8/11/11	Proposed Boundary Treatments Layout
400/KIN/T/00	8/11/11	Kingsville Type Plans & Elevations
400-BTD-00	8/11/11	Boundary Treatment Details

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

2. The external materials detailed in the Design & Access Statement submitted with the planning application and received 8/11/11, shall be used and no others substituted without the prior written approval of the Local Planning Authority.

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

3. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

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

4. 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.*

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Item 4j	11/00974/REMMAJ
Case Officer	Mrs Nicola Hopkins
Ward	Astley And Buckshaw
Proposal	Section 73 application to vary condition 1 (approved plans) of reserved matters approval 06/00786/REMMAJ involving altering the location of the junctions
Location	Land South Of Buckshaw Avenue Buckshaw Avenue Buckshaw Village Lancashire
Applicant	Redrow Homes (Lancashire) Ltd

Consultation expiry: 11 January 2012

Application expiry: 23 February 2012

Proposal

1. This application is a section 73 application to vary condition 1 of reserved matters approval 06/00786/REMMAJ at Buckshaw Village. The reserved matters approval related to the construction of main access road, now known as Ordnance Road, to serve the southern commercial area of Buckshaw Village which includes the railway station and Tesco.
2. This application relates to varying condition 1 of the reserved matters approval to alter the location of the junctions on the western section of the loop road.

Recommendation

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

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Condition 1

Consultations

5. **Lancashire County Council (Highways)** have commented on the proposals which are addressed below.

Applicants Case

6. The proposals involve altering the junctions along the West Road to provide sufficient access to the future residential developments, which include:
 - Relocating 2 junctions on the eastern side of West Road
 - Creating 1 new access points on the western side
 - Omitting the junction from the roundabout

Assessment

Principle of the development

7. The principle of redeveloping the site was established by the grant of reserved matters approval. This application purely proposes amendments to the detail of the approval which is addressed below.

Condition 1

8. Condition 1 of the reserved matters approval stated:

The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters or unless otherwise first agreed to in writing by the Local Planning Authority. *Reason: To define the permission and in the interests of the proper development of the site.*

9. As set out above Redrow Homes are suggesting amendments to the approved scheme and as such they propose that the development is not carried out in accordance with the approved plans as required in accordance with condition 1 of the reserved matters approval. If this application is approved an identical condition will be attached to the decision notice.
10. Lancashire County Council Highways have reviewed the proposals and confirmed they have no objection in principle to the proposed highway alterations at this time however the Highway Engineer has commented that the suitability of the junction details, in terms of being able to serve the particular development sites, will be the subject of future prospective planning applications and may therefore be open to further comments.
11. The Highway Engineer has however been advised that if the junctions are approved as part of this application then they would not be subject to future applications or comment. The application is supported by plans of potential development of the parcels the junctions will serve and the Highway Engineer has confirmed that the proposed new access north of the site to serve the future proposed residential development (Barratt parcel 2) is acceptable. However the second new access north of the roundabout alongside the suggested home zone type of development is suitable only to serve as a pedestrian/cycle link and is inappropriate for use as a vehicular access.
12. In terms of the proposed relocation of the 2 eastern accesses they are acceptable for residential development. The new access on the eastern side is suitable only as a pedestrian/cycle link and is inappropriate for vehicular use.
13. Following receipt of these comments the applicants have amended the plans omitting the 2 vehicular accesses onto West Road. The Highway Engineer has confirmed that the amended plans are acceptable.

Overall Conclusion

14. The proposed amendments to the siting of the junctions along the western arm of the loop road are considered to be acceptable from a highway safety perspective and as such the application is recommended for approval.

Planning Policies

National Planning Policies:

PPS1, PPG13

Adopted Chorley Borough Local Plan Review

Policies: GN2- Royal Ordnance Site, Euxton
TR4- Highway Development Control Criteria
TR18- Provision for Pedestrians and Cyclists in New Development

Supplementary Planning Guidance:

- Design Guide

Planning History

02/00748/OUTMAJ- Modification of conditions on outline permission for mixed use development (housing, employment, shopping, leisure & commercial uses, open spaces, roads, sewers, community facilities, road improvements & rail station). Approved December 2002

04/00992/REMAJ- Extension of distributor road to serve residential and commercial development. Withdrawn March 2005

05/00523/REMAJ- Formation of link road to serve residential and commercial development. Permitted July 2005

05/00525/REMAJ- Formation of link road to serve residential and commercial development (duplicate of planning application 05/00523/REMAJ). Permitted July 2005

05/01232/REMAJ- Completion of East/West Link Road from Central Avenue to Strategic Regional Site Link Road, site area approx 2 hectares. Permitted March 2006

06/00781/REMAJ- Construction of and additional 50 metre ICD roundabout along the Buckshaw Link road at the eastern end of the Redrow/ Barratt section of the road. Approved September 2006

06/00786/REMAJ- Construction of main access road, drainage and landscaping along southern commercial perimeter road. Approved September 2006.

09/00250/DIS- Application to discharge conditions 3, 4, 5, 6 and 7 of application 06/00786/REMAJ. Discharged May 2009

11/00846/FUL- Proposed access road from West Road to Buckshaw Hall with associated sewers (resubmission of withdrawn application ref: 11/00598/FUL). Approved November 2011

Recommendation: Approve Reserved Matters Conditions

1. The approved plans are:

Plan Ref.	Received On:	Title:
BH-AR-006 Rev B	4 January 2012	Location Plan- Proposed Road Junctions
BH-AR-007 Rev D	4 January 2012	Road Junction Site Engineering Layout
BH-AR-005 Rev D	4 January 2012	Proposed Road Junction Site Layout
BV-SC-ENG-11-2	9 October 2009	South Road Drainage Layout
BV-SC-ENG-10	30 March 2009	South Road Typical Section
BV-SC-ENG-08	30 March 2009	South Road Long Section
BV-SC-ENG-02 Rev A	4 January 2012	General Arrangement @ 1000.
BV-SC-ENG-07 Rev A	4 January 2012	West Road Longsection.
BV-SC-ENG-09 Rev A	4 January 2012	West Road Typical Section.
SCP-06182-001 Rev C	4 January 2012	General Arrangement.
SCP-06182-003 Rev C	4 January 2012	Typical Cross Section, 1 of 3.
SCP-06182-003 Rev C	4 January 2012	Typical Cross Section, 2 of 3.
SCP-06182-003 Rev C	4 January 2012	Typical Cross Section, 3 of 3.
SCP-06182-005 Rev C	4 January 2012	Pavement & Verge Construction.
SCP-06182-006 Rev C	4 January 2012	Drainage Arrangement.
SCP-06182-007 Rev C	4 January 2012	Signs and Markings 1 of 2.
SCP-06182-007 Rev C	4 January 2012	Signs and Markings 2 of 2.
SCP-06182-008 Rev C	4 January 2012	Street Lighting 1 of 2.
SCP-06182-008 Rev C	4 January 2012	Street Lighting 2 of 2.

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

2. The street lighting shall be implemented in accordance with the approved details and the details approved as part of application 09/00250/DIS. Reason: To ensure adequate

lighting of the carriageways, footpaths and cycle ways; and in accordance with the provisions of policy TR4 of the Adopted Chorley Borough Local Plan Review.

3. The construction of the carriageways shall be implemented in accordance with the approved details and the details approved as part of application 09/00250/DIS. *Reason: In order to ensure a satisfactory level of construction of the new road, footpaths and cycleways and in accordance with the provisions of policies TR4 and TR18 of the Adopted Chorley Local Plan Review.*
4. The drainage infrastructure for the carriageways, footpaths and cycleways shall be implemented in accordance with the approved details and the details approved as part of application 09/00250/DIS. *Reason: To ensure satisfactory surface water drainage for the approved highway and to accord with the provisions of policy TR4 of the Adopted Chorley Borough Local Plan Review.*
5. The ground levels and road levels shall be implemented in accordance with the approved details and the details approved as part of application 09/00250/DIS. *Reason: To protect the appearance of the locality and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.*
6. The carriageway crossing points shall be implemented in accordance with the approved details and the details approved as part of application 09/00250/DIS. *Reason: In the interests of securing a satisfactory standard of development for crossing the highway in the interests of highway safety; also to accord with the provisions of Policy TR4 of the Adopted Borough Local Plan Review.*

Item 4k	11/00874/FUL
Case Officer	Mr David Stirzaker
Ward	Euxton North
Proposal	Proposed residential development of 4 No. detached houses on plots 5, 6, 7 & 12 (amendment to planning approval 10/00573/FUL)
Location	41 Wigan Road Euxton Chorley Lancashire PR7 6JU
Applicant	W. Marsden & Sons
Consultation expiry: 4 January 2012	
Application expiry: 7 December 2011	

Proposal

1. This application proposes the erection of 4 no. detached dwellings on land to the east of Wigan Road, Euxton. The site is in the Euxton settlement area covered by Policy GN1 of the Local Plan and fronts onto Wigan Road.
2. The wider site was granted outline planning permission in 2008 (Ref No. 08/01052/OUTMAJ) for the erection of 12 no. detached dwellings and this outline approval included layout. There have been various applications following this which have secured either full planning permission or reserved matters approval on all of the 12 plots apart from plots 5, 6, 7 and 12. The relevant conditions on the planning permissions have also been discharged enabling the construction of 8 no. dwellings on the site to have now commenced.
3. The remaining plots are the subject of this application (plots 5, 6, 7 and 12) which is necessary because very minor changes are being made to layout and the footprints of the dwellings, a full planning application is required as opposed to a reserved matters application.

Recommendation

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

Main Issues

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

Representations

6. No letters of objection have been received.
7. No letters of support have been received.
8. No comments have been received from the Parish Council.

Consultations

9. **LCC (Highways)** have not made any comments on the application to date. Any comments

received will be reported in the Addendum.

10. **Euxton Parish Council** has not made any comments on the application to date. Any comments received will be reported in the Addendum.

Assessment

Principle of the development

11. This site was granted outline planning permission in 2008 for the erection of 12 no. detached dwellings (Ref No. 08/01052/OUTMAJ). A reserved matters application was approved in 2010 (Ref No. 10/00938/REM) for the erection of 4 no. dwellings and a full application (Ref No. 10/00573/FUL) was also approved in 2010 for 4 no. dwellings. This has left the 4 plots to which this application relates without a reserved matters approval (plots 5, 6, 7 and 12) to date and because the dwellings now proposed have slightly different footprints to what was approved at outline, a full application is required.
12. The original outline planning permission required the submission of the reserved matters on or before 23rd December 2011 and then allowed a further 2 years for the development to commence. Given this latest application for the remaining plots was validated on 12th October 2011 (i.e. before 23rd December 2011), it is considered that the 'principle' of the 4 no. dwellings is still acceptable as the outline planning permission was extant at the time of the submission of this latest application.

Levels

13. There are no significant changes in levels proposed in relation to the 4 no. dwellings hence the slab levels proposed do not raise any concerns in terms of the finished floor levels of the dwellings and the relationship with the already approved dwellings on the site and the occupiers of the adjacent residential properties.

Impact on the neighbours

14. The internal relationship between the dwellings is considered to be an acceptable one in that the Council's interface standards will be complied with apart from the distance from the rear of plot 5 to the side of plot 6. This is 10m instead of the normal 12m. However, this distance only relates to the ground floor windows serving the dining room and utility room as the distance from the first floor windows and the family room is 12m. This relationship is therefore considered to be an acceptable one.
15. The dwelling proposed on plot 12 was originally proposed to be closer to the boundary with 45 Wigan Road (0.8m) than the footprint detailed on the original outline planning permission which showed the dwelling set 1.5m from the boundary. The applicant has now amended the plans so as this dwelling will be sited further from the boundary at a distance of 1.3m from it. This is only 0.2m less than originally detailed so this relationship is now considered to be an acceptable one.
16. In terms of plots 6 and 7, whilst the first floor windows are less than the 10m from the boundary they face, as set out in the Council's Spacing Standards, these plots face onto the car park associated with the Railway public house.

Design

17. The design of the dwellings is consistent with those already approved on the site so the 4 no. dwellings will integrate with the wider development of this site when constructed. Whilst the dwellings are typical of new build dwellings in that they have a fairly traditional appearance, they are of good design so in terms of the dwelling proposed on plot 5, this will not harm the character and appearance of the streetscene, especially given it will be at the end of the other properties approved fronting onto Wigan Road.

Flood Risk

18. The original outline planning permission included conditions requiring surface water run off to be attenuated to existing rates and that surface water should drain separately from foul waters. The attenuation measures for the whole site have been approved under the discharge of conditions application (Ref No. 11/00408/DIS).

Traffic and Transport

19. There are no concerns in terms of traffic and transport given adequate off road parking and manoeuvring space will be available for each dwelling which is consistent with the outline layout originally approved and LCC (Highways) have not made any comments on the application. A detached garage was originally shown on the plans for plot 12 and this is no longer being provided. However, this plot will still benefit from space for 3 no. cars to park off road.

Contamination and Coal Mines

20. The issue of contamination was addressed at outline stage as the original outline planning permission included a condition requiring remediation works to be carried out on the whole site prior to the commencement of development in accordance with measures submitted with the outline planning application.

Drainage and Sewers

21. As already stated in paragraph 15, the original outline planning permission included conditions requiring surface water run off to be attenuated to existing rates and that surface water should drain separately from foul waters. The attenuation measures have been approved under application no. 11/00408/DIS for the site save for the plots which are the subject of this application so a condition is needed to require the applicant to submit details relating to the remaining plots.

Section 106 Agreement

22. The original outline planning permission approved in 2008 (Ref No. 08/01052/OUTMAJ) included a S106 agreement requiring the payment of a commuted sum towards off site play space. This commuted sum related to all 12 dwellings and comprises of a single lump sum. Given the development has now commenced on site, under the original outline planning permission S106 agreement, the requirement to pay the Council the commuted sum has now been triggered hence a new S106 agreement is not required in relation to this application.

Overall Conclusion

23. The 'principle' of the 4 no. dwellings on this site was established in 2008 by virtue of the outline planning permission granted for 12 no. dwellings. The footprint of the dwellings is only slightly different from the 2008 outline approval.
24. Each dwelling will have adequate private amenity space and off road car parking. The design and scale of the dwellings are consistent with those already approved on the site hence subject to matching materials, the dwellings will not harm the streetscene and locality.
25. The dwellings will meet the Council's Spacing Standards in relation to the internal relationships and in terms of the original concerns with the proximity of the dwelling on plot 12 to the boundary with 45 Wigan Road, these have now been addressed by virtue of the amended site plan.

Other MattersSustainability

26. Under Policy SR1, the dwellings would be required to be constructed to the requisite Code Level for Sustainable Homes. This will be secured through the imposition of planning conditions.

Waste Collection and Storage

27. The layout of the development includes adequate provision for waste storage and the road layout, which is as per the original outline plan, will enable refuse collection vehicles to collect waste in compliance with the distances set out in Manual for Streets.

Planning PoliciesNational Planning Policies:

PPS1 / PPS3

Adopted Chorley Borough Local Plan Review

Policies: GN1 / GN5 / EP9 / EP16 / EP18 / EP19 / HS4 / HS6 / HS21 / TR4

Supplementary Planning Guidance:

- Design Guide

Chorley's Local Development Framework

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

Joint Core Strategy

Policy 1: Locating Growth

Policy 2: Infrastructure

Policy 4: Housing Delivery

Policy 27: Sustainable Resources & New Developments

Planning History

11/00407/DIS - Application to discharge conditions 5 (facing materials), 6 (hard ground surfacing materials), 10 (surface water strategy) and 11 (boundary treatment details) of planning approval 10/00573/FUL. Conditions discharged 28th July 2011.

11/00408/DIS - Application to discharge conditions 4 (external facing materials), 5 (hard ground surfacing materials), 13 (surface water strategy) and 14 (boundary treatment details) attached to planning approval 08/01052/OUTMAJ. Conditions discharged 28th July 2011.

10/00573/FUL - Proposed residential development of 4 detached houses (plots 8 - 11) including the access road. Approved 2nd September 2010

10/00398/REM - Reserved matters application for the erection of 4 no. two storey dwellings on plots 1 to 4 and detached garage to plot 7 on site granted outline planning permission (08/01052/OUTMAJ). Approved 19th November 2010

08/01052/OUTMAJ - Outline application for 12 detached houses, associated garages and access road (including access, layout and scale), following demolition of existing dwellings, offices and workshop/storage buildings. Approved 23rd December 2008.

07/00974/OUT - Outline application for the erection of 4 detached houses (layout & access only). Approved 29th May 2008

Recommendation: Permit Full Planning Permission Conditions**1. The approved plans are:**

Plan Ref.	Received On:	Title:
05/133/P10 Rev B	13 December 2011	Location Plan & Site Plan
05/133/L01 Rev D	13 December 2011	Proposed Landscaping, Enclosures & Materials Plan
S07/146 A	2 September 2011	Topographical Land Survey
055/133/P12.1	12 October 2011	House Type G Plot 5 Floor Plans & Elevations
05/133/P11	27 September 2011	House Type F Plot 6 Floor Plans & Elevations
05/133/P13	27 September 2011	House Type H Plot 7 Floor Plans & Elevations
05/133P12.2 Rev A	13 December 2011	House Type GA Plot 12 Floor Plans & Elevations

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

2. The proposed development must be begun not later than three years from the date of this permission.
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved site plan (05/133/P10 Rev B) received on 13th December 2011.
Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
4. All driveways shall be surfaced using Tobermore Hydrapave Shannon Duo block pavements laid on a permeable sub base which shall thereafter be retained and maintained as such at all times thereafter.
Reason: To prevent surface water run off, in the interests of the character of the area, to define the permission and in accordance with Policy Nos. GN5 and TR4 of the Adopted Chorley Borough Local Plan Review.
5. The dwellings hereby permitted shall only be constructed using the external facing materials specified on the approved *Landscaping, Enclosures & Material Schedule Plan* (Dwg No. 05/133/L01 Rev D) received on 13th December 2011.
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. 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.
7. 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.
8. No dwelling shall be occupied until a letter of assurance, detailing how the dwelling in question meets the necessary Code Level, has been issued to the Local Planning Authority, by an approved Code Assessor. Within 6 months of completion of that dwelling a Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change-Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
9. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding

any such detail shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details.

Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy Nos.GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

10. 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.
11. The development hereby permitted shall be carried out in accordance with the Leyden Kirby Associates Ltd Ground Investigation & Risk Assessment reports for Land at Wigan Road, Euxton Ref. CL1057 dated 22nd March 2007 and 19th December 2007, together with additional groundwater and gas monitoring results dated 11th September report recommendations. These are summarised below. Please note that the site has been zoned into two areas for investigation, comprising the Western zone (current residential) and Eastern zone (current depot area).
 - (i) Hotspot removal in Eastern zone; identified contamination to be excavated until all removed.
 - (ii) Recommended gas protection measures incorporated into proposed buildings; in accordance with CIRIA C659, Characteristic Situation 2 for western zone of site and Characteristic Situation 3 for eastern zone of site.
 - (iii) Capping layer in proposed garden areas of Eastern zone; 600mm cover (as per detail in report).

Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Planning Authority in order to demonstrate that the works set out in the above reports are complete. The validation report shall also identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangement for contingency action.

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 remediation strategy, detailing how this unsuspected contamination shall be dealt with.

Reason: To prevent the pollution of controlled waters from potential contamination on site and 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 Policy Nos. EP1 and , EP17 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS23: Planning and Pollution Control.

12. The integral garages in the dwellings hereby permitted and the associated detached garages shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
Reason: To ensure adequate garaging/off street parking provision is made and 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.
13. Prior to the commencement of the development a strategy to attenuate surface water discharges shall be submitted to and approved in writing by the Local Planning Authority. The Strategy should demonstrate that Greenfield run off rates will be achieved. The surface water drainage scheme shall thereafter be completed in accordance with the approved strategy and retained and maintained as such at all times thereafter.

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

14. All planting, seeding or turfing comprised in the approved details of landscaping shown on the plan with dwg no. 05/L33/L01 Rev A received on 13th December 2011 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.

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Item 4I	11/00989/FUL
Case Officer	Mr Matthew Banks
Ward	Lostock
Proposal	Section 73 application to remove Conditions 2 (use of building) and 5 (personal permission) attached to planning approval 10/00563/COU.
Location	Jumps Farm 147 South Road Bretherton Leyland Lancashire
Applicant	Mr SJ Wignall
Consultation expiry: 28 December 2011	
Application expiry: 5 January 2012	

Proposal

1. Section 73 application to remove Conditions 2 (use of building) and 5 (personal permission) attached to planning approval 10/00563/COU.

Recommendation

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

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Background information;
 - Principle of the Development;
 - Design and impact on the streetscene;
 - Impact on neighbour amenity;
 - Access and parking;
 - Impact on the Bretherton Conservation Area;

Representations

4. To date, a single letter of objection has been received concerning this application. The points raised in this letter can be summarised as follows:

- The recently authorised enforcement action at the Council's Development Control Planning Committee on the 13th December 2011 is relevant to the application and concerns the building subject of this application;
- The development has arrived as a result of planning by stealth;
- A holistic approach should be taken to regularise the use of the site;
- If the Council is initiating enforcement action the application should not be determined and should be withdrawn;
- Building A was re-built as a wood workshop but was never laid out in this way.
- The wording of both conditions is defective and confused, however the reasons for the conditions are not.
- If the application is approved, a number of conditions should be imposed to control development of the site, these include:
 - A condition restricting hours of operation and use of Building A;
 - A condition requiring the submission of car parking scheme and landscaping;
 - A condition requiring details of foul drainage;
 - A condition requiring the unity of occupation at Jumps Farm;
 - A condition restricting the use to that which meets the needs of a local business;

Consultations

5. Parish Council – None received.

6. Lancashire County Council (LCC) Highways – No objection.

Assessment

Background information

7. The application site has a lengthy and varied planning history. The site originally comprised a poultry farm, but has evolved over time with many of the original buildings now demolished.
8. The application site now essentially comprises 3 buildings. These include: Building A (used by the applicant as an office for his landscaping business - but is predominately vacant), Building B (used by 'Norris Garden Buildings' as a wood workshop which also benefits from an extant planning permission to be re-built and used permanently as a wood workshop) and Building C (which is used as a workshop in connection with the applicant's landscaping and gardening business).
9. The only building subject of this application is Building A, however, given the nature of operations at the site, the use of the buildings are somewhat interdependent and connected.
10. Historically the development of this site has come about in an ad-hoc manner over a lengthy period, resulting in a detailed planning history and combination of permanent and temporary planning permissions. This uncoordinated approach has resulted in the Council authorising enforcement action concerning a number of issues at the Development Control Planning Committee on the 13th December 2011. However, it is important to note that none of the enforcement matters relate to Building A.
11. A neighbour objection has been received in relation to this application drawing attention to the above enforcement matters highlighting the development of the site is 'planning by stealth'. This neighbour also argues that given the detailed history at the site, a holistic approach should now be adopted to regularise all activity.
12. The Council has noted the above issues and discussed these in detail with the applicant and their agent. The applicant now proposes a coherent and structured approach to developing the site in a bid to appease neighbour tensions and ensure the site maximises its financial potential. The removal of Conditions 2 and 5 are the first stage in this process.
13. The Council is mindful of timescales concerning the above approach, however, the applicant has confirmed in writing that if the current application is approved, three planning applications will be submitted to the Council within 28 days of the decision notice. These would include: (1) an application to allow Building C to be used as a workshop by the current occupiers of Building B (The applicant will also continue to use Building C as a workshop); (2) an application to change the use of Building B back to a store to be used in connection with the applicant's landscape gardening business (which would allow the removal of the unlawful containers on site) and; (3) an application to regularise the existing 'bin stores' which currently contain loose material used in connection with the applicant's landscape gardening business.
14. The applicant is aware that if this deadline is not adhered to then the council will initiate enforcement action.

Principle of the development

15. This application seeks permission to remove Conditions 2 and 5 from planning approval 10/00563/COU.
16. The historic development of the site is one of primary concern for the Council, given how development of the site has evolved over recent years, particularly with discrepancies in information submitted before the Council in past supporting statements.
17. Condition 2 was imposed with planning permission 10/00563/COU in the interests of the amenity of the local residents and to ensure appropriate development of the site. The site has historically developed through an incremental and ad-hoc approach, where some planning

permissions have been sought retrospectively and others determined at appeal.

18. Condition 2 reads:

“The use of building A hereby permitted as an office shall only be used in connection with the use of Building B (permitted as a permanent workshop) and shall not be used in connection with any other use(s) on or off site.

Reason: In the interests of the amenities of local residents and to ensure appropriate development of the site.”

19. Firstly, it is considered that Condition 2 was partly imposed because of discrepancies in information intimated during the course of the application 10/00563/COU which confusingly suggested that Building A would be used in connection with Building B. However, this was not the case and Building A is in fact used in connection with the applicant's landscaping business and Building B is used by separately by 'Norris Garden Buildings'. As such, it is not considered that Condition 2 should have been imposed with planning permission 10/00563/COU and therefore it is reasonable in this case, to allow its removal so that Building A can be occupied and used lawfully as originally intended.

20. With regard to Condition 5, this reads:

21. *“The permission hereby granted shall only endure for the benefit of Mr SJ Wignall only and whist at resident at Jumps Farm, South Road, Bretherton.*

Reason: The application has been permitted to accommodate the needs of Mr Wignall's business only and the letting and or diversification of other businesses within building A could lead to an unacceptable proliferation of development for which the site was not intended.”

22. It is important to note at this point that the change of use of Building A to an office was (to some degree) permitted under the application 10/00563/COU because the applicant stated within their Design and Access Statement that Building A would *“be used solely for the business related to Jumps Farm”* as the admin activity (which was run out of the farmhouse) had outgrown the available space.

23. The Council has questioned this statement and the applicant has responded stating this was the intension at the time of submitting the application, but it was not always the intension that the arrangement would remain this way.

24. Notwithstanding the above, the applicant argues that circumstances have now progressed and if permission is granted to remove Condition 5, this will allow the building to maximise its potential without causing harm to the amenity or character of the area.

25. The applicant argues that the removal of Condition 5 would still allow them to occupy part of the building (to meet their current and future office needs for the landscaping business), but will also allow the remaining vacant portion to be used by a separate client.

26. Building A currently has permission to be used as an office (B1), and in removing Condition 5, it is not considered this will significantly change the nature of the activity within the building as it would remain in a B1 office use. Additionally, in looking at the principle of the development, the use of the building for shared purposes finds support in national and local planning policy.

27. In the case of this application, the application site is within the Green Belt, where Policy DC7A of the Adopted Chorley Borough Local Plan Review promotes the re-use of existing buildings within the Green Belt for commercial, business and employment uses. Also, the removal of Condition 5 will not result in any physical alterations to the building and so it is considered the principle of the development will remain acceptable and not impart any greater harm to the openness of the Green Belt than at present.

28. The use of the building also finds support under Policy EC12.1 in Planning Policy Statement 4 (PPS4) which states:

29. *“re-use of buildings in the countryside for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations and for some types of building. In determining planning applications for economic development in rural areas, local planning authorities should:*
30. *(d) approve planning applications for the conversion and re-use of existing buildings in the countryside for economic development, particularly those adjacent or closely related to towns or villages, where the benefits outweigh the harm of: (i) The potential impact on the countryside, landscape and wildlife; (ii) local economic and social needs and opportunities; (iii) settlement patterns and the level of accessibility to service centres, markets and housing; (iv) the need to conserve, or desirability of conserving, heritage assets and; (v) the suitability of the building(s), and of different scales, for re-use recognising that replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion.”*
31. Additionally, the guidance stipulated within PPS4 is consistent with that covered in Planning Policy Statement 7 (PPS7) which supports sustainable development in rural areas.
32. Building A is not within the settlement of Bretherton, however is within close proximity to the settlement boundary. It is considered the building is within a relatively sustainable location within close proximity to the main arterial road running through Bretherton (South Road) which is served by a regular bus service. In addition, the applicant has also undertaken a sequential assessment of the Bretherton Settlement to establish that there are no available, more appropriately sited offices within the Bretherton area that would be suitable for occupation before Building A.
33. It has been acknowledged that an objection letter received from a neighbouring resident states that if Conditions 2 and 5 are removed, a number of new conditions should be imposed to protect the residential amenity of neighbours and to ensure the appropriate use and development of the Jumps Farm site. The suggested conditions include: (1) a restriction on the hours of operation; (2) a condition requiring the submission and approval of a scheme for car parking and landscaping; (3) a condition requiring the submission and approval of foul drainage; (4) a condition which requires the unity of occupation of the Jumps Farm Site and; (5) a condition restricting the use to that which meets the needs of a local business.
34. Firstly, it must be noted that the hours of operation were not restricted with the original application as the use of the building for B1 purposes is one which can be carried out within a residential area without causing detriment to the amenity of that area. It has been acknowledged that the building is likely to be occupied by another business, however, such a business would be B1 orientated and so should fit comfortably in a residential area.
35. As such, it is not considered that removing condition 5 will result in any significantly greater detrimental activity than is currently experienced on site and so an hours of operation condition is not necessary in this case.
36. Secondly, with regard to off-road parking provision, it has been acknowledged the site already has extensive levels of off-road parking space (although none are specifically marked out). However, in removing condition 5 this would in effect enable the applicant to sell the building, rendering it independently occupied by a separate business with no allocated off-road parking. As such, it is considered reasonable and necessary in this case to request further details of off-road parking arrangements for Building A through planning condition before first occupation of the building for shared purposes.
37. With regard to landscaping and maintaining privacy, it must first be noted that the Jumps Farm site (including the farmhouse and Buildings A, B and C) is all within the applicant's ownership.
38. If the scenario arose whereby the applicant chose to sell Building A to allow it to be wholly occupied by a separate business, it is considered the greatest impact would be on the

farmhouse itself. As such, it is not considered a landscaping condition is required to protect residential amenity of the farmhouse as it is considered reasonable to expect the applicant to carry out any alterations or planting to achieve an 'acceptable' neighbour relationship before selling the building. Furthermore, any prospective buyer would also be aware of the situation they were moving into.

39. It is not considered any other landscaping requirements are required to protect or maintain the amenity of the other surrounding neighbouring residents, particularly given the orientation of windows in the building and the nature of the use. It must also be noted that Building A has been the subject of an appeal (ref: 06/00035/FUL) where the Inspector also did not impose such a condition.
40. Thirdly, it has been noted that on the original permission, the applicant stated that foul drainage would be disposed of via the mains sewer. The applicant has been contacted regarding this issue and confirmed that foul water disposal has been connected in this way.
41. Notwithstanding this, the case officer has discussed the matter with the Council's Building Control Team who have confirmed that the implemented drainage arrangement has not yet been inspected or approved.
42. The applicant has been contacted to this effect and has been made aware that drainage inspection is a statutory inspection which must be carried out to the approval of the Building Control Surveyor in full compliance with the Building Regulations 2000 (as amended) and should be inspected and approved before the building is occupied. The applicant has consequently confirmed in writing that they will contact the Council's Building Control Team by the 17th January 2012 to regularise the drainage detail.
43. As such, it is not considered necessary in this case to request further drainage detail when this will be regularised in due course through building control.
44. Lastly, although the historic development of the site is one of primary concern for the Council, it is not considered reasonable to impose conditions which require the unity of occupation of the Jumps Farm Site or a condition restricting the use to that which meets the needs of a local business. This is particularly important in more recent times given the current economic climate and the encouragement within PPS4 to promote diversifying business uses.
45. As such, on balance of the above, it is considered that removing conditions 2 and 5 will not significantly affect the principle of the development (which is supported in national and local planning policy). The development therefore still remains in compliance with PPG2, PPS4, PPS7 and Policies DC1 and DC7A of the Adopted Chorley Borough Local Plan Review.

Design and impact on the streetscene

46. The proposed removal of Conditions 2 and 5 will not result in any external alterations to Building A and so it is not considered the development will have any greater impact on the streetscene than is experienced at present.
47. As such, it is not considered the removal of conditions 2 and 5 will result in any significant detrimental harm to the design and impact on the streetscene.

Impact on neighbour amenity

48. Building A has a lawful use as an office to be used only in connection with the applicant's landscaping business. If conditions 2 and 5 are removed then other parties could occupy the building as well as the applicant.
49. It is therefore appropriate to assess whether that removing conditions 2 and 5 would result in any greater significant detrimental harm to the amenity of the neighbouring residents than is experienced at present.
50. The layout of the building would only reasonably accommodate 2.no tenants, one of which would be the applicant. As such, given the nature of the permitted use (i.e. B1 offices), it is

not considered the increased activity at the site, in such a well insulated building would amount to an increase in noise, disturbance or activity that would result in greater significant detrimental harm to the amenity of the neighbouring occupiers.

51. The Council has noted the reason why conditions 2 and 5 were imposed with the original planning permission which related to protecting the amenity of the neighbouring residents and to prevent proliferation of development at the site. However, it is considered that partially letting Building A will not result in greater significant detrimental harm to the amenity of the neighbouring residents than is currently experienced on site. Furthermore the applicant has confirmed they will retain sufficient office space within the building to satisfy their current and future office needs thereby not resulting in an additional building at the site in the future.
52. Additionally, it must also be noted that the nature of a B1 use is as such that it can be carried out in a residential area without causing detriment to the amenity of the area. As such, it is not considered there will be any significant detrimental harm to the amenity of the neighbouring residents should conditions 2 and 5 be removed.

Access and parking

53. The removal of condition 5 will allow third parties to occupy building A and so this could lead to an increase in vehicular activity and demand for off-road parking at the site.
54. However, the area surrounding the existing buildings already comprises extensive hardstanding which provides sufficient off-road parking provision to accommodate the likely increase in demand. It has been acknowledged that parking space has not been specifically laid out, however, space is available which is sited far enough from neighbouring residents to ensure no undue increase in noise or disturbance will occur.
55. LCC Highways have also been consulted as part of the application and have concluded that regardless of whether building A is used for office purposes by the applicant or an external business, the building has the potential to generate the same level of traffic in which case there are little grounds for highways objection.
56. As such, it is not considered removing conditions 2 or 5 will result in any significant detrimental harm to the safe operation of the highway network. Furthermore, given the existing hardstanding available to accommodate an increase in demand for parking, it is not considered a pre-commencement condition is required to demonstrate off-road parking associated with building A.
57. The development is therefore considered to be in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

Impact on the Bretherton Conservation Area

58. The removal of Conditions 2 and 5 will not result in any external alterations to building A and so it is not considered the development will have any greater impact on the Designated Heritage Asset that is the Bretherton Conservation Area than is experienced at present.
59. Therefore it is not considered the removal of conditions 2 and 5 will result in any significant detrimental harm to the character of the Bretherton Conservation Area and so the development remains in compliance with Planning Policy Statement 5 (PPS5).

Overall Conclusion

60. On balance of the above, the Section 73 application to remove conditions 2 and 5 is accordingly recommended for approval subject to conditions.

Planning Policies

National Planning Policy

Planning Policy Guidance 2: Green Belts (PPG2)

Planning Policy Statement 4: Economic Development (PPS4)

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)

Adopted Chorley Borough Local Plan Review
Policies: DC1, DC7A, EM2, EP17 and TR4.

Planning History

The site history of the property is as follows:

- Ref:** 04/00303/COU **Decision:** WDN **Decision Date:** 14 May 2004
Description: Retrospective application for a change of use of a former poultry cabin (building 'B') to storage in connection with a landscape gardening business, and structural alterations,
- Ref:** 04/00304/COU **Decision:** WDN **Decision Date:** 14 May 2004
Description: Retrospective application for the change of use of a former poultry farm workshop (building 'C') to a workshop in connection with a landscape gardening business, and structural alterations,
- Ref:** 04/00370/FUL **Decision:** PERFPP **Decision Date:** 7 June 2004
Description: Retrospective application for excavation of pond and construction of banking,
- Ref:** 04/00371/FUL **Decision:** PERFPP **Decision Date:** 8 June 2004
Description: Erection of single storey extension to rear,
- Ref:** 04/00752/COU **Decision:** PERFPP **Decision Date:** 27 October 2004
Description: Retrospective application for a change of use of a former poultry cabin (building 'B') to storage in connection with a landscape gardening business, and structural alterations,
- Ref:** 04/00753/COU **Decision:** PERFPP **Decision Date:** 27 October 2004
Description: Retrospective application for the change of use of a former poultry farm workshop (building 'C') to a workshop in connection with a landscape gardening business, and structural alterations,
- Ref:** 05/00603/FUL **Decision:** REFFPP **Decision Date:** 1 August 2005
Description: Relocation of joiners workshop to Building C, (to include a variation of condition No 3 on planning permission 9/95/00760/COU to permit the manufacture of other wood products), and the demolition and rebuilding of Building A for domestic use ancillary to the farm house
- Ref:** 06/00035/FUL **Decision:** REFFPP **Decision Date:** 7 March 2006
Description: Demolition and rebuild of existing workshop,
- Ref:** 07/00874/COU **Decision:** PERFPP **Decision Date:** 10 September 2007
Description: Temporary change of use of existing store as workshop during re-building of existing workshop,
- Ref:** 09/00530/COU **Decision:** WDN **Decision Date:** 3 March 2010
Description: Application for permanent use of previous store to wood workshop (previously permitted on a temporary basis)
- Ref:** 11/00989/FUL **Decision:** PCO **Decision Date:**
Description: Section 73 application to remove Conditions 2 (use of building) and 5 (personal permission) attached to planning approval 10/00563/COU.

Application Number- 11/00989/FUL

- Section 73 application to remove Conditions 2 (use of building) and 5 (personal permission) attached to planning approval 10/00563/COU.
- Approve subject to conditions.
- 5 January 2012.

**Recommendation: Permit Full Planning Permission
Conditions**

1. The approved plans are:
Stamp-dated on: DWG No:
07/07/2010 411/12
07/07/2010 411/13
Reason: To define the permission and in the interests of the proper development of the site.

2. Before any development hereby permitted is first brought into the use, full details of the surfacing, drainage and marking out of the car parking and vehicle manoeuvring areas associated with Building A shall have been submitted to and approved in writing by the Local Planning Authority. The car park and vehicle manoeuvring areas shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.
Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

3. 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.

4. All external facing materials shall match in colour, form and texture to those permitted with the application 06/00035/FUL for the permanent re-build of building A.
Reason: In the interests of the visual amenity of the area in general and the existing building in particular and in accordance with Policy Nos. GN5 & HT7 of the Adopted Chorley Borough Local Plan Review.



Report of	Meeting	Date
Head of Governance	Development of Control Committee	17 January 2012

PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO. 16 (MAWDESLEY) 2011 WITHOUT MODIFICATION

PURPOSE OF REPORT

- To consider formal confirmation of the Tree Preservation Order No.16 (Mawdesley) 2011 without modification.
- That Tree Preservation Order No. 16 (Mawdesley) 2011 be formally confirmed without modification to the location of the protected trees as described in paragraph 8 below.

RECOMMENDATION(S)

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

EXECUTIVE SUMMARY OF REPORT

- 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

- 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

- The Order was made on the 16 November 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 16 November 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

Attached to this report is a copy of the Tree Preservation Order No.16 (Mawdesley) 2011 and Plan.

Report Author	Ext	Date	Doc ID
Liz Leung	5169	3.1.12	913

TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

As amended by the Town and Country Planning (Trees) (Amendments) (England)
Regulations 2008

Town and Country Planning Act 1990

THE CHORLEY BOROUGH COUNCIL TREE PRESERVATION ORDER NO. 16
(MAWDESLEY) 2011

The Chorley Borough Council in exercise of the powers conferred on them by sections 198, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order-

1 Citation

This Order may be cited as the Chorley Borough Council Tree Preservation Order No. 16 (Mawdesley) 2011

2 Interpretation

In this Order 'the authority' means the Chorley Borough Council and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

3 Application of section 201

The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 16 November 2011.

4 Prohibited acts in relation to trees

Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to article 5, no person shall -

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

5 Exemptions

- (1) Nothing in article 4 shall prevent-

- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary-
 - (i) in the interests of the safe operation of the undertaking;
 - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
 - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes)
- (ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;
- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
- (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
- (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
- (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development Order) 1995;
- (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose 'drainage body' and 'drainage' have the same meanings as in the Land Drainage Act 1991; or

(g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.

- (2) In paragraph (1), 'statutory undertaker' means any of the following-
- a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,
 - a relevant airport operator (within the meaning of Part V of the Airports Act 1986),
 - the holder of a licence under section 6 of the Electricity Act 1989,
 - a public gas transporter,
 - the holder of a licence under section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied,
 - a water or sewerage undertaker,
 - the Civil Aviation Authority or a body acting on behalf of that Authority,
 - the Post Office.

6 Applications for consent under the Order

An application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of which this Order is for the time being in force shall be made in writing to the authority and shall-

- (a) identify the tree or trees to which it relates (if necessary, by reference to a plan);
- (b) specify the work for which consent is sought; and
- (c) contain a statement of the applicant's reasons for making the application.

7 Application of provisions of the Town and Country Planning Act 1990

- (1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).
- (2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

8 Directions as to replanting

- (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the

land on which that part is situated ('the relevant land') a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.

- (2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.
- (3) A direction under paragraph (1) may include requirements as to-
 - (a) species;
 - (b) number of trees per hectare;
 - (c) the preparation of the relevant land prior to the replanting; and
 - (d) the erection of fencing necessary for the protection of the newly planted trees.

9 Compensation

- (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of-
 - (a) the refusal of any consent required under this Order; or
 - (b) the grant of any such consent subject to conditions,he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.
- (2) No claim, other than a claim made under paragraph (3), may be made under this article-
 - (a) if more than 12 months has elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
 - (b) if the amount in respect of which the claim would otherwise have been made is less than £500.
- (3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.
- (4) In any other case, no compensation shall be payable to a person-
 - (a) for loss of development value or other diminution in the value of the land;
 - (b) for loss or damage which, having regard to the statement of reasons submitted in accordance with article 6(c) and any documents or other evidence submitted in support of any such statement, was not reasonably foreseeable when consent was refused or was granted subject to conditions;

- (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
 - (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.
- (5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.
- (6) In this article-
- 'development value' means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and
- 'owner' has the meaning given to it by section 34 of the Forestry Act 1967.

Dated this 16 November 2011

**THE COMMON SEAL of
CHORLEY BOROUGH COUNCIL**

was hereunto affixed in the presence of:




29588

Head of Governance

SCHEDULE 1

SPECIFICATION OF TREES

Article 4

Trees specified individually (encircled in black on the map)		
Reference on map	Description	Situation
T4	Sycamore	Adjacent to southern site boundary
T5	Ash	Adjacent to southern site boundary
T6	Norway Maple	Adjacent to western site boundary
T7	Purples Norway maple	Adjacent to western site boundary
T8	Leyland Cypress	Adjacent to western site boundary
T9	Purple leaf Plum	Adjacent to western site boundary
T10	Golden Lawson Cypress	Adjacent to western site boundary
T11	Pine	Adjacent to western site boundary.
T12	Cherry	Adjacent to western site boundary
T13	Cherry	Adjacent to western site boundary
T14	Norway Marple	Adjacent to western site boundary
T15	Purple Norway Marple	Adjacent to western site boundary
T16	Leyland Cypress	Adjacent to western site boundary
T17	Scots Pine	Adjacent to western site boundary
T18	Cherry	Adjacent to western site boundary
T19	Lawson Cypress	Adjacent to western site boundary
T20	Poplar	Adjacent to western site boundary
T21	Hawthorn	Adjacent to western site boundary
T22	Yew	Adjacent to western site boundary

Trees specified as a Group (within a broken black line on the map)		
Reference on map	Description	Situation
G1	Mixed species group	Group in south-west corner of application site.
G2	Cherry Laurel	Adjacent to the northern site boundary to the north-west of the application property Delfryn
G3	Leylandii	Adjacent to the Northern Site boundary, directly north of the

Trees specified by reference to an area NONE

(within a dotted black line on the map)

Reference on map N/A

Description N/A

Situation N/A

Woodlands NONE

(within a continuous black line on the map)

Reference on map N/A

Description N/A

Situation N/A

SCHEDULE 2

Part I

**PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990
APPLIED WITH ADAPTATIONS OR MODIFICATIONS**

Provision of the Town and Country Planning Act 1990

Adaptation or Modification

Section 69 (registers)

- (a) In subsection (1)-
 - (i) omit -
 - ' , in such manner as may be prescribed by a development order,' ,
 - 'such' in the second place where it appears, and
 - 'as may be so prescribed'; and
 - (ii) substitute 'matters relevant to tree preservation orders made by the authority' for 'applications for planning permission'.
- (b) In subsection (2)-
 - (i) after 'contain' insert ' , as regards each such order'; and
 - (ii) for paragraphs (a) and (b) substitute-
 - (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
 - (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.'.
- (c) Omit subsections (3) and (4) (as required by section 198(4)).

Section 70 (determination of applications: general considerations)

- (a) In subsection (1)-
 - (i) substitute-
 - 'Subject to subsections (1A) and (1B), where' for 'Where';
 - 'the authority' for 'a local planning authority';
 - 'consent under a tree preservation order' for 'planning permission' where those words first appear; and

'consent under the order' for 'planning permission' in both of the other places where those words appear;

- (ii) after 'think fit', insert-
'(including conditions limiting the duration of the consent or requiring the replacement of trees)'; and
- (iii) omit 'subject to sections 91 and 92,'
- (b) After subsection (1) insert-
 - '(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.
 - (1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).'
- (c) Omit subsections (2) and (3).

Section 75 (effect of planning permission)

- (a) In subsection (1) substitute-
 - (i) 'Any' for the words from 'Without' to 'any';
 - (ii) 'consent under a tree preservation order' for 'planning permission to develop land';
 - (iii) 'the consent' for 'the permission'; and
 - (iv) 'the land to which the order relates' for 'the land'.
- (b) Omit subsections (2) and (3).

Section 78 (right to appeal against planning decisions and failure to take such decisions)

- (a) In subsection (1) substitute-
 - (i) 'the authority' for 'a local planning authority';
 - (ii) 'consent under a tree preservation order' for 'planning permission' in the first place where those words appear;
 - (iii) 'consent under such an order' for 'planning permission' in the second place where those words appear;
 - (iv) for paragraph (c) substitute-

- '(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
 - (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,'.
- (b) Omit subsection (2).
- (c) In subsection (3) for 'served within such time and in such manner as may be prescribed by a development order.' substitute-
'in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served-
- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
 - (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.'.
- (d) For subsection (4), substitute-
- '(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).'
- (e) For subsection (5), substitute-
- '(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.'

Section 79 (determination of appeals)

- (a) In subsections (1) and (2), substitute 'the authority' for 'the local planning authority'.
- (b) Omit subsection (3).
- (c) In subsection (4), substitute-

- (i) 'section 70(1), (1A) and (1B)' for 'sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5';
- (ii) 'consent under a tree preservation order' for 'planning permission';
and
- (iii) 'the authority' for 'the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of sections 65 or 71.'.
- (d) Omit subsections (6) and (6A).
- (e) In subsection (7), omit the words after 'section 78'.

Part II

**PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990 AS ADAPTED OR
MODIFIED BY PART I**

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

Section 69

(1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.

(2) The register shall contain, as regards each such order-

- (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
- (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.

.....

(5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

Section 70

(1) Subject to subsections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order-

- (a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or

(b) they may refuse consent under the order.

(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

.....

Section 75

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) ensure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

Section 78

(1) Where the authority-

- (a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
- (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;
- (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
- (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

.....

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served-

- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
- (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject

to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).

(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

.....

Section 79

(1) On an appeal under section 78 the Secretary of State may-

- (a) allow or dismiss the appeal, or
- (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

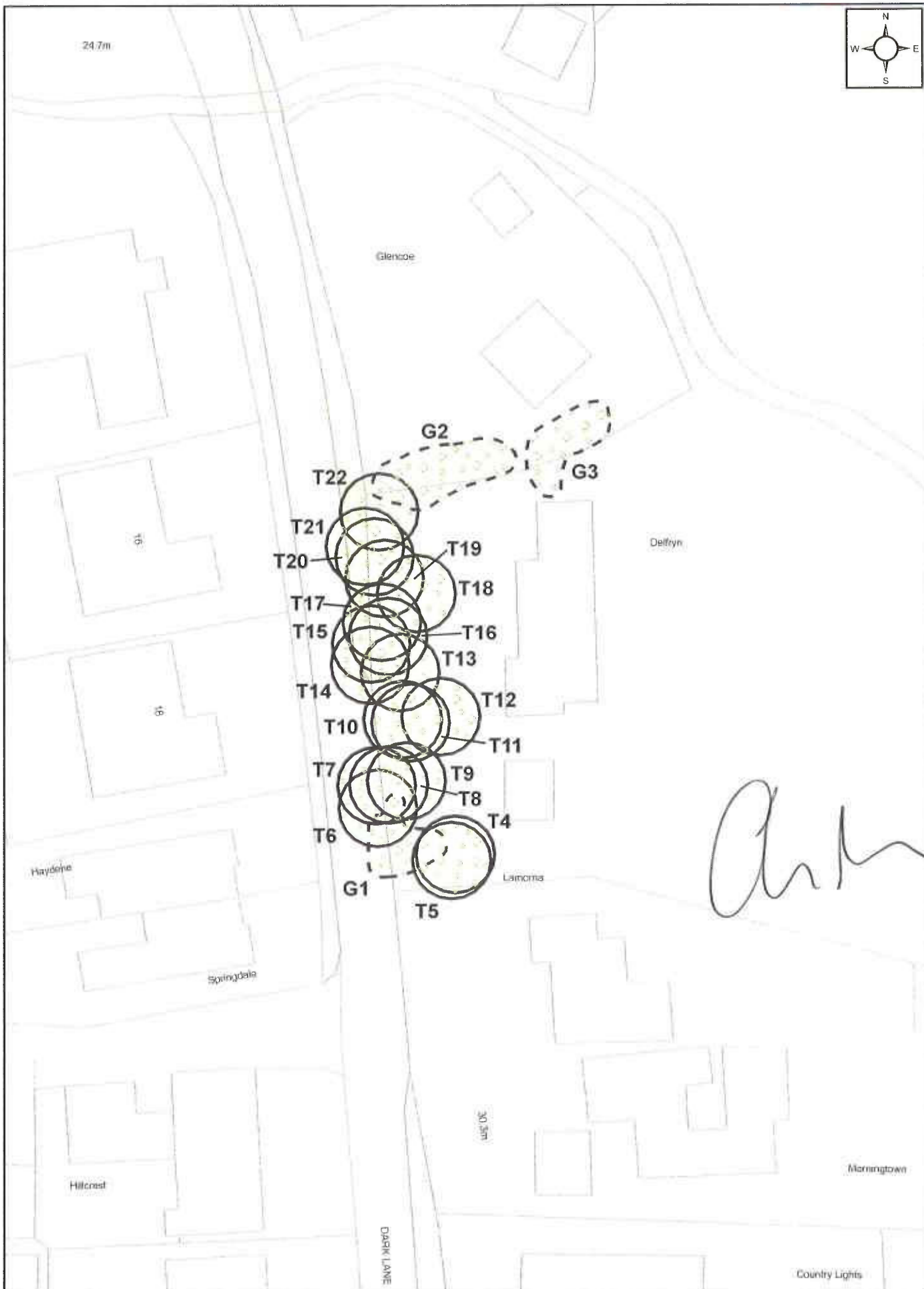
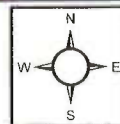
(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

.....

(4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

(5) The decision of the Secretary of State on such an appeal shall be final.

(7) Schedule 6 applies to appeals under section 78.





Report of	Meeting	Date
Head of Governance	Development of Control Committee	17 January 2012

PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO. 15 (EUXTON) 2011 WITHOUT MODIFICATION

PURPOSE OF REPORT

- To consider formal confirmation of the Tree Preservation Order No.15 (Euxton) 2011 without modification.
- That Tree Preservation Order No. 15 (Euxton) 2011 be formally confirmed without modification to the location of the protected trees as described in paragraph 8 below.

RECOMMENDATION(S)

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

EXECUTIVE SUMMARY OF REPORT

- 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
--	-----	-----------

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

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

BACKGROUND

- The Order was made on the 2 November 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 2 November 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

Attached to this report is a copy of the Tree Preservation Order No.15 (Euxton) 2011 and Plan.

Report Author	Ext	Date	Doc ID
Liz Leung	5169	3.1.12	904

**As amended by the Town and Country Planning (Trees) (Amendments) (England)
Regulations 2008**

Town and Country Planning Act 1990

THE CHORLEY BOROUGH COUNCIL TREE PRESERVATION ORDER NO. 15 (Euxton) 2011

The Chorley Borough Council in exercise of the powers conferred on them by sections 198, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order-

1 Citation

This Order may be cited as the Chorley Borough Council Tree Preservation Order No. 15 (Euxton) 2011

2 Interpretation

In this Order 'the authority' means the Chorley Borough Council and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

3 Application of section 201

The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 2 November 2011.

4 Prohibited acts in relation to trees

Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to article 5, no person shall -

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

5 Exemptions

- (1) Nothing in article 4 shall prevent-
 - (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary-
 - (i) in the interests of the safe operation of the undertaking;

- (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
- (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes)
- (ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;
- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
- (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
- (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
- (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development Order) 1995;
- (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose 'drainage body' and 'drainage' have the same meanings as in the Land Drainage Act 1991; or
- (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.

- (2) In paragraph (1), 'statutory undertaker' means any of the following-
- a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,
 - a relevant airport operator (within the meaning of Part V of the Airports Act 1986),
 - the holder of a licence under section 6 of the Electricity Act 1989,
 - a public gas transporter,
 - the holder of a licence under section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied,
 - a water or sewerage undertaker,
 - the Civil Aviation Authority or a body acting on behalf of that Authority,
 - the Post Office.

6 Applications for consent under the Order

An application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of which this Order is for the time being in force shall be made in writing to the authority and shall-

- (a) identify the tree or trees to which it relates (if necessary, by reference to a plan);
- (b) specify the work for which consent is sought; and
- (c) contain a statement of the applicant's reasons for making the application.

7 Application of provisions of the Town and Country Planning Act 1990

- (1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).
- (2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

8 Directions as to replanting

- (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ('the relevant land') a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.
- (2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.
- (3) A direction under paragraph (1) may include requirements as to-
- (a) species;
 - (b) number of trees per hectare;

- (c) the preparation of the relevant land prior to the replanting; and
- (d) the erection of fencing necessary for the protection of the newly planted trees.

9 Compensation

- (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of-
 - (a) the refusal of any consent required under this Order; or
 - (b) the grant of any such consent subject to conditions,he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.
- (2) No claim, other than a claim made under paragraph (3), may be made under this article-
 - (a) if more than 12 months has elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
 - (b) if the amount in respect of which the claim would otherwise have been made is less than £500.
- (3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.
- (4) In any other case, no compensation shall be payable to a person-
 - (a) for loss of development value or other diminution in the value of the land;
 - (b) for loss or damage which, having regard to the statement of reasons submitted in accordance with article 6(c) and any documents or other evidence submitted in support of any such statement, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
 - (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
 - (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.
- (5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused

under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article-

'development value' means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

'owner' has the meaning given to it by section 34 of the Forestry Act 1967.

Dated this 2 November 2011

**THE COMMON SEAL of
CHORLEY BOROUGH COUNCIL**

was hereunto affixed in the presence of:



29581

Head of Governance

SCHEDULE 1

SPECIFICATION OF TREES

Article 4

Trees specified individually (encircled in black on the map)		
Reference on map	Description	Situation
T1	Ash	On Southern Boundary of site against Regency Gardens road
T2	Sycamore	On banking bounding with Balshaw Lane towards junction with Regency Gardens
T3	Sycamore	To east of T2
T4	Sycamore	To east of T2
T5	Elm	On banking bounding with Balshaw Lane in line with Station Park
T6	Sycamore	On banking bounding with Balshaw Lane in line with station car park to east of T5

Trees specified as a Group (within a broken black line on the map)		
Reference on map	Description	Situation

Trees specified by reference to an area NONE

(within a dotted black line on the map)

Reference on map N/A

Description N/A

Situation N/A

Woodlands NONE

(within a continuous black line on the map)

Reference on map N/A

Description N/A

Situation N/A

SCHEDULE 2

Part I

**PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990
APPLIED WITH ADAPTATIONS OR MODIFICATIONS**

Provision of the Town and Country Planning Act 1990

Adaptation or Modification

Section 69 (registers)

- (a) In subsection (1)-
 - (i) omit -
 - ' , in such manner as may be prescribed by a development order, ',
 - 'such' in the second place where it appears, and
 - 'as may be so prescribed'; and
 - (ii) substitute 'matters relevant to tree preservation orders made by the authority' for 'applications for planning permission'.
- (b) In subsection (2)-
 - (i) after 'contain' insert ' , as regards each such order'; and
 - (ii) for paragraphs (a) and (b) substitute-
 - (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
 - (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.'
- (c) Omit subsections (3) and (4) (as required by section 198(4)).

Section 70 (determination of applications: general considerations)

- (a) In subsection (1)-
 - (i) substitute-
 - 'Subject to subsections (1A) and (1B), where' for 'Where';
 - 'the authority' for 'a local planning authority';
 - 'consent under a tree preservation order' for 'planning permission' where those words first appear; and

'consent under the order' for 'planning permission' in both of the other places where those words appear;

- (ii) after 'think fit', insert-
'(including conditions limiting the duration of the consent or requiring the replacement of trees)'; and
 - (iii) omit 'subject to sections 91 and 92,'.
- (b) After subsection (1) insert-
- '(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.
 - (1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).'
- (c) Omit subsections (2) and (3).

Section 75 (effect of planning permission)

- (a) In subsection (1) substitute-
 - (i) 'Any' for the words from 'Without' to 'any';
 - (ii) 'consent under a tree preservation order' for 'planning permission to develop land';
 - (iii) 'the consent' for 'the permission'; and
 - (iv) 'the land to which the order relates' for 'the land'.
- (b) Omit subsections (2) and (3).

Section 78 (right to appeal against planning decisions and failure to take such decisions)

- (a) In subsection (1) substitute-
 - (i) 'the authority' for 'a local planning authority';
 - (ii) 'consent under a tree preservation order' for 'planning permission' in the first place where those words appear;
 - (iii) 'consent under such an order' for 'planning permission' in the second place where those words appear;
 - (iv) for paragraph (c) substitute-

- '(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
 - (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,'.
- (b) Omit subsection (2).
- (c) In subsection (3) for 'served within such time and in such manner as may be prescribed by a development order.' substitute-
'in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served-
- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
 - (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.'.
- (d) For subsection (4), substitute-
- '(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).'
- (e) For subsection (5), substitute-
- '(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.'

Section 79 (determination of appeals)

- (a) In subsections (1) and (2), substitute 'the authority' for 'the local planning authority'.
- (b) Omit subsection (3).
- (c) In subsection (4), substitute-

- (i) 'section 70(1), (1A) and (1B)' for 'sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5';
- (ii) 'consent under a tree preservation order' for 'planning permission'; and
- (iii) 'the authority' for 'the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of sections 65 or 71'.
- (d) Omit subsections (6) and (6A).
- (e) In subsection (7), omit the words after 'section 78'.

Part II

PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990 AS ADAPTED OR MODIFIED BY PART I

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

Section 69

(1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.

(2) The register shall contain, as regards each such order-

- (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
- (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.

.....

(5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

Section 70

(1) Subject to subsections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order-

- (a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or

(b) they may refuse consent under the order.

(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

.....

Section 75

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) ensure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

Section 78

(1) Where the authority-

- (a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
- (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;
- (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
- (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

.....

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served-

- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
- (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject

to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

- (4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).
- (5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

.....

Section 79

(1) On an appeal under section 78 the Secretary of State may-

- (a) allow or dismiss the appeal, or
- (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

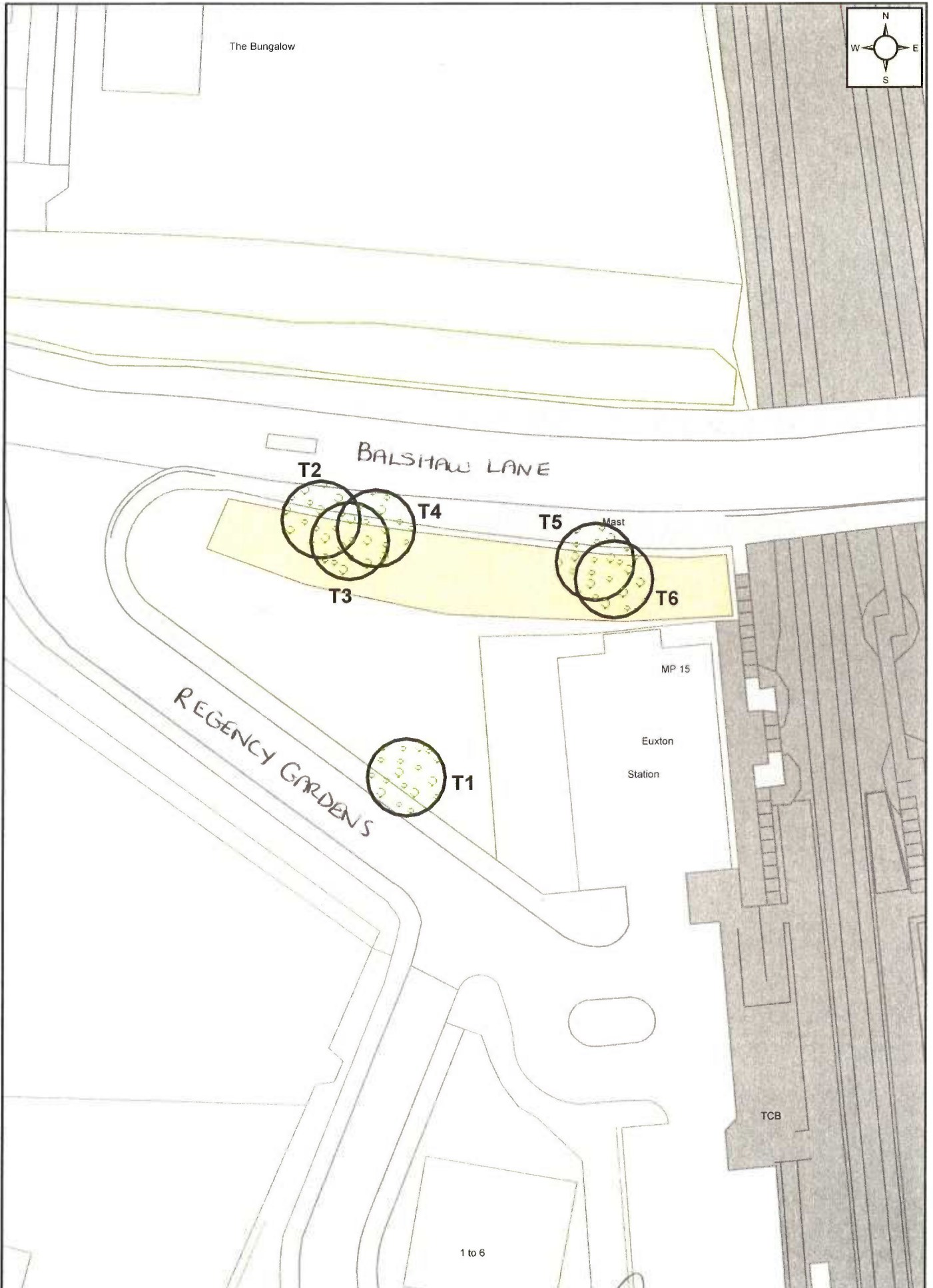
(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

.....

(4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

(5) The decision of the Secretary of State on such an appeal shall be final.

(7) Schedule 6 applies to appeals under section 78.



Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	17 January 2012

PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 2 DECEMBER 2011 AND 5 JANUARY 2012

PLANNING APPEALS LODGED

1. Appeal by Mr Derek Stanton against the delegated decision to refuse planning permission for Outline application for the erection of one detached bungalow (all matters reserved apart from access) at Land East Of 34 Thirlmere Drive, Withnell PR6 8AY (Planning Application: 11/00619/OUT Inspectorate Reference: APP/D2320/A/11/2166889/NWF). Planning Inspectorate letter received 16 December 2011.
2. Appeal by Mr Nasseem Shahid against the delegated decision to refuse planning permission for change of use from class A1 to class A5 hot food takeaway (ground floor only) at Cherry Blossom, 104 Pall Mall, Chorley, PR7 2LB (Planning Application: 11/00398/COU Inspectorate Reference: APP/D2320/A/11/2162124/NWF). Planning Inspectorate letter received 23 December 2011.

PLANNING APPEALS DISMISSED

3. None.

PLANNING APPEALS ALLOWED

4. None.

PLANNING APPEALS WITHDRAWN

5. None

ENFORCEMENT APPEALS LODGED

6. None.

ENFORCEMENT APPEALS DISMISSED

7. None.

ENFORCEMENT APPEALS ALLOWED

8. Appeal by PJC Estates Ltd against the Enforcement Notice EN638 - removal of portable building on the land at PJC Estates, 286 The Green, Eccleston PR7 5TE (Inspectorate Reference: APP/D2320/C/11/2156419) the Enforcement Notice is quashed and planning permission is granted on the application deemed to have been made for the

development already carried out, namely the erection of a portakabin. Inspectorate letter received 5 December 2011.

ENFORCEMENT APPEALS WITHDRAWN

9. 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 29 December 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.

Report Author	Ext	Date	Doc ID
Robert Rimmer	5221	05.01.2012	***