



# Development Control Committee

Agenda and Reports

For consideration on

## Tuesday, 6th March 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.

24 February 2012

Dear Councillor

## **DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 6TH MARCH 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, 6th March 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 - 2)**

To confirm as a correct record the minutes of the Development Control Committee held on 14 February 2012 (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 ten 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](http://planning.chorley.gov.uk/PublicAccess/TDC/tdc_home.aspx)

- (a) 11/00919/FUL - Bluebell Cottage, Trigg Lane, Heapey, Chorley (Pages 3 - 14)

**Proposal**

Erection of 2 no. wind turbines (hub height 15.545m / height to blade tip 20.345m)

**Recommendation**

Permit full planning permission

- (b) 11/01060/CB3 - Land between Carr Road and Marnor Road and south of 83 Manor Road, Clayton-le-Woods, Chorley (Pages 15 - 22)

**Proposal**

The creation of a 21 plot allotment site with 5 car parking spaces and associated hard standing, drainage, fencing and pathways

**Recommendation**

Permit full planning permission

- (c) 11/01086/FUL - Ridgeway Arms, 176 Chorley Road, Adlington, Chorley (Pages 23 - 30)

**Proposal**

Alterations to the existing building including the erection of a single storey rear extension following the demolition of part of the existing building along with the creation of new entrance doors

**Recommendation**

Permit full planning permission

- (d) 11/01080/FULMAJ - Land south west of Bishopton Crescent and at the junction of Buckshaw Avenue and Ordnance Road, Buckshaw Village, Chorley (Pages 31 - 42)

**Proposal**

Proposed warehouse, office and trade counter building and associated infrastructure

**Recommendation**

Permit full planning permission

- (e) 12/00043/OUT - Park Road Methodist Church, Park Road, Chorley (Pages 43 - 46)

**Proposal**

Outline application for demolition of the existing church building and redevelopment of the site for residential use

**Recommendation**

Permit outline planning permission

- (f) 11/01104/COU - The Farm Depot, Bentley Lane, Heskin, Chorley (Pages 47 - 54)

**Proposal**

Change of use of buildings and yard from B2 use to B8 use

**Recommendation**

Permit full planning permission

- (g) 11/01105/REM - Land opposite junction of Regiment Drive and Old Worden Avenue (Parcel Q) Old Worden Avenue Buckshaw Village, Chorley (Pages 55 - 62)

**Proposal**

Reserved matters application for the erection of 8no. detached two-storey dwellings and associated works (pursuant to outline permissions 97/00509/OUT and 02/00748/OUTMAJ)

**Recommendation**

Permit full planning permission

- (h) 11/01087/REMAJ - Parcel H8 Euxton Lane, Euxton, Chorley (Pages 63 - 68)

**Proposal**

Reserved matters application for the erection of 12 no. three-storey dwellings (to south east side of square)

**Recommendation**

Permit full planning permission

- (i) 11/01094/FULMAJ - Site N1, Lower Burgh Way, Chorley (Pages 69 - 74)

**Proposal**

Proposed substitution of house types and re-plan of plots 1 to 15 Birkacre Park (previously approved as part of planning application reference 07/00993/REMAJ) including the erection of 4 additional dwellings

**Recommendation**

Permit (subject to legal agreement)

- (j) 11/00994/FUL - Woodcock Barn, Runshaw Lane, Euxton, Chorley (Pages 75 - 78)

**Proposal**

Application for amendments to the pitch of the roof over the entrance and garage to the front of the property, and application for retrospective permission for the roof pitch over side extension (same plans as submitted for application 11/00262/FUL)

**Recommendation**

Refuse full planning permission

5. **Proposed confirmation of Tree Preservation Order No.13 (Whittle-le-Woods) 2011 without modification** (Pages 79 - 94)

Report of the Head of Governance (enclosed).

6. **Planning Appeals and Decisions** (Pages 95 - 96)

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

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

Yours sincerely



Gary Hall  
Chief Executive

Cathryn Filbin  
Democratic and Member Services Officer  
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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 Henry Caunce, David Dickinson, Dennis Edgerley, Christopher France, Marie Gray, Alison Hansford, Hasina Khan, Paul Leadbetter, Roy Lees, June Molyneaux, Mick Muncaster, Dave Rogerson and VACANT) 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

01257 515823

کیجئے:

## Development Control Committee

**Tuesday, 14 February 2012**

**Present:** Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair) and Councillors Henry Counce, David Dickinson, Christopher France, Marie Gray, Alison Hansford, Hasina Khan, Paul Leadbetter, Roy Lees, June Molyneaux, Mick Muncaster and Dave Rogerson

**Officers in attendance:** Gary Hall (Chief Executive), Chris Moister (Head of Governance), Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), Nicola Hopkins (Principal Planning Officer (Major Projects)), Caron Taylor (Planning Officer), Robert Rimmer (Business Support Team Leader), Andrew Daniels (Senior Communications Officer) and Cathryn Filbin (Democratic and Member Services Officer)

**Also in attendance:** Councillors John Walker and Steve Holgate

### 12.DC.140 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Dennis Edgerley and Alistair Bradley.

### 12.DC.141 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

### 12.DC.142 MINUTES

**RESOLVED – That the minutes of the meeting held on 7 February 2012 be confirmed as a correct record and signed by the Chair.**

### 12.DC.143 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 and individuals.

- a) **Application:** 11/00992/OUTMAJ - Land bounded by Town Lane (to the north) and Lucas Lane (to the east) Town Lane, Whittle-le-Woods **Proposal:** Outline planning application for the development of land to the north and east of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access

**RESOLVED (Unanimously) – That the outline planning permission be refused for the reasons detailed within the report.**

- b) **Application:** 11/00993/OUTMAJ - 47 Clancutt Lane, Coppull **Proposal:** Outline application for the demolition of 47 Clancutt Lane (and associated outbuildings) and erection of up to 29 residential dwellings (all matters

reserved except for access)

**RESOLVED (Unanimously) – That the outline planning permission be refused for the reasons detailed within the report.**

- c) **Application:** 11/00941/FULMAJ - **Proposal:** Planning application for 52 bungalow style park homes for older people (over 55s) and associated development including replacement community building, bowling green, allotments, pavilion/equipment store, activity trail, balancing ponds, access arrangements and internal roads, footpaths and landscaping

**RESOLVED (6:4:3) – That the planning permission be refused for the reasons detailed within the report.**

Chair



<b>Item 4a</b>	<b>11/00919/FUL</b>
<b>Case Officer</b>	<b>Matthew Banks</b>
<b>Ward</b>	<b>Pennine</b>
<b>Proposal</b>	<b>Erection of 2no. wind turbines (Hub height 15.545m / Height to blade tip 20.345m).</b>
<b>Location</b>	<b>Bluebell Cottage Trigg Lane Heapey ChorleyPR6 9BZ</b>
<b>Applicant</b>	<b>Kinetica Energy Ltd</b>
<b>Consultation expiry:</b>	<b>2 February 2012</b>
<b>Application expiry:</b>	<b>2 February 2012</b>

### **Proposal**

1. Erection of 2no. wind turbines (Hub height 15.545m / Height to blade tip 20.345m).

### **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;
  - Impact on surrounding landscape;
  - Impact on neighbour amenity;
  - Impact on highways/access;
  - Impact on the historic environment;
  - Impact on ecology;
  - Other considerations.

### **Representations**

4. To date, (22 February 2012), 5.no letter of objection have been received concerning this application. The points raised in these letters can be summarised as follows:
  - The development will result in significant detrimental harm to the environment along one of the well-known footpaths of Heapey;
  - The development will substantially affect wildlife;
  - Concerns raised for future generations, children and ramblers who will never experience the beauty and tranquillity of a once peaceful meadow;
  - Information should be submitted in relation to noise;
  - Health issues to both humans and wildlife;
  - The structures will appear as a great intrusion;
  - Local residents need more time to consider the application because of the complexity of the application and the precedent it will set;
  - The turbines will have a massive visual affect on the local landscape;
  - The turbines are totally out of proportion to any existing natural feature or development in the area and will remain visible for many miles in all directions;
  - Noise generated would impact grossly on health;
  - Recent reports suggest such development should not be made within 2 ½ km of homes;
  - Recent studies indicate that CO<sub>2</sub> emissions increase when turbines are running because gas and coal power stations run inefficiently on stand-by.
  - The height of the turbines situated on a hill above a valley will raise their profile above the sky line and impact visually;

- In a valley, noise travels through the ground as a low rumble;
- Studies should be carried out which address noise pollution;
- This is a unique area for migrating birds, bats, herons, owls and woodpeckers and is situated between 2.no waterways - Brinscall woods, moorland and Green Belt fields;
- The turbines are available with a 10m platform, thus reducing their visual impact;
- The effects of two turbines and the resulting turbulence and noise may be amplified disproportionately;
- A single lower turbine would reduce the impact;
- Questionable environmental credentials are outweighed by negative impact on the area;
- Chorley Borough Council must address how these structures can be built with as little environmental/visual impact as possible;
- This is Green Belt land in an area valuable for tourism and is used by many thousands of people each year;
- The turbines are industrial artefacts, vertically out of all proportion to the immediate natural environment, visible from a wide area, and directly in the line of sight to natural features of outstanding beauty that give the local area its unique character;  
Policy LT15, Chapter 10 of the Adopted Chorley Borough Local Plan Review states: "Development on...open land which makes a significant contribution to the character of an area, either individually or as part of a wider network of open space, will not be permitted unless either:(a) it will lead to greater public access to, and enhance the visual amenity of, the open space and it will not have a detrimental effect on any site of nature conservation value or;(b) the development involves a change of use or extension to an existing building which will not harm the amenity value of the open space." The application contravenes this policy;
- Visual impact from Blue Dye House, Heapey;
- Visual impact to walkers using the nearby public footpath;
- Impact on local wildlife and animals;
- Impact from noise and the effect this can have on the quality of life;
- Serious health issues caused by turbines which have been outlined in medical studies and reports;
- Noise can travel several miles causing irregularity and sleep disturbance from low frequency sound;
- Recent scientific evidence has suggested this is a flawed technology.

### Consultations

5. **Ramblers Association – Object** – The proposed turbines would be within very close proximity to Footpath 15 (FP15). This proximity to the turbines would dominate the view from the footpath and together with the noise, would materially alter the nature and enjoyment of the footpath and surrounding countryside. For this reason the Ramblers Association (Chorley) oppose the proposed development.
6. **CBC Environmental Health Team (noise)** – Raise no objection.
7. **Parish Council** – None received.
8. **Civil Aviation Authority** – Have provided guidance which Planning Authorities should follow in determining such an application. Raise no indication of an objection.
9. **Ministry of Defence** – Raise no objection to the proposal, however, if permission is granted they must be notified of (1) the date construction starts and ends; (2) the maximum height of construction equipment and; (3) the latitude and longitude of every turbine.
10. **OFCOM** – State it is not their policy to advise or get involved with any planning applications, however, raise a number of bodies which should be consulted as part of the application.
11. **National Air Traffic Services** – raise no safeguarding objection to the proposal.
12. **The Coal Authority** - Standing advice informative.

13. **People & Places - Waste & Contaminated Land** – no comments to make.
14. **Lancashire County Council (LCC) Ecology Service** – raise no objections subject to a condition which states that works that may affect nesting birds (including ground nesting species) will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by surveys or inspections.
15. **Lancashire County Council Highways** – raise no overriding highway objection, but suggest a condition be added if the application is approved requiring a construction and traffic management plan for highway approval, prior to the development commencing.
16. **Conservation Officer** – Raise no objection to the impact on the nearby Listed Building.
17. **Economic Development Unit** – none received.
18. **Environment Agency** – No comments to make.
19. **Joint Radio Company (JRC)** – Raises no objection and does not foresee any potential problems on known interference scenarios based on the data that has been provided.

### **Assessment**

#### Background information

20. The application site comprises land to the north-east of Bluebell Cottage, Trigg Lane, Heapey and is owned by Mr Derek Bolton. The application has been made by “Kinetica Energy Ltd” with JDA Architects acting as consultant.
21. The applicant has occupied and owned the farm for a number of years, but because of the recession and rising costs, has looked at more financially viable ways to sustain its operation and use the associated land. The applicant is therefore looking to diversify and achieve long term stability.
22. The applicant intends to utilise the ‘windy nature’ of the site to generate electricity for both domestic and agricultural use by installing two “Evoco 10KW” wind turbines in a field to the north-east of the existing farm complex. The applicant has indicated that any electric surplus generated would be exported to the National Grid for public distribution.
23. In summary, the applicant argues the application has been submitted to: (1) lower the farms carbon footprint; (2) break away from on-going rising energy costs; (3) achieve a steady, sustainable future for the holding; (4) to achieve savings in revenue which can be re-invested into the farm; (5) to assist in the “greening” of the farm and its local environment.
24. As an alternative, the applicant has looked at utilising Photovoltaic cells, however, argues that these are based on complex technology, requiring a large surface area and potentially could have a greater visual impact on the landscape than the proposed turbines.

#### Principle of the development

25. In terms of the principle of the development, the turbines would be situated to the north-east of the existing farm complex on a plateau type field which comprises short grass and is used for agricultural purposes. To the south and east of the turbines, the field extends to a cutting and brook which are both shielded from view by tree cover.
26. The farm itself carries out some agricultural activities, but is also involved in the keeping of horses. The site has a large block of stables as well as three sand paddocks which adjoin the field where the turbines would be sited (formally known as Bluebell livery stables).
27. The plateau itself is relatively flat, and spans a distance of approximately 200m in a north/south direction. The southerly section of the field is where the turbines would be sited and both turbines would face in a northerly direction. Whilst the land around the site of the turbines is relatively flat, the land to the east and west assumes a more undulating nature

and renders the site somewhat enclosed by hedgerows and trees. The plateau itself is not considered to be a summit location given the higher, more undulating land to the east and west.

28. It has been noted that in the surrounding area, there are a scattering of isolated residential properties, many of which are positioned at a lower level to the development and are predominately sited to the east and north-east of the site.
29. The site itself is washed over by the Green Belt with an area of open countryside situated to the south. In terms of national and local planning policy concerning the control of development within the Green Belt, National Planning Policy Guidance 2: Green Belts (PPG2) and Policy DC1 of the Adopted Chorley Borough Local Plan Review state that planning permission will not be granted, except in very special circumstances for development other than those falling within certain limited categories.
30. Paragraph 3.4 of PPG2 indicates that the construction of new buildings within the Green Belt is inappropriate unless the buildings are for certain limited purposes. Paragraph 3.12 states that the carrying out of engineering and other operations is inappropriate if they do not maintain the openness of the Green Belt and conflict with the purposes of including land within the Green Belt.
31. With regard to PPG2 and Policy DC1, it is not considered the erection of the turbines falls within the ambit of appropriate development within the Green Belt and actually falls within the broad definition of engineering or other operations.
32. Therefore, the proposed turbines are considered inappropriate development within the Green Belt and should only be permitted where very special circumstances exist to clearly outweigh the harm that would come to the Green Belt by reason of inappropriateness.
33. As such, it is therefore appropriate to consider any factors in support of the application, which individually or cumulatively could amount to very special circumstances that would outweigh the harm to the Green Belt. Additionally, the impact on the openness of the Green Belt should also be considered.
34. Firstly, in terms of openness, it is acknowledged that the turbines represent an encroachment of development into the countryside (which is one of the purposes for including land within the Green Belt). However, it should also be noted that there often is a requirement for wind turbines to be located within open areas away from built development to function effectively.
35. It is considered that in this case, the area of land to be built on is small in size (relative to the vast undeveloped surrounding land) and is somewhat contained by tree cover which restricts views of the turbines from the south and east. It is considered that the impact on openness comes primarily in the form of the bases for the turbines and the structures themselves. However, the turbines are relatively modest in size, have a relatively slender design and would be well spaced. As such, taking into consideration the specification of the structures and the site specific circumstances, it is considered that the loss of openness in this case would be modest and in itself would not warrant refusal of the application.
36. Turning to the issue of very special circumstances, the applicant has submitted a case in support of the application which covers a number of issues in favour of the application.
37. Firstly, the applicant highlights that the proposed development finds support in national planning policy which was identified in 2006 through the Stern Report. This report demonstrated that climate change must be managed if we are to avoid catastrophic social and environmental effects. The Government's energy policy, including its policy on renewable energy, is set out in the Energy White Paper. This sets the challenging aim for the UK to cut its carbon dioxide emissions by some 60% by 2050, with real progress by 2020, and to maintain reliable and competitive energy supplies. The UK has a more tangible target to incorporate 10% renewable sources by 2010, and at least 20% by 2020. Planning Policy Statement 22 (PPS22) also highlights the importance of offshore and onshore wind energy in

contribution to national targets. It is considered the bulk of these targets are expected to be delivered locally through the planning system.

38. The applicant draws attention to Planning Policy Statement 1: Delivering Sustainable Development (PPS1) which sets out the government's approach to delivering sustainable development and indicates that planning should facilitate and promote sustainable and inclusive patterns of urban and rural growth.
39. The applicant argues that PPS22 and the climate change supplement to PPS1 highlight the importance and urgency of slowing down the pace of climate change by reducing Carbon Dioxide emissions from the generation of energy through the burning of fossil fuels by producing energy from renewable sources. It is evident from the advice in PPS22 that Local Planning Authorities should plan positively for renewable developments and should afford substantial weight to the contribution such developments make to combating climate change.
40. The applicant highlights that it is important to realise that smaller scale projects (such as that proposed) can provide a limited but valuable contribution to the overall outputs of renewable energy and to meeting energy needs both locally and nationally. PPS22 states that planning authorities should not therefore reject planning applications simply because the level of output is small. Furthermore, it is also relevant to note that PPS22 states that Local Planning Authorities should not require applicant's for energy development to demonstrate neither the overall need for renewable energy and its distribution, nor question the energy justification for why a proposal for such development must be sited in a particular location.
41. In terms of energy production, the applicant states that the wind turbines will produce 21,100Kwh of renewable energy per turbine based upon the manufacturer's literature at a wind speed of 5m/s. This gives a potential annual total of 42,200Kwh which will have a direct impact on reducing carbon emissions.
42. The applicant argues that the wider environmental and economic benefits for all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.
43. The applicant also highlights that the application finds support in the draft National Planning Policy Framework which re-iterates much of the advice given in PPS1 and PPS22.
44. As such, in terms of assessing the supporting information, it is considered that in this case, the proposed turbines would make a modest, but valuable contribution to meeting the challenging target for the production of energy from renewable sources both locally and nationally and in doing so, the proposal would play a part in helping to offset the impact of climate change. Support is found in PPS1 which encourages sustainable patterns of development, and also in PPS22 which states that Local Planning Authorities should specifically encourage small scale renewable energy developments through positively expressed policies in local development documents.
45. Furthermore, it is considered that the proposed turbines would assist in the diversification of the farm and provide electricity to the existing residential unit and for the agricultural working of the site. The electricity produced will replace / reduce the existing mains electricity supplied to the farm and reduce running costs over time.
46. It is also considered that the proposed pair of turbines will generate an income from the sale of any surplus electricity which would be exported back to the National Grid for public distribution via the District Network Operator for the benefit of the community.
47. Additionally, indirect benefits of the scheme would include temporary job creation during construction and in the maintenance of the turbines, and that the turbines will provide an alternative source of electricity.

48. As such, it is considered that the arguments submitted by the applicant in favour of the application and the support for the development in national planning policy, cumulatively amount to very special circumstances required to outweigh the harm to the Green Belt by reason of inappropriateness.
49. The development is therefore considered in accordance with PPG2 and Policy DC1 of the Adopted Chorley Borough Local Plan Review.

#### Impact on surrounding landscape

50. In terms of the effect of the development on the surrounding landscape, Policy EP10 of the Adopted Chorley Borough Local Plan Review states that developers are required to demonstrate that the character and value of the existing landscape and its features have been taken into consideration during the design of a proposal. Policy EP24 states that proposals for wind farms will be supported provided they are not on ridge top or summit locations or where they would form prominent features against the skyline.
51. As addressed earlier in this report, it is considered the turbines would be situated on a plateau type field which is relatively flat and spans a distance of approximately 200m in a north/south direction. The proposed turbines would be situated in the southern portion of the field within relatively close proximity to the existing farm buildings and sand paddock, thereby retaining built development in a cluster rather than allowing it to encroach into an isolated location.
52. The land to which the turbines would be sited is relatively flat, whereas the topography of the surrounding land assumes a more undulating nature. To the south and east of the turbines is dense tree cover which will help to soften the visual impact of the development on the surrounding area. To the east and west of the site the land rises significantly to enclose the turbines in a shallow valley type arrangement. As a result, the turbines would not be situated on a ridge top and are not positioned to appear as prominent features against the skyline.
53. Paragraph 21 of PPS22 refers to the need to take account of the cumulative effect of any wind generation project. It is considered that in this case, the turbines are relatively modest in size and have a relatively slender design and would be well spaced. As such, it is not considered views of the surrounding landscape would be blocked or seriously obscured to warrant refusal of the application.
54. To the immediate west of the development is the existing farm complex which comprises a number of low level buildings including Bluebell Livery Stables. It is acknowledged that the turbines may be partially visible from residential properties in the surrounding area, however, this visual impact would be softened by the existing built development in-between the turbines and the properties adjacent to Bluebell cottage, and the sparse tree cover and change in land levels in-between the turbines and the properties Mill Road.
55. The design of wind turbines means they are often inevitably visible from some neighbouring properties in a surrounding area. However, given the site specific circumstances in this case, it is not considered the appearance of the turbines would cause any significant detrimental harm to the amenity of the nearby residential properties that would warrant refusal of the application.
56. The proposed turbines would be constructed from a self-supporting galvanised steel structure and would be white in appearance to soften their appearance when viewed against the skyline.
57. As such, on balance of the above, it is considered the proposed development would not have an unacceptable impact on the character of the surrounding landscape that would warrant refusal of the application and the development is therefore in accordance with Policies EP10 and EP24 of the Adopted Chorley Borough Local Plan Review.

Impact on neighbour amenity

58. The visual impact of the proposed turbines has been addressed above and is not considered in itself to be a reason to refuse the application. It has also been acknowledged that there are a relatively small number of dwellings located in the vicinity of the site which could be affected by the proposed development.
59. Firstly, it must be noted that PPS22 Companion Guide states that well-specified wind farms should be located so that increases in ambient noise levels around noise-sensitive developments are kept to acceptable levels in relation to existing background noise.
60. The applicant states that prior to submitting the application, a site visit was made to identify the most suitable design and location for the turbines. This included maximising the exposure to the prevailing wind and minimising the risk of turbulence from trees or buildings in the vicinity. The applicant has submitted acoustic information in support of the application which has been assessed by the Council's Environmental Health Team.
61. The Council's Environmental Health Team has concluded that the submitted information satisfactorily demonstrates that there is unlikely to be any audible noise at the receptors from the proposed application.
62. As such, it is not considered a refusal of the application could be sustained with regard to the impact from noise.
63. Turning to the issue of shadow flicker, it is acknowledged that at certain times of the day the sun may shine through the moving blades thereby causing a shadow flicker effect which can be disturbing for some and deeply disturbing for others. However, local and national documents indicate that shadow flicker only occurs within ten rotor diameters of a turbine. The proposed rotor diameter of the blades is 9.6m and therefore, properties which are within 96m of the turbines could be affected by shadow flicker.
64. It has been noted the turbines would be within relatively close proximity to a number of properties including Bluebell Cottage, Pheasant House Farm, Lower House Fold Farm, Lower House Farm and Ardgaith. However, these properties would be situated over 150m from the turbines which is significantly greater than the required 96m.
65. Other residential properties within the area nearest the proposed development (namely Logwood Mill Stables and The Old Mill Race situated on Mill Lane) would be positioned over 200m from the turbines and so it is not considered shadow flicker in this case would cause significant detrimental harm to the amenity of the neighbouring residents that would warrant refusal of the application.
66. The predicted shadow flicker has been shown on the submitted location plan which shows only localised impacts from the proposed turbines, with any potential shadow flicker primarily restricted to the field to which the turbines would be sited.
67. With regard to the impact on Blue Dye House, it is acknowledged that the proposed turbines will be partially visible from this property. However, Blue Dye House is also situated over 200m from the proposed turbines, is set lower than the level of the application site and is separated from it by a substantial tree line. As such, it is not considered this property would experience any significant detrimental harm as a result of the development to warrant refusal of the application.
68. As such, it is considered the proposed turbines would not adversely affect the amenity of the neighbouring occupiers by reason of noise and flicker and so the development is considered in accordance with Policies EP20 and EP24 of the Adopted Chorley Borough Local Plan Review 2003. There are no other known health effects in relation to wind turbines.

Impact on highways/access:

69. PPS22 states that the road access to wind farm sites should be capable of accommodating trailers carrying long and heavy loads.
70. As the development is in a rural area of the borough, Lancashire County Council (LCC) Highways have been consulted regarding the application. LCC Highways have concluded that the proposed turbines would be relatively modest in size, however, the development would still require large vehicles to transport the turbines.
71. LCC have shown concern for the access arrangements during the construction of the turbines as Trigg Lane comprises a typical country lane, not ideally suited for large vehicles.
72. However, in determining the application, it must also be considered that the lane already supports a number of farms, residential properties and stables in the surrounding area, and the building phase of the development will only be for a short duration.
73. Furthermore, during the construction of the turbines, the applicant has indicated that the turbines will be transported to the site utilising an existing track and there are no plans to excavate any earth to form additional tracks or hardstanding. The applicant argues that if issues arise that additional ground support is required, this will be accommodated by temporary matting.
74. It is therefore considered that on balance, the development will not result in significant traffic issues and therefore no overriding highway objection is raised. However, LCC Highways have suggested that if planning permission is granted, a suitably worded condition should be imposed, requiring a construction and traffic management plan for highway approval, prior to the development commencing.

Impact on the historic environment:

75. The application site is within close proximity to Lower House Farm which comprises a Grade II Listed building. As such, the Council's Conservation Officer has been consulted and has provided the following comments.
76. Lower House Farm comprises an 18<sup>th</sup> Century vernacular farm house with an attached combination barn. It is relatively modest in scale and is set within a cluster of cottages, stables and associated structures. Lower House Farm itself is in a very poor condition and has now been added to the Council's Buildings at Risk Register.
77. The site of the proposed turbines is approximately 190m to the east of Lower House Farm and would be obscured from view by the development in between.
78. As such, it is considered that on balance of the above, the significance of the designated heritage asset that is the listed building will be sustained in accordance with Policy HE10 of Planning Policy Statement 5 (PPS5).
79. It is not considered there are any other features of historic interest within the vicinity of the application site.

Impact on ecology

80. As part of the application, LCC Ecology have been consulted concerning any impact on issues of ecology.
81. LCC Ecology have concluded the main ecological issue arising from the proposal is the potential impact on birds. LCC Ecology have confirmed the turbines do not appear to be located within an area identified as supporting significant bird populations sensitive to wind turbines. However, such areas are not definitive and the need for an ornithological assessment should be considered on a case by case basis.



82. In this case, LCC Ecology has no records of any priority bird species likely to be affected by the proposed development. It is considered that this, combined with the location of the proposed turbines and their size suggest that any requirement for a detailed ornithological assessment may be disproportionate to the likely impacts, unless evidence provided by another consultee indicates that there is a significant bird population that may be adversely affected.
83. LCC Ecology therefore recommend that a condition be imposed if planning permission is granted which states that works that may affect nesting birds (including ground nesting species) will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by surveys or inspections.
84. As such, it is considered that if planning permission is granted, a similarly worded condition will be imposed. However, a fundamental change to the condition will be that it states that no development will commence between March and August inclusive, unless the absence of nesting birds has been confirmed by surveys or inspections. This will avoid any ambiguity or uncertainty as to what works may or may not affect nesting birds.
85. Turning to the issue of bats, LCC Ecology have stated that it appears the proposed turbines would be situated more than 50m from any feature likely to be used by foraging bats (e.g. hedgerows, water courses etc.). As such, it is considered impacts on bats seem reasonably unlikely in this case.
86. With regard to the above, it is considered that subject to an appropriately worded condition, the development would be in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9) and Policy EP4 of the Adopted Local Plan Review and would not result in any significant detrimental harm to nearby wildlife.

#### Other considerations

87. There are public footpaths located within and near to the field where the turbines would be located, however, both turbines both would be situated over 80m from the footpath.
88. As part of the application the Ramblers Association were consulted because of the proximity of the turbines to the nearby public footpath. The Ramblers Association have objected to the application stating that the turbines would dominate the view from the footpath and together with the noise, would materially alter the nature and enjoyment of the footpath and surrounding countryside.
89. Firstly, in terms of safety, the companion guide to PPS22 states that the fall over distance for turbines should be the height of the turbine to the tip of the blade, plus 10%.
90. The footpath under question would be situated over 80m from the turbines which is significantly outside the required fall-over height of 35m for the proposed turbines. As such, it is considered in this case that reasonable steps have been taken to maintain the safety of the local residents and other members of the public wishing to use the public footpath.
91. With regard to the visual impact of the proposed turbines, it has already been established that the visual impact would be localised, aided by the surrounding topography and tree cover. However, it is acknowledged the turbines would be visible from the nearby footpath and from some vantage points in the surrounding area.
92. The visual appearance of wind turbines is considered to be somewhat subjective and often splits opinion, however, in assessing the overall impact, it is considered that the section of footpath to be most affected is modest in size (when viewed in the context of the wider area) and ramblers who use the footpath would only have to 'tolerate' the turbines for a short period whilst negotiating the field. As such, it is considered that the actual harm caused by the turbines would be limited in this case and is not considered sufficient to outweigh the benefits of the scheme with regard to local and national planning policy in tackling climate change.

93. The plans submitted with this application show that the shadow flicker potentially associated with the proposed turbines is expected to fall just short of the footpath and will only affect walkers at certain times of the day. It is acknowledged that some noise may be heard from the turbines when ramblers use the footpath, particularly given its proximity. However, it is not considered the turbines are likely to result in any significant detrimental harm with regard to noise and disturbance given the comments from the Council's Environmental Health Team. Furthermore, it is considered that any noise which is evident would only be audible whilst ramblers negotiate the section of field to which the turbines would be sited.
94. With regard to the above, it is not considered a refusal of the application could be sustained with regard to the impact on the nearby footpath.
95. It has been acknowledged that a neighbouring resident has made reference to Policy LT15 of the Adopted Chorley Borough Local Plan Review which relates to development in areas of amenity open space. However, the application site is not identified on the Proposals Map as an area of amenity open space and it is not considered appropriate in this case to apply the requirements of Policy LT15 to a scenario for which the policy was not intended. The issues of Green Belt and impact on the surrounding landscape have been addressed in length earlier in this report.
96. It has been acknowledged that a neighbouring resident has made reference to recent studies and reports which raise issues concerning possible health impacts and the inefficiency of wind turbines.
97. However, in assessing the impact on human health it is relevant to note that the applicant has addressed the two recognised health orientated issues with regard to the turbines within the application submission. The first being projected shadow flicker and second being noise. The projected shadow flicker has been clearly demonstrated on a submitted plan (addressed in more detail earlier in this report) and is not considered to cause any significant detrimental harm to the amenity of the neighbouring residents. With regard to noise, the Council's Environmental Health Team has been consulted and raises no objection to the proposed development on the basis of the information submitted.
98. Additionally, regard must be had to Adopted National Planning Policy in the form of Planning for Renewable Energy: A Companion Guide to PPS22 which states that there is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health.
99. Planning for Renewable Energy: A Companion Guide to PPS22 acknowledges that wind turbines contain electrical machines producing power and will therefore also produce electromagnetic radiation. However, this is at a very low level, and presents no greater risk to human health than most domestic appliances. Any electrical machine can cause interference to other electrical devices (particularly radios and TVs) and there is no difference between a wind turbine and any other electrical machine in this respect. Only in very rare circumstances does such development produce electromagnetic signals that cause problems.
100. As such, although medical studies and reports have been highlighted by a neighbouring resident concerning the health implications of wind turbines, the adopted national guidance on such matters does not raise significant concern to the impact on human health. Therefore, it is considered that such studies/reports should only be attributed very limited weight in determining the application compared to national policy which should be attributed significant weight. It is therefore considered a refusal of the application could not be sustained on these grounds

### **Overall Conclusion**

101. In conclusion, it is considered that the national and development plan policies in favour of the application and the benefits in terms of reducing climate change clearly outweigh those policies with which the scheme conflicts and in this case, very special circumstances have been demonstrated to justify the development.

102. It is not considered any other material planning considerations of sufficient weight have been demonstrated or have arisen to indicate that the application should be determined other than in accordance with national planning policy and the development plan.
103. As such, on balance of the above, the application is accordingly recommended for approval subject to conditions.

### Planning Policies

#### National Planning Policy

Planning Policy Guidance 2: Green Belts (PPG2)  
 Planning Policy Statement 1: Delivering Sustainable Development (PPS1)  
 Planning Policy Statement 5: Planning and the Historic Environment (PPS5)  
 Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)  
 Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9)  
 Planning Policy Statement 22: Renewable Energy (PPS22)  
 Planning Policy Statement 22: Companion Guide

#### Adopted Chorley Borough Local Plan Review

Policies: DC1, GN5, EP4, EP10, EP24 and TR4.

### Planning History

The site history of the property is as follows:

**Ref:** 95/00476/FUL                      **Decision:** PERFPP                      **Decision Date:** 3 October 1995

**Description:** Temporary siting of caravan in front garden during barn conversion,

**Application Number** - 11/00919/FUL

- Erection of 2no. wind turbines (Hub height 15.545m / Height to blade tip 20.345m).
- Approve subject to conditions.
- 2 February 2012.

### **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. **If either turbine hereby permitted ceases to operate for a continuous period of 6 months then, the wind turbine(s) and any other ancillary equipment and structures shall be dismantled and removed from the land and the land restored to its original state within 3 months of the cessation period.**  
*Reason: To ensure that the rural landscape is not littered with structures that are no longer needed or have outlived their useful lives and in accordance with PPG2, PPS22 and Policies Nos. DC1, EP10 and EP24 of the Adopted Chorley Borough Local Plan Review.*
3. **Before the development hereby approved is first commenced, a turbine construction and traffic management plan shall be submitted to and approved in writing by the local planning authority. The turbine construction and traffic management plan shall include:**
  - **A detailed methodology for the construction and maintenance of the turbines including details of any temporary hardstanding to be used during construction;**
  - **The timescale of operation for construction of the development;**
  - **The size and number of vehicle movements (including plant and wagons);**

- Any temporary signage / road warning signs advising other road users of the duration / schedule of the works;
- Any other provisions required on construction / delivery days to safeguard other road users;
- The date construction starts and ends;
- The maximum height of construction equipment;
- The latitude and Longitude of every turbine.

The development shall therefore be carried out and implemented in full in accordance with the approved details thereafter.

*Reasons: To ensure there is no unreasonable inconvenience to other road users, to ensure all plant and vehicles are suitably sized to use Trigg Lane, to ensure all plant and vehicles are not a danger to themselves or any other road user(s) (i.e. pedestrians / horses / vehicles / cyclists), in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review 2003, and to notify the MOD of certain information which is required so the data can be plotted on flying charts to make sure the military avoid this area.*

4. This permission shall expire no later than 25 years from the date that the first turbine is erected. Within 6 months of the expiration of the permission, all elements of the development shall be removed and the land restored to its former condition.

*Reason: To ensure that the rural landscape is not littered with structures that are no longer needed or have outlived their useful lives and in accordance with PPG2, PPS22 and Policies Nos. DC1, EP10 and EP24 of the Adopted Chorley Borough Local Plan Review.*

5. No development shall commence between March and August inclusive, unless the absence of nesting birds has been first confirmed through appropriate surveys and/or inspections carried out by a suitably qualified ecologist which are submitted to an approved in writing by the Local Planning Authority.

*Reason: To ensure nesting birds (including ground nesting birds) are not adversely affected by the development. In accordance with PPS9 and Policy EP4 of the Adopted Chorley Borough Local Plan Review 2003.*

6. The turbines and ancillary development hereby approved shall only be carried out in the materials and colours detailed in the design and access statement unless otherwise agreed to in writing by the Local Planning Authority.

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with PPG2, PPS22 and Policies Nos. DC1, EP10 and EP24 of the Adopted Chorley Borough Local Plan Review.*

<b>Item 4b</b>	<b>11/01060/CB3</b>
<b>Case Officer</b>	<b>Adrian Morgan</b>
<b>Ward</b>	<b>Clayton-le-Woods and Whittle-le-Woods</b>
<b>Proposal</b>	<b>The creation of a 21 plot allotment site with 5 car parking spaces and associated hard standing, drainage, fencing and pathways.</b>
<b>Location</b>	<b>Land between Carr Road and Manor Road and South Of 83 Manor Road Clayton-le-Woods Lancashire</b>
<b>Applicant</b>	<b>Parks and Open Spaces - People And Places Directorate CBC</b>
<b>Consultation expiry:</b>	<b>11 January 2012</b>
<b>Application expiry:</b>	<b>31 January 2012</b>

### **Proposal**

1. This application seeks the development of a 21 plot allotment site with 5 car parking spaces and associated hard standing, drainage, fencing and pathways.

### **Recommendation**

2. It is recommended that the application be approved.

### **Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Background information
  - Impact on the neighbours
  - Design
  - Ecology
  - Flood Risk
  - Traffic and Transport
  - Public Right of Way
  - Drainage and Sewers

### **Representations**

4. Parish Council – responded to say it had no comments.
5. Dr Sarah Manchester, Senior Planning Officer (Ecology) at Lancashire County Council has commented to say that she is aware of Pennine Ecological, the company that prepared the Habitat Assessment for the applicants, and has seen reports from them in the past. She states that, although she cannot comment on this particular report as she has not had an opportunity to read it, “They appear to be experienced ecological consultants who carry out work to a reasonable standard”.

### **Support**

6. One comment supporting the application has been received from a resident of Manor Road.

The Head teacher of Manor Road Primary School commented that she and the school

governors support the proposal. They have no concerns with regard to traffic and consider that having allotments on what is now waste land would make a positive contribution to the local area around the school. The school has its own small allotment area and would welcome the opportunities to work with the local allotment tenants to develop the school's allotments further; allow children to develop links with local people and gain a better understanding of healthy living and eating and also sustainability.

### Objections

7. Six objections to the proposal have been received. The objections raised concerns mainly about drainage, amenity, security, traffic, parking and waste issues. A summary of comments: -

#### Drainage

- Surface water from school site and footpath flows onto the site
- Carr Road and Preston Road gardens flood
- Ditches need reinstating
- Site will not be connected to external drainage system
- A main drain connection is needed
- There is an on-going issue with the main water drain at Fiddlers Lane
- Proposed bund inappropriate
- What will happen to water that won't fit into the proposed pond?
- The Council re-surfacing work on Carr Road was a slap-dash cowboy job so no confidence that the drainage works proposed would be done well
- Concerns that the drainage will be inadequate and consequent impact on the environment and property at 83 Manor Road
- A tenancy exists on the site that may preclude the proposed drainage works

#### Highway / Traffic / Parking

- Manor Road is a small cul-de-sac with only one access and a school at the end of it
- The Highway Authority has recognised the potential for vehicular / pedestrian conflict by setting low speed limits and installing speed humps
- Traffic, car parking, congestion and road safety problems are likely to arise as users will arrive by car, especially for children as there is a playground, fields and a school on Manor Road
- Manor Road is narrow and already congested at peak school hours
- Five parking spaces will be inadequate
- House drives are already blocked by school users and this will be made worse due to inadequate parking provision
- Cars and property have already been damaged by reckless manoeuvring of vehicles. This will get worse
- Carr Lane access to Fiddlers Lane needs widening

#### Security / Anti-social behaviour

- Will allow easier access for potential intruders to residential area?
- Fencing should be higher than 1.2m. 2.3m suggested.
- Security will be compromised at 83 Manor Road
- Teenagers have set fires on the site last year and anti-social behaviour is likely to be a problem with allotments being wrecked

### Amenity

- Privacy and peaceful enjoyment will be compromised at 83 Manor Road that immediately adjoins the site
- Construction works will cause disturbance be potentially hazardous
- Other Council allotment sites are a disgrace, for example, Whittle-le-Woods, which has been left to rack and ruin and is need of urgent clean-up.
- Noise from cars, general goings-on, equipment use and lights on the allotments will cause disturbance at 83 Manor Road which was bought because it was end-of-plot and has retired residents
- Fencing and sheds could cause overshadowing at 83 Manor Road and be unsightly, especially if palisade metal type security fencing

### Other points

- No waste management, collection or storage
- Any log / coal / produce burning and compost heaps could produce a formidable stench that will impact on residents
- There could be encroachment onto Carr Lane
- What evidence is there of local demand for the allotments from local neighbourhood residents?
- Most homes in the area have reasonably sized gardens that could be used for cultivation purposes
- Have other uses been considered for the site, for example, recreational and school use?

One of the objectors to the proposal submitted further comments and suggestions for changes to the proposed scheme as follows: -

- “..the layout does in fact indicate that the ditch that I have been concerned about appears to be unaffected by any ground work. It is apparent also that the attractive and wildlife friendly hedgerow will also be retained. If this is the case, then I would like to put forward an idea that could resolve some of the issues related to the habitat.
- I would like to suggest that the existing ditch be made deeper to accommodate an open infill to help water to percolate and dissipate.
- Along with this I suggest that the existing ditch be made into a 'T' formation whereby water could gather in the existing 'north/south' aspect along with a new ditch along the edge of the footpath following an east/west direction. This ditch would also have a sub-strata to cope with water management. By doing this the water restrictive nature of the footpath constructed in 2007 could be lessened. I feel that a more effective means of handling water would be achieved and the outlined plan would augment the soak-away. However it is unclear what happens to water after it enters the soak-away chamber that is shown on other planning drawings. This idea might mean that the pond would not be needed.”

Andy Brown, the Council's Parks and Open Spaces Manager, responded to the above suggestions to say that he is not qualified to comment on the likelihood of their effectiveness and stating that “Our design has been put together by an industry leading hydrologist (for info he put together the drainage/flooding solutions for the Trafford Centre). When you consider the scale of our requirement against his previous works I have no reason to suspect that his proposal is anything other than the best solution to our problem. I am also conscious that to

go back to our hydrologist will incur greater cost. Given that I have a limited budget to provide allotments I am reluctant to do so”.

### **Previous Public Consultation**

8. Consultations were undertaken with Ward Councillors and Clayton-le-Woods Parish Council in July 2010 and a report submitted to Executive Committee in August 2010. Following this, on 23 August 2010, letters and plans were delivered to the 28 houses closest to the site, Manor Road Primary School and the Community Centre. Various responses expressing concerns, objections or support were received. All respondents were replied to explaining how issues that had been raised were to be addressed in the design, on 20 September 2010.
9. Additional consultations were undertaken with Lancashire County Council Highways, the Police, utility companies and Sport England. All comments received have been used to ensure the design addresses issues raised.

### **Site Description**

The site is located in the residential area of Clayton-le-Woods. It has an area of 0.35 hectares and presently consists of two small fields divided by mature hedgerow. Other hedgerows and individual trees run along its southern and eastern boundaries. Carr Road runs adjacent to its eastern boundary; residential gardens adjoin its northern boundary and to the west it is open to the pavement on Manor Road.

Access to the site is from Manor Road, which is a no-through road leading to Manor Road Primary School. The road is residential and houses along it have driveways. Traffic flow is not generally restricted.

The proposed site layout would consist of a hard standing car parking area with 21, approximately 100sq metre, plots accessed from 1.2 metre wide footpaths. There would be a central pond and land drains as required, which would essentially form a Sustainable Urban Drainage System (SUDs), and the site would be contoured to ensure that water would run towards the pond. Post and wire and metal palisade fencing and hedges would form the boundaries and separate the plots. Bird and bat boxes would be installed on appropriate trees.

The site would be designed to be accessible by all people.

### **Assessment**

#### Principle of the development

The Deliver the Allotment project is a key project within the Council's Corporate Strategy 2011/13. It is intended to bring benefits such as increasing satisfaction with neighbourhoods as places to live and increasing the number of residents taking part in moderate physical activity.

The proposal also supports the objectives set down in the Council's Health and wellbeing; Climate Change and Community Cohesion Strategies.

Chorley Council has a duty under The Smallholdings and Allotments Act 1908 to provide sufficient allotments according to demand. Clayton-le-Woods, Adlington and Chorley have been identified as key areas for allotment creation. There are currently 34 people on the waiting list from the vicinity of the proposed site in Clayton-le-Woods. A recent survey also



established that there is interest locally in Community Food Growing (CFG) as an alternative to traditional allotment plots.

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation sets out various Planning Objectives that open spaces (including allotments) could help achieve. Some of these objectives that are particularly relevant to allotments include: -

- **supporting an urban renaissance** – through forming part of local networks of green spaces that contribute to making attractive urban environments.
- **promotion of social inclusion and community cohesion** – through bringing people together, providing opportunities for social interaction and potentially becoming focal points for community activities.
- **health and well being** – through exercise and interaction with others.

#### Impact on the neighbours

10. The site is presently unmanaged and has a neglected appearance. Under the proposal, the boundaries of the site would be better defined, with fencing and hedgerows forming the boundaries of the site. Gaps in the existing hedges would be filled where necessary in order to increase screening to the side boundaries.
11. The fencing would be 1.2 to 1.4 metre high stock proof post and wire type or metal palisade to match that surrounding the school grounds. The site would be gated with metal gates to match the fencing.
12. The car parking area will be MOT Type 1 topped with brown/grey gritstone to blend into the landscape and match the paths.
13. All allotment holders will have to sign a tenancy agreement specifying conditions of use. The agreement requires that all plots and structures be kept in good repair and regular inspections would be carried out to ensure that restrictions are being adhered to.
14. The tenancy agreement stipulates that no buildings or structures will be allowed on the site without the consent of the Council. Sheds and greenhouses will be limited in terms of size, materials, standard of construction and location and a maximum of a single shed and a greenhouse would be permitted on a plot.
15. No concerns with regard to smells have been raised at any of the Council's existing allotment sites. The facilities at, and the management of, the site will address composting and waste needs.
16. Due to the fact that the site would have a structured and managed appearance, visual amenity would, arguably, be improved. The fact that it will have a clear use and be obviously owned and managed would be likely to deter use of the site for anti-social or inadvertently disruptive uses.

#### Ecology

17. An independent Extended Phase 1 Habitat Survey and Assessment of the site was undertaken by Pennine Ecological in June 2010, to record species and habitats present; assess their ecological value and define any impacts that allotment use would be likely to generate. The main habitats present are improved grassland, dense Bramble scrub and Hawthorne hedge. No measurable negative impacts on biodiversity are forecast. Recommendations made in the survey that were intended to preserve existing features of

value and to enhance biodiversity have been included in the design. The construction of the pond, additional planting and installation of bird boxes will provide opportunities for enhancing the site for wildlife.

#### Flood Risk

18. The facilities to be provided do not require the use of any mains services.
19. The site presently floods periodically due to its low lying nature; water draining into the site from adjoining land; and the fact that over many years the ditch that runs behind properties on Manor Road, previously providing surface water run-off capacity, has been blocked or built over.
20. In order to address this flooding issue a hydrological study was commissioned in October 2011. A flood risk assessment was prepared and a drainage scheme designed. The proposed pond is designed to accommodate all surface water run off during a 1 in 30 year rainfall event plus an allowance for climate change. Any rainfall in excess of such a level would pond the allotments for a short duration. The site will be re-contoured to ensure that all water sheds towards the attenuation pond. This should also prevent flooding of neighbouring land. A bund will be created along the Carr Road side of the existing ditch near the centre of the site to control surface water run-off into and from the ditch. The ditch will be cleaned out and re-sectioned and a 100mm diameter pipe installed to connect the ditch with the attenuation pond. Flows from existing land drains and watercourses will be incorporated into the land drainage system.

#### Traffic and Transport

21. The plots on the site will be allocated mainly to people on the top of the allotment waiting list from Clayton-le-Woods. This will mean that people will generally have the option of walking or cycling to the site and won't be reliant on cars.
22. The Council owns several other allotment sites and has experience of how many parking spaces are needed relative to plots. The proposed car parking provision at Manor Road equates to one space per four plots. This is a higher level of provision than at Crosse Hall allotments (70 plots), where there is one space per six plots (11 spaces) and capacity has proved to be sufficient. Monitoring at Crosse Hall has shown that there are generally no more than three cars present on weekdays and ten at weekends.

#### Security

23. The police have been consulted with regards to security issues. The fencing and gating to be installed are intended to deter unauthorised entry and damage.

#### **Overall Conclusion**

24. Allotments provide an excellent opportunity for local people to grow fruit and vegetables, socialise and get exercise. As evidenced by the consultation response from the Head teacher of Manor Road Primary School, the proposed development will open up opportunities that would be likely to benefit community cohesion, education and health and wellbeing.
25. Allotments also offer environmental benefits in terms of biodiversity enrichment and carbon reduction through minimising the carbon footprint of food.
26. The concerns raised by objectors mainly relate to amenity, flooding, traffic and security issues. From the comments contained in the responses it is clear that the site in its present

state already generates considerable flooding problems. There have also been issues with anti-social behaviour, including fire setting.

27. It is considered that there is no evidence that the proposed development would add to the any existing traffic problems as the plots would be allocated to local residents and adequate additional car parking provision would be provided. The present traffic problems raised appear to be mainly school-run generated.
28. Existing problems with flooding on, and immediately around, the site should be at least alleviated and potentially completely eradicated by the proposed drainage measures to be incorporated into the site, thereby resolving a major, and long-standing, matter of concern for local residents.
29. The site will inevitably be used for some form of public amenity space; it is allocated in the Local Plan for use as play space. Of all such potential uses, allotments are likely to be one of the least intrusive in terms of neighbourhood amenity. The site is presently open, unmanaged and neglected. The proposed allotments would transform the site into a managed, secured and, at least some of the time, occupied space which is likely to be beneficial in terms security and visual amenity.
30. The proposal, whilst contributing towards the satisfaction of the Council's legal responsibility to ensure adequate allotment provision, also offers an opportunity to progress towards the achievement of strategic objectives set down in several of the Council's strategies.

### Planning Policies

#### National Planning Policies:

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation

#### Adopted Chorley Borough Local Plan Review

Policies:

Policy LT13.26 applies to the western part of the site that adjoins Manor Road, identifying it for use as play space.

#### Sites for Chorley- Issues and Options Discussion Paper December 2010

HW1.26 continues the Local Plan Review allocation as playspace

### Planning History

The site history of the property is as follows:

<b>Ref:</b> 01/00098/CTY	<b>Decision:</b> PERLCC	<b>Decision Date:</b> 14 March 2001
<b>Description:</b> Demolish existing demountable two classroom block and construct classroom extension with shallow pitched felt roof to match school building,		
<b>Ref:</b> 02/00672/LCC	<b>Decision:</b> PERMIT	<b>Decision Date:</b> 5 September 2002
<b>Description:</b> Extension to provide new staff room, enlarged entrance foyer and disabled access to first floor classrooms,		
<b>Ref:</b> 98/00462/FUL	<b>Decision:</b> PERFPF	<b>Decision Date:</b> 17 August 1998
<b>Description:</b> Single-storey rear store room extension,		
<b>Ref:</b> 06/00008/LCC	<b>Decision:</b> PERMIT	<b>Decision Date:</b> 14 February 2006
<b>Description:</b> Extension to classroom		
<b>Ref:</b> 07/00259/FUL	<b>Decision:</b> WDN	<b>Decision Date:</b> 27 June 2007
<b>Description:</b> Proposed erection of 2.4m high powder coated galvanised steel fence to school and adjacent boundary to front and side of school, erection of timber post and rail fence 1.2m high and formation of 2 metre wide tarmac footpath and access gates		
<b>Ref:</b> 07/00799/FUL	<b>Decision:</b> PERFPF	<b>Decision Date:</b> 6 August 2007

**Description:** Proposed erection of 2.4m high powder coated galvanised steel fence to school and adjacent boundary to front and side of school, erection of timber post and rail fence 1.2m high and formation of 1.7 metre wide tarmac footpath and access gates

**Ref:** 10/00829/CTY **Decision:** WDN **Decision Date:** 14 October 2010

**Description:** Replacement of existing fence with a 2.4m high weld security mesh fencing

**Ref:** 10/01111/CTY **Decision:** PERMIT **Decision Date:** 19 January 2011

**Description:** Installation of new 2.4 metre high security fencing to front and rear of school

**Ref:** 11/01060/CB3 **Decision:** PCO **Decision Date:**

**Description:** The creation of a 21 plot allotment site with 5 car parking spaces and associated hard standing, drainage, fencing and pathways.

**Ref:** 11/01060/CB3 **Decision:** PCO **Decision Date:**

**Description:** The creation of a 21 plot allotment site with 5 car parking spaces and associated hard standing, drainage, fencing and pathways.

**Recommendation: Permit Full Planning Permission  
Conditions**

1. The proposed development must be begun not later than three years from the date of this permission.  
*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*
  
2. The development shall be undertaken in accordance with the provisions of the Design and Access Statement submitted with the application, and with the following plans received on 29 November 2011; -  
Drawing 3 – Allotment Construction Details  
Drawing 4 – Proposed Drainage Works  
*Reason: for the purposes of clarity.*

<b>Item 4c</b>	<b>11/01086/FUL</b>
<b>Case Officer</b>	<b>Christopher Hobson</b>
<b>Ward</b>	<b>Adlington and Anderton</b>
<b>Proposal</b>	<b>Alterations to the existing building including the erection of a single storey rear extension following the demolition of part of the existing building along with the creation of new entrance doors</b>
<b>Location</b>	<b>Ridgeway Arms, 176 Chorley Road Adlington Chorley Lancashire</b>
<b>Applicant</b>	<b>Mr Tom Jones</b>
<b>Consultation expiry:</b>	<b>27 February 2012</b>
<b>Application expiry:</b>	<b>6 February 2012</b>

### **Proposal**

1. Planning permission is sought for a single storey rear extension and a number of alterations to the Ridgeway Arms public house, Chorley Road, Adlington.
2. The proposed single-storey rear extension would be 7.2m in length and 6.7m in width. It would have a flat roof with a height of 3.3m. The application also seeks permission to make a number of alterations to an existing single storey side extension, these include the demolition of a small part of this extension, the insertion of new entrance doors at its front and rear, and the removal of two windows and a glazed roof feature. An existing single-storey lean-to extension to the rear of the public house would also be rebuilt on the same footprint and further alterations would be made to the external area of the site including the repainting of car parking spaces, installation of new lighting and a plant area within the rear yard.
3. The application site comprises of a currently vacant two-storey public house with a single-storey side/rear extension. The public house is an early/mid 19th Century building faced with sandstone, grey Welsh slate roof and timber window frames. It has a number of single-storey extensions of varying architectural quality to the side and rear of the original building. To the rear of the public house is a car park, beer patio area and a garage.
4. The Ridgeway Arms sits on an approximately 0.1ha site which slopes gently upwards from Chorley Road towards its rear boundary. The site is bounded by commercial properties fronting Chorley Road and to the north east of the application property, on the opposite side of Chorley Road, are further commercial properties. To the north of the Ridgeway Arms car park is a single-storey industrial building and associated external yard, whilst to the south are two-storey commercial and residential properties on Railway Road. To the rear (south west) of the car park are terraced houses on Mill Street.

### **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;
  - Design and impact on the street scene;
  - Impact on a heritage asset;
  - Impact on neighbours; and
  - Highway safety and provision of parking spaces.

**Representations**

7. A letter has been received from the occupants of no. 128 Railway Road. This letter states that if it is intended that the building will remain as a public house they have no objections to the proposed development. However, the letter states that if the building is to be converted into a shop they would have a number of objections to the proposed development. These include the fact that neighbours have not been notified that the use of the premises will be changing, insufficient parking, impact on highway safety, impact on surrounding shops, noise from refrigeration units and insufficient space for delivery vehicles.
8. Another email has been received which does not object to the proposed development but queries what the intended use of the building is.

**Consultations**

9. Mr Ian Heywood – Chorley BC Conservation Officer – has noted that the application property is a designated heritage asset as defined by PPS5 and that the proposal must be judged in terms of its impact upon the significance of this heritage asset. The Conservation Officer has also noted that the building has been empty for at least three years and has been marketed for the last two. As such, he considers that it is clear that in its present form the building is not fit for purpose and is in a deteriorating condition, which will only get progressively worse. The Conservation Officer considers that the proposed development would undo some of the poor quality works to the building from the more recent past and would be both sympathetic and pragmatic. He therefore concludes that the proposal would be acceptable as it would sustain, or even enhance, the significance of the heritage asset and will see it brought back into active use.
10. Coal Authority – Standing advice.
11. Adlington Parish Council – have stated that they consider that a more specific permitted use should be included in the application as there may be concerns if it were to be changed to another use. They also note that the land to the front of the public house which is presently used for parking is part of the highway and that the submitted plans do not indicate where internal facilities such as a bar or kitchen would be located. The Parish Council also express concern about noise from an air conditioning unit.

**Assessment****Principle of the Development**

12. Policy EC10 of PPS4 encourages local planning authorities to adopt a positive and constructive approach towards planning applications for economic development and states that applications which secure sustainable economic growth should be treated favourably.
13. Local Plan policy GN1 states that for land within Chorley in areas excluded from the Green Belt there is a presumption in favour of appropriate development, subject to normal planning considerations and other policies and proposals in the Plan.
14. The application site is within Adlington Local Centre as defined on the Local Plan proposals map. Policy SP6 of the Local Plan seeks to protect the vitality and viability of District, Neighbourhood and Local Shopping Centres in the Borough. It aims to resist the loss of retail and commercial uses at ground floor level in these centres and states that such proposals will only be permitted when it is shown that there is no demand for the retail or commercial use for the property concerned.
15. The application seeks permission to make a number of alterations and an extension to a public house in order to allow the building to be brought back into a beneficial use. It is considered that bringing this building back into use has the potential to have a positive impact on the Local Centre in Adlington and could help secure sustainable economic growth. The proposal would not lead to the loss of commercial floor space in the centre and, as a result, is consistent with policy SP6 of the Local Plan. The principle of the proposed development is therefore considered to be acceptable.

16. A letter has been received from the occupants of a neighbouring property which raises concerns that the building may be converted into a shop. The applicant has stated that neither the end occupier nor the end use of the site has been finalised. The application does not however seek planning permission to change the use of the building and instead the application solely seeks permission for a single storey rear extension and a number of physical alterations to the building. It is however noted that the existing use of the building as a public house falls within Use Class A4 of the Town and Country Planning (Use Classes) Order 1987 (as amended). As such, planning permission would not be required to change the use of the building to a restaurant (Use Class A3), an office for financial or professional services (Use Class A2) or a shop (Use Class A1). Consequently, as planning permission is not sought to change the use of the building and nor would it be required for certain uses including a shop, objections to the proposed development on the grounds that it would be converted into a shop are not material to the present application.

#### Design and Impact on the Street Scene

17. Planning Policy Statement 1 (PPS1) seeks to ensure that development is well designed and adopts the Government's principles of sustainable development. Paragraph 34 states that "planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted".
18. The importance of ensuring that new development is well-designed and built to a high standard is also emphasised by policy DP7 of the Regional Spatial Strategy. Similarly, policy GN5 of the Local Plan underlines the importance of securing high standards of design in new development. It states that the design of proposed development will be expected to be well related to their surroundings and that the appearance, layout and spacing of new buildings should respect the local distinctiveness of the area.
19. The Chorley Design Guidance Supplementary Planning Guidance (SPG) recognises that good design results in the creation of accessible, safe and secure development which relates well to its surroundings. It also asserts that new development should respect the scale, design and materials of surrounding buildings.
20. The application site occupies a prominent position on Chorley Road. The proposed extension would however be situated to the rear of the property and would not be visible from Chorley Road. The extension would be visible from Mill Street to the rear of the application site. However, it would be relatively modest in scale and would also be of similar design to previous extensions to the rear and side of the original building. As such, it is considered that the proposed extension would not have an unacceptable impact on the character and appearance of the building or the street scene.
21. The removal of part of the existing single-storey side extension would have a limited impact on the design and appearance of the building as a whole. The removal of two windows and a glazed roof feature would also have a little impact on the architectural character of the building, especially as the windows to be removed are situated on the side elevation of the building and are not particularly visible from Chorley Road. The proposed entrance doors would have some impact on the character of the building largely due to the amount of glazing and the proposed use of aluminium frames. Nevertheless, the entrance doors are located on the more modern existing extension to the building and a more contemporary design is therefore considered to be acceptable. In addition, the proposed entrance would be located in the position of an existing window which would reduce the amount of alterations to the building frontage.
22. The proposed rear extension and alterations are therefore considered to be acceptable and the proposal is considered to be in accordance with Policy GN5 of the Local Plan and the Chorley Design Guide SPG.

**Impact on a Heritage Asset**

23. Planning Policy Statement 5 (PPS5) sets out the Government's planning policies on the conservation of the historic environment. The overarching aim of PPS5 is for the historic environment and its heritage assets to be conserved and enjoyed for the quality of life they bring to this and future generations.
24. Policy HE7 of PPS5 identifies the principles guiding the determination of applications for consent relating to heritage assets. It states that when considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. It advises that consideration should be given to the desirability of sustaining the significance of the heritage asset and the positive contribution it makes to the establishment and maintenance of sustainable communities. It is also recommended that local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment.
25. The Practice Guide that accompanies PPS5 lists the potential heritage benefits that could weigh in favour of a proposed scheme. These include if it sustains or enhances the significance of a heritage asset, if it reduces or removes risks to a heritage asset, or if it secures the optimum viable use of a heritage asset in support of its long term conservation.
26. The need to protect, conserve and enhance the historic environment is also emphasised in the RSS, particularly in policies DP2, DP7 and EM1, and by Policy 16 of the Joint Central Lancashire Core Strategy.
27. Policy HT10 of the Local Plan relates specifically to buildings included on the Council's list of Locally Important Buildings. The policy states that proposals for the extension, change of use or demolition of any building identified as being locally important will only be permitted where the size, scale and design of the extensions/alterations reflect the character of the building and appear subordinate to the existing property. The policy also requires existing features of the building to be retained wherever possible and for the materials used to match the existing building in type, colour and texture.
28. Whilst the Ridgeway Arms is not a statutory Listed Building, it is included on the Council's list of Locally Important Buildings and is considered to have special importance because of its character and local significance. As such, the building is classified as a heritage asset for the purposes of PPS5. The building is however boarded up and is presently vacant.
29. The main heritage value of the building is in front elevation of the two storey part of the building. The proposed development would not result in any major alterations to the principle elevation of the two-storey element of the building. Therefore, in accordance with policy HT10 of the Local Plan, the proposal would retain the important external features of the building.
30. The existing single storey side and rear extensions are unsympathetic to the original building and have been poorly constructed. These previous extensions are therefore of lower heritage value and it is considered that the proposed extension and the alterations to these elements of the building would not detract from the design of the building as a whole. The proposed alterations would have a relatively contemporary appearance. Nevertheless, the Council's Conservation Officer has stated that the proposals are sympathetic to the original building but also contemporary in appearance, which he considers to be entirely appropriate to the situation. The Council's Conservation Officer has therefore concluded that the proposed development would sustain, or even enhance, the significance of this heritage asset. Furthermore, as the building has been vacant for at least three years, and actively marketed for the last two, it is considered that the proposed development would reduce the risks to this heritage asset and support its long term conservation by bringing it back into active use. The proposal is therefore considered to be aligned with PPS5 and its Practice Guide and policy HT10 of the Local Plan.



## Impact on the neighbours

31. The proposed extension is relatively modest in scale and would be screened from the properties on the opposite side of Chorley Road by the original building. It would also be largely screened by the original building from the adjacent properties on Railway Road and would be in excess of 30m from the dwellings to the south west on Mill Street. As such, it is considered that the proposed extension would not have an unacceptable impact on the amenity of neighbouring residents.
32. The proposed alterations to the existing side extension would be visible from surrounding properties. Nevertheless, it is considered that these alterations would not cause any significant detrimental harm to the amenity of neighbouring residents.
33. The application does not propose to make any alterations to the flue and extraction equipment and the applicant has stated that if the end occupier needs to relocate this equipment, a separate application, if required, would be submitted. There are presently no restrictions on the hours of operation of the premises. The applicant has stated that the proposed hours of opening are presently unknown due to the end user of the site not being finalised. They have however suggested that if the building were to be operated as a shop it would probably be open from 06:00 – 23:00, if it were to be used as a bank it would be open from 09.00 – 17.30 and if it were to be used as a café/restaurant/bar it would be open from 10.00 – midnight. It is however noted that there are no conditions relating to the hours of operation for the building at present. Consequently, as the application does not seek to change the use of the building, it is considered that it would be unreasonable to impose a condition limiting the hours of operation.
34. Concern has been expressed from the occupants of a neighbouring property about the noise from refrigerator units if the property is converted to a shop. The applicant has submitted a number of indicative floor plans one of which does show that fridge units could be positioned adjacent to the south western wall of the building. Nevertheless, as noted above, the application does not seek permission to change the use of the building to a shop and has stated that the end use of the site has not been finalised, as such, it cannot be assumed that the building would be converted to a shop with fridge units positioned against its south western wall. In addition, it is noted that the adjoining property to the south west, no. 178 Bolton Road, is a hot food takeaway. As a result, it is considered that the proposed development would not have a detrimental impact on the occupants of neighbouring properties.

## Highway Safety and Provision of Parking Spaces

35. Policy TR4 of the Local Plan requires proposals for new development to provide safe and adequate access and also provide sufficient off-street parking in accordance with adopted standards.
36. Whilst the application property is presently vacant, its use as a public house is established and, as noted above, the proposal does not seek permission to change the use of the building. The proposed development would result in the erection of a single-storey rear extension but would also involve the partial demolition of previous extensions to the property. As such, the increase in footprint of the building would be fairly limited. The applicant has stated that the internal configurations of the building have not yet been finalised due to the fact that the end user is presently unknown. However, indicative floor plans which have been submitted in support of the application suggest that the public floor area of the building would be similar to the existing.
37. The existing driveway to access the car park is narrow, irregular in width and has restricted visibility when entering and leaving. The proposed development involves the demolition of a small area at the side of the building which would improve the vehicular access arrangements for the building. In particular, this would result in the access to the rear car park being widened from approximately 3.8m to 5.3m. As such, the access to the car park would be wide enough to enable vehicles to enter and leave the site at the same time.

38. The car park located to the rear of the building would be repainted but it would retain thirteen parking spaces and two of these would be widened to allow them to serve as disability bays. In addition, there is an unadopted lay-by / service road to the front of the building which provides additional on-street parking. It is also noted that the application site is in a relatively sustainable location within Adlington Local Centre and is served by buses on Bolton Road.
39. The applicant has stated that the arrangement for deliveries would depend on the final end use. It is stated that some deliveries would be likely to occur before the unit is open, especially if the end use is to be a café/restaurant or a drinking establishment and that larger deliveries would continue to be from the front as existing. If the building were to be occupied by a shop, the applicant has stated that larger deliveries would continue as existing but that smaller deliveries may be from the car park to the rear. The applicant does not propose to identify a specific delivery bay due to the short and infrequent nature of deliveries to any proposed use at the site. The applicant has however stated that it is envisaged that delivery vehicles would manoeuvre within the car park so that spaces 12 and 13 would be used for delivery vehicles which would enable cars to still move in and out of the car park unimpeded. Given that the application does not seek to change the use of the building, it is assumed that the proposed arrangement for deliveries would remain as existing and are therefore considered to be acceptable.
40. A 2m wide dedicated pedestrian route would be marked out within the car park and by providing an additional entrance into the building from the rear, the proposal could benefit pedestrian safety by eliminating the need for pedestrians to walk along the car park access road in order to enter the building.
41. As a result, it is considered that the proposed development would not cause significant harm to highway safety.

### **Overall Conclusion**

42. It is considered that the principle of the proposed extensions and alterations to the Ridgeway Arms is acceptable. The proposed development would not result in any significant harm to the character and appearance of the surrounding area, nor would it cause any significant harm to the amenity of neighbouring residents. In addition, it is considered that the proposal would sustain the significance of this heritage asset and would not result in any significant harm to highway safety. Therefore, it is considered that the proposed development would be in accordance with policies GN1, GN5, HT10, TR4 and SP6 of the Chorley Borough Local Plan Review and the Design Guidance SPG. Accordingly, it is recommended that the application be approved.

### **Planning Policies**

National Planning Policies:  
PPS1, PPS 4, PPS5 and PPG13

Adopted Chorley Borough Local Plan Review  
Policies: GN1, GN5, HT10, TR4 and SP6

Supplementary Planning Guidance  
Design Guide

Joint Core Strategy  
Policy 11, Policy 16 and Policy 17

Planning History  
The site history of the property is as follows:

Ref: 07/00557/FUL  
Decision: PERFPP Decision Date: 5 July 2007  
Description: Erection of smoking shelter.

Ref: 2010/00293/PREAPP

Decision: CLO                      Decision Date:  
 Description: 10 2 bedroom apartments

**Recommendation: Permit Full Planning Permission  
 Conditions**

**1. The approved plans are:**

<b>Plan Ref.</b>	<b>Received On:</b>	<b>Title:</b>
Plan 1	12 December 2011	Location Plan
(P) 203	12 December 2011	Proposed Elevations
(P) 103	12 December 2011	Ground Floor Plans
(P) 113	12 December 2011	First Floor Plans

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

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

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

**3. No development shall commence until a scheme for the provision of external lighting has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of the locations, design, luminance levels, light spillage and hours of use of, and columns for, all external lighting within the site and the approved scheme shall be implemented in full prior to the occupation of the development. Reason: In the interests of the amenity of local residents and in accordance with Policy No. EP21A of the Adopted Chorley Borough Local Plan Review**

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<b>Item 4d</b>	<b>11/01080/FULMAJ</b>
<b>Case Officer</b>	<b>Caron Taylor</b>
<b>Ward</b>	<b>Astley and Buckshaw</b>
<b>Proposal</b>	<b>Proposed warehouse, office and trade counter building and associated infrastructure</b>
<b>Location</b>	<b>Land south west of Bishopton Crescent and at the junction of Buckshaw Avenue and Ordnance Road Buckshaw Village Lancashire</b>
<b>Applicant</b>	<b>Goff Family Partnership LLP</b>

**Consultation expiry: 18 January 2012**

**Application expiry: 9 March 2012**

### **Proposal**

1. Proposed warehouse, office and trade counter building and associated infrastructure.

### **Recommendation**

2. It is recommended that this application is granted planning approval subject to conditions.

### **Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Background information
  - Levels
  - Impact on the neighbours
  - Design
  - Trees and Landscape
  - Traffic and Transport
  - Contamination and Coal Mines
  - Drainage and Sewers
  - Sustainable Resources

### **Representations**

4. Five letters of objection have been received on the following grounds:
  - Inappropriate – there are units already constructed and empty across the road. Utilise existing empty units;
  - The proposal doesn't match the elevations in the Statement of Community Engagement;
  - Highway safety;
  - Noise and disturbance;
  - Vicinity of school;
  - Traffic generation;
  - Although development of any sort is needed to boost the economy they do not believe that this development is what the site was originally designed for;

- The increase in traffic volume alone will cause problems on already over subscribed small roads;
- They have two young children and if this planning application is to go ahead then serious consideration will be given to leaving Buckshaw;
- People sat in the office will be able to watch their TV and there will be over looking directly into their bedroom/shower room;
- There will be an increase in HGV activity plus staff/customers/deliveries which will be an accident waiting to happen.

### **Consultations**

#### **5. The Environment Agency**

Have no objection and state the site is located in the Southern Commercial Area on the boundary of what were Areas 4 and 9. BAe Systems remediated these areas and validation reports were accepted by them in 2003. If during development contamination not previously identified is found to be present then no further development should take place until the developer has submitted and had approved in writing a remediation strategy detailing how this unsuspected contamination shall be dealt with, and then shall be implemented as approved.

#### **6. United Utilities**

Have no objection subject to conditions.

#### **7. Lancashire County Council (Highways)**

There is no highway objection to the proposed development in principle.

8. The application is a re-submission of App: 11/00025/FULMAJ which was withdrawn by the applicant. The above application was recommended for refusal on highway grounds owing to lack of suitable car parking and operational space.

9. The previous application was sized 5034m<sup>2</sup> and the new application is similar sized at 5444m<sup>2</sup> comprising B1 3206m<sup>2</sup> and B8 2238m<sup>2</sup>.

10. The warehouse and trade counter will be associated with the proposed call centre business. There is no indication within the design & access and planning statements the warehouse will be open for public trade, and it therefore assumed it will operate more so as a storage and distribution centre as defined by B8 use.

11. From the proposed planning layout it is very much evident a lot of the highway issues previously raised regarding the car park arrangements have been addressed and as such they do not have any overriding highway objection. The level of car parking provision is more in accord with the parking standards and there is better and improved use of car park area in terms of operational and servicing arrangements. Pedestrian access (call centre) points have also been located away from vehicle conflict, and the business and warehouse car parking areas are also separated.

12. Based on a B1 ground floor area of 3206m<sup>2</sup> it would equate to a permitted number of 100 car parking spaces at 1 space per 30m<sup>2</sup>. Based on a B8 ground floor area of 2238m<sup>2</sup> that would equate to a permitted number of 22 car parking spaces at 1 space per 100m<sup>2</sup>.

13. The site is moderate accessibility and as such a reduction of 5 – 10% on car parking standards may be applied, giving approximately 88 spaces for the Call Centre business and the 22 spaces for the warehouse as detailed in the application (total 110 spaces).

14. Although opening times of 9 - 5 Monday to Saturday are indicated on the application form, the call centre will also provide out of hours cover and is also likely to operate shift/part time working and as such there will be a turnover of staff with a need to utilise the car park at the same time.
15. The level of mobility parking and cycle and motorcycle provision is also in accordance with the standards. The cycle storage will however need to be secured and covered.
16. The office car parking area will operate a one way traffic system, and an immediate left turn-in is shown at the access and will involve a tight manoeuvre. This left turn-in would be better placed at the next aisle up into the site.
17. As per my previous comments a Travel Plan should still be provided. As such transport contribution of £6,000 is requested. This would enable Lancashire County Council Travel Plan team to work closely with the Applicant to develop a comprehensive and detailed travel plan for the long term future.
18. Same standards condition to apply as recommended last time covering:
  - Protect visibility sightlines.
  - Provision for Travel Plan, although this will relate very much to the call centre business.
  - Car park layout and surfacing.
  - Construction of new access into the site.
  - External lighting.

### **Applicant's Case**

19. The applicant's business proposed to be housed in the building is focused on offering boiler and heating insurance to domestic residential properties. The business offers homeowner's peace of mind should their central heating system fail. The business is seasonal as most heating systems fail in the winter. The nature of the operation is that there will be a call centre and ancillary warehousing, together with car parking for employees.
20. The call centre will employ a combination of part and full time staff whom will be trained in handling insurance policies. The business will be open and available for homeowners to make contact during the day and there will be a small number of operators who will need to be available during the night to take phone calls, as part of the business service levers and offer.
21. The warehouse will contain products that are used when repairing boilers and central heating systems. Given the boiler is typically small and fits inside kitchen cupboards etc. the nature of many components that go inside the boiler are small and non hazardous and are mostly shipped easily within a box.
22. The products will be inbound delivered by the manufacturers in bulk shipments and the business will send them out in smaller quantities. The outbound deliveries will be sent by couriers who pick up early evening Monday to Saturday. The courier picks up in a mid-sized van or small goods vehicle. The inbound deliveries would happen during the working day and depending on the size are made either by HGV or small goods vehicle.
23. No manufacture or rework of products will take place on any products on site. It is expected to provide employment for 100 people in full and part time positions once fully complete.

24. The application site was specifically selected by the business as the owners have worked in the area for many years. The business wishes to continue investing in the area and needs a flexible and loyal workforce to succeed and it is felt the developing Buckshaw Village and surrounding areas will be a major source of the workforce for the business.
25. Although the owners have operated similar businesses in the area for many years, the actual business is relatively new and in the current financial climate, lending institutions have proved unwilling to provide finance to build the whole building as one project, therefore the scheme may have to be built in three phases as the business develops and the application takes account of this phasing in its layout.
26. The first phase would be access into the site, part of the office to be used as a call centre, the trade counter and part of the warehouse as well as 25 car parking spaces the HGV waiting area and the comprehensive landscaping for the whole of the site.
27. Phase two would be for further office and warehousing, plus more parking and phase three would be for the remaining office and warehouse as well as the final parking.
28. The total area once complete would be for 3,206m<sup>2</sup> B1 office use, 2,238m<sup>2</sup> warehousing and trade counter with 105 parking spaces.

## **Assessment**

### Background Information

29. The application is a resubmission of a previous application which was submitted in January 2011 (ref: 11/00025/FULMAJ) but subsequently withdrawn.

### Principle of the development

30. Outline planning permission was granted for this site along with the rest of Buckshaw Village under permission 97/00509/OUT and subsequent permission 02/00748/OUTMAJ. Policy GN2 of the Local Plan states that high quality and phased development will be permitted for purposes appropriate to the concept of an Urban Village for a mix of uses including B1, B2 and B8. Development of the site is therefore acceptable in principle. A Southern Commercial Area Design Code was drawn up in 2006 as a requirement of these permissions which the proposal must be assessed against.
31. The land use Master Plan for the whole of Buckshaw Village shows the application site as business or commercial use. A more detailed Design Code has been prepared for the Southern Commercial Area which shows the site as hotel/leisure use.
32. The Design Code document at paragraph 1.7 states that *'The Land Use Master Plan for Buckshaw is the developer's vision for the village. It is not a detailed layout but a framework to work within'*.
33. Section 5 of the Design Code states that high quality uses such as offices and hotels are envisaged along Buckshaw Avenue, though this site specifically is shown as a hotel/leisure use in the Masterplan.
34. The proposal is not a hotel or leisure use and therefore does not comply with the Master Plan for this part of the Southern Commercial Area. However there have been no applications on the application site pursuant to the outline application other than the one withdrawn by the applicant last year and there has not been interest in the site from a hotel/leisure use



developer/operator. The proposal will involve the office element of the proposal being against Buckshaw Avenue with the warehouse element to the rear along Ordnance Road, viewed against the industrial units on Buckshaw Link. It is considered that placing an office use fronting Buckshaw Avenue is an appropriate use in terms of being a use that can be carried out close to a residential area without causing detriment to amenity.

35. The Council must also take into account other materials considerations in determining the application. Since the Design Code for the area was drawn up in 2006 PPS4 has been published.
36. PPS4 is the national policy relating to Planning for Sustainable Economic Growth and was published in December 2009. Policy EC10 states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably and all planning applications for economic development should be assessed against the following impact considerations:
  - whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
  - the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;
  - whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;
  - the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives;
  - the impact on local employment.
37. Assessing the application against these criteria, the applicant advises the building will comply with the Council's policy on sustainable resources in terms of the first criterion. In terms of accessibility the whole of Buckshaw Village has been planned as a sustainable village and the site is close to a station and bus route, it is therefore considered acceptable in this respect. In relation to design, this is discussed below in the relevant section. The proposal will benefit the area economically and provide local employment so will comply with these criteria. The proposal is therefore considered to comply with PPS4 which is more up-to-date than the Master Plan and is considered a material consideration in determining the application that carries significant weight.
38. In addition, on the 23rd March 2011 The Minister of State for Decentralisation and Cities, Greg Clark MP, issued a written parliamentary statement in which he said that ministers will work quickly to reform the planning system to ensure that the sustainable development needed to support economic growth is able to proceed as easily as possible. It states that the Government expects the answer to development and growth wherever possible to be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy. In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

39. Delivery of this sustainable development may assist in encouraging further investment in Buckshaw Village.
40. Although the proposal would not comply with the Master Plan it is not considered in this case that allowing the site to be used for a B1/B8 use would compromise the key sustainable development principles in national planning policy and would therefore comply with PPS4 which is more up-to-date and is a material consideration that carries significant weight. In addition to the fact that the site has attracted no interest for a hotel/leisure use since outline permission was granted PPS4 is considered to carry sufficient to outweigh the Master Plan. The proposal is therefore considered acceptable in principle.

#### Levels

41. The site is flat, however a condition is proposed in relation to levels to be submitted prior to commencement of any development.

#### Impact on the neighbours

42. The nearest properties to the site are those on Bishopton Crescent, which are three storey town houses in a crescent on the opposite side of the roundabout to the application site. These properties have their lounge at first floor looking towards the site. Although the part of the building nearest to these properties will be an office, one letter of objection has been received from number 13, the nearest property to the site. However, these properties are at least 70m away from the nearest part of the proposed building which far exceeds the Council's interface guideline of 21m between facing windows and is therefore considered an acceptable relationship.
43. There are properties that face onto Buckshaw Avenue to the west of the application site and again are over 70m away from the site, so it is not considered the proposal will impact unacceptably on them.
44. On the other side of Ordnance Road opposite the site to the east is still vacant land but this has permission for a public house (ref: 08/00396/REMAJ renewed by 11/00554/REMAJ). It is not considered that the proposal would conflict with this use or impact on this use.
45. Opposite the site to the north on the other side of Buckshaw Avenue is Buckshaw Primary School accessed from Unity Place, the playing field of which is closest to the application site. There is no access to the school from Buckshaw Avenue. It is not considered that the proposal will impact on the amenity of the school.
46. There are other non-residential buildings within the village such as The Hub (nursery and training pool) that have a similar relationship to existing properties and therefore as a mixed use Village this is considered acceptable.

#### Design

47. The site is located on the corner of Buckshaw Avenue and Ordnance Road and is 1.01 hectares in area.
48. There is a key frontage shown in the Southern Commercial Master Plan on the north boundary of the application site. The way in which the Southern Commercial Area is seen from the road is particularly important.
49. The Design Code states that building coverage should not exceed 40% of the plot so that the openness of Buckshaw Avenue is maintained. The proposed building will cover just over 50%

of the plot, which is more than the Design Code envisaged, however this is a prominent site within the Village on one of the main roundabouts and it is considered that the building of the size proposed is acceptable as a strong building that people will use to orientate themselves within the Village.

50. In terms of the building form, height and materials the Design Code states this is generally unrestricted and design innovations will be encouraged. The only restriction is that development should not be detrimental to Station Road. Parking should be provided on site and screened from Buckshaw Avenue.
51. The office part of the building is approximately 9m to the ridge and 6.5m to the eaves and the lower warehouse part of the building is 7.4m to the ridge and 5.4m to the eaves. The crescent of three-storey properties opposite measures 9.9m to ridge and 7.5m to eaves and so the proposal will be slightly lower than these properties, although still considered tall enough to ensure the proposal is appropriate for its prominent position and does not look out of place opposite the tall properties.
52. The Council advised they could not support the previous application as it was not considered that it was of a design that was appropriate to its prominent frontage location and it was withdrawn. The architect has now amended the plans to avoid the building appearing as a large featureless shed. The main elevations to Buckshaw Avenue and Ordnance Road are now broken up with a high level windows and panels of different materials. The building has a dual pitched roof which is brought up to a monopitch gable to create a feature on the prominent corner where the office part of the building will be situated. These features will break up the mass of the building. The more utilitarian elevations where the service and trade counter entrances will be situated are situated to the rear of the building which will not be as visible from the main routes through the village. Materials are to be red rustic facing brick to low level with grey cladding panels to the top half of the warehouse with grey powder coated aluminium rainwater goods, windows and doors and grey cladding panels to the roof, the mass of the building will therefore also be broken up by the use of varying materials.
53. The proposal is now considered acceptable in design terms.

#### Trees and Landscape

54. There are no trees on the site as the ground is vacant land that has previously been remediated. The Design Code shows a Landscape Framework along the north and eastern boundaries. Buckshaw Avenue has been set out with the grass verges and a Sustainable Urban Drainage System as envisaged in the Design Code (minus the trees due to LCC restrictions).
55. A landscaping scheme has been submitted with the application showing a line of trees within the application site along Buckshaw Avenue and Ordnance Road frontages within a grass strip which will soften the building frontage. Trees along with shrub beds are proposed along the section of Buckshaw Avenue from which the car park will be visible providing screening. Shrub beds and trees are also proposed on the southern boundary to soften the car park from the access road, with evergreen and deciduous planting to the east boundary with the adjacent as yet undeveloped parcel.
56. The landscaping proposals are considered favourably and are in accordance with the Design Code.

Traffic and Transport

57. The site will be accessed to the rear (south side) of the site from a road that already has planning permission and will be constructed off Ordnance Road. Once the scheme is complete 105 parking spaces would be provided, although not all staff will be on site at once due to shift patterns.
58. A dedicated service area is provided, including a HGV waiting area and turning circle.
59. Pedestrian access will be available from Buckshaw Avenue and Ordnance Road to avoid people having to walk all the way around to access the building on foot.
60. In terms of highways LCC do not object to the proposal and consider the applicant has addressed the issues they raised in relation to the previously withdrawn application. This area of the site was envisaged in the Master Plan as a leisure/hotel use which it is likely would generate a large number of vehicles, including deliveries. It is not considered the traffic associated with the use currently proposed would significantly differ from what was originally envisaged on the site and the proposal is considered acceptable in this respect.
61. LCC have requested a contribution of £6,000 towards a Travel Plan, however they have not justified this amount or shown how it will be spent. It is not therefore considered that this can be requested of the developer as it does not meet the Community Infrastructure Levy tests.

Contamination and Coal Mines

62. The site has already been remediated but a precautionary condition as proposed by the Environment Agency will be placed on any permission.

Drainage and Sewers

63. A Sustainable Urban Drainage Scheme (SUDS) serves the whole of Buckshaw Village and was designed to serve the whole of the developed areas. A drainage scheme for the actual application site will however be the subject of a condition.

Sustainable Resources

64. The Council have an adopted DPD on Sustainable Resources, Policy SR1 of which required the applicant to meet BREEAM 'very good' and a 15% reduction in carbon emission. The applicant is happy to reach these standards but requests that they provide information to show the equivalent of these is reached without having to go down the formal assessment by BREEAM due to the costs associated with this due to the proposal being a unique building. This is considered acceptable and a condition is proposed in relation to this.

**Overall Conclusion**

65. The proposed use does not accord with the Design Code for the Southern Commercial Area that envisages a leisure/hotel use on the site. However, the Design Code was envisaged as a framework to guide development, not to be slavishly applied. Since it was adopted in 2006 the economic climate has changed significantly and there are other material considerations, such as PPS4 that carry significant weight in favour of the proposal. The building has been designed to sit on a prominent frontage/corner and a landscaping scheme has been provided that complies with the Design Code. On balance the application is considered acceptable and is recommended for approval subject to conditions.

**Other Matters**Public Consultation

66. The applicants undertook a public consultation exercise at Buckshaw Village Community Centre in August 2011.

**Planning Policies**National Planning Policies:

PPS1, PPS4, PPG13, PPS22

Adopted Chorley Borough Local Plan Review

Policies: GN2, GN5

## Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Southern Commercial Area Design Code

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**

97/00509/OUT: Outline application for mixed use development (housing, employment, shopping, leisure & commercial uses, open spaces, roads, sewers, community facilities & rail station) & indication of junction improvements on surrounding road network. Permitted.

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). Permitted.

**Recommendation: Permit Full Planning Permission****Conditions**

1. **If during development contamination not previously identified is found to be present then no further development should take place until the developer has submitted to and had approved in writing by the Local Planning Authority a remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then only be carried out in accordance with the approved strategy. Reason: To ensure any contamination on the site is dealt with appropriately and in accordance with PPS23.**
2. **No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented. Reason: To secure proper drainage and to prevent flooding and in accordance with Policy No. EP18 of the Adopted Chorley Borough Local Plan Review.**
3. **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.**

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

Plan Ref.	Received On:	Title:
SK/32/1	9 December 2011	Site location Plan
SK/33/1	9 December 2011	Site Layout Plan as Proposed – Phasing
SK/32/3	9 December 2011	Site Layout Plan as Proposed
SK/32/4	9 December 2011	Site Layout Plan as Proposed – Phase 1
SK/0/3	9 December 2011	Elevations as Proposed
SK/0/4	9 December 2011	Elevations as Proposed – Phase 1
SK/0/1A	14 December 2011	Ground Floor Plan as Proposed
SK/0/2	9 December 2011	First Floor Plan as Proposed

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

5. 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.*
6. If the development hereby approved is not constructed all at the same time it shall be constructed in accordance with the phasing plan ref: SK/33/1.  
*Reason: To ensure a satisfactory form of development and that enough parking is provided for each phase and in accordance with Policies GN1 and GN5.*
7. No phase of the building shall be occupied until a letter of assurance, detailing how the phase in question has met the equivalent of BREEAM 'Very Good' has been issued 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.*
8. All planting, seeding or turfing comprised in the approved details of landscaping (drawing ref: SK/32/3) shall be carried out in the first planting and seeding seasons following the occupation of Phase 1 (as defined on drawing ref: SK/33/1), and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
*Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*
9. Notwithstanding The Town and Country Planning (Use Classes) Order 1987 (as amended) there shall be no increase in floor area for B8 use within the building.  
*Reason: In the interests of neighbour amenity and in accordance with Policy EM2 of the Adopted Chorley Borough Local Plan Review.*
10. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*

11. 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.*

12. Before the development hereby permitted is first commenced, full details of the height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. Phase 1 (as shown on drawing ref: SK/33/1) shall not be occupied 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 property and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*

13. No phase of the development hereby permitted shall begin until details have been submitted to and approved in writing by the Local Planning Authority to show how the development will meet the equivalent of BREEAM 'Very Good'. The development shall be carried out entirely 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.*

14. No phase of the development (phases as shown on drawing ref: SK/33/1) shall be occupied until the parking and servicing shown for that phase has been provided and brought into use.

*Reason: To ensure sufficient parking, turning and servicing facilities are provided for all three phases of the development and in accordance with Policy TR4.*

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**Item 5**                    **12/00043/OUT**

**Case Officer**           **Adrian Morgan**

**Ward**                    **Chorley North East**

**Proposal**                **Outline application for demolition of the existing church building and redevelopment of the site for residential use (seven houses).**

**Location**               **Park Road Methodist Church Park Road Chorley  
Lancashire PR7 1QN**

**Applicant**              **Chorley Methodist Church**

**Consultation expiry:** **22 February 2012**

**Application expiry:** **16 March 2012**

#### **Proposal**

1. Outline application for the demolition of the existing church building and redevelopment of the site for residential use (seven houses).
2. The application seeks only outline permission, with all matters other than means of access and siting of houses to be reserved.

#### **Recommendation**

3. It is recommended that this application is granted outline planning approval.

#### **Main Issues**

4. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Impact on the neighbours
  - Traffic and Transport
  - Loss of Community Facility

#### **Consultations**

5. **Chorley's Conservation Officer** - Subject to design details to be submitted at Reserved Matters, the significance of the heritage asset, 12 – 16 Park Road and the St Laurence's Conservation Area, will be enhanced as a result of the proposed development. The application is therefore acceptable.
6. **Director People and Places** – It is recommended that due to the sensitive end-use of the development, the applicant submits to the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

#### **Representations**

7. Three representations have been received from neighbours saying that they have no objections to the principle of housing on the site.

8. Two letters of objection have been received from neighbours as follows; -.
9. A resident of Parker Street is concerned about disruption during demolition and construction works; the change in the view from her home; the potential for the new buildings having what would be, in her opinion, an inappropriate appearance for the location, and; future car parking problems. She is also concerned about potential devaluation of her home and suggests adapting the church for re-use or recycling the stone in the new buildings.
10. A resident of Park Road is concerned about existing traffic and car parking problems being exacerbated if the site were used for housing, especially in the day and at peak morning & afternoon school run times; loss of privacy and loss of light to his house which is situated facing the site across Park Road; the vehicular entrance of the site being blocked by lorries delivering to nearby businesses, and; abuse and criminal damage caused by drunks passing the site.

### **Assessment**

#### Background Information

11. The proposed development involves the demolition of the current buildings and the redevelopment of the site for housing. It is understood from pre-application consultations regarding this proposal that redevelopment of the site is being considered because of the poor structural and decorative condition of the buildings and the fact that the church congregation has diminished to such a level that it is now proposed to merge with that at Trinity Methodist Church, Gillibrand Walks, Chorley.

#### The Site

12. The site is located on Park Road in Chorley, close to the Town Centre and adjacent to St Lawrence Conservation Area. The site forms part of a block which is bounded by Park Road to the west, Nichol Street to the north, Parker Street to the east and a path to the south. Park Road comprises mainly two storey semi-detached and terraced dwellings although there are some three storey buildings to the south within the Conservation Area. To the rear along Parker Street are modest two storey terraced dwellings. Dwellings around the site are mainly constructed out of facing red brick or grey stone. The existing site contains a Methodist Church and an attached Sunday school and mainly hardstanding.
13. Immediately south of the application site is St Lawrence's Conservation Area, which contains a number of designated heritage assets, including the grade II listed buildings at 12 to 16 Park Road. The existing church building dates from the late 1960s and, in the view of the Council's Conservation Officer, is considered to be of little historic, architectural or aesthetic value and, furthermore, to be beginning to cause visual blight to the appearance of the adjacent conservation area and the setting of the grade II listed 12 - 16 Park Road.

#### Principle of the development

14. The principle of residential development on the site complies with the provisions of policies HS4 and HS6 of the Chorley Local Plan Review. The site is highly accessible, being situated close to the town centre and public transport facilities; the scheme layout plan submitted demonstrates that sufficient car parking could be provided on site for the seven houses proposed, and that the houses could be situated so as to comply with the criteria set down in the Council's Design Guidance SPG in terms of interface distances. Detailed design issues would be considered should a Reserved Matters application be submitted, but it is clear that there is potential for a satisfactory scheme to be drawn up.

#### Impact on the neighbours

15. The site is on a main road in predominantly residential area and seven houses would be likely to generate less pedestrian and vehicular traffic than the existing use, therefore, it is considered unlikely that the use of the site for housing would have any detrimental impact on neighbouring residents. The scheme submitted shows vehicular access for four houses being made from Parker Street, and for three houses from Nichol Street. There is already a vehicular access to the existing church car park from Parker Street and it is considered that any net increase in vehicular movements would be minimal and well within acceptable levels for these roads. Details of the appearance, height, materials and landscaping of any houses to be built would be considered separately should a Reserved Matters application be submitted.
16. The change in appearance of the site that one objector from Parker Street was concerned about, would be likely to be either neutral or beneficial for the neighbouring occupiers. From Parker Street, the scheme submitted would provide a view that would be more open than at present and include residential gardens and car parking rather than a back-of-pavement wall and car park than at present.
17. Any houses fronting onto Park Road would have no effect on light reaching existing houses on the far side of Park Road as a resident of a house opposite the site has objected to. They would be at least 22 metres away from facing homes and, though the details would be the subject of a further application, probably be no higher than the existing church and other buildings adjacent to the site.
18. Any potential impact on property values is impossible to quantify and is, anyway, not a material planning consideration.

#### Loss of a community facility

19. In order to comply with Policy PS3 of our Local Plan, which relates to community centres, village halls and similar facilities, it would need to be demonstrated that either alternative provision of a similar standard and in a suitable location would be made available or that redevelopment would lead to an improvement in the overall quality and availability of existing facilities.
20. It is understood from pre-application discussion that it is the applicant's intention to sell the site to raise funds to enable the Trinity Methodist Church, Gillibrand Walks, Chorley site to be refurbished or re-developed. Further details of how Policy PS3 would be complied with would need to be provided should any Reserved matters application be submitted.

#### Traffic and Transport

21. The indicative scheme layout provides for each of the seven proposed houses to have off-road two car parking spaces, which would be sufficient to meet the Council's requirements for houses with up to three bedrooms.
22. Given the fact that each proposed new house would have designated off-road parking facilities and that seven houses would be likely to generate fewer journeys to the site than the present use, it is considered unlikely that the proposed development would generate additional traffic or car-parking problems in the vicinity.

#### Section 106 Agreement

23. Any future reserved matters application may be subject to a legal agreement requiring the payment of a commuted sum towards the provision of play-space.

**Overall Conclusion**

24. The outline proposal complies with Council policies and the use of the site for residential development is acceptable in principle.

**Planning Policies**

National Planning Policies:

Planning Policy Statement 5 Planning for the Historic Environment (PPS5)

Planning Policy Statement 3 – Housing (PPS3)

Adopted Chorley Borough Local Plan Review

Policies:

HS4 – Design and layout of residential developments

HS6 – Housing windfall sites

TR4 – Highway Development Control criteria

PS3 – Protection of community centres and village halls

Supplementary Planning Guidance:

Design Guidance SPD

Also; St Laurence's Conservation Area Appraisal and Management Proposals' document, which was adopted by the Council's Executive Cabinet as a supporting document for use in the Development Management process on 1 October 2009.

**Site History**

The site history of the property is as follows:

**Ref:** 12/00043/OUT **Decision:** PCO **Decision Date:**

**Description:** Outline application for demolition of the existing church building and redevelopment of the site for residential use.

**Ref:** 03/01269/FUL **Decision:** PERFPP **Decision Date:** 15 March 2004

**Description:** Replacement of existing concrete slab and post fence with steel railings 1.52m high,

**Ref:** 12/00043/OUT **Decision:** PCO **Decision Date:**

**Description:** Outline application for demolition of the existing church building and redevelopment of the site for residential use.

**Recommendation: Permit Outline 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:
1150 02	18/01/2012	Site Layout as Proposed

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

<b>Item 4g</b>	<b>11/01104/COU</b>
<b>Case Officer</b>	<b>Christopher Hobson</b>
<b>Ward</b>	<b>Chisnall</b>
<b>Proposal</b>	<b>Change of use of buildings and yard from B2 use to B8 use</b>
<b>Location</b>	<b>The Farm Depot Bentley Lane Heskin Chorley Lancashire</b>
<b>Applicant</b>	<b>Mr William Fidler</b>
<b>Consultation expiry:</b>	<b>8 February 2012</b>
<b>Application expiry:</b>	<b>17 February 2012</b>

### **Proposal**

1. Planning permission is sought for the change of use of the Farm Depot, Bentley Lane, Heskin, from B2 (General Industrial) to B8 (Storage and Distribution).
2. The application does not seek to make any physical alterations to the siting, design or appearance of the existing buildings on site and the applicant has stated that only non-hazardous materials will be stored on site. The proposed hours of opening for the B8 use are 08:00 – 18:00 Monday to Friday and 09:00 – 13:00 on Saturday with no opening on Sunday.
3. The application site comprises of an existing yard – surfaced in concrete – enclosed by timber fencing. Within the yard are two steel framed former agricultural buildings faced with breeze blocks, fibre cement sheeting and corrugated tin sheets. The larger of these two buildings is adjacent to the northern boundary of the application site and is 27m in length and 19.35m in width with a pitched roof with a ridge height of 7.1m. The second building is adjacent to the eastern boundary of the site and is 27m in length and 7.85m in width with a maximum height of 3.2m.
4. The surrounding area is largely rural in character. There are undulating open fields to the north and west of the application site. To the south, on the opposite side of Bentley Lane, is Swift's House Farm. To the east are further open fields, beyond which is a detached bungalow.

### **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
  - Impact on the Character and Openness of the Green Belt
  - Traffic and Transport
  - Impact on Neighbours
  - Impact on Listed Buildings

### **Representations**

7. Three standard letters of objection have been received. These state that in principal there is no objection to the change of use from B2 to B8. However, the letters express concern that the site may be used for the storage of caravans and states that restrictions should be applied to any approval to protect the rural and Green Belt nature of the site. Concern is also expressed about the vehicular access for the site. The letters do however state that this objection would be reconsidered if:
  - All storage is within the buildings and not the yard or, alternatively, a restriction is placed on the height of any items to be stored in the yard;
  - The yard is not used as an overflow car park for the adjacent property;
  - Hours of opening are reduced to be more in line with a part time business, i.e. Monday

to Friday 10am to 4pm and Saturday 10am to 12pm; and

- If the property is sub-let, it can only be used under use class B8.

### Consultations

8. **Chorley's Conservation Officer** has noted that the application site is located, at its closest point, 31m north/north east of Swift's House Farm Farmhouse and Swift's House Farm Barn. Both of these buildings are Grade II listed and, as such, are designated heritage assets as defined by Annex 2 to PPS5. Nevertheless, given that there would be limited changes to the external appearance of the buildings currently on the site, and that there are large gates to the southern entrance to the site which largely obscure it from view, the Conservation Officer advises that in his opinion the proposal would have no impact on these listed buildings. He therefore considers that the significance of these heritage assets would be sustained and concludes that the application is acceptable.
9. **Environment Agency** has stated that they have no comments to make on this application.
10. **Lancashire County Council (Highways)** have noted that up until 2011 the buildings have been used for steel fabrication and erection. It is also noted that the site is served by an established access, and that the level and type of traffic to be generated by the proposed B8 use is unlikely to be significantly different to that associated with the existing use. As such, LCC Highways confirm that they have no highway objection to the proposed development.
11. Lancashire County Council (Highways) have been re-consulted about the issue of the site being used for the storage of caravans and have commented that the use of the access by large, slow moving vehicles is already established. As such, they have stated that it would be difficult to sustain a highway objection against the potential use of the site for the storage of caravans on the grounds of inadequate access arrangements. LCC Highways have also noted that if the site was used for the storage of caravans it would be likely to see a reduction in the number of vehicle movements as a whole because caravans would be unlikely to be moved in/out on daily/weekly basis.

### Applicants Case

12. The applicant, through their Design and Access Statement, asserts that the proposed development would have a positive social and economic impact and would provide employment for the applicant and a quieter, less intrusive use for the buildings than the use to which they were formerly put. The applicant has submitted an additional statement in support of the proposed development which re-iterates his view that the proposal would have no greater, and in actual fact would have a lesser impact, on the surrounding countryside and highways than the permitted use of the site.

### Assessment

#### Principle of the Development

13. Policy EC10 of PPS4 encourages local planning authorities to adopt a positive and constructive approach towards planning applications for economic development and states that applications which secure sustainable economic growth should be treated favourably.
14. In relation to economic development in rural areas, PPS4 advises that local planning authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. It states that economic development in open countryside away from existing settlements should be strictly controlled. It does however state that the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside should be supported for economic development.
15. PPS7 sets out the Government's planning policies for sustainable development in rural areas. The guidance states that a key objective of the Government is to improve the economic performance of rural areas by developing competitive, diverse and thriving rural enterprise that provides a range of jobs and underpins strong economies. It states that priority should be given to the re-use of previously-developed sites in preference to the

development of greenfield sites.

16. PPS7 also provides support for the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. It also stipulates that the re-use for economic development purposes will usually be preferable.
17. Policy DC7A of the Local Plan sets out the criteria that will need to be met in order for a proposal for the re-use of an existing building in the Green Belt to be permitted. The policy states that preference will be given to the re-use of buildings to provide accommodation for commercial, business and employment uses.
18. Further guidance on the conversion of rural buildings outside towns and villages is provided by the Conversion of Rural Buildings SPG. The guidance acknowledges that many commercial, manufacturing and other employment uses can be carried out in rural areas without causing unacceptable disturbance. It states that the use of a building such as a barn for storage, workshops, offices and industrial purposes are usually the most sympathetic types of uses for rural buildings as they typically involve minimal alteration to the building, with the larger internal spaces often being retained.
19. Until August 2011 the application site was used as a light industrial site operated by a steel fabrication and erection company. A Certificate of Lawfulness has been granted for a previous B2 use on the site – the storage, manufacture and distribution of fencing and associated materials – in November 2004. Through this Certificate of Lawfulness the use of the site for employment purposes has already been established.
20. The site has been vacant since August 2011. The proposed development would result in the re-use of existing buildings in the countryside for employment purposes. In this respect the proposal is considered to be aligned with national and local guidance on the conversion and re-use of existing buildings in the countryside. The proposal does not seek to make any external alterations to the buildings on site and, as such, it is considered that the proposal would be sympathetic to the existing buildings. The principle of the proposed development is therefore considered to be acceptable.

#### Impact on the Character and Openness of the Green Belt

21. PPG2 sets out the Government's policies in relation to the Green Belt. It advises that the re-use of buildings inside a Green Belt is not inappropriate development providing that the proposal does not have a materially greater impact than the present use on the openness of the Green Belt; strict control is exercised over any associated uses of land surrounding the building; the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and the form, bulk and general design of the buildings are in keeping with their surroundings.
22. If a proposal for the re-use of a building in the Green Belt does not meet these criteria, PPG2 states that the local planning authority should not reject the proposal without considering whether, by imposing reasonable conditions, any objections could be overcome. It also stipulates that it should not normally be necessary to consider whether the building is no longer needed for its present agricultural or other use and that evidence that the building is not redundant in its present use is not by itself sufficient grounds for refusing permission for a proposed new use.
23. Policy DC1 of the Local Plan states that planning permission will not be granted, except in very special circumstances, for development in the Green Belt other than for, inter alia, the re-use of buildings provided that the proposal is in accordance with Policy DC7A of the Local Plan.
24. Policy DC7A of the Local Plan sets out the criteria that will need to be met in order for a proposal for the re-use of an existing building in the Green Belt to be permitted. These include that the proposed use will not have a materially greater impact than the present use on the openness of the Green Belt; the re-use of the building is unlikely to result in additional

farm buildings; the building is of permanent and substantial construction and is capable of conversion without the need for additions and alterations that would change its character; and the building already has reasonable vehicular access to a public highway.

25. The application site is located within the Green Belt. Nevertheless, as noted above, PPG2 is clear that the conversion and re-use of existing buildings in the Green Belt does not necessarily constitute inappropriate development.
26. The proposed development does not seek to make any physical alterations to the existing buildings on the site nor does it propose to change the boundary treatment of the site. The buildings themselves are former agricultural buildings and, given the rural setting of the site, are considered to be of a form and general design that is in-keeping with the surrounding area. The buildings are also of permanent and substantial construction and changing their use to a B8 use would not necessitate additions or alterations that would change their character. It is therefore considered that changing the use of the buildings to a storage and distribution use would not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it.
27. PPG2 does however state that there is a need to consider the impact of any associated uses of land surrounding the building on the Green Belt and specifically advises that extensive external storage can conflict with the openness of the Green Belt and the purposes of including land in it. The site was previously in general industrial use which may have resulted in some ancillary items being temporarily stored on the yard. Nevertheless, it is recognised that the use of the entire site solely for storage and distribution has the potential to have a far greater impact on the rural character and openness of the area if there were to be outside storage in the yard.
28. Consequently, in order to control the impact of the proposed use on the character and openness of the Green Belt, it is recommended that a condition is attached to stipulate that all storage on site must be within the buildings rather than on the yard itself. It is considered that with the imposition of this condition the proposed change of use would not have a materially greater impact on the character and openness of the Green Belt than the existing use. The proposed development is therefore considered to be in accordance with PPG2 and policies DC1 and DC7A of the Local Plan.

#### Traffic and Transport

29. Policy TR4 of the Local Plan requires proposals for new development to provide safe and adequate access and also provide sufficient off-street parking in accordance with adopted standards.
30. The Conversion of Rural Buildings SPG states that proposals which seek to convert buildings to an employment use will be assessed in terms of highway access, traffic generation and highway safety. The guidance also specifies that the building should be conveniently located in relation to the surrounding road network, provide a safe access, and be adequately serviced or capable of being serviced at a reasonable cost.
31. The application site has an existing access from Bentley Lane and the proposal does not seek to make any physical alterations to this access. The application site is therefore considered to be conveniently located in relation to the surrounding highway network. The means of access to the site is situated in close proximity to a bend in the road. Nevertheless, as noted above, the use of the site for employment purposes has already been established. In addition, the yard at the application site is of sufficient size to allow vehicles to turn round and exit the site in forward gear. Furthermore, LCC Highways have stated that they have no objections to the proposed development. It is therefore considered that the access to the site is suitable for the proposed use.
32. The previous light industrial use of the site involved raw materials being delivered to and taken from the site once fabrication had taken place. It also involved both staff and customers driving to the site on a daily basis. The submitted application forms state that the site will only have one employee who will work on a part-time basis and LCC Highways have commented



that they consider that the level and type of traffic to be generated by the proposed B8 use is unlikely to be significantly different to that associated with the existing use B2 use.

33. Concern has been raised by the occupants of neighbouring properties that the site could be used for the storage of caravans and that this could have a detrimental impact on highway safety due to the slow moving nature of these vehicles and the proximity of the access to a bend in the road. LCC Highways have been re-consulted about the specific issue of the site being used for the storage of caravans and have commented that the use of the access by large, slow moving vehicles is already established. As such, they have stated that it would be difficult to sustain a highway objection against the potential use of the site for the storage of caravans on the grounds of inadequate access arrangements. LCC Highways have also noted that if the site was used for the storage of caravans it would be likely to see a reduction in the number of vehicle movements as a whole because caravans would be unlikely to be moved in/out on daily/weekly basis.
34. Accordingly, it is considered that the changing the use of the site to a B8 use is unlikely to have a greater impact on the highway network than the existing use and it is considered that the proposed development would not have an unacceptable impact on the local highway network.

#### Impact on the Neighbours

35. The application site is situated in a predominantly rural area. There are no near dwellings to the west or north of the application property and the nearest dwelling to the east of the application site is approximately 100m away. Swift's Farm Farmhouse is approximately 30m to the south east of the application site. Nevertheless, the application site is partially screened from this property by its entrance gates and boundary treatment. It is also noted that Swift's Farm Farmhouse is occupied by the applicant.
36. All storage on the site would be within the existing buildings rather than on the yard itself. It is therefore considered that the proposed use would not have a materially greater visual impact than the existing permitted use. As noted above, LCC highways have confirmed that the proposed use is unlikely to generate a significant amount of additional traffic than the existing use and it is considered the impact of the proposed use in noise terms should be no greater than the use of the site for general industrial purposes.
37. The applicant has stated that the hours of opening of the use would be 8am to 6pm Monday to Friday and 9am – 1pm on Saturday with no opening on Sunday. Representations received from local residents have requested that these hours of opening be reduced to 10am to 4pm Monday to Friday and 10am to 12pm on Saturdays. Nevertheless, it is considered that the opening hours proposed by the applicant are reasonable, particularly given the distance of the site to neighbouring residential properties. It is also noted that there is presently no restrictions on the hours of operation for the site's existing B2 use. As such, the hours of opening suggested by the applicant for the proposed B8 use are considered to represent an improvement on the existing lawful use.
38. The applicant has stated that only non-hazardous goods and materials would be stored on site and a condition is recommended to secure this.

#### Impact on Listed Buildings

39. Planning Policy Statement 5 (PPS5) sets out the Government's planning policies on the conservation of the historic environment. The overarching aim of PPS5 is for the historic environment and its heritage assets to be conserved and enjoyed for the quality of life they bring to this and future generations.
40. Policy HE7 of PPS5 identifies the principles guiding the determination of applications for consent relating to heritage assets. It states that when considering the impact of a proposal on any heritage asset, including its setting, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations.

41. Policy HE10 of PPS5 advises that when considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, it encourages local planning authorities to weigh any such harm against the wider benefits of the application.
42. The need to protect, conserve and enhance the historic environment is also emphasised in the RSS, particularly in policies DP2, DP7 and EM1, and by Policy 16 of the Joint Central Lancashire Core Strategy.
43. The application site is located, at its closest point, 31m north/north east of Swift's House Farm Farmhouse and Swift's House Farm Barn. Both of these buildings are Grade II listed and, as such, are designated heritage assets as defined by Annex 2 to PPS5.
44. The proposed development does not however seek to change the external appearance of the buildings on site nor does it seek to make significant alterations to the yard or the site's boundary treatment. In addition, the site is partly obscured from Swift's Farm by the large gates to the southern entrance to the site and by mature trees along its boundary. As a result, it is considered that the proposed development would not have a significant impact on the setting of these listed buildings and it is noted that the Council's Conservation Officer has stated that he considers that the significance of these heritage assets would be sustained. The proposal is therefore considered to be aligned with PPS5.

#### Overall Conclusion

45. It is considered that the principle of the proposed development is acceptable. The proposed development would not result in any significant harm to the amenity of neighbouring residents nor would it have an unacceptable impact on the character and openness of the Green Belt. In addition, it is considered that the proposal would sustain the significance of the adjacent listed buildings and would not result in any significant harm to highway safety. Therefore, it is considered that the proposed development would be in accordance with policies DC1, DC7A and TR4 of the Chorley Borough Local Plan Review and the Conversion of Rural Buildings SPG. Accordingly, it is recommended that the application be approved.

#### Planning Policies

National Planning Policies:

PPS1, PPG2, PPS4, PPS5, PPS7 and PPG13

Adopted Chorley Borough Local Plan Review

Policies: DC1, DC7A and TR4

Supplementary Planning Guidance

Conversion of Rural Buildings

Joint Core Strategy

Policies: 10, 13 and 16.

#### Planning History

**Ref:** 2009/00362/PREAPP    **Decision:** CLO

**Decision Date:**

**Description:** Use Class for farm depot opposite Swifts Farm Bentley Lane

**Ref:** 11/00326/FUL

**Decision:** WDN

**Decision Date:** 30 June 2011

Description: Siting of a storage container & perimeter fence erection, in keeping with original

#### Recommendation: Permit Full Planning Permission Conditions

1. **The approved plans are:**  
**Plan Ref.**  
**Location Plan**

**Received On:**  
**23 December 2011**

**Building 1 Floor Plans and Elevations 23 December 2011**

**Building 2 Floor Plans and Elevations 23 December 2011**

***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 and 18:00 on weekdays, between 09:00 and 13:00 on Saturdays and there shall be no operation on Sundays or Bank Holidays.  
*Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. EM2 and EP7 of the Adopted Chorley Borough Local Plan Review.***
- 3. No materials or equipment shall be stored on the site other than inside the buildings.  
*Reason: In the interests of the amenity of the area and in accordance with Policy Nos. DC1 and EM2 of the Adopted Chorley Borough Local Plan Review.***
- 4. No hazardous materials shall be stored on the site hereby permitted.  
*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.***

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<b>Item 4g</b>	<b>11/01105/REM</b>
<b>Case Officer</b>	<b>Caron Taylor</b>
<b>Ward</b>	<b>Clayton-le-Woods and Whittle-le-Woods</b>
<b>Proposal</b>	<b>Reserved matters application for the erection of 8no. detached two-storey dwellings and associated works (pursuant to outline permissions 97/00509/OUT and 02/00748/OUTMAJ)</b>
<b>Location</b>	<b>Land opposite junction of Regiment Drive and Old Worden Avenue (Parcel Q) Old Worden Avenue Buckshaw Village Lancashire</b>
<b>Applicant</b>	<b>Redrow Homes Lancashire</b>
<b>Consultation expiry:</b>	<b>16 February 2012</b>
<b>Application expiry:</b>	<b>17 February 2012</b>

### **Proposal**

1. Reserved matters application for the erection of 8no. detached two-storey dwellings and associated works (pursuant to outline permissions 97/00509/OUT and 02/00748/OUTMAJ).

### **Recommendation**

2. It is recommended that this application is granted conditional outline planning approval subject to the 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 and Impact on the neighbours
  - Design
  - Impact on Listed Building
  - Open Space
  - Trees and Landscape
  - Traffic and Transport
  - Contamination and Coal Mines
  - Drainage and Sewers

### **Representations**

4. Four letters of objection have been received on the following grounds:
5. The parcel of land seems to be the only part of Buckshaw currently remaining house free lest it resemble a concrete jungle. Redrow had represented this piece of land to be earmarked for building a symbolic structure to represent Buckshaw community like a duck pond/benches etc. to keep the village feel but guess their profit margins take precedence to preserving the ambience of the village. They feel permitting Redrow to make yet more houses is going to give a serious blow to the general ambience and also a loss to the community as there is a basket ball court near that parcel of land and they are sure that the area should be left to be used by the community and residents to maintain the ambience and local beauty.
6. This parcel of land was to be used as a landmark site for public amenity rather than residential use. The proposal is not part of the Buckshaw Masterplan. Loss of open space will be detrimental to the character of the village. This area acts as a soak away for water drainage. During heavy rains Old Worden Ave adjacent to this parcel of land is completely

covered in running water and remains so for several days afterwards. They assume there is not enough natural drainage to cope. In winter this can freeze over to a sheet of ice. Loss of the public footpath will cause pedestrians and cyclists to unnecessarily cross a busy road. The traffic island will cause dangerous driving due to loss of visibility where the road bends and the inevitable parked vehicles on the road. Loss of parking. Their property will be unduly overlooked. Documents appear to be missing concerning the level of build elevation. If built at a level higher than the pavement, this will mean that they will be overlooked to a greater extent.

7. When purchasing their property they were informed that the site would be for a landmark for the community. This proposal does not seem in accord with the commitment given then. There are already parking issues on Regiment Drive resulting in on street parking, which the traffic island would impinge upon with no alternative overflow area. Additional concerns regarding the elevation of the development and therefore being unduly overlooked. Detrimental change to the character of the area and loss of open space.
8. They have been living in this village for the past 3 years. They were told this piece of land will be used to construct a land mark structure which can be used by the local residents. Building houses is a serious risk to the environment. This is the only piece of land in Buckshaw without any houses. Causes serious threat by increasing the traffic on a road which is already a busy one. It's a beautiful open space, which can be used to construct a structure to enhance the beauty of the existing locality.
9. A levels plan of the proposed properties was requested by the case officer and neighbours renotified. The following comments were received from one neighbour:
10. They strongly object to the level of these houses being 2 metres higher than their row of houses. This will mean that they will tower over them, and they will be overlooked from their ground and first floor into our bedrooms. This will exacerbate the already problematic drainage and fear this will increase the volume of water flowing across the road. They are also concerned with flooding to my property as there is no drainage channel/ditch on this stretch of road, meaning we are reliant on soak away which is being replaced by residential property. There does not appear to be any addition provision for drainage channels.
11. All other areas around the village have large green spaces for both functional and ambience adding character. Buckshaw is now turning into a concrete jungle with little thought for the environment and the social wellbeing that green spaces provide.
12. Whittle-le-Woods Parish Council  
State there are no Parish Council objections as such, but would like clarification regarding the 74.4m hedge/trees/shrubs to the North of the proposed development. What is this? How tall? It was felt that landscaping and planting in this area to screen Dawson Lane from this new development would be desirable. The case officer has responded to this query explaining that 74.4m is a spot height of the land, to which not further comments have been received.

### **Consultations**

13. **The Environment Agency**  
Have no comments to make on the application.
14. **The Police Architectural Design and Crime Reduction Advisor**  
The area has low crime levels and they do not have any design recommendations to make in terms of the plans.
15. **Chorley's Conservation Officer**  
See body of report.
16. **Lancashire County Council Highways**  
Ask for clarification on whether the pedestrian refuse islands are to be built in Old Worden Avenue. They also state the two access points will be required to be formed using

appropriately sized radius kerbing with normal upstand and the footpath to the west of the site that crosses the access road will require a mobility crossing point on either side.

17. The footpath to the east of the eastern access point is shown as terminating 25m east of the access. This access needs to be continued through and across the access point, to link up with the westerly footway to ensure there is pedestrian continuity along the site frontage.
18. From an accessibility and servicing highway view point as the two access drives are not shown as being linked (separated by a grassed area) with no turning facility for large vehicles, this is likely to lead to either servicing arrangements being carried out from the main road which will impact on the road safety and operation of the main road or alternatively require servicing vehicles to reverse part way into the access drives which will again have road safety and operational implications on the main road. In terms of the reversing distances involved they would exceed the recommended distances for emergency and refuse collection vehicles therefore this again would not be acceptable. Without vehicle turning facilities the proposed access arrangements are not going to prove satisfactory.
19. A solution in ensuring that the properties can be suitable services is by linking the two access drives to form a continuous access road with the two access points designed to current road standards (i.e. 5.5m wide for a minimum of 10m then the access road may be reduced to 4.5m wide). The new access road will serve 8no properties and should be built to adoptable standards.
20. From a highway view point the proposed access road/drive layout does not offer safe and acceptable form of servicing arrangements however if the applicant is willing to submit an amended plan addressing these above highway concerns then they will reconsider the proposal.
21. See highways section of this report.

### **Applicant's Case**

22. The proposed house types reflect those on Sandy Lane (the development adjacent to this) along with the same materials and garden boundaries of Redrow's Heritage Range. The orientation of the buildings have been arranged to align with the established road and housing surrounding the majority of the site. The scale, height and massing of the proposal will sit comfortably with the surrounding site.
23. Redrow also respond to the neighbour objections as follows:
24. It has never been envisaged that the 'Landmark' building on this site would be for community use. From the outset the Mater Plan has identified the location of such buildings and Redrow have never advised purchasers of any community building on this parcel of land.
25. They accept that the parcel may have been identified as being able to support construction of a 'landmark' building however as has been the case across Buckshaw, a landmark building has always taken the form of a large scale building, housing large numbers of apartments. They feel the development as now proposed is more sympathetic to the immediate surroundings of low density, low rise, but the current economic climate means that apartments are virtually un-saleable. The amount of completed but un-sold apartments on their Cedar Walk development demonstrates this very clearly. Other uses such as an apartment block and community facilities, would attract more vehicles.
26. The application site has always been identified as a development parcel in the Masterplan and therefore there will be no loss of open space. In terms of overlooking the separation distances between existing and proposed dwellings varies between 50m and 60m from front of dwelling to front of dwelling. They do not feel this will create unacceptable relationships and is obviously well in excess of the Council's standards. A larger scale 'landmark' building will be far more dominant on the streetscene and in their view have a more detrimental impact on neighbouring properties.

## Assessment

### Principle of the development

27. The whole of Buckshaw Village was given permission for a mixed use development by outline permissions 97/00509/OUT and 02/00748/OUTMAJ.
28. As part of the permission a Residential Design Code was drawn up to guide the design and implementation of the residential areas of the Village. The application parcel is and always has been identified as a housing parcel on the Land Use Plan for the Village, therefore housing on this site is acceptable in principle. It has never been envisaged or allocated as an area of open space. The site is allocated for a landmark building and this is discussed at paragraph 31 of this report.

### Density

29. The proposal is equivalent to 16 dwellings per hectare. This is lower than the other contemporary housing parcels, however this parcel is on the far extremity of the Village and will be the development within the site nearest to Dawson Lane, and it is also in the Green Belt. It is considered appropriate to taper off the density of development towards the edge of the site as has been done on the Group 4 North parcel (now known as Sandy Lane). The low density is also due to the large set back of the properties from the road which is needed to ensure it reflects the character of the properties opposite. The density is therefore considered appropriate to the location of the site.

### Levels and Impact on the neighbours

30. The proposed properties will be elevated in relation to the existing properties opposite by between 1.5m and 2.45m as the land rises towards Dawson Lane. The Council's normal interface distance of 21m between facing properties therefore need to be increased to account for this. The distance between the properties exceeds the extended interface distance by a minimum of 11m. The levels between the proposed properties within the site also meet the Council's interface distances. The relationship between the existing and proposed properties is therefore considered acceptable.

### Design

31. The main issue with the proposal is the design of the proposed parcel. The Residential Design Code shows this housing parcel to have landmark buildings on it. Other examples of landmark buildings shown as such in the Masterplan that are already developed in the Village are the crescent of apartments at Bishopton Crescent near the primary school and the apartments currently under construction at the junction of Buckshaw Avenue and Central Avenue, so landmark buildings in the Village tend to have taken the form of tall apartment developments. However, as the Village has developed not all the areas marked as landmark buildings have been built as such. For example, the position of the Health Centre is different and there is not therefore a landmark building on the corner of what is now the school field.
32. If the site was to be developed as a landmark building it is likely to take the form of prominent and tall properties and/or apartments. Although the Council would have liked to see it developed as such, it is accepted that since the original Masterplan was drawn up the economic climate is very different and apartments are not selling at the current time.
33. The Design Code states that *'with such a large project i.e. one that will be developed over a period of 15 to 20 years, it is inevitable that guidance and practice will change. It is neither possible nor desirable to design everything on day one.'*
34. The Masterplan has been used to broadly guide the land use and design of buildings in the Village, however it has not been slavishly applied as the Village as developed, nor was it ever intended to be.
35. The properties now proposed, rather than act as a landmark, reflect those built to the north on part of the site now known as Sandy Lane (Group 4 North). They also reflect the properties opposite the site which are detached traditional properties.
36. Therefore although the proposal does not comply with the Masterplan in terms of being a



landmark building, given the current economic climate and the impact on apartment sales, the current proposal is considered acceptable in design terms, using an approach that reflects the surrounding existing properties rather than contrasting with them.

#### Impact on Listed Building

37. The Council's Conservation Officer advises that:  
'The application site is relatively close (approx. 61 metres from the closest part of the proposed site boundary) to Jones Farm, which is a designated heritage asset as defined by Annex 2 to PPS5 specifically a grade II listed building. Consequently this application is being judged with specific reference to policy HE10 of PPS5, development that affects the setting of a designated heritage asset. Whilst the distance between the application site boundary to the boundary of the curtilage to the listed building is only c. 34 metres, the distance to the building itself is, as has already been stated, c. 61 metres. The nature of the topography is such that the listed building is set at an elevated position relative to the application site.
38. 'Jones' Farm, the designated heritage asset, as with the whole of the application site and a significant area to the south of it were formerly part of the Royal Ordnance Factory (ROF). Chorley site first developed immediately prior to the Second World War and now part of the on going Buckshaw Village redevelopment project. During the period in which the ROF was active Jones' Farm together with other former farm houses within the site were effectively incarcerated behind security fencing and saw limited use before being abandoned and left to deteriorate almost to the point of complete dereliction.
39. 'Any rural setting that this and the other buildings would have originally enjoyed was effectively eliminated by the construction of the ROF. However that does not mean that any sense of separation between the designated heritage asset and its new neighbours should be compromised to such an extent that the significance of that asset becomes compromised unacceptably.
40. 'The principal elevation to Jones' Farm is to the front, i.e. north facing and furthest away from the proposed development. Sight lines from this aspect toward the proposed development are further separated by a change in levels – i.e. the proposed development will be set at a lower level – a close boarded timber fence and a recently planted hedge. Further proposed boundary treatments to the development will reinforce the sense of separation'.
41. The Conservation Officer considers that due to the current setting of the designated heritage asset, the separation distance between this and the proposed development, plus the difference in levels between the two sites that the significance of the designated heritage asset will be sustained and he considers the application to be acceptable.
42. The proposal is therefore considered to comply with PPS5 and is acceptable in this respect.

#### Open Space

43. The proposal will not result in the loss of open space as it has never been proposed as such and has always been shown as housing on the Land Use Plan. Open space has been planned comprehensively throughout the Village.

#### Trees and Landscape

44. The site has been remediated as part of the wider site and is the proposal will not impact unacceptably on trees or ecology. The proposed properties would be set back from the road and grassed, this is considered acceptable and would reflect the properties opposite also set back from the road.

#### Traffic and Transport

45. Two access points are proposed to the site, both leading from Old Worden Avenue, each one providing a shared private access to four dwellings.
46. LCC Highways have objected to the current layout of the proposal, however they have advised of a potential solution to the problem of linking the two driveways to provide a continuous road in front of the properties and this has been put to the applicant. The

applicant is producing an amended plan and whether this overcomes the highway objection or not will be detailed on the addendum.

47. It is not considered the properties will block visibility along Worden Avenue as they are set significantly back from the road (in the centre of the site they are set back by 24m). The traffic islands are outside the red edge of the application site and therefore do not form part of this application, but LCC Highways have commented on the acceptability of the scheme in relation to them.
48. It is not considered the proposal will lead to on road parking as the proposed properties will have sufficient parking spaces for their size.

#### Contamination and Coal Mines

49. The site has been remediated as part of the wider Village but a precautionary condition will be applied in case any unsuspected contamination is found. The site is not in a coal area.

#### Drainage and Sewers

50. A Sustainable Urban Drainage System has been implemented for Buckshaw Village which took account of this parcel in its design. A condition regarding site specific drainage for this application is proposed. The proposal is therefore considered acceptable in this respect.
51. The application site doesn't benefit from drainage at the present time and the proposal will implement a proper scheme for this land. The proposal is therefore considered acceptable in this respect.

#### Waste Collection and Storage

52. The properties all have rear access to allow bin storage in the rear gardens.

#### Overall Conclusion

53. The site is allocated for housing development in the Residential Design Code and development of the site is acceptable in principle. The site is shown as having a landmark building on it however for the reasons above the proposal is considered acceptable for this site.
54. LCC Highways have objected to the scheme but suggested a solution to the concerns they have. The applicant is producing an amended plan and this will be detailed on the addendum. Subject to this being satisfactory the proposal is considered acceptable and the application is recommended for approval.

#### Planning Policies

##### National Planning Policies:

PPS3, PPS5, PPS9, PPS13.

##### Adopted Chorley Borough Local Plan Review

Policies: GN2, HS4,

Buckshaw Village Residential Design Code

#### Planning History

97/00509/OUT: Outline application for mixed use development (housing, employment, shopping, leisure & commercial uses, open spaces, roads, sewers, community facilities & rail station) & indication of junction improvements on surrounding road network. Permitted.

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). Permitted.

**Recommendation: Permit Full Planning Permission  
Conditions**

1. The proposed development must be begun not later than three years from the date of this permission.  
*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*
2. The development hereby permitted shall only be carried out in conformity with the proposed finished floor levels shown on plan ref: BV-Q-11-02-001.  
*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.*
3. The external facing materials detailed on approved plan ref: BV-Q-11-02-003 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 and HS4 of the Adopted Chorley Borough Local Plan Review.*
4. No dwelling shall be occupied until all fences and walls shown in the approved details on plan refs: BV-Q-11-02-003 (Boundary Treatment Plan) and plan refs: D-SD0910, D-SD0806, D-SD0812 and BVED-01 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.*
5. 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.*
6. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Number:	Date:	Title:
BV-Q-11-02-001	1 February 2012	Site Layout 1a (approves levels only)
D-SD0906	23 December 2011	Close Boarded Fencing
D-SD0806	23 December 2011	Free Standing Brick Walls
D-SD0812	23 December 2011	Screen Wall/Fencing
BVED-01	23 December 2011	Various Details
Floor Plans & Elevations	23 December 2011	The Cambridge D Series Brick
Floor Plans & Elevations	23 December 2011	The Cambridge D Series Render
Elevations	23 December 2011	The Winchester D Series Render
Elevations	23 December 2011	The Winchester D Series Brick
Floor Plans	23 December 2011	The Winchester D Series
Elevations	23 December 2011	The Canterbury D Series Brick
Floor Plans	23 December 2011	The Canterbury D Series
Floor Plans & Elevations	23 December 2011	The Salisbury D Series Brick
Floor Plans & Elevations	23 December 2011	The Salisbury D Series Render
BV-Q-11-02-003	23 December 2011	Boundary Treatment Plan (approves materials and boundary treatments only)

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

7. Before the development hereby permitted is first occupied, the car parking and vehicle manoeuvring areas 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.*
8. If during development contamination not previously identified is found to be present then no further development should take place until the developer has submitted to and had approved in writing by the Local Planning Authority a remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then only be carried out in accordance with the approved strategy.  
*Reason: To ensure any contamination on the site is dealt with appropriately and in accordance with PPS23.*
9. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.  
*Reason: To secure proper drainage and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.*
10. 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.*
11. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.  
*Reason: To secure proper drainage and to prevent flooding and in accordance with Policy No. EP18 of the Adopted Chorley Borough Local Plan Review.*
12. The integral/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.  
*Reason: To ensure each property has adequate garaging/off street parking provision and to thereby avoid hazards/congestion caused by on-street parking and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*

<b>Item 4h</b>	<b>11/01087/REMMAJ</b>
<b>Case Officer</b>	<b>Caron Taylor</b>
<b>Ward</b>	<b>Clayton-le-Woods and Whittle-le-Woods</b>
<b>Proposal</b>	<b>Reserved matters application for the erection of 12 no. three-storey dwellings (to south east side of square)</b>
<b>Location</b>	<b>Parcel H8 Euxton Lane Euxton Lancashire</b>
<b>Applicant</b>	<b>Redrow Homes</b>
<b>Consultation expiry:</b>	<b>20 January 2012</b>
<b>Application expiry:</b>	<b>9 March 2012</b>

**Proposal**

1. Reserved matters application for the erection of 12 no. three-storey dwellings (to south east side of square).
2. The application proposal would form the final side of the square on Guernsey Avenue and Cornwall Avenue.

**Recommendation**

3. It is recommended that this application is granted planning approval subject to conditions.

**Main Issues**

4. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Background information
  - Density
  - Design and Layout
  - Levels
  - Impact on the neighbours
  - Open Space
  - Trees, Landscape and Ecology
  - Flood Risk
  - Highways and Parking
  - Contamination and Coal Mines
  - Drainage and Sewers
  - Waste Collection and Storage

**Representations**

5. No letters of representation have been received.
6. Whittle-le-Woods Parish Council believe it is sensible to go down this route – there are no real grounds for comment.

**Consultations****7. The Environment Agency**

Have no objection and state the site has already undergone validation for contamination. If during development contamination not previously identified is found to be present then no further development should take place until the developer has submitted and have approved in writing a remediation strategy detailing how this unsuspected contamination shall be dealt, and then shall be implemented as approved.

**8. The Architectural Design and Crime Reduction Advisor**

Have no comments to make.

**9. United Utilities**

Has no objection subject to the site draining on a separate system.

**10. Lancashire County Council (Highways)**

The application is for the erection of 12no dwellings. The site already has outline planning permission and as such there would be no overriding highway objection to the principle of the development. The proposed access and parking arrangements would also appear to be satisfactory.

**Applicants Case**

11. The applicant states that trading conditions are very challenging at present and the apartment market has collapsed almost entirely, such that they have a great deal of unsold units within the adjacent block which is complete. In view of this, they state than have no alternative than to re-plan the area to provide family housing of a nature that the market (so far as they can tell) requires.

**Assessment**

Principle of the development

12. Buckshaw Village was given planning permission by outline applications 97/00509/OUT and 02/00748/OUTMAJ, the principle of housing on this site is therefore established. This parcel had planning permission granted in 2007 under ref: 07/00248/REMMAJ to build apartments along with the northeast side of the square. The northeast side is now complete and the apartments are either occupied or being marketed.

Background Information

13. There are existing apartment blocks on the three other sides of the square which are between three and four storeys in height with parking provided to the rear.

Density

14. The Masterplan for the Village states that parcels such as this should have a typical density of 30-50 dwellings per hectare. The application proposal is the equivalent of 41 dwellings per hectare so complies with this density.

Design and Layout

15. The site falls within a 'Period Formal' secondary character area in the approved Residential Design Code for this part of Buckshaw Village. This has a character theme of embracing Georgian/Victorian/Edwardian architectural styles of 2-3 storeys, occasionally 4 storey laid out in a formal arrangement, possibly a square, crescent or a circle to appear as late 18<sup>th</sup>/early 19<sup>th</sup> century expansion of the village.
16. The proposal is for twelve, three-storey town houses split into blocks of four. They would all front the square in a row to match the layout of the apartments and are from Redrow's New Heritage range (Kensington house type) which is influenced by the Arts and Crafts movement.
17. The properties will have an integral garage with either a balcony or bay window above and rear Juliet balconies. Parking is provided to the front of each property accessed by a private road along the frontage, separated from Guernsey Avenue by planting and frontage railings. Visitor parking spaces will be created on Guernsey Avenue itself.
18. Although the detailing of the proposed properties results in them having a more inter-war appearance they are formal in their design and layout and will be viewed next to Kensington house types to the southwest of the application site. Therefore they are considered acceptable in terms of the Design Code as providing a formal layout to finish off the square on a site that is constrained by existing surrounding development.
19. The main difference between the existing development on the other three sides of the square and what is proposed is that the properties will be set further back from the road to allow frontage access and parking. The existing apartments are set back by between 5m and 7.5m

from the road whereas the proposed properties are set back 17.5m from the road. This is however considered acceptable as the properties are of a similar height and of a formal appearance so will still be viewed as enclosing the southeast side of the square. The proposed properties are considered as the best alternative solution to apartments on the site. They will have matching railings along the frontage and be constructed of similar materials to the apartments on the other sides of the square.

#### Impact on the neighbours

20. The properties will face onto the square so there will not be overlooking to the front including from the balconies on this elevation. To the rear on plots 782 – 787 are also Kensington house types. Plots 782/783 will be side on to the proposal and meet the interface distances of 12m to a blank wall and 10m to boundaries with other properties. Between the proposed properties and those already under construction on plots 784-787 there will be 21.5m between facing windows and 11.5m from the application properties to the boundary with these plots. There is a pair of two-storey houses on plots 788/789 which are already complete and there will also be 11.5m to their boundary. All of the above distances comply with the Council's interface standards. The application is therefore considered acceptable in terms of neighbour amenity.

#### Levels

21. The nearest properties to the rear (the Kensington house types) have a finished floor level (FFL) 10cm higher than the FFL of the proposed properties. The Council's interface distances do not therefore need to be extended and have been found to be acceptable in the section above. The properties on plots 788 and 789 have a FFL 20cm lower than the proposed properties so again there is no need to increase the interface distances. The application is therefore considered acceptable in this respect.

#### Open Space

22. There is no requirement for a commuted sum towards open space for these properties as the site has been laid out as a comprehensive development under the original permissions and associated Master Plan.

#### Trees, Landscape and Ecology

23. There are no trees on the site which is just rough ground and has been remediated as part of the permission for the Village. The proposal will not therefore impact on trees or ecology.

#### Flood Risk

24. The proposal is not in flood zone 2 or 3 and does not require a flood zone to be submitted.

#### Highways and Parking

25. Lancashire County Council Highways has not objected to the proposal and considers the proposed access and parking arrangements to be satisfactory.
26. Each property would have two parking spaces in front of it and an integral garage of a size sufficient to be counted as a parking space. The properties will have four bedrooms which the Council's standards require to have three off road parking spaces. Subject to a condition being applied ensuring retention of the garage as a parking space the application is considered acceptable in this respect.

#### Contamination and Coal Mines

27. The site has already undergone validation for contamination as part of the larger Village site and is not in a coal area. The condition recommended by the Environment Agency will be applied in case previously not identified contamination is found to be present when the site is developed.

#### Drainage and Sewers

28. A Sustainable Urban Drainage System has been implemented for Buckshaw Village which took account of this parcel in its design. A condition regarding site specific drainage for this application is proposed. The proposal is therefore considered acceptable in this respect.

## Waste Collection and Storage

29. The properties all have rear access to allow bin storage in the rear gardens.

**Overall Conclusion**

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

**Planning Policies**

National Planning Policies:

PPS1, PPS3, PPS9, PPG13

Adopted Chorley Borough Local Plan Review

Policies: GN2, HS4,

Buckshaw Village Residential Design Code

**Planning History**

97/00509/OUT: Outline application for mixed use development (housing, employment, shopping, leisure & commercial uses, open spaces, roads, sewers, community facilities & rail station) & indication of junction improvements on surrounding road network. Permitted.

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). Permitted.

07/00248/REMMAJ: Reserved Matters Application for the erection of 76 dwellings with associated parking, landscaping, bin stores, roads and sewers. Permitted

**Recommendation: Permit Full Planning Permission Conditions**

1. **The proposed development must be begun not later than three years from the date of this permission.**  
*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*
2. **The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan ref: BV-H8-11-02-001 Rev E 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.*
3. **The external facing materials detailed on approved plan ref: BV-H8-11-02-002 (Materials Schedule) 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 and HS4 of the Adopted Chorley Borough Local Plan Review.*
4. **No dwelling shall be occupied until all fences and walls shown in the approved details on plan ref: BV-H8-11-02-003 (Boundary Treatment Plan) and plan ref: BVED-01 (Various Detail) 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.*



5. 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.*

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

Drawing Number:	Date:	Title:
BV-H8-11-02-001 Rev E	15 February 2012	Site Layout (with levels on)
BV-H8-11-02-003	9 December 2011	Boundary Treatment Plan
BVED-01	9 December 2011	Various Details
BV-H8-11-02-001	9 December 2011	Site Layout
Elevations	9 December 2011	The Kensington + New Heritage Collection (C Series)
Floor Plans	9 December 2011	The Kensington + New Heritage Collection (C Series)
4286-11-02-007	9 December 2011	Proposed Street Scene
BV-H8-11-02-002	9 December 2011	Material Schedule

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

7. The integral garage 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 each property has adequate garaging/off street parking provision and to thereby avoid hazards/congestion caused by on-street parking and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*

8. Before the development hereby permitted is first occupied, the car parking and vehicle manoeuvring areas 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.*

9. If during development contamination not previously identified is found to be present then no further development should take place until the developer has submitted to and had approved in writing by the Local Planning Authority a remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then only be carried out in accordance with the approved strategy.

*Reason: To ensure any contamination on the site is dealt with appropriately and in accordance with PPS23.*

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 No. EP17 of the Adopted Chorley Borough Local Plan Review.*

11. 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.*

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

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

<b>Item 4i</b>	<b>11/01094/FULMAJ</b>
<b>Case Officer</b>	<b>Adrian Morgan</b>
<b>Ward</b>	<b>Chorley South West</b>
<b>Proposal</b>	<b>Proposed substitution of house types and re-plan of plots 1 to 15 Birkacre Park (previously approved as part of planning application reference 07/00993/REMMAJ) including the erection of 4 additional dwellings.</b>
<b>Location</b>	<b>Site N1 Lower Burgh Way Chorley Lancashire</b>
<b>Applicant</b>	<b>Miller Homes Ltd</b>
<b>Consultation expiry:</b>	<b>1 February 2012</b>
<b>Application expiry:</b>	<b>16 March 2012</b>

### **Proposal**

1. Substitutions of house types and re-plan of plots 1 to 15 Birkacre Park (previously approved as part of planning permission reference 07/00993/REMMAJ) including the erection of 4 additional dwellings.

### **Recommendation**

2. It is recommended that the application be approved.

### **Main Issues**

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

### **Representations**

4. 2 representations objecting to the proposal have been received from neighbouring residents. The grounds of objection are:
  - The additional building height will change the view from the objector's third storey bedroom window.
  - Light to the front of his house may be compromised.
  - Additional units will mean additional families, noise and traffic volume.
  - Additional traffic and car parking problems will be caused.
  - Additional traffic will compromise road safety as children play on the streets.
  - The development was planned for 4 & 5 bedroomed homes and smaller units should not be allowed.
  - Property value may be affected negatively by additional and smaller units.
  - The developer should not be allowed to deviate from the original plan to increase density.

### **Consultations**

5. **Environment Agency** – responded to say has no comments to make.
6. **Lancashire County Council (Highways)** – no objection. Although car parking provision falls short of usual current standards and relies on shared visitor spaces, the original planning approval for the whole development included a similar theme.

### **Assessment**

7. Principle of the development  
The Eaves Green Home Zone development was originally developed as collaboration between the Council and English Partnerships (now known as the Homes and Community Agency) for the

erection of 149 dwellings on the site. Reserved matters approval was granted in November 2007 (application 07/00993/REMMAJ) and construction of the dwellings, along with the landscaped areas, has commenced.

It is now proposed to re-plan plots 1-15 of the original approval. The proposal consists of the following amendments: -

- The erection of 4 additional dwellings
- Replacing 4 attached dwellings with two sets of semi-detached properties on plots 10-13
- Re-siting and substituting the approved dwellings on plots 5-9
- Replacing the dwelling on plots 1 with an apartment block of 6 apartments
- Replacing the 2 semi-detached dwellings on plots 2 and 3 with one detached dwelling
- Re-siting and enlarging the garage adjacent to plot 4
- Providing additional parking within the parking court adjacent to plot 1

8. An early version of the present proposal was originally submitted to the Council to enable pre-application stage comments to be made with respect to its provisions. At this stage, suggestions were made by the Council relating to various concerns it had with the amendments, and suggestions made on how to improve the proposal. These comments and suggestions related to garden sizes, car parking provision and arrangement, privacy distances, elevational and frontage treatments, landscaping and the heights of the detached house (plot 7) and block of flats (plots 1-6).
9. The present proposal takes account of these pre-application comments and largely incorporates the changes suggested. It is considered that the proposed amendments would now conform to the essential character of the wider development and would not undermine the qualities of the scheme as was originally granted planning permission.
10. The main change from the approved scheme would be the addition of four more units and the increase in height of the apartment building at the south-west corner of the development from two to three storeys. The detached house on plot 7, immediately east of the apartment block would also be increased in height, from two to two and a half storeys. As, however, apart from at the east side of the development, all other buildings in the scheme previously approved were already two and a half or three storey height, it is considered that this additional height would not seem incongruous in the development.
11. As the additional units have been accommodated into the scheme without compromising the fundamental design qualities of the development or causing conflicts in terms of the car parking solutions adopted for the development; privacy distances or other such matters, their addition is considered to be acceptable in principle.

#### Impact on the neighbours

12. The main impact that the additional units would generate would be the additional storey on the apartment block at the south-west corner of the development and half-storey on the detached house immediately east of it. The approved Homezone design of the wider development already compromises the Council's approved spacing standards in some situations and the additional storey would not generate materially relevant additional overlooking issues. The top floor windows of the apartment block would face the buildings own grounds; a car parking area; a sub-station and open land.
13. With respect to the occupiers of existing houses to the north of the site boundary; the closest any building in the proposed development would be to any existing houses would be approximately 24 metres, and no existing house would be closer than approximately 42 metres away from the apartment building that would be increased in height by one storey. It is, therefore, considered that the proposed amendments would have no materially different impact on the residents of existing houses than the previously approved scheme would have had in terms of outlook or loss of light.
14. In terms of car parking and traffic; the proposed amendments include additional car parking for the four additional units and retain the highway design and traffic management features of the wider Homezone scheme. Given that the Homezone layout is specifically designed to promote highway

safety and shared use of space; Lancashire County Council Highways has raised no objections to the proposals; and the small number of additional units involved, it is considered that the proposals would not generate materially different levels of traffic than the previously approved scheme or be worse in terms of road safety.

15. Any potential impact that new developments may have on the value of existing property is impossible to quantify and is, anyway, not a material consideration for planning purposes.

### Overall Conclusion

16. The changes proposed to the previously approved scheme would not undermine its accordance with the layout and design principles set out by English Partnerships and Chorley Council and as such the scheme is considered to be acceptable.

### Planning Policies

The site is allocated within the Local Plan as a housing allocation (HS1.3).

Relevant Planning Policies are: -

National Planning Policy: PPS1, PPS3, PPG13

Local Planning Policy: GN1, GN5, EP10, HS1, HS4, TR1, TR4, TR18, SR1, Sustainable Resources Development Plan Document, Sustainable Resources Supplementary Planning Document

Supplementary Planning Guidance: Design Guidance

### Relevant planning history

**93/00121/OUT-** Outline application for residential development. Approved March 1999

**02/00316/REMAJ-** Residential development of 32 dwellings (apartments, town houses and detached dwellings). Withdrawn

**05/00516/OUTMAJ-** Outline application for residential development (4.42Ha) with details of siting and means of access and associated public open space (2.05Ha). Approved June 2006

**07/00993/REMAJ-** Reserved Matters application for the erection of 149 dwellings with associated works site area 4.8 hectares. Approved November 2007

**08/00777/DIS-** Application to discharge conditions 4, 5, 10 & 12 of planning approval ref: 07/00993/REMAJ. Discharged August 2008

**11/00478/FUL-** Proposed substitution of house types and re-plan of plots 1 and 10-13 Birkacre Park (previously approved as part of planning application reference 07/00993/REMAJ) including the erection of 2 additional dwellings. Withdrawn

### 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. **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 development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.**  
*Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.*
4. **Before the development hereby permitted is first commenced full details of the means of foul water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul**

water drainage/disposal have been completed in accordance with the approved details.

*Reason: To ensure proper drainage of the development and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.*

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 No GN5 of the Adopted Chorley Borough Local Plan Review.*

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

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

7. The external facing materials detailed on the approved plan(s) 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, and HS4 of the Adopted Chorley Borough Local Plan Review.*

8. The hard surface materials detailed on the approved plans 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, and HS4 of the Adopted Chorley Borough Local Plan Review.*

9. Before any development hereby permitted is first commenced, full details of the surfacing, drainage and marking out of all car park and vehicle maneuvering areas shall have been submitted to and approved in writing by the Local Planning Authority. The car park and vehicle maneuvering 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 maneuvering areas shall not thereafter be used for any purpose other than the parking of and maneuvering of vehicles.

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

10. No development shall take place until a scheme for the provision of public open space and play areas has been submitted to and approved in writing by the Local Planning Authority; the scheme to be submitted to include full details of all play and other equipment to be provided.

*Reason: To ensure adequate provision for public open space and play areas within the development and in accordance with Policy Nos. HS20 and HS21 of the Adopted Chorley Borough Local Plan Review.*

11. Before the development hereby permitted is first commenced, full details of the phasing of provision and equipping of public open space and play areas shall have been submitted to and approved in writing by the Local Planning Authority; the

provision and equipping of such areas to be thereafter carried out in strict accordance with the approved details.

*Reason: To ensure adequate provision for public open space and play areas within the development and in accordance with Policy Nos. HS20 and HS21 of the Adopted Chorley Borough Local Plan Review.*

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).  
*Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwelling hereby permitted (other than those expressly authorised by this permission).  
*Reason: To protect the appearance of the locality and in accordance with Policy No HS4 of the Adopted Chorley Borough Local Plan Review.*
14. Prior to the felling of trees on site a Licensed Ecologist will be required to survey the trees for the presence of bats. If bats are found to be present then full details of the trees and proposed mitigation methods required to ensure the continued protection of the bats shall be submitted to and approved in writing by the Local Planning Authority. The tree works thereafter shall be carried out in accordance with the approved mitigation methods.  
*Reason: To comply with the practical effect of the Wildlife and Countryside Act 1981 and in accordance with policy EP4 of the Chorley Borough Local Plan Review 2003.*
15. Before development commences full details of mitigation measures required to be implemented by the specialist ecology report received on 28 June 2005, as submitted by The Environment Partnership with regard to the protection of protected species on and in the vicinity of the site (including any proposed phasing of measures) shall be submitted to and approved in writing by the Local Planning Authority. Such details as approved including any phasing of measures shall be implemented in full and retained thereafter.  
*Reason: To comply with the practical effect of the Wildlife and Countryside Act 1981 and in accordance with policy EP4 of the Chorley Borough Local Plan Review 2003.*
16. Prior to the commencement of the development full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company.  
*Reason: To ensure the satisfactory management of the unadopted highway features and areas of open space and in accordance with Policies TR4 and HS21 of the Adopted Chorley Borough Local Plan Review.*
17. Prior to the occupation of the dwellinghouses hereby approved the lighting columns, detailed on plan reference PL864.100-05 or as may otherwise be agreed in writing with the Local Planning Authority, shall be erected and operational.  
*Reason: In the interests of the visual amenities of the area and the amenities of the future occupiers. In accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*

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Item 4j 11/00994/FUL

Case Officer Caron Taylor

Ward Euxton North

Proposal **Application for amendments to the pitch of the roof over the entrance and garage to the front of the property, and application for retrospective permission for the roof pitch over side extension (same plans as submitted for application 11/00262/FUL)**

Location **Woodcock Barn Runshaw Lane Euxton ChorleyPR7 6HB**

Applicant **Mr Michael Catteral**

Consultation expiry: **7 February 2012**

Application expiry: **10 February 2012**

#### Proposal

1. This application relates to amendments to a previously approved planning application ref: 08/01226/FUL. The extensions were however not built in accordance with the originally approved plans. A change was made to the roof pitch over a side extension and changes were also made to the entrance and roof over garage.
2. In 2009 a retrospective application (ref: 09/00909/FUL) was made to regularise these changes but was refused at Committee. Enforcement notice EN635 was served on the property after being authorised by the Development Control Committee following a site visit. The applicant appealed the refusal of the planning permission (but did not appeal the enforcement notice) but the appeal was dismissed on the impact that the roof over the entrance and garage would be out of keeping with the gentle pitches and altogether more streamlined, profiles of the remaining parts of the roof and as a result the design and final character of the dwelling would detract from its surroundings.
3. An application was submitted (ref: 11/00994/FUL) following the appeal decision proposing to retain the roof over the side extension as built, but to alter the roof over the entrance/garage as built. This was refused by the Council in May 2011 on the following ground:  
*Although the proposed extended roof does incorporate a shallower roof pitch that is considered to more in keeping with the design of the property in accordance with Policy DC8A of the adopted Chorley Borough Local Plan Review, as a result it is considered the proposal will have a detrimental impact on the neighbouring property 'Pippins'. It will result in an uninterrupted view of a roof plane from the window in the side (west) elevation. This is considered contrary to Policy DC8A of the adopted Chorley Borough Local Plan Review and the Council's adopted Supplementary Planning Document Householder Design Guidance.*
4. This application is for exactly the same plans as was refused under 11/00994/FUL. It is understood that the reason for this application is that the applicant left it too late to appeal that refusal and has therefore applied again to enable them to appeal.
5. The following report is therefore the same as for the previous refusal. The neighbour has reiterated the same objection to the scheme.

**Main Issues**

6. The main issues for consideration in respect of this planning application are:
- Design and appearance of the proposal on the existing dwelling.
  - Impact on the amenity of the neighbour.

**Representations**

7. One letter of objection have been received from the neighbour at Pippins on the following grounds:
- The Appeal inspector in her report dated 9 November 2010 acknowledged the extensions to Woodcock Barn had not been implemented in accordance with the approved plans. The 'cat slide' required for the main pitched roof which was needed to differentiate the garage from the rest of the dwelling had not been implemented which now left a severe unrelieved slope. The other main change to the roof was to the roof over the garage and entrance. Here a flat section had been extended forwards by approximately 3m further than permitted and now culminates in a short, steeply pitched plane. Although the Appeal inspector found that the change to the pitch of the main roof did not differ from the permitted line to such an extent as to be detrimental, she did find that the amendments to the roof over the garage and entrance caused harm to the character of the existing dwelling and thus the surrounding area.
  - Although the Appeal inspector disagreed with my and the planning councils opinion that the unapproved changes to Woodcock Barn had had a negative and overbearing impact on the neighbouring occupiers at 'Pippins' the new proposed planning application 11/00262/FUL proposes changes to the roof over the entrance and garage to the front of the property which will incorporate a further extension to this flat roof which is already some 3m longer than what was approved in planning application 08/01226/FUL.
  - Notwithstanding the Appeal inspectors report, they strongly feel that the flat roof should not be allowed to be extended further but that the reduced pitch angle required to the front of the roof be created from the existing roof which has already been extended some 3m than what was permitted in the approved planning application. Although the new application to further extend the flat roof would not extend beyond the length of the pre-existing garage the existing extensions have already considerably increased the 'footprint' of the building. They were described by the council planning case officer as being 'over dominant and overbearing,' any further extension would they consider to have a negative impact on Pippins which they consider to be unreasonable and unacceptable. The Appeal officer in her considerations has been commenting on the extensions that have already been implemented and not to the further extensions proposed by the applicant. The applicant has consistently disregarded the councils approved building plans which if left unchecked they feel sends a clear message that no one needs to recognise local or national planning legislation. They ask that this planning application be rejected.

**Consultations**

8. None received

**Assessment**

9. Design and appearance of the proposal on the existing dwelling and impact on the amenity of the neighbour.  
As stated, there are two aspects to the proposal. The roof over the side extension and the

roof over the entrance/garage. The appeal Inspector concluded that the change as built (without a slight variation in the angle of the main pitched roof) is not significantly different than what was permitted and not harmful to the character of the existing house or the amenity of the neighbour. As the appeal decision is a material consideration in determining the application it is not considered that the Council could refuse the current application to retain the roof over the side extension as built.

10. The Inspector also considered the roof over the entrance/garage and concluded that the flat section of the roof has been extended by approximately 3m further than originally permitted cumulating in a short, steeply pitched roof plane. These elements are significantly out of keeping with the gentle pitches and altogether more streamlined profiles of the remaining parts of the roof and are in a prominent and visible position. The Inspector concluded that the design and final character of the dwelling detracts from its surroundings contrary to Policy DC8A of the Local Plan. However, the Inspector stated that although the increase in the size of the roof makes it a dominant feature she did not consider it has a significant effect on outlook and is not detrimental to the neighbours living conditions.
11. This application, although reduces the pitch of the roof as built so it is slightly shallower at its northern end (the steepness of the roof pitch was an issue raised by the Inspector), also extends the roof 1.7m further north (1.7m in addition to the 3m increase to the plan originally approved). It is this change to what the Inspector assessed that it is important to assess.
12. In terms of design the main concern of the Inspector was that the steepness of the roof pitch as built was out of keeping with the gentle pitches and more streamlined profiles of the remaining parts of the roof. The roof now proposed does incorporate a shallower roof pitch that is more in keeping with the design of the property and the proposal is therefore considered acceptable in this respect.
13. The extension/change to the roof must however be assessed as to its impact on the neighbouring property Pippins. Although the Inspector didn't consider the roof as built has a detrimental impact on this property its extension by a further 1.7m, as now proposed, will result in the view from the neighbour's property being of an almost uninterrupted roof plane. The owner of this property has confirmed this is a bedroom window (it is a habitable room) and it is therefore considered that extending this roof further north will have a detrimental impact on the amenities of this property.
14. The applicant argues that the extension will provide privacy to their own kitchen window from the gable window of Pippins. However the Inspector noted this argument in the appeal decision and did not consider that this benefit was significant. In addition, the relationship between the two windows has existed for many years and was not an argument that was put forward at the time of the originally approved application.
15. Impact on Listed Building  
Chorley's Conservation Officer has stated previously that the development does not impact on the nearest listed building Bourne Farm some 90m away and it is not considered the amendment currently under consideration does either. The proposal is therefore considered acceptable in relation to PPS5.

### **Overall Conclusion**

16. The application is recommended for refusal on the grounds that although the proposed extended roof does incorporate a shallower roof pitch that is more in keeping with the design of the property, as a result of the change the proposal will have a detrimental impact on the

neighbouring property Pippins contrary to Policy DC8A and the Council's adopted Supplementary Planning Document Householder Design Guidance.

### **Planning Policies**

National Planning Policies:

PPG2

Adopted Chorley Borough Local Plan Review

Policies: DC1, DC8A

Supplementary Planning Guidance:

- SPD - Householder Design Guidance

### **Planning History**

**08/01226/FUL:** Various extensions, alterations, and re-modelling of property. Approved 6 February 2009.

**09/00909/FUL:** Amendments to previously approved planning application ref: 08/01226/FUL to include change to roof pitch over side extension and changes to roof over garage (retrospective application). Refused 27 July 2010. APPEAL DISMISSED.

**Enforcement notice EN635:** Served 25 October 2010.

**11/00262/FUL:** Application for amendments to the pitch of the roof over the entrance and garage to the front of the property, and application for retrospective permission for the roof pitch over side extension. Refused 25 May 2011.

**Recommendation: Refuse Full Planning Permission**

### **Reasons**

1. **Although the proposed extended roof does incorporate a shallower roof pitch that is considered to more in keeping with the design of the property in accordance with Policy DC8A of the adopted Chorley Borough Local Plan Review, as a result it is considered the proposal will have a detrimental impact on the neighbouring property 'Pippins'. It will result in an uninterrupted view of a roof plane from the window in the side (west) elevation. This is considered contrary to Policy DC8A of the adopted Chorley Borough Local Plan Review and the Council's adopted Supplementary Planning Document Householder Design Guidance.**



Report of	Meeting	Date
Head of Governance	Development Control Committee	6 March 2012

**PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO. 13(WHITTLE-LE-WOODS) 2011 WITHOUT MODIFICATION**

**PURPOSE OF REPORT**

- To consider formal confirmation of the Tree Preservation Order No.13 (Whittle-le-Woods) 2011 without modification.
- That Tree Preservation Order No. 13 (Whittle-le-Woods) 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

<b>Confidential report</b> 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 13 December 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 13 December 2011 and on the 3 January 2012. 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 the following areas:

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.13 (Whittle-le-Woods) 2011 and Plan.

Report Author	Ext	Date	Doc ID
Liz Leung	5169	06.02.12	15277

**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. 13 (WHITTLE-LE-  
WOODS) 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.13 (Whittle-le-Woods) 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 13<sup>th</sup> December 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**

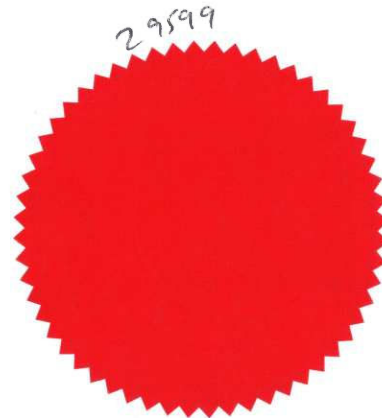
- (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of-
  - (a) the refusal of any consent required under this Order; or
  - (b) the grant of any such consent subject to conditions,he shall, subject to paragraphs (3) and (4), be 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 13<sup>th</sup> December 2011

**THE COMMON SEAL of  
CHORLEY BOROUGH COUNCIL**

was hereunto affixed in the presence of:



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	Beech	At the entrance to the Shaw Hill Drive in the garden of 129 Preston Road
T2	Oak	At the side of 129 Preston Road, opposite No.2 Shaw Hill Drive
T3	Oak	At the east side of the entrance to Brent Wood
T4	Oak	At the west side of the entrance to Brent Wood
T5	Oak	At the west corner of the entrance to Parkside Drive
T6	Oak	At the east side of the entrance to Hillcrest House
T7	Oak	At the east corner of the frontage of Hillcrest House
T8	Oak	By the east side of the Shaw Hill Drive entrance of 133 Preston Road

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.

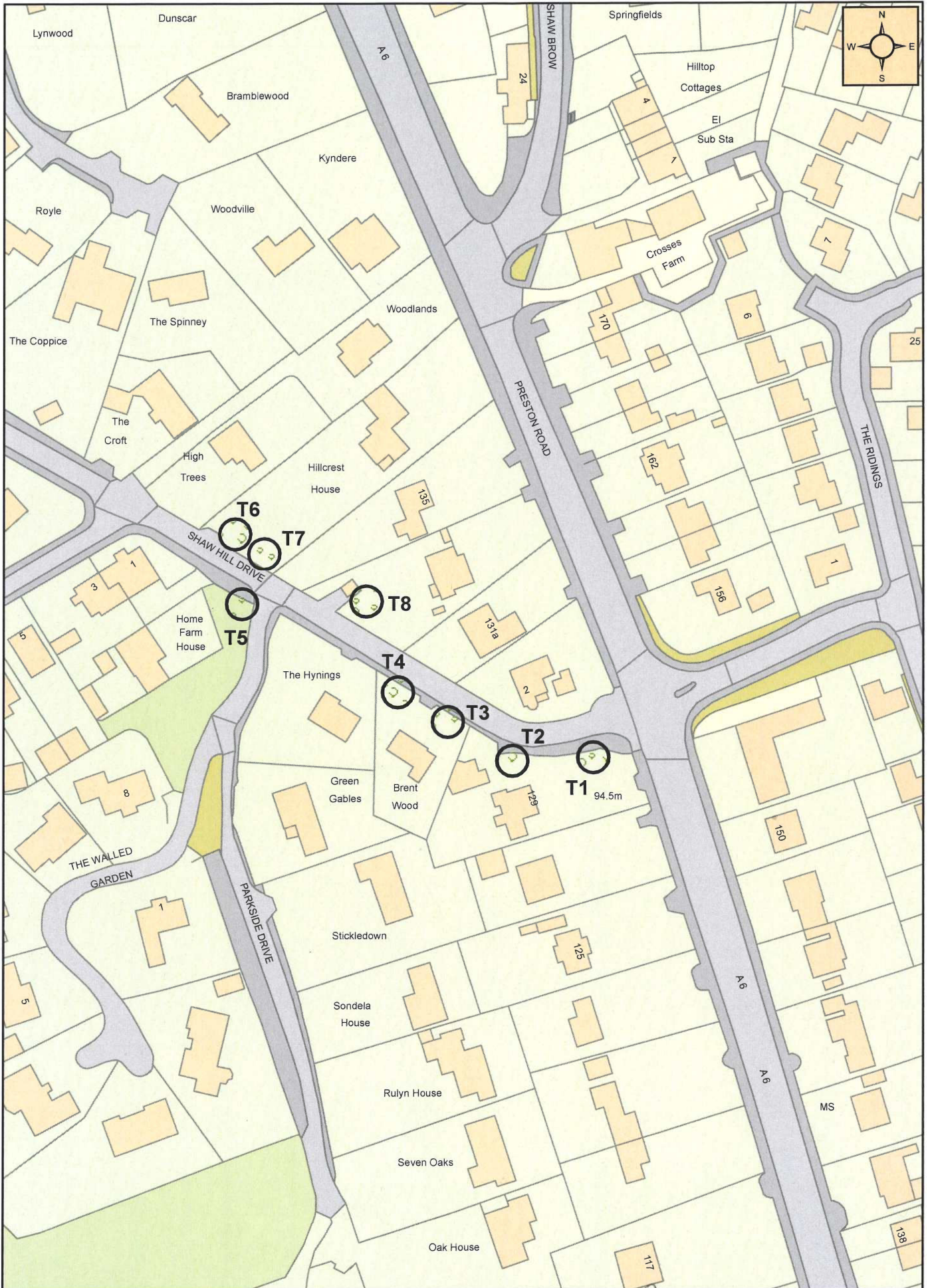
(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

.....

(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	6 March 2012

## **PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 26 JANUARY AND 23 FEBRUARY 2012**

### **PLANNING APPEALS LODGED**

1. Appeal by Mr Kenneth Aspin against the delegated decision to refuse planning permission for proposed replacement office building to serve existing car wash business, creation of new car sales area (including raising of levels) and new office building including 3no. 6m lighting columns and associated works at A6 Car Wash, 472 Preston Road, Clayton-le-Woods, PR6 7JB (Planning Application: 11/00268/FUL Inspectorate Reference: APP/D2320/A/12/2169755/NWF). Planning Inspectorate letter received 17 February 2012.
2. Appeal by Mr Harry Noblet against the delegated decision to refuse planning permission for erection of a single storey garage extension at Malthouse Farm, Blackburn New Road, Wheelton PR6 8HH (Planning Application: 11/01011/FUL Inspectorate Reference: APP/D2320/D/12/2170420). Planning Inspectorate letter received 23 February 2012.

### **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. None.

### **ENFORCEMENT APPEALS WITHDRAWN**

9. None.



**LANCASHIRE COUNTY COUNCIL DECISIONS**

10. Planning permission granted for Variation of conditions 1 and 27 of planning permission 09/08/1027 to allow land filling operations to continue up until 3 September 2011 at Little Quarries, Hill Top Lane, Whittle-le-Woods (Application No: 10/01030/CTY). Received 9 February 2012.

All papers and notifications are viewable at Civic Offices, Union Street, Chorley or online at [www.chorley.gov.uk/planning](http://www.chorley.gov.uk/planning).

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Robert Rimmer	5221	02.2012	***