



Development Control Committee

Agenda and Reports

For consideration on

Tuesday, 24th April 2012

In the Lancastrian Room, 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.

16 April 2012

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 24TH APRIL 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, 24th April 2012 at 6.30 pm.

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

A G E N D A

1. **Apologies for absence**

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

To confirm the minutes of the meeting of the Development Control Committee held on 27 March 2012 as a correct record and be signed by the Chair (enclosed).

3. **Declarations of Any Interests**

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

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

4. **Planning applications to be determined**

The Director of Partnerships, Planning and Policy has submitted 12 reports for planning applications to be determined (enclosed).

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

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

- (a) 11/00938/FUL - Go Ape Rivington Lane Rivington Bolton Lancashire (Pages 5 - 24)

Proposal

Extension of car park to Go Ape (enlargement of car park as built)

Recommendation

Permit Full Planning Permission

- (b) 12/00197/FUL- Abbeystead Farm Buildings Bolton Road Abbey Village Lancashire (Pages 25 - 42)

Proposal

Proposed redevelopment of Abbeystead Farm including the demolition of the existing buildings and the erection of 5 no. detached dwellings

Recommendation

Permit (Subject to Legal Agreement)

- (c) 11/00837/FULMAJ - Site 7 And 9 Buckshaw Avenue Buckshaw Village Lancashire (Pages 43 - 72)

Proposal

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

Recommendation

Permit Full Planning Permission

- (d) 12/00042/DIS - Sagar House, Langton Brow, Ecclestone, Chorley (Pages 73 - 78)

Proposal

Application to discharge condition 6 (boundary treatments) attached to planning approval 11/00290/REMAJ/1

Recommendation

Condition(s) discharged

- (e) 12/00191/OUT - 107/113 Chorley Road, Adlington, Chorley (Pages 79 - 84)

Proposal

Outline application for the demolition of the existing buildings and erection of four houses (two pairs of semi-detached houses).

Recommendation

Permit subject to legal agreement

- (f) 12/00305/FUL - Festive Lights, Disklok House, Preston Road, Charnock Richard, Chorley (Pages 85 - 102)

Proposal

Proposed partial demolition of the existing building and the erection of a replacement building for Festive Lights (resubmission of 12/00091/FUL)

Recommendation

Permit Full Planning Permission

- (g) 12/00031/FUL - High Heys Farm Langton Brow, Eccleston, Chorley (Pages 103 - 108)

Proposal

Retention of car park and access track

Recommendation

Permit Full Planning Permission

- (h) 12/00092/FUL - High Heys Farm, Langton Brow, Eccleston, Chorley (Pages 109 - 112)

Proposal

Retention of an electrical meter building

Recommendation

Permit Full Planning Permission

- (i) 12/00102/FULMAJ - Land between Froom Street and Crosse Hall Lane, Chorley (Pages 113 - 124)

Proposal

Erection of 28 dwellings (amendments to the number of dwellings (additional 4 no. dwellings over layout approved by 02/00680/FULMAJ & additional 13 no. dwellings over layout approved by 10/00820/FULMAJ), layout, design, landscaping and external appearance)

Recommendation

Permit (Subject to Legal Agreement)

- (j) 12/00188/FULMAJ - International Fire Training Centre, Washington Hall, West Way, Euxton, Chorley (Pages 125 - 134)

Proposal

Section 73 application to vary conditions 1, 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 21, 22, 24, 25, 29, 30, 31 and 32 of planning permission 11/00238/FULMAJ to allow changes to the phasing of the development, an increase in the finished floor level of the Fleet Garage and Stores building, a reduction in the landscaping scheme relating to the Fleet Garage and Stores building and changes to the sustainable resources condition

Recommendation

Permit Full Planning Permission

- (k) 12/00235/FUL - Land to the north of Northenden Road with access off Moss Bank Coppull (Pages 135 - 140)

Proposal

Amendments to previously approved application 11/00865/FULMAJ to include an additional dwelling (plot 26), the substitution of house types on plots 23 and 25 and the repositioning of plots 22 and 24 to allow for this.

Recommendation

Permit Full Planning Permission

- (l) 12/00234/FULMAJ - Mawdsleys Eating House and Hotel Hall Lane, Mawdesley, Ormskirk (Pages 141 - 144)

Proposal

Extensions and alterations to leisure facility building at former Mawdesleys Eating House and Hotel (changes to plans approved as part of redevelopment of the whole site by ref: 11/00636/FULMAJ)

Recommendation

Permit Full Planning Permission

5. **Enforcement Report - Orcherton House Farm**

To consider a report of the Director of Partnerships, Planning and Policy (report to follow).

6. **Tree Preservation Order No. 18 (Anderton) (Pages 145 - 146)**

To consider a report of the Director of Partnerships, Planning and Policy (enclosed).

7. **Tree Preservation Order No.19 (Whittle-le-Woods) 2011 (Pages 147 - 150)**

To consider formal confirmation of the Tree Preservation Order No.19 (Whittle-le-Woods) 2011 without modification.

8. **Proposed confirmation without modification of Tree Preservation Order No. 17 (Clayton-le-Woods) 2011 (Pages 151 - 154)**

Report of the Head of Governance (enclosed)

9. **Planning Appeals and Decisions** (Pages 155 - 156)

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

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

Yours sincerely



Gary Hall
Chief Executive

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Distribution

1. Agenda and reports to all members of the Development Control Committee, (Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair) and Councillors 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 Vacancy) 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 آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون
کیجئے: 01257 515823

Development Control Committee

Tuesday, 27 March 2012

Present: Councillor Geoffrey Russell (Chair), Councillor Alison Hansford (Vice-Chair) and Councillors Henry Caunce, Dennis Edgerley, Marie Gray, Hasina Khan, Paul Leadbetter, Roy Lees, June Molyneaux, Mick Muncaster and Dave Rogerson

Substitutes: Councillor Simon Moulton

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

Also in attendance: Councillor Peter Goldsworthy

12.DC.151 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Heaton and Dickinson. Councillor Moulton substituted for Councillor Heaton.

Councillor Russell informed Members that it had been decided while he was acting temporarily as Chair of the Development Control Committee a Vice Chair would be appointed and sought nominations from those Members of the Development Control Committee present.

Councillor Muncaster proposed Councillor Hansford, seconded by Councillor Gray, and was subsequently **RESOLVED (7:0) – That Councillor Hansford be appointed Vice Chair of the Development Control Committee for the duration of Councillor Heaton's absence.**

12.DC.152 MINUTES

RESOLVED – That the minutes of the meeting held on 6 March 2012 be confirmed as a correct record and signed by the Chair.

12.DC.153 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

12.DC.154 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

At this point the Chair accepted a late agenda item on the NPPF which had been published earlier in the day.

Members of the Development Control Committee were informed that the NPPF superseded Planning Policy Guidance Notes/Statements previously considered in planning matters.

The Head of Planning advised Members of the Development Control Committee that since the NPPF's publication, officers had reviewed the planning applications listed on this agenda and that the officer recommendations remained unchanged. Should the applications be approved, delegated powers to the Director of Partnerships, Planning

and Policy in consultation with the Chair and Vice Chair, would be sought to revise any conditions attached to the planning permission to reflect the NPPF.

RESOLVED – That the verbal update be noted.

(At this point Councillor Henry Counce joined the meeting.)

12.DC.155 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 Development Control Committee took into account the agenda reports, the addendum and the verbal representations and submissions provided by officers.

- a) **Application:** 12/00059/FUL - The **Proposal:** Two pairs of semi-detached Builders Yard, Froom Street, Chorley dwellings (four dwellings in total). Resubmission of withdrawn application 11/00612/FUL.

RESOLVED (unanimously) – That full planning permission be granted subject to a Section 106 Legal Agreement, and that amendment to the conditions detailed within the report in the agenda, the addendum and the additional condition detailed at the Committee meeting be delegated to the Director of Partnerships, Planning and Policy in consultation with the Chair and Vice Chair to be amended to reflect the NPPF.

- b) **Application:** 12/00045/FULMAJ - **Proposal:** Proposed mixed development WM Lawrence and Sons, Lyons Lane, Chorley consisting of 10 new starter industrial units, 3 refurbished existing units within an enclosed employment site together with 10 residential dwellings.

RESOLVED (11:0:1): That planning permission be granted subject to a Section 106 Legal Agreement to secure contributions toward education provision, a possible future traffic regulation order and play space provision and that amendment to the conditions detailed within the report in the agenda and addendum be delegated to the Director of Partnerships, Planning and Policy in consultation with the Chair and Vice Chair to be amended to reflect the NPPF.

- c) **Application:** 12/00094/FUL - **Proposal:** Substitution of house types on Formerly Multipart Distribution Ltd, Pilling Lane, Chorley plots R281 and R302-306 (approved as part of applications 10/00404/FULMAJ and 11/00071/FULMAJ) and the addition of plot R404 (7 dwellings in total)

RESOLVED (unanimously): That planning permission be granted subject to a supplemental Section 106 Legal Agreement and that amendment to the conditions detailed within the report in the agenda and addendum be delegated to the Director of Partnerships, Planning and Policy in consultation with the Chair and Vice Chair to be amended to reflect the NPPF.

12.DC.156 PROPOSED CONFIRMATION OF THE TREE PRESERVATION ORDER NO. 12 (CHARNOCK RICHARD) 2011 WITHOUT MODIFICATION

The Head of Governance submitted a report for Members of the Development Control Committee to consider a formal confirmation of the Tree Preservation Order no. 12 (Charnock Richard) 2011 without modification. No objections had been received in response to the making of the order.

RESOLVED (unanimously) – That the Tree Preservation Order no. 12 (Charnock Richard) 2011 be confirmed without modifications.

12.DC.157 PLANNING APPEALS AND DECISIONS

The Director of Partnerships, Planning and Policy submitted a report which gave details of one planning appeal being dismissed, and one planning appeal being allowed by the Planning Inspectorate

RESOLVED – That the report be noted.

Chair

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Item 4a	11/00938/FUL
Case Officer	Caron Taylor
Ward	Heath Charnock And Rivington
Proposal	Extension of car park to Go Ape (enlargement of car park as built)
Location	Go Ape Rivington Lane, Rivington Bolton, Lancashire
Applicant	Adventure Forest Ltd
Consultation expiry:	9 April 2012
Application expiry:	16 December 2011

Proposal

1. Extension of car park to Go Ape (enlargement of car park as built).
2. Go Ape originally proposed a car park for 45 cars which was approved by permission 08/00553/FUL. This has not been implemented in full as approved as it would have led to the loss of trees on the site.
3. Members will be aware that a report was taken to Development Control committee on 12th July 2011 which stated it was not expedient to take enforcement action at that time as Go Ape indicated they were to submit a planning application for a revised car parking layout and a planning application for the raised landing areas (- the latter since submitted and approved). Members will recall that the Head of Planning informed them of progress at a previous committee.
4. Go Ape previously advised the Council that they would under take consultation on the extended parking area prior to submission of an application, which was reported to Members, however this was not undertaken. Go Ape's reasons for this are set out under the 'Applicant's Case' part of this report.
5. This application was validated on 21 October 2011 and originally proposed 36 parking spaces. An amended plan was received from Go Ape on 26 March 2012 which now shows 35 spaces.

Recommendation

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

Main Issues

7. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Impact on the neighbours
 - Design
 - Trees and Landscape
 - Ecology

- Parking
- Public Right of Way

Representations

8. 14 letters of objection have been received on the following grounds:
- The proposal will obstruct a bridleway/definitive right of way (no. 15). It will not be safe to use it;
 - Blocking the bridleway is against planning law and would require a pre-application for a diversion order which LCC have indicated they would refuse. Also the bridleway has been gated which is unlawful as access is denied;
 - They horse ride and cycle in the area frequently and they are concerned about the impact of this;
 - The proposal contravenes the provisions of the Liverpool Corporation Act and Chorley Council as a trustee of Lever Park have a legal obligation to protect the park and provisions set within the Act and therefore the provisions of the Act must be taken into account when considering any planning application that will breach its provisions;
 - The Act ensures 'free and uninterrupted enjoyment' of Lever Park and under the lease for the land the applicant does not enjoy exclusive possession of the car park so any visitors to the area are free to use the facility thus negating sole use for Go Ape;
 - Go Ape have cut down more trees than they said they would;
 - The extension to the car park will impact on the rural area around Great House Barn;
 - The proposal would be contrary to policy HT3;
 - It will cause congestion;
 - Rivington is too small to attract the number of visitors it does;
 - The original application would have entailed the felling of trees. Go Ape originally applied for 45 spaces and now they only want 36 spaces on very dubious grounds and their staff parking else where taking up parking for other people;
 - Go Ape have not indicated that there are trees on site, only on adjacent land which is incorrect, they need an Environmental Impact Survey;
 - There has not been local consultation with Rivington Parish Council and Friends of Lever Park;
 - The original permission should be revoked or enforcement proceeded with;
 - Extending the car park would adversely affect the character of the area, which was traditionally an area of quiet woodland within Lever Park;
 - The proposal would increase traffic flow to the area around the Great House Barn;
 - Extending the car park is undoubtedly intended to increase the amount of people using the Go Ape site, this would cause an increased detrimental effect to the trees and pathways used by Go Ape;
 - The plans are not to scale and make it impossible to calculate a measurement and it doesn't show the definitive right of way;
 - The applicant cannot develop a car park solely for their customers, because they don't lease the land in question;
 - Chorley Council are allowing many untruthful statements to be ticked leaving the public to identify them;
 - The extension would be contrary to policy HT13 of the Local Plan that states development will not be permitted if it would lead to the loss of, or cause harm to the historic character or setting of any park or garden of special historic interest as defined on the proposals map. Pedestrian access to these areas by historic paths and routes will also be protected and maintained;
 - The proposal will harm the countryside and the public's enjoyment of it;

- It does not meet the stated parking requirements for the development on the original application and removes current parking in Rivington;

Five further letters of objection have been received to the amended plan on the following grounds in addition to the issues raised above:

- The amended plan discriminates against disabled people by removing disabled parking spaces;
- The application states 36 spaces the plans only show 35 spaces;
- Cars will have to manoeuvre on the bridleway (back on to bridleway or reverse into a parking space) this is a danger to the public while walking or riding on the bridleway;
- The parking takes up an area designated for coaches;
- No tree survey has been done on the trees on site (inside the red line) these trees were not on any previous survey;
- The new site plan would need serious pruning of a large oak (143.05), possible removal of a second (143.01) and damage to 4 tree root systems due to parking in close proximity to the trees' trunks. Other trees (143.98, 143.91, & 143.89) could also be under threat from root disturbance;
- In the Local Plan the car park area is denoted under Policy LT14 with a capital "P" in green to show "Protection of Parks and Recreational Open Space", so it should therefore be retained for its recreation and amenity value. This indicates that no car park can be developed on this area;
- Chorley Borough Council set a precedent in 1996 when considering planning applications 96/00848-00851. The decision to approve was suspended pending the applicants submission to Parliament to have the 1902 Act amended;
- They must develop a car park for their customers and staff and not encroach upon other parking areas, 'they will be robbing Peter to pay Paul'. Their supporting letter says that they and United Utilities agree that the current off-site parking facilities will not cope with the extra traffic that Go-Ape will generate;
- The submitted plan does not comply with the Disability Discrimination Act and the Disability and Equality Act 2010. The Submitted plan is also in contravention of the basic human rights of a disabled person: UN Convention on the Rights of Persons with Disabilities;
- The revised plans will encroach on an existing grasscrete area used for parking coaches and minibuses and a picnic area for users of the park;
- It will have a detrimental affect on Lower House Barn (a listed building).

9. Rivington Parish Council state that contrary to published reports there has been no consultation by Go Ape with regard to the car park extension;

10. Horwich Town Council state Rivington is the major amenity area for the people of Horwich. Members resolved to recommend refusal of this application for a car park on a bridleway in support of the retention of the bridleway.

11. They object to the application on the following grounds:

- The proposal is contrary to the provision of the 1902 Liverpool Corporation Act which states everyone should be allowed free and interrupted use of the area;
- It will affect a definitive right of way – a bridleway;
- Object to a car park area being fenced off and the general public being excluded;
- Object that parked vehicles will obstruct the bridleway. Several car parking spaces are proposed on the line of the bridleway;

- The safety of bridleway users will be affected by the manoeuvring of the vehicles in close proximity to the definitive public right of way;
- Go Ape should not have miscalculated the number of parking spaces needed in the first place;
- Object to the drip feeding for yet another planning application at the Go Ape site.

Friends of Lever Park –solicitor’s letter

12. A letter has been received from a solicitor acting for the Friends of Lever Park who object to the application. They state that the original application (08/00553/FUL) was granted on the premise that it would make provision for 45 car parking spaces for customers and staff to the course. The need for this parking was therefore a central and integral part of this application as parking was and is at a premium in Lever Park. The tree survey accompanying the application concluded that only 3 trees would be felled to make way for the Go Ape course. No tree felling was mentioned for the parking. However, when work commenced it became apparent that more trees would need to be felled to enable the car park to be laid out which was opposed by the Council. The application could therefore only provide 19 of the required 45 spaces which left customers and staff with nowhere to park. Even now go Ape staff are instructed not to park in the car park but leave their cars some distance away in spaces designed for buses/coaches etc. To fit the additional spaces in the applicant unlawfully extended the car park. They now seek retrospective approval of the unlawful development.
13. The Act requires the Council to ensure that the public has ‘free and uninterrupted enjoyment’ of Lever Park. The provision of car parking will exclude the public access to those areas where cars are parking in direct contravention of the Act.
14. The additional parking will only be available to those fee paying customers of Go Ape and not members of the public generally in contravention of the Liverpool Corporation Act.
15. The proposal will obstruct the route of the bridleway and public safety will be compromised as vehicles manoeuvre close to it. The applicants also have a gate/barrier which they lock when Go Ape is closed which is also across the bridleway.
16. No consultation has been undertaken before submission of the application.
17. The plans are inadequate. They are not to scale and do not show correct dimensions. There are no roads plotted making it difficult to appreciate the significance of the application to Lever Park. Without more details they state their clients have been unable to examine the tree impact of the proposal.
18. There has been no assessment of the impact on local habitats and wildlife in such a significant environmentally sensitive area.
19. The application is made on the false premise that only those customers of Go Ape can use the car park which is incorrect. The applicant’s lease of the site does not give exclusive possession of the car park, merely a right to permit visitors to park there subject to a fee charged by the landlord. The applicant is therefore unable to prevent other members of the public from parking in the car park and cannot guarantee that at any one time 45 spaces will be available for their staff/customer sole use. Therefore staff from Go Ape will continue to park along Hall Drive in spaces originally designed for buses/coaches which in turn causes congestion and parking problems else where in Lever Park.

20. The application should be dismissed and the previous permission be revoked as it was incorrectly granted on the basis that 45 spaces could be provided where in reality there could only ever be space for 19. Without 45 spaces the site will be unable to cope with customer/staff parking or the applicant should be required to contribute financially towards a new public car park outside the grounds of Lever Park. This would then ease demand for existing spaces and prevent inappropriate parking elsewhere in the Park.

21. Friends of Lever Park

Objected to the initial plans submitted on the following grounds:

- Section 21(2) of the Liverpool Corporation Act 1902 requires the Council to ensure that the Public has 'free and uninterrupted enjoyment' of Lever Park. The provision of car parking will exclude the public access to those areas where cars are parked in direct contravention of the provisions of the Act;
- The additional parking will only be available to those fee paying customers of Go Ape and not members of the public generally in direct contravention of the provisions of the Act and the provisions of the Applicant's Lease;
- The Liverpool Corporation Act 1902 is a material consideration because it protects the land in question regarding application 11/00938/FUL and because Chorley Council is one of the Trustees of Lever Park they have a legal obligation to protect the park by complying with the 1902 Act and the restrictions within;
- Bridleway No. 15 runs through the site and car park. The plans submitted with the Application show that 7 parking bays obstruct the route of the Bridleway. The Public's safety will also be compromised as vehicles manoeuvre in close proximity to the bridleway. The Applicants also have a gate/barrier which they lock when the Go-Ape site is closed. Both acts of parking a car across the Bridleway and locking the gate are unlawful;
- Lack of Consultation. Paragraph 10 of the Council's Enforcement Report dated 3rd November 2011 records that the applicant would not make this application without first consulting with the Friends of Lever Park and the Parish Council. Prior to the Application no such consultation has taken place;
- Inadequate plans. The plans submitted with the application are inadequate in that they are not to scale and do not show correct dimensions. There are no roads plotted on the plan making it extremely difficult to appreciate the significance of the Application to Lever Park. Without more detailed plans we have been unable to examine the true impact of the application;
- Car park exclusivity. This is a material consideration because the applicant gave the impression with the first application that they would develop a car park for their customers, because they did not lease the car park area they could not develop a car park solely for go-ape customers. The application is made on the false premise that only those customers of Go-Ape can use the car park. This is incorrect. Under the terms of the Applicant's Lease of the site dated 24th April 2009 the applicant does not enjoy exclusive possession of the car park, it is merely granted a right to permit visitors to park in the car park subject to paying any car park fee charged by the landlord (i.e. United Utilities Water PLC). The applicant is therefore unable to prevent other members of the public from parking in the car park and cannot guarantee that at any one time 45 car parking spaces will be available for their staff/customer sole use. Go-Ape do not have a lease on the car park area, and therefore they misled the planning authority in 2008 when they submitted a supporting statement containing the following quote:
"It is therefore proposed that Go-Ape extend the existing car park, providing a designated area for our customers".
The lease taken out and registered on the 24 April 2009 only makes reference to the reception cabin and shelter areas, there is no mention of a lease on the car park area

and also makes no reference towards developing a car park solely for go-ape customers. The registered lease shows that the car park area is part of the retained land described in the lease registration documents held at the Land Registry offices.

22. A further letter of objection has been received from the Friends of Lever Park to the amended plan on the following grounds in addition to those above:

- The amended application is not compliant with the Disability Discrimination Act and the Disability and Equality Act 2010. The amended plan is also in contravention of The Equality and Human Rights Commission the independent advocate for equality and human rights in Britain. UN Convention on the Rights of Persons with Disabilities Article 9 Accessibility states parties shall also take appropriate measures to ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities. The original car park plan submitted with planning application 11/00938 displayed parking bays for the disabled. To develop a car park as per the submitted plan will be discriminating against the disabled, and also to support the amended plan can also be described as taking part in discrimination against the disabled. To be compliant would require 2 disabled bays, which would mean the removal of the 4 bays nearest the reception cabin and thereby reduce the total bays available to customers and staff to 31;
- 3 bays are on a parking facility that is already in place, and on an area covered by Chorley Local Plan policy LT14 this being the grasscrete which was put in place by West Pennine Moors to provide coach parking for the visitors of Rivington, the removal of these 3 would reduce the total to 28. With Chorley Council pushing for Rivington to be a tourist attraction, and United Utilities making reference to a park and ride system, who is to say that the current grasscrete area will not be used for coach travel within a park and ride system. Has there been a demonstration by the applicant that the retention of the grasscrete site is not required to satisfy a current or future recreational need as stated in Chorley Councils Local Plan information regarding policy LT14? Can the applicant provide an equivalent or enhanced facility in a convenient location to serve the catchment for which the coach park (grasscrete) was intended this being the every day users of West Pennine Moors. Chorley Council's data on LT14 requires the applicant to provide an equivalent or enhanced new facility to serve the catchment location before the existing facilities cease to become available;
- 2 bays will cause serious damage to the roots of tree's 143.05, 142.97, 143.12 and 143.81; the removal of these 2 bays will further reduce the total to 26. No tree survey has ever been completed on this site, because the applicant as stated on the planning application that there are no trees on site.
- The final total of 26 car parking spaces will represent a reduction of 26% on the submitted amended plan for 35 spaces, and a reduction of almost 50% on the original total of 45 car park spaces on which the application for a go-ape course was approved. Remove the 7 staff spaces and it leaves 19 car parking spaces for their customers which is 10 spaces less than the 29 referred to in their supporting letter. The users of Rivington should not be expected to sacrifice car parking spaces to Go-Ape for staff purposes, there is already a chronic shortage of parking availability within Rivington and private development should not be encouraged to make the situation worse;
- Go-Ape and United Utilities openly stated before the original application was submitted in 2008, that the current parking provision would not cope with the additional vehicles that Go-Ape would generate at peak times;
- In 1996 Chorley Borough Council set a precedent when considering planning applications 96/00848-00851(Blue Planet), before the applications were finally approved it was necessary for the applicant to amend the 1902 Act by submitting the

Lever Park Bill. The Bill failed and so did the planning applications, because the land (Lever Park) was subject to the Provisions of The Liverpool Corporation Act 1902;

- The planning application if approved will endanger the safety of pedestrians using Bridleway 15 because of the manoeuvring in and out the parking bays adjacent to the Bridleway;
- They have stated that their staff would park on the road towards the Upper Barn;
- No planning approval as ever been given for off-road parking on the road approaching the Upper Barn, so to support their statement would support the practice of off-road parking and increase the over burdened roadways throughout Rivington.
- Go-Ape have continued to fill in Town and Country planning application forms incorrectly, this time they say that there are no trees on site;
- This statement is incorrect in that there are 14 trees on site;
- The area in question regarding the proposed car park is covered on Chorley Local Plan as LT14 Protection of Parks and Recreational Open Space. Existing open spaces, or sites considered suitable for open space are designated to afford protection under the terms of policy LT14. They feel that no car park can be developed on this area of land;
- Go-Apes supporting letter contains incorrect statements which we believe could influence the thinking of the Authorities;
 - 2 The access point has been moved contrary to what they say;
 - 2 Tress will be affected contrary to what they say. There are 14 trees on site some of which will receive root damage because of the close proximity of parking bays, and one mature Oak will need heavy pruning because it obstructs access to a parking bay;
 - 2 They say the footpath will be separated from the car park by wooden posts, they were put in to separate pedestrians and cars but the posts were put in because of a complaint to planning that their customers were parking their cars on grassland on the north side of the Bridleway;
 - 2 They have made the statement that the 7 staff cars will park away from the site, if this is allowed they will eventually instruct their customers to park away from the site at peak times and thereby use the parking facilities intended for the use of other users to the park;
 - 2 Only recently United Utilities told Chorley Borough Council, that if they wanted to promote Rivington as a tourist attraction, the Council would have to consider providing a park and ride scheme because of the severe lack of parking spaces within Rivington;
 - 2 Go-Apes opening statement in their supporting letter: They have consulted with United Utilities and both parties recognise that the current parking provision would not cope with additional vehicles that Go-Ape will generate at peak times;

23. The Open Space Society

Objected to the original application plans as the car park will be constructed across bridleway number 15 thereby obstructing it whenever cars are parked there and destroying its surface. Clearly this is contrary to the law and they trust LCC as Highways Authority is objecting to the proposal.

24. The proposed car park will further encroach on historic Lever Park. Under the Liverpool Corporation Act 1902 s21 (2), the public has 'free and uninterrupted enjoyment' through out the park. The car park will prevent people from exercising that right. It will severely distract from people from exercising that right. It will severely distract from people's enjoyment of this historic and beautiful area.

25. They have also commented on the amended plans and still object to the proposal on the same grounds above.
26. Darwen and North Bolton Bridleways Association
Object to the proposal on the grounds that it would be built across bridleway 15- a designated public right of way and would create a definite safety issue for pedestrians, cyclists and horse riders. No comments have been received on the amended plans.
27. The British Horse Society Regional Bridleway Officer for the North West is concerned that the works to the car park may impinge on bridleway 15. No comments have been received on the amended plans.

Consultations

28. **Lancashire County Council (Ecology)**

Based upon the submitted information, and previous site visits, significant impacts on biodiversity appear reasonably unlikely as a result of these proposals. The proposals thus appear to be in accordance with the requirements of relevant biodiversity legislation, planning policy and guidance.

29. Although the proposals affect Lever Park; Rivington Biological Heritage Site, the application area itself is of relatively low biodiversity value (existing developed land subject to high levels of recreational disturbance). Significant impacts upon the biodiversity interest of the BHS therefore seems reasonably unlikely in this location.

30. The only ecological concern would appear to be potential impacts on trees in and/or adjacent to the application area. It should be ensured that these existing trees are adequately protected both during and after construction work.

31. **Lancashire County Council (Public Rights of Way Officer)**

Originally stated that it appears that the application will affect the above Public Bridleway as 7 car parking spaces are proposed on the line of the Public Bridleway. They objected on the grounds that parked vehicles will obstruct the public bridleway. They were also concerned for the safety of bridleway users as vehicles will be manoeuvring in close proximity to the bridleway even if they are using parking spaces that are not on the bridleway. They stated that they noted from the supporting statement that post and rail fencing is to be installed to delineate the edge of the car park. As the car park includes part of the public bridleway they also objected to this aspect of the proposal.

32. Amended plans were then received and the Public Rights of Way Officer states they now have no objection to the revised plans. They note that the proposed picnic area will be on land that is currently being used by walkers and riders as the gates/barriers prevent or restrict use along the line of the recorded public bridleway. These barriers and any other posts etc. will need to be removed from the route of the Definitive Public Bridleway.

33. **Chorley's Conservation Officer**

Commented on the original plans as follows:

- The application site is within Lever Park, a Registered Park and Garden and therefore a designated heritage asset as defined by Annex 2 to PPS5. Any applications for works within such areas must be judged in terms of their potential impact upon the significance of that designated heritage asset.
- In this case, Lever Park, its significance is derived from the designed landscape and the listed buildings contained therein. In the case of this application the location is not

within the designed landscape but is in an area surrounded by natural woodland. Furthermore it is over 60 metres from the nearest listed building – Great House Barn or Great House Cottage.

- Located between the application site and the listed buildings is an already existing car park, built to serve Great House Barn visitors, with picnic benches and seating areas. The appearance of cars adjacent to these buildings is therefore well established and accepted.

34. Given these details in his professional opinion the application will sustain the significance of the designated heritage assets and therefore considers the application to be acceptable.

35. On Amended Plans:

The Conservation Officer has provided the following advice on the amended plans and in light of the NPPF released since his original comments:

- States he has examined the application having regard to the National Planning Policy Framework (NPPF) and those relevant elements of local policy that are in conformity with that document. Extant local policies relevant to the historic environment are in conformity with the NPPF as is the preceding Planning Policy Statement 5.
- The application is judged with reference to these policies which suggest that any proposal should be determined having regard to the potential impact it may have upon the significance of all heritage assets. The definition of these is now contained within Annex 2 to the NPPF.
- In this particular case the application site is located within Lever Park, which is itself a designated heritage asset, and approximately 60 metres from the closest listed building, also a designated heritage asset, Great House Cottage.
- It is their opinion that, given the nature of the proposed development, its location outside of the designed landscape element of Lever Park and the distance to the closest listed building, the significance of these designated heritage assets will be sustained.
- The proposed development is considered to be acceptable as it is in conformity with the following policies:
 - 2 The adopted Chorley Council Local Plan Review 2003: HT13 Historic Parks and Gardens;
 - 2 The Publication Central Lancashire Core Strategy, December 2010: Policy 16 Heritage Assets
 - 2 The Site Allocations and Development Management Policies DPD Preferred Options: Policy BNE6
 - 2 The National Planning Policy Framework (NPPF): Section 12 Conserving and enhancing the historic environment.

36. In conclusion the Conservation Officer considers this application to be acceptable.

37. **United Utilities**

United Utilities are the landowner. The Council made United Utilities aware of amended plans received. They state that United Utilities are in agreement to the proposals being put forward by Go Ape for additional car parking and the provision of a new picnic area.

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

Made the following comments on the original plan submitted:

39. Although extending the car park is welcomed seven parking spaces are on the bridleway (BW15) that passes alongside the site.
40. On Amended plans
LCC Highways were then notified of amended plans and state the proposed car parking layout is generally acceptable; the car park is no longer falling across the bridle path which was previously the problem.
41. A number of the spaces will involve tight manoeuvring however the risks should be manageable. The nearest space adjacent to the group of trees is likely to prove impractical owing to overhanging branches thereby allowing 34 spaces only however all improvement will be beneficial.
42. The plan does not show the existing fence gating [the gate that is across the bridleway] therefore they assume the gate is to be removed which will aid vehicle parking.
43. They do raise a query regarding the proposed surfacing and line marking as the car park is only going to operate efficiently if the spaces are marked out and are visible for visitors otherwise there will be tendency for cars to park over 2 spaces/take additional space thereby reducing capacity of the car park. There is no information on the plan drawing suggesting the proposed surfacing.
44. They state they would have no objection to the proposal for a picnicking area as suggested and that neither will it impact on any public right of way.

Applicants Case

45. The applicant states the current car park [as built] can accommodate up to 20 cars when customers are parking efficiently and as few as 14 when they are not. The amended plans provide 35 spaces.
46. At peak times the course can accommodate 14 people every half hour and last up to 3 hours meaning there can be up to 84 people using the course at any one time.
47. Go Ape state they have undertaken a survey of their customers using the Rivington Course asking how many cars each group came in. From a set of 264 people consisting of 64 groups they travelled in an average of 2.94 people per car. This works out at 29 (28.5) spaces needed for 84 people on the course when it is fully booked.
48. The original application stated that a maximum of 35 spaces were needed to provide for the course but they proposed to provide 45. Therefore they state their stance on how many spaces the course needs has not changed.
49. An objection has been made about lack of consultation by the applicant. In response Go Ape state that in this case they did not consider it would be helpful as having discussed the options with the landowner the options open to them were limited. The parameters for the design were very constrained and the only decision was how to place the parking bays within the area which was undertaken by an independent surveyor. As they could see no other options it seemed that consultation outside the planning process would be meaningless.

Assessment

Principle of the development

50. The application site is in the Green Belt. Since previous applications for Go Ape were assessed the Government has released the National Planning Policy Framework (NPPF) on 27 March 2012. This replaces former Planning Policy Guidance Notes and Statements including PPG2, PPS5 and PPS9.
51. The Adopted Chorley Borough Local Plan Review was adopted prior to 2004 (August 2003) and therefore in accordance with Appendix 1 of the NPPF the weight given to its policies will depend on their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
52. The wording in the NPPF on development in the Green Belt does differ slightly from the wording in PPG2 which is reiterated by Local Plan Policy DC1.
53. PPG2 and policy DC1 stated that essential facilities for outdoor sport and recreation are appropriate development in the Green Belt as long as they preserve the openness of it and do not conflict with the purposes of including land within it.
54. The NPPF doesn't require facilities to be essential to be appropriate development, but rather requires them to be appropriate with the same caveat that they preserve the openness and do not conflict with the purposes of including land within it. It is considered this is a less stringent test than being essential that was in PPG2. The NPPF also states that engineering operations are appropriate subject to the same caveat.
55. The original Go Ape permission (08/00553/FUL) permitted a 45 space car park which has not been implemented in full due to the need to remove more trees. Therefore a car park for this amount of cars has been established as acceptable in Green Belt terms by a previous permission. The Council accept that parking around the Great Barn is at a premium at busy times and that the Go Ape course will attract visitors to the area and therefore consider it appropriate that further parking should be provided. The provision of an enlarged car park is therefore considered appropriate and acceptable in the Green Belt in terms of the NPPF.
56. Policy LT7 of the Local Plan covers Historic Parks and Gardens in the Leisure and Tourism chapter of the Local Plan and is considered to be in conformity with the NPPF. This states that development and restoration proposals which would enhance the attraction of Lever Park and Terraced Gardens at Rivington will be permitted provided a number of criteria are met.
57. Criterion (a) requires that the special character and appearance of the park or garden and any important landscape features within it are protected. The proposed car park extension is next to the existing car park adjacent to the Great Barn, it is not therefore considered that it will impact on the special character and appearance of the park or result in the loss of any important features within it.
58. Criterion (b) requires compliance with Policy HT13 and this is discussed later under the Historic Park and Garden Section. In relation to criterion (c) - that the proposals are compatible with the character and appearance of the area and the Council's policies relating to the Green Belt - the latter has already found to be satisfied above. The former is discussed under the design section below.
59. Criterion (d) states that access is available by a choice of means of transport other than the private car. The Go Ape course itself has been found to be acceptable in this location by previous permissions.

60. In terms of criterion (e) – the site has adequate access and the traffic generated can be safely accommodated on the local highway network – this proposal will not increase the capacity of the course (the length of the course determines this) and therefore it is not considered the application is contrary to this.
61. Therefore the proposal is considered to comply with Policy LT7 subject to the proposal being compatible with the character and appearance of the area, under criterion (c) and policy HT13 being satisfied.
62. LT14 of the Local Plan covers Public, Private, Educational and Institutional Playing Fields, Parks and Other Recreational Open Space. There is a small LT14 allocation in the Adopted Local Plan on the land between the existing main Great House Barn car park and the Go Ape parking area as currently exists. Objections have been made that the proposal is on such an allocation on the Local Plan proposals map, be it in paper form or on the Council's website where the Local Plan is displayed as an electronic map. The case officer has tried to establish the background to the LT14 designation. When interpreting the allocation against what is on the ground it appears to cover part of an area of grasscrete that was created when the main car park behind Great House Barn was permitted by an application made in 1982 (82/00483/FUL) that was shown as two coach parking spaces. However, policy LT14 was not adopted as a policy of the Local Plan until 2003. It was not in the Local Plan prior to that which was adopted in 1997. Policy LT14 would not be used to protect a parking area, as it is for the protection of open space. Examples of other facilities in the Borough protected by such an allocation include pitches, bowling greens and recreational open space, which includes amenity open space. It is possible that the electronic map does not accurately show the site of the LT14 allocation, especially as the plotting of the Local Plan proposals map was undertaken with the GIS technology available at the time.
63. The paper Proposals Map accompanying the Local Plan shows the position of LT14 allocations in the Borough and is the definitive source of their location. The scale of this map does not allow its position to be found accurately on site. It is relevant to consider general issues in mapping and cartography. Prior to sophisticated digital mapping the base plans for Local Plan were of a small scale with a potential for error +/- 8-10m compared with features on the ground. In addition the thickness of lines used to delineate a site could be a difference of 5-10m on the ground at such a scale. As digital mapping products came to market more accurate cartography and annotation has been possible. As the Local Plan and its proposals map was adopted in 2003 it is possible and indeed likely that the LT14 feature is up to some 20m away from what is on the ground at that time and may not be therefore be the grasscrete.
64. There are two picnic benches to the southwest of the LT14 allocation and it is possible that the allocation was therefore intended to protect the picnic area as it is a type of recreational open space that LT14 may be applied to. The proposal will result in the loss of the area where the two picnic benches are currently positioned. However, the applicant is proposing to create a new picnic area to the north west of the proposed extended car park with four picnic tables provided. It is therefore considered that this is an enhanced facility to what is there at present (as an additional two tables will be provided) and is in a location that will still be convenient to users, very close to the existing area. The proposal is therefore considered acceptable in relation to policy LT14 of the Local Plan.

Impact on the neighbours

65. The extended car park would be located adjacent to the existing parking area at Great House Barn but further away from the building. The nearest residential property is Great House Cottage adjacent to Great House Barn. It is not considered the proposal will have any more impact on the amenities of this property than the existing car park which is closer.

Design

66. The extended car park will be within the area between the car park as now on site by the Go Ape cabin and the existing car park by Great House Barn by the removal of an area of grass. It is proposed to surface it in crushed stone. The main car park behind Great House Barn has a tarmac surface, while the parking by the Go Ape cabin as exists has crushed stone surface so the proposal will match this material. Looking at the area as a whole the proposed car park surface is considered appropriate to the area and acceptable in relation to the listed buildings. It is envisaged that the parking area could be delineated by the insertion of wooden blocks to fit nearly flush with the surface and the boundary marked by low post and rail as is on site at present. It is noted that the layout of spaces and boundary treatment would be an appropriate design solution for the site in its context and can be controlled by planning condition. Subject to this the application is considered acceptable in design terms in relation to the character and appearance of the area.

Ecology, Trees and Landscape

67. The area where the car park will be extended is an area of grass and a small part of grasscrete between two parking areas as exist. The area is already subject to high levels of disturbance from people walking over the area and using the two picnic tables on it. The County Ecologist confirms that although it is within a Biological Heritage Site (BHS) the application area itself is of relatively low biodiversity value (existing developed land subject to high levels of recreational disturbance). They state that significant impacts upon the biodiversity interest of the BHS therefore seem reasonably unlikely in this location. The application is therefore considered acceptable in relation to policy EP2 and the NPPF.

The County Ecologist states their only ecological concern would appear to be potential impacts on trees in and/or adjacent to the application area. It should be ensured that these existing trees are adequately protected both during and after construction work. It is considered that this could be controlled by an appropriate root protection condition, however the two trees nearest the car park most likely to be affected are small specimens which it is not considered have a significant harm to ecological value and are discussed further below.

68. To implement the parking as shown in the original permission would require the loss of a number of trees to the southeast. The current application would result in a grassed mounded area between the car park as exists near the Go Ape cabin and the existing car park being reduced in size. There are a number of trees adjacent to where the extended car park will be located and will be referred to here as numbered on the proposed plan.
69. Tree numbered 143.05 is already adjacent to the parking area as exists and although the proposal will bring it nearer this tree it is not considered it will have an unacceptable impact on this tree.
70. Tree 143.01 will be close to the car park but will benefit from post and rail fencing adjacent to it separating it from the car park. Tree 143.98 is one of the trees most likely to be affected by the proposal as it is closest to the edge of the car park. Go Ape advise that this tree will remain as the parking space is away from the tree (approximately 1m) and only the post and rail fence will be close to it. Both these trees are discussed further below.

71. 143.91 has a canopy that starts high from the ground and it is not considered the proposal will unacceptably impact on this tree.
72. The tree numbered 143.89 (check) has blown over/snapped in half and does not therefore need to be considered.
73. The Council in assessing any application that may affect trees must consider the amenity value of those trees and whether they would justify a Tree Preservation Order (TPO). The trees closest to the car park (143.01 and 143.98), although prominent are not of a size that means they would warrant a TPO.
74. The Council must also consider the fall back position in terms of extant planning permission 08/00553/FUL that would have resulted in the felling of trees to the southeast of the car park as exists. The impact upon trees from this proposal needs to be considered against the impact that would arise if the previous proposal for car parking was implemented. The proposed car park approved under 08/00553/FUL would require the removal of a belt of trees to the southeast of the existing car park. This belt of trees gives a sense of enclosure to this part of the park. None of these is subject to a Tree Preservation Order. If the previous consent was implemented, all of these trees would be removed. This would have a far greater impact than any potential loss of the trees around the car park which are more isolated. If damage were to occur to trees as a result of this application when set against the potential loss of a wider tree belt this would appear to be acceptable. Moreover, in itself the potential for harm of trees, particularly those marked 143.05, 143.01, 143.98 and 143.91 would not in itself be a sufficient reason for refusal. A condition is proposed regarding proposed construction details of the car park, however if this would interfere with the delivery of a car parking space, when weighed against the fall back position and the small size of the trees most affected their harm/loss would appear acceptable. The proposal is therefore considered acceptable in relation to Policy EP9.
75. Although permission 08/00553/FUL is still extant the applicant would not be able to gain access to the area due to the car park layout now proposed and therefore it is not considered it could be implemented.

Parking

76. The relevant car parking standards in this case would be that required for a leisure use. However this standard is based on a number parking spaces for the floor area of a building. Clearly this would not be appropriate in these circumstances.
77. The original application for Go Ape proposed to provide parking spaces for 45 cars. The bays were not to be marked out. The application now proposes 35 car parking spaces to be demarcated (originally 36 spaces were proposed but the amended plan removed spaces from across the bridleway and reduced it to 35 spaces).
78. The 45 spaces originally proposed for the course under planning approval (08/00553/FUL) were not based on surveys of how many people used the course as it was not up and running at the time. The parking requirements now proposed are based on actual figures from Go Ape customer surveys at the Rivington site, which due to the unusual nature of the use that does not fit the normal parking standards based on floor area, is considered to be appropriate. The surveys show an average of 2.95 people per car visiting the course which is considered a realistic number of people to travel to the site together for such an activity. Therefore 29 spaces to cater for the course are considered realistic. There is a maximum of 7 staff present on site and this would mean 36 spaces would be required. This is one space more than being proposed. However, this would only occur at the very busiest times when

the site was fully booked and there was the maximum number of staff on site. It is not considered the Council could refuse the application on the issue of one space considering the proximity of other parking, even though demand for this may be high at busy times.

79. It is noted that objectors comment that Go Ape encourage their staff to park else where away from the site and also that Go Ape cannot reserve the parking for their customers only. To respond to this, the issue is whether there is sufficient parking being provided for the Go Ape course. The application in 2008 established the principle that additional parking was necessary to meet needs arising from Go Ape and did not include a condition that the parking only be provided for Go Ape customers. The fundamental issues that that additional parking spaces are properly provided while the control of these spaces is a civil matter between the owner and applicant.
80. Based on evidence submitted by the applicant which is considered reasonable and robust the number of parking spaces is considered acceptable.
81. In terms of disabled parking, the amended plan does not specifically show two spaces allocated as disabled bays as the original plan for this application did. The parking standards state that 6% (two spaces) should be allocated disabled parking for leisure uses (although again it is acknowledged that this is based on the floor area of a building it serves, which is not relevant to the current application). The provision of no disabled bays would not be acceptable. However, when assessing applications Councils should consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions. In this case two of the bays could be required to be disabled bays through the use of a planning condition. Disabled bays do not have to have extra space all the way round, but can have an area to one side only and therefore can be located at the end of one of the proposed rows. This issue can therefore be overcome by the imposition of a planning condition.
82. It is considered that the parking spaces need to be marked out within the car park to ensure the spaces are used efficiently as indicated on the amended plan. The 2008 approval did not require this and therefore the parking spaces now proposed are likely to be used more efficiently. This can also be controlled by condition.
83. The grasscrete area that is currently between the existing main car park and the Go Ape parking area as exists was originally created under planning permission number 82/483 (which was for the visitors centre and laying out of main car park) as a space to park two coaches. The area is however not marked as coach parking on site. It is considered that in practice this area is used by minibuses but also by normal cars. Coach parking is available in a layby off Rivington Lane to the north of the Great Barn. United Utilities state they do not encourage coach parking at Great House Barn car park as it damages the verges and they struggle to manoeuvre in the tight space. Therefore although the proposal will result in the loss of coach parking space it is not considered this is widely used by such vehicles now. Although minibuses do use the grasscrete, the proposal will still leave an area of grasscrete approximately 11m long and of the same width as at present which is still of sufficient size for this type of vehicle to park there. Cars also park on the grasscrete but not on the most south-eastly part that would be taken by the proposal as they would be blocked in by cars behind them. The proposal is therefore considered acceptable in relation to this aspect.

Public Right of Way

84. The plans originally submitted as part of this application showed parking spaces across the bridleway (number 15) that runs from Rivington Lane down towards the reservoir. Lancashire

County Council Highways and Public Rights of Way Officer both objected to the application on this basis.

85. Amended plans have been received changing the location of the parking bays to remove them from the line of the bridleway. LCC Highways and LCC Public Rights of Officer no longer object to the proposal.
86. The access to the extended parking will still be via the line of the bridleway, however the bridleway currently already goes down the access road from Rivington Lane to the existing main parking area next to Great House Barn and is the same situation as that proposed.
87. There is currently a gate across the bridleway adjacent to the access point to the parking area the subject of this application. This is not shown on the proposed plans and would be unacceptable as it is not of a type suitable for horse riders. Therefore a condition is proposed ensuring its removal is secured.
88. There are bridleways in the UK which include gates suitable for horses to ensure safe operation of bridleways. If the applicant or landowner wishes to install some form of gate in the future it is advised that they should contact the Public Rights of Way Officer at the County Council for advice. An informative note will be placed on any permission to advise of this.
89. The amended plan is therefore considered acceptable in relation to policy LT10 on Public Rights of Way which is considered in conformity with the NPPF subject to a condition in relation to removal of the gate.

Historic Park and Garden and Impact on Listed Buildings

90. Policy HT13 of the Local Plan covers Historic Parks and Gardens and is considered in conformity with the NPPF. This states development will not be permitted if it would lead to the loss of, or cause harm to, the historic character or setting of a Park or Garden of Special Historic Interest as defined on the Proposals Map. Pedestrian access to these areas by historic paths and routes will also be protected and maintained.
91. The proposed extended parking will not be within the 'designed' element of Lever Park and will be situated adjacent to the existing car park. It is not therefore considered the proposal will have a detrimental impact on the Historic Park and Garden.
92. In terms of the setting of Listed Buildings, Local Plan policy HT3 is not a 'saved' policy and PPS5 was therefore the policy used to assess applications against. This has not been replaced by the NPPF. Great House Barn, Great House Cottage and the adjacent Information Centre are all Grade II listed buildings. They are over 55m from the proposed parking area. In addition the existing main car park is immediately to the rear of these buildings, and the proposal will always be viewed in its context. It is not therefore considered that the proposal will have a detrimental impact on the settling of the listed buildings.
93. The Council's Conservation Officer also considers the application to be acceptable in the above respects.
94. The application is therefore considered acceptable in terms of policies HT13 and the NPPF in relation to the above.

Other issues

95. The Friends of Lever Park state they must stress that they feel that a condition should be put in place like in 1997, in that the Liverpool Corporation Act 1902 (Lever Park Act) should be

amended before any planning application is approved that would violate the contents of the 1902 Act. They state in 1997 it required the Lever Park Bill to be approved in Parliament before any development could begin, the proposed Bill failed and was withdrawn just like the proposed planning applications and also the application for Lottery funding.

96. They also state United Utilities are the Trustees of the Park and will be aware of their legal requirements and obligations with regard the protection and running of the Park. They point out that United Utilities have notified the Land Registry that the wording 'Subject to the provisions of the 1902 Liverpool Corporation Act' should be added to the Registry of titles. They state it appears that in 1996 a condition in some form was attached to planning applications 96/00848 - 00851 that required the Lever Park Bill to proceed through Parliament to amend the Liverpool Corporation Act 1902, the Bill failed which led to the withdrawal of all the planning applications submitted to the planning authority of the Borough of Chorley. This documentary evidence gives support to the fact that the Liverpool Corporation Act 1902 was taken into consideration, and they are of the opinion that the Liverpool Corporation Act 1902 should be of material interest and duly considered when considering any planning application that would breach the conditions set with the 1902 Act.
97. In response to the Liverpool Corporation Act the Council's Head of Governance comments as follows:
'The Liverpool Corporation Act of itself does not prevent the grant of planning permission. Neither does the grant of planning permission authorise the breach of any provisions of that Act. Planning permission simply provides that the proposed use or development is acceptable in planning terms. It is not appropriate to condition compliance with the Act in this case, either the landowners (United Utilities) feel that the use is appropriate and in compliance with the Act whereupon they will grant a lease to the applicant, or they will not and the applicant will have no authority to enter the land and undertake the works. Either way, the operation of the Liverpool Corporation Act is a matter to be dealt with by the landowner and the applicant.'
98. As the course is already constructed and in use, to secure the extra parking it would be necessary for the Council to apply a condition requiring the extended parking to be carried out within a certain time frame. Three months from the date of any permission would seem reasonable and the Go Ape Course Manager indicates they are content with this. The Council should not apply conditions that are not enforceable and as the land is owned by United Utilities Go Ape would require their consent. The Council have therefore contacted United Utilities and sent them a copy of the amended plan to which this report relates. They state that they are in agreement with the proposals being put forward by Go Ape for additional car parking and the provision of a new picnic area. It is therefore considered that this condition would therefore meet the necessary statutory tests to be applied. If such a condition were not met then the Council would then need to consider whether enforcement action was appropriate.
99. The Friends of Lever Park also state that Go-Ape have not leased the land on which they said they would develop a car park. The ownership of land in this regard is a civil matter. The Council are only required to ensure that the applicant has served notice on the landowner, which they have in this case. The issue arising from that is whether any conditions placed on a permission are likely to be secured, which has been discussed above.
100. The advice of the Council's Head of Governance has been sought as to whether the application breaches the provisions of the Liverpool Corporation Act 1902 on previous applications at the Go Ape site. His advice is set out again below for Members:

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

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

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

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

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

101. In terms of disability discrimination objections have been received that plan does not comply with the Disability Discrimination Act and the Disability and Equality Act 2010. The Submitted plan is also in contravention of the basic human rights of a disabled person: UN Convention on the Rights of Persons with Disabilities. A condition is proposed to secure disabled parking on the site and is therefore considered acceptable in this respect.

Conclusion

102. The application is considered acceptable. In terms of decision-taking the NPPF states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible. The application is recommended for approval subject to conditions.

Planning Policies

National Planning Policies:

National Planning Policy Framework (NPPF).

Regional

North West Plan Partial Review to Regional Spatial Strategy evidence base – parking standards.

Adopted Chorley Borough Local Plan Review

Policies: DC1, EP9, LT7, LT19, LT14, HT13.

Planning History

08/00553/FUL Proposed high wire adventure course with associated equipment, cabin and shelter, and extension to existing car park. Permitted 24.07.2008.

11/00466/FUL Retrospective application for the building up (raising) and enlargement of two zipwire landing sites at Go Ape course (landing area for site 2 located near site 3, and landing area for site 3 located near site 4). Permitted 07.09.2011.

**Recommendation: Permit Full Planning Permission
Conditions**

1. The approved plans are:
Received On: Title:
25 March 2012 Car park and picnic area
26 March 2012 Car park and picnic area
Reason: To define the permission and in the interests of the proper development of the site.
2. The gate as shown on the existing site plan ref: NKC(GOAPE) shall be removed from the site within three months of this permission.
Reason: The gate as exists lies across the definitive line of a bridleway and is not of a design suitable for horses and its retention would therefore contrary to policy LT10 of the Local Plan and the NPPF.
3. The parking and picnic areas hereby permitted and shown on the approved plan shall be implemented within three months of the date of this permission.
Reason: To ensure the parking and picnic areas are provided and in accordance with policies LT14 and TR4 of the Adopted Chorley Borough local Plan Review.
4. Before the development hereby permitted is commenced details of the boundary treatment and surfacing of the car park shall be submitted to and agreed in writing with the Local Planning Authority. This shall include details of the car park construction adjacent to trees 143.05, 143.01, 143.98, 143.91 and 142.09 (trees numbered as marked on approved plan). The development shall only be carried out in accordance with the approved details.
Reason: To safeguard the trees as far is practicable and in accordance with Policy No. EP9 of the Adopted Chorley Borough Local Plan Review.
5. Before the development hereby permitted is first commenced details of how the parking bays will be marked out within the parking area permitted shall be submitted to the Local Planning Authority and approved in writing. This shall include details of two disabled parking spaces to be provided and how they will be marked as disabled bays. The development shall be carried out in accordance with the approved details.
Reason: To ensure sufficient disabled parking is provided on site and in accordance with policy TR4 of the Adopted Chorley Borough Local Plan Review.

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Item 4b	12/00197/FUL
Case Officer	Nicola Hopkins
Ward	Wheelton And Withnell
Proposal	Proposed redevelopment of Abbeystead Farm including the demolition of the existing buildings and the erection of 5 no. detached dwellings
Location	Abbeystead Farm Buildings Bolton Road Abbey Village Lancashire
Applicant	Brindle Homes Limited
Consultation expiry:	17 April 2012
Application expiry:	19 April 2012

Proposal

1. The application relates to the proposed redevelopment of the buildings associated with Abbeystead Farm including the demolition of the existing buildings and the erection of 5 detached dwellings.
2. The site is located adjacent to the Hare and Hounds Public House at the edge of the settlement of Abbey Village. Vehicular access is gained via a single private track off Bolton Road.
3. The site previously formed part of the larger Abbeystead Farm property incorporating the surrounding agricultural land. In 2010 the farm unit was subdivided into separate plots and sold at auction. This site consists of three substantial buildings along with timber sheds and outbuildings. There is a large single storey barn which measures 23m by 14.3 m constructed out of natural stone with a slate roof, a single storey building which measures 14.2m by 5.2 m constructed out of stone and brick with a slate roof and a single storey building which measures 10.3m by 3.4m constructed out of brick with a slate roof.

Recommendation

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

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Background information
 - Housing Development
 - Density
 - Levels
 - Impact on the neighbours
 - Design
 - Open Space

- Trees and Landscape
- Ecology
- Flood Risk
- Traffic and Transport
- Public Right of Way
- Contamination and Coal Mines
- Sustainability

Representations

6. 6 letters of objection have been received raising the following points:
- Loss of views and light
 - Loss of privacy
 - Out of keeping with the Village
 - There are sufficient 3/ 4 bed houses in the village
 - Create extra traffic
 - Create overlooking
 - The 2010 appraisal of Abbey Village conservation area highlighted the following issues:
 - 2 Unsympathetic alterations using inappropriate materials
 - 2 Dominance of vehicles with heavy through traffic and on-street parking
 - 2 Unsympathetic modern developments using inappropriate designs and materials.
 - The proposed development is built from inappropriate materials, has plans for 15 car spaces and has the appearance of an unsympathetic modern development.
 - Several single storey, sympathetic rear extensions on bolton road have been declined in last few years for not being "in keeping with traditional style and for bordering a conservation area". This development lies within the conservation area
 - Appraisal also states "PLANNING APPLICATIONS should demonstrate that the proposals preserve or enhance the special interest of the area. Barn owls and several Bat species confirmed in survey of premises will not hang around a 5 house development in such a small plot with potential for 15 vehicles.
 - The barn is suitable for conversion
 - Too much traffic on a single access road
 - Adverse impact on the conservation area
7. 1 letter of support has been received raising the following points:
- Will offer a diverse mix in the village
 - Will allow people to stay in the village
 - Will kick start the economy of the village

Consultations

8. **The Environment Agency** have no comments to make
9. **Chorley's Conservation Officer** has no objection to the proposals
10. **United Utilities**
11. **Lancashire County Council (Highways)** have commented on the application
12. **Chorley's Waste & Contaminated Land Officer** has no objection subject to conditions in respect of contamination

13. **Chorley's Waste & Contaminated Land Officer** has no objection in respect of waste collection and storage
14. **The Council's Parks and Open Spaces Officer** has commented on the application
15. **The Council's Planning Policy Team** have commented on the application.

Planning Policy

National Planning Policy:

16. The relevant national planning policy guidance is as follows:
 - National Planning Policy Framework (NPPF)
17. The NPPF confirms that for 12 months from the day of publication (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 200439 even if there is a limited degree of conflict with this Framework.
18. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
19. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
 - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
20. In respect of housing the NPPF states to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:
 - the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
 - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
 - the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - 2 be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - 2 reflect the highest standards in architecture;
 - 2 significantly enhance its immediate setting; and
 - 2 be sensitive to the defining characteristics of the local area.

21. The application site is located within Abbey Village Conservation Area. The NPPF requires Planning Authorities, in determining planning applications, to take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.

The Development Plan

22. The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003, the Sustainable Resources Development Plan Document 2008 and the North West of England Regional Spatial Strategy 2008 (RSS).
23. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Regional Spatial Strategy (RSS)

24. At the current time the Regional Spatial Strategy (RSS) for the North West is still in force. The Secretary of State's intention to revoke RSS, and how that intention should be considered has been a matter for the courts, with the outcome that RSS remains part of the development plan, and that the intention to revoke can be regarded as a material consideration in the determination of planning applications.
25. Section 109 of the Localism Act has already come into force which gives the Secretary of State the power to revoke the whole or part of any Regional Spatial Strategy. Consultation on Strategic Environmental Assessment (SEA) which considers the environmental impacts of revocation expired on 20 January 2012. The Government has indicated that it intends to revoke RSS by April 2012.
26. The relevant policies of the RSS are as follows:
- **Policy DP1 – Spatial Principles:** This policy outlines broad spatial sustainability principles that should be adhered to.
 - **Policy DP2 – Promote Sustainable Communities:** This policy sets out principles that should be followed to create sustainable communities.
 - **Policy DP4 – Make the Best Use of Existing Resources and Infrastructure:** This policy seeks to make the best use of existing infrastructure.
 - **Policy DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility:** This policy seeks to ensure that development is located so as to reduce the need to travel and that there should be safe and sustainable for all. It highlights that all new development should be genuinely accessible by public transport, walking and cycling and that priority should be given to locations where such access is already available.
 - **Policy DP7 – Promote Environmental Quality:** This policy outlines criteria that seek to protect and enhance environmental quality.
 - **Policy DP9 – Reduce Emissions and Adapt to Climate Change:** This policy seeks to ensure that new development reduces emissions and is adaptable to climate change. The Chorley Sustainable Resources Development Plan Document expands upon these principles and is outlined later.

- **Policy L4 – Regional Housing Provision:** The RSS sets out a housing requirement of 417 units per year for Chorley.

Adopted Chorley Borough Local Plan Review 2003 (policies saved by Direction of the Secretary of State in September 2007)

27. The NPPF confirms that for 12 months from the day of publication of the NPPF (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The NPPF also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans. The emerging plan is addressed below.
28. The relevant policies of the Local Plan are as follows:
- GN4** Settlement Policy – Other Rural Settlements
 - GN5** Building Design and Retaining Existing Landscape Features and Natural Habitats
 - EP4** Species Protection
 - EP9** Trees and Woodlands
 - HT7** New Development in Conservation Areas
 - HT8** Control of Demolition in Conservation Areas
 - HS4** Design and Layout of Residential Developments
 - HS6** Housing Windfall Sites
 - HS8** Local Needs Housing in Rural Settlements Excluded From The Green Belt
 - HS21** Playing Space Requirements
 - EM4** Protection of Employment Sites in Rural Settlements
 - TR4** Highway Development Control Criteria

Sustainable Resources DPD:

- Policy SR1 – Incorporating Sustainable Resources into New Development

Emerging Policy Considerations

Central Lancashire Local Development Framework Joint Core Strategy

29. Central Lancashire Core Strategy – Publication Version December 2010: Chorley Council is preparing a Core Strategy jointly with Preston City and South Ribble Councils which was submitted for examination in March 2011 and an Examination in Public took place in June 2011. In July 2011, the examining Inspector expressed doubts whether the document in its December 2010 published form could be found sound in providing for sufficient new housing (Policy 4). The examination was suspended and in November 2011 the three Councils produced a Proposed Housing Related Changes document. This was subject to public consultation during November and December 2011. The consultation period ended on 13th December 2011. The examination re-opened and closed on 6th March 2012.
30. As a whole the Core Strategy as a document is at an advanced stage, in respect of Policy 4 the examination process it yet to be completed.
31. The following Core Strategy Policies are of relevance to this application:
- **Policy 1:** Locating Growth
 - **Policy 3:** Travel
 - **Policy 4:** Housing Delivery
 - **Policy 5:** Housing Density
 - **Policy 6:** Housing Quality
 - **Policy 9:** Economic Growth and Employment

- **Policy 10:** Employment Premises and Sites
- **Policy 13:** Rural Economy
- **Policy 16:** Heritage Assets
- **Policy 17:** Design of New Buildings
- **Policy 22:** Biodiversity and Geodiversity
- **Policy 27:** Sustainable Resources and New Developments
- **Policy 28:** Renewable and Low Carbon Energy Schemes

Site Allocations & Development Management Policies DPD (Preferred Option Paper)

32. Local Development Framework: Site Allocations and Development Management Policies Development Plan Document. The Council has recently completed consultation on the Preferred Option Paper for the Chorley Site Allocations and Development Management Policies Development Plan Document (DPD). This document will accord with the broad content of the Central Lancashire Core Strategy but will provide more site-specific and policy details. The purpose of this document is to help deliver the aims of the Central Lancashire Core Strategy by setting out development management policies and allocating or protecting land for specific uses. This DPD is at a relatively early stage of preparation, and can be afforded limited weight.

Assessment

Principle of the development

33. The application site is located within the settlement boundary of Abbey Village and is part of Abbey Village Conservation Area. Policy GN4 of the Local Plan is applicable to Abbey Village and states: development in Abbey Village will be limited to:
- (a) infill sites;
 - (b) the rehabilitation and reuse of buildings;
 - (c) that which provides affordable housing to meet a recognised local need in accordance with Policy HS8;
 - (d) that which meets a particular local community or employment need; or
 - (e) the re-use of previously developed land, bearing in mind the scale of any proposed development in relation to its surroundings and the sustainability of the location
34. This Policy is in line with the emerging Core Strategy Policy 1 which states that in smaller villages development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.
35. The proposed development is not considered to be infill, does not involve the re-use of building, does not incorporate affordable housing and does not fall within the NPPF definition of previously developed land as it is occupied by agricultural buildings. As such the proposals are not considered to be in accordance with Policy GN4 of the Local Plan or the emerging Policy.
36. However guidance contained within the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This application site is located within the settlement boundary of Abbey Village and does not involve the erection of new isolated homes in the countryside. It is acknowledged that development which would re-use redundant or disused buildings and lead to an enhancement to the immediate setting is encouraged however the quality and/or innovative nature of the design of the dwelling(s) is also a consideration.

37. Prior to submitting this application 5 options for the site were considered. Option A considered converting the main stone barn into 4 terraced type residential properties. However limitations in respect of the internal layout of the barn, the width of the existing building and the relationship with the public house made this option difficult. This along with the parking requirements of such a development rendered this option unviable.
38. Option C also considered converting the main barn into apartments. This option was also discounted due to the site constraints set out above.
39. Additionally the applicant consulted with a structural engineer in respect of converting the existing barns. Concerns were raised over the future stability of the barn and lean to shippon which would necessitate the complete rebuilding of external walls. The internal large stone buttresses (which it is understood were added to prevent further movement of the south-west wall) restrict potential suitable internal residential layouts. The roof structures were deemed unsafe. In respect of the smaller barn and the brick barn it was considered they have deteriorated to such an extent that it was beyond repair. The cost of repair to enable conversion, notwithstanding the limitations set out above would have rendered the scheme unviable.
40. The submitted Structural Survey has been reviewed by the Council's Building Control Section who have confirmed that the contents of the report are correct and the degree of rebuild required would exceed 25-30% (the Building Control Officer inspection is based on the external fabric of the buildings on site due to the condition of the buildings).
41. The main barn and shippon would require in excess of 40% rebuild, the stone store, parallel to the rear of the barn around 30% rebuild (although this could be more) and the brick store, is in poor condition and would require a 25% rebuild. From an business perspective rebuild would not make economic sense taking into account underpinning, shoring/scaffolding and man hours required.
42. It is considered that the proposals do not accord with any of the criteria set out with Policy GN4 or the emerging Core Strategy Policy 1 however the NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life including
 - replacing poor design with better design and
 - widening the choice of high quality homes
43. The applicant has considered preliminary design proposals investigating 5 options and has identified the fundamental key design principles for the successful development of the site within a Conservation Area, enabling the design and layout to reflect the surrounding character of the rural area, providing ample private amenity space, and respecting the privacy of the Hare and Hounds Inn. It is considered that the opportunity to improve the character and quality of this locality and the way it functions has been taken into account.
44. Paragraph 17 of the NPPF states –a set of 12 Core land use planning principles should underpin both plan making and decision taking planning. These principles include that planning should:
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
 - support the transition to a low carbon future in a changing climate, and encourage the re –use of existing resources, including conversion of existing buildings and encourage the use of renewable resources.

45. Paragraph 49 of the NPPF states that *“housing applications should be considered in the context of the presumption in favour of sustainable development”*. Paragraph 14 confirms that at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan- making and decision- taking.
46. Paragraph 54 also says *“ in rural areas LPAs should in particular consider whether allowing some market housing would facilitate the provision of significant affordable housing to meet local needs”*
47. The 2011 Rural Housing Needs Study looked at Withnell Parish as a whole with a requirement for 94 affordable homes in the next 5 years averaging 19 per year. Accent Registered Provider has around 50 affordable houses in Abbey Village (2/3 bedroom general needs terrace houses) which is considered to be a high proportion for a relatively small Village. As such it is not considered that Abbey Village has a significant need for further affordable housing.
48. As such it is considered that although the proposals are not in accordance with the current local plan or emerging planning policies in this case the proposals will enable the redevelopment of a site which has been without a sustainable economic use for many years and which any further deterioration would have a negative impact upon the special qualities of the conservation area. In this case it is considered that the material considerations outweigh the Local Plan Policies.
49. Policy EM4 of the Local Plan is also applicable as this site is considered to be a rural employment site. Policy EM4 states that proposals for non-employment use within a rural settlement involving the redevelopment or re-use of land or buildings last used for, or currently in, employment use will only be permitted if:
 - (a) the applicant can demonstrate that there would be no adverse impact on local economic activity; or
 - (b) the applicant is able to demonstrate that a suitable employment re-use cannot reasonably be secured and the application is supported by a statement of the efforts that have been made; or
 - (c) the applicant is able to demonstrate that the proposed use would result in a significant improvement to local amenity and visual amenity; and
 - (d) there is no conflict with other Policies of this Plan including Policies GN9 and GN10
50. This Policy is in line with the emerging Core Strategy Policy 10 which states that all existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that ‘Best Urban’ and ‘Good Urban’ sites will be retained for B use class employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under the following criteria:
 - (a) there would not be an unacceptable adverse impact on the type, quality and quantity of employment land supply;
 - (b) the provision and need for the proposed use;
 - (c) the relative suitability of the site for employment and for the alternative use;
 - (d) the location of the site and its relationship to other uses;
 - (e) whether the ability to accommodate smaller scale requirements would be compromised;
 - (f) there would be a net improvement in amenity.

Any proposals for housing use on all employment sites/premises will need to accommodate criteria (a)-(f) above and also be subject to:

- (g) evidence of lack of demand through an active 12 month marketing period for employment re-use and employment redevelopment;
- (h) an assessment of the viability of employment development including employment re-use and employment redevelopment.

51. Policy EM4 is also in line with emerging Core Strategy Policy 13 which seeks to achieve economic and social improvement for rural areas by sustaining and encouraging appropriate growth of rural businesses by allowing limited extension and replacement of existing buildings, with a preference for commercial, tourism and live/work uses.
52. In this regard the site has been marketed since January 2011 and the application is supported by a Proof of Marketing Report. This has been assessed by the Council's Planning Policy team who consider that the site has been marketed as a development opportunity for commercial, employment or leisure use for a 12 month period in accordance with both existing policy and emerging policy.

Housing Development

53. The proposed development involves the erection of 5 two storey four bedroom detached dwellings on the site. Dwellings 2- 5 have a single integral garage and a driveway suitable for 2 vehicles. Dwelling number 1 has an attached double garage and a single parking space.
54. The three existing barns on site will be demolished and the materials retained and re-used wherever possible. The stone wall which delineates the public house car park and the application site will be retained. The stone wall delineating the separation of the existing farm buildings from the existing single track access will be demolished to enable the development with the materials retained and re-used where possible.
55. The immediate neighbours to the site are the Hare and Hounds Public House and 127 Bolton Road. The Public House is a two storey building which is attached to the existing large barn on the site by a single storey outbuilding. The proposals incorporate the demolition of the barn however the single storey outbuilding will be retained as part of the public house. Dwellings 2 and 3 are sited immediately to the rear of the public house with dwelling 5 sited to the side (south-east) of the public houses existing service yard.
56. Dwelling 5 does not include any first floor habitable room windows within the elevation which faces the pub to secure the future amenities of the public house. There is a small rear obscurely glazed window in the rear elevation of the public house however this does not serve a habitable room and is sited over 22 metres away from the bedroom window of dwelling 2.
57. 127 Bolton Road, also known as Abbeystead Farm, is a 2 storey end terraced property with a two storey rear outrigger. Proposed dwelling number 1 is sited to the rear (north east) of this existing property approximately 18.4 metres from the rear wall of the outrigger (approximately 28.4 metres from the main wall of the house). There appears to be a habitable room window in the rear of the outrigger at first floor level which does not achieve the required 21 metres separation distance in respect of the window to bedroom 3 of dwelling 1. The applicant was advised of this and the dwelling on plot 1 has been amended in respect of the first floor window associated with bedroom 3. This amendment ensures that there is no direct interlocking issue between the proposed and existing habitable room windows.

58. The property on plot 1 is sited over 13 metres away from the common boundary with 127 Bolton Road which exceeds the required 10 metres spacing distance and as such will not result in loss of privacy to the rear garden area of the existing property
59. It is noted that concerns have been raised about loss of outlook from the rear of the existing properties however this is not a material planning consideration.

Density

60. The site covers 0.175 hectares. The erection of 5 dwellings as proposed results in a density on this site of 29 dwellings per hectare which is considered to be appropriate in respect of the rural nature of this site.

Levels

61. The proposed finished floor levels of the dwellings are as follows:
- Dwelling 1: 168.500
 - Dwelling 2: 168.700
 - Dwelling 3: 169.000
 - Dwelling 4: 169.300
 - Dwelling 5: 170.000
62. The garden level associated with 127 Bolton Road is 165.800 which is higher than the proposed level of plot 1 and as such it is not considered that the dwelling on plot 1 will adversely impact on the neighbours amenities by significant level differences.
63. The levels associated with the public house range from 165.900 to 166.600 which replicate and exceed the proposed levels of dwelling 2 and 3 ensuring that there is no loss of amenity through significant level changes.

Design and Impact on the Conservation Area

64. The application site is located within Abbey Village Conservation Area, which was designated on 10 June 1975 and for which an Appraisal and Management Proposals document was approved as a supporting document to the Chorley Council Local Development Framework on 9 December 2010.
65. The development incorporates the erection of 5 detached dwelling houses using a mixture of natural stone, textured render, timber wall cladding and grey roof slate.
66. The application is supported by a Heritage statement as Conservation Areas are a 'Designated Heritage Asset'. However this does not mean that the buildings contained within the conservation area are themselves designated and indeed none of them are classified as such. In accordance with the NPPF where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
67. The Council's Conservation Officer has reviewed the proposals and considers that whilst the buildings at Abbeystead farm are identified as making a positive contribution to the special character of the conservation area, it is recognised that they are in poor and deteriorating condition and have been without a sustainable economic use for many years.
68. Policies HE7 and HE8 of the Local Plan apply in this case in determining the acceptability of the proposed development. The Conservation Officer considers that from the evidence

provided it is clear that the buildings have had an historical association with the adjacent Hare and Hounds Inn, which perhaps explains the very close physical relationship between them. That relationship clearly ceased many years ago, since when the condition of the buildings has gradually deteriorated. It is this close proximity that has been demonstrated via the options appraisals undertaken as part of the design process that, in part, precludes reuse of the structures for alternative use. The form of the buildings themselves further complicates any thoughts of remodelling or reconfiguring the internal layout to create any really usable units.

69. Furthermore it is evident that the level of significance attached to this group of buildings is relatively low and that if left for much longer they will begin to have a negative impact upon the special qualities of the conservation area.
70. The opportunity has therefore been taken in this case to remove this potential for future blight by replacing the buildings with new ones that will enhance the appearance of the area, but perhaps more fundamentally will provide for demand [for large family dwellings] that at present cannot be accommodated within the settlement. The design process has taken reference from local materials – stone used in elevations, slate for roofs – and combined them in a contemporary yet sympathetic style. The orientation of buildings and the chosen site layout will, in the conservation officer's view, lessen any impact of the new development when seen from longer distance views when approaching the village from the south or north such that these will be virtually unchanged from the status quo.
71. The Conservation Officer considers that the loss of the buildings is compensated for by the benefits not only to the appearance of the built environment but the ability to provide a type of dwelling that is in very limited supply within the settlement at present, thus allowing those growing families that want to remain within the village once they have outgrown the modestly proportioned cottages that make up the vast majority of dwellings contained therein the opportunity to do so. In this particular context it is considered that in this way the vitality and the sustainability of the village as a whole will be enhanced for future generations.

Open Space

72. In accordance with Policy HS21 of the Adopted Local Plan proposals for new housing development will be required to include provision for outdoor play space. In appropriate developments of less than 1 hectare a commuted sum from the development may be secured for use in the provision or improvement of open space facilities in the locality.
73. This is considered to be appropriate in respect of this application and in accordance with the Council's Interim Planning Guidelines for New Equipped Play Areas Associated with Housing Developments. These guidelines state that where fewer than 100 dwellings are to be built in a housing development it is not normally expected that an equipped play area will be provided on-site.
74. The off site play space contribution is a tariff based approach and equate to £1,379 per dwelling which results in a contribution of £6,895 from this development. The Council's Parks and Open Spaces Officer has confirmed that there is a Council owned play ground within Abbey Village and residents have contacted the Council requesting improvements. The contribution secured from this development can be utilised to improve this play area.

Trees and Landscape

75. There are no trees located within the application site although there are two existing mature Oak trees along the access road in close proximity to the application site. It is the applicants

intention to erect a fence around these trees, subject to the land owners permission, during construction work to ensure the continued protection of the trees.

Ecology

76. A Protected Species Investigation & Activity Survey & Mitigation Report and Extended Phase 1 Habitat Survey Report have been submitted with the application which was forwarded to the Ecologist at Lancashire County Council for comment.
77. The submitted Phase 1 Habitat Survey Report concludes that the development site contains habitats of varying ecological value. The great majority of the site is made up of tall ruderal and poor semi-improved grassland which are not generally particularly high value habitats. Recommendations include incorporating wildlife friendly planting schemes within landscaped proposals. This can be controlled via condition.
78. Following a high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
 - (a) the activity must be for imperative reasons of overriding public interest of for public health and safety;
 - (b) there must be no satisfactory alternative and
 - (c) favourable conservation status of the species must be maintained.
79. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.
80. The submitted Phase 1 Habitat Survey Report concludes that great crested newts will not be affected by development, badgers may be present within the wider area and as such best practice measures are proposed (this can be controlled via condition), the development site contains habitats suitable for foraging bats and potential roosting habitat, the development has the potential to cause disturbance to breeding birds in buildings, tall ruderal and poor semi-improved grassland, habitats suitable to support water voles are not present on site or immediately adjacent to the site and evidence of hedgehog was not found on site, but habitats are considered to be suitable as such protection measures are recommended (this can be controlled via condition).
81. The submitted Protected Species Investigation & Activity Survey & Mitigation Report (Bats & Barn Owl) concludes that a European Protected Species (EPS) mitigation licence is required in respect of bats and their roosts. The report include a scheme of mitigation to ensure a continued ecological functionality of a summer roosting site and resting places for bat species, in particular common pipistrelle and for an occasional roosting site for barn owl. It also recommends compensation in the form of replacement roosts.
82. The Ecologist has yet to provide comments in respect of the proposals which will be reported on the addendum.

Flood Risk

83. The site is located within Flood Zone 1 however as the site is less than 1 hectare in size a Flood Risk Assessment is not required to accompany the application. The Environment Agency have reviewed the submitted information have no comments to make.

Traffic and Transport

84. The Highway Engineer was involved in this site at pre-application stage. At this stage he was satisfied that the access at Bolton Road would prove acceptable from a highway viewpoint however he had concerns in relation to the internal road layout and car parking arrangements.
85. Having assessed the submitted planning application the Engineer is satisfied that the main highway points have been addressed and raises no overriding highway objection to the proposed development.
86. One minor point raised is that the refuse collection point serving plot 1 exceeds the maximum manual handling recommendations distance of 25m.
87. The plans have been amended to address the Highway Engineers comments and include inclusion of the vehicular visibility splays on the plans, removal of the landscaping adjacent to the access road, repositioning of the refuse and waste collection area and amendments to the plot area to dwelling 4.
88. The Highway Engineer has reviewed the amended plans and confirmed that as the initial points were minor there is no change from a highway viewpoint.
89. The Highway Engineer has recommended conditions in respect of the highway to be built to adoptable standard including provision for street lighting and in respect of visibility sight lines.
90. The supporting information submitted with the application confirms that it is intended that the proposed access road and pedestrian pavement areas will be adopted by LCC via the appropriate agreement with LCC. The Highway Engineer has confirmed that as the development is accessed from a private road the new access road serving the development site will also therefore remain privately maintainable although he has recommended that the highway is conditioned to be built to adoptable standard including provision for street lighting. Whilst the applicants wish to have the access road adopted this does not appear viable and as such a condition requiring the road to be built to adoptable standards is overly onerous.
91. Each dwelling includes provision for 3 off road parking spaces in accordance with the Council's requirements for four bedroom dwellings. The proposed garage accommodation measures 6x3 metres (single garage) and 6x6 metres (double garage) in accordance with Manual for Streets.

Public Right of Way

92. Footpath 34 is located along the access track to the side of the application site however the proposals will not affect the route of this public right of way.

Contamination and Coal Mines

93. The Council's Waste and Contaminated Land Officer has reviewed the submitted proposals and confirmed that due to the size of development and sensitive end-use (residential with gardens) a report identifying any potential sources of contamination on the site and where

appropriate, necessary remediation measures is required. This can be addressed by condition.

Sustainability

94. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted. The applicants have provided a Code for Sustainable Homes Pre-assessment report which sets out how they propose to meet the requirements of Policy SR1 of the Sustainable Resources DPD.
95. This pre-assessment has been assessed by the Council's Planning Policy Section who have confirmed that the assessment only refers to dwelling 1 achieving Code Level 3 and confirmation is required as to whether this assessment applies to all 5 dwellings. The applicant has confirmed that although the pre-assessment is titled plot one, it is the same for all five dwellings.
96. In respect of the requirement for a minimum 15% reduction in CO2 emissions through the use of low/zero carbon technology further information on how this will be achieved was requested from the applicant. The applicant has confirmed that CO2 emissions will be reduced by a minimum of 15% by improving on part 1A of part L regulations by increasing the insulation in the floor slab, the cavity walls and the roof space. Measures will also be taken in regards part G regulations using water efficient devices to reduce the amount of water consumed to below 125 litres a day per person and by improving on the regulations of Part J with regards to energy efficient boilers used within the houses.
97. This suggested way forward however does not meet the requirements of Policy SR1 which requires the 15% reduction to be achieved via the use of low/ zero carbon technologies. The applicant has been advised of this and a condition will be attached to the recommendation requiring details of the measures to be installed in accordance with Policy SR1 prior to commencement of the development.

Section 106 Agreement

98. Due to the nature of the development a Section 106 Agreement will be required to secure:
 - £6,895 for the provision/improvement of play space within Abbey Village

Overall Conclusion

99. It is acknowledged that the proposals do not fall within any of the criteria listed within Policy GN4 of the Local Plan or Policy 1 of the emerging plan as appropriate development within this rural village however as confirmed within the NPPF *'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'*
100. In this case it has been adequately demonstrated, through marketing of the site, that an employment re-use cannot be secured on this site and as such alternative uses should be considered. Although the large stone barn is considered to be an attractive rural feature within the area the remainder of the site has deteriorated to a degree which now results in the site, in part, having a negative impact upon the special qualities of the conservation area.
101. As set out above structurally conversion is not a viable option and the proposals will enable a viable use of the site within the conservation area in accordance with the NPPF.
102. As such, on balance, in this case it is considered that the proposals will enable the redevelopment of a unused site within the Conservation Area which has no viable potential as an employment re-use and will ensure a variety of choice in respect of the type and size of

dwellinghouses provided within the Village. As such the application is recommended for approval.

Other Matters

Public Consultation

103. In accordance with the Council's Statement of Community Involvement the applicants Brindle Homes Limited, have undertaken a public consultation event. 41 project information packages were sent to neighbours in December 2011 along with the school, shops and public house. A public consultation event was held on 22nd December in the public house.
104. A small number of residents attended the event who were generally supportive. Concerns were raised in respect of conflicts that could occur on the existing access road with farm traffic. One written objection has been received raising concerns in respect of loss of views, overlooking, out of keeping with the village and will create an eyesore.

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. **The approved plans are:**

Plan Ref.	Received On:	Title:
1016 (02) 01	23 February 2012	Location Plan
1016 (02) 02	22 February 2012	Topographical Survey
1016 (02) 03	22 February 2012	Existing Site Plan
1016 (02) 04 A	10 April 2012	Ground Floor Plans
1016 (02) 05 A	10 April 2012	First Floor Plans
1016 (02) 07 A	10 April 2012	General Arrangements (Elevations)
1016 (02) 08 A	10 April 2012	General Arrangements (Elevations)
1016 (03) 01 A	10 April 2012	Ground and First Floor Plans (Dwelling 1)
1016 (03) 02 A	10 April 2012	Elevations (Dwelling 1)
1016 (03) 03 A	10 April 2012	Elevations and Sections (Dwelling 1)
1016 (04) 01	22 February 2012	Ground and First Floor Plans (Dwelling 2)
1016 (04) 02	22 February 2012	Elevations (Dwelling 2)
1016 (04) 03	22 February 2012	Elevations and Sections (Dwelling 2)
1016 (05) 01	22 February 2012	Ground and First Floor Plans (Dwelling 3)
1016 (05) 02	22 February 2012	Elevations (Dwelling 3)
1016 (05) 03	22 February 2012	Elevations and Sections (Dwelling 3)
1016 (06) 01	22 February 2012	Ground and First Floor Plans (Dwelling 4)
1016 (06) 02	22 February 2012	Elevations (Dwelling 4)
1016 (06) 03	22 February 2012	Elevations and Sections (Dwelling 4)
1016 (07) 01	22 February 2012	Ground and First Floor Plans (Dwelling 5)
1016 (07) 02	22 February 2012	Elevations (Dwelling 5)
1016 (07) 03	22 February 2012	Elevations and Sections (Dwelling 5)

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

3. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans. *Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
4. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development. *Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*
5. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. *Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. *Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*
7. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand. *Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*
8. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings (notwithstanding any details shown on the previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning

Authority. The development shall only be carried out using the approved external facing materials. *Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

9. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details. *Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
10. The integral/attached 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 adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.*
11. The visibility splay, from the application site along the existing access road, detailed on plan reference 1016 (02) 04 Rev A , shall be constructed and maintained at footway/verge level in accordance with the approved plans. *Reason: In the interests of highway safety to ensure adequate visibility at the street junction or site access. In accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*
12. Prior to the commencement of the development a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures shall be submitted to and approved in writing by the Local Planning Authority. The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report. *Reason: In the interests of safety and in accordance with advice contained in the National Planning Policy Framework*
13. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. *Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.*
14. The refuse and waste collection area detailed on plan 1016 (02) 04 A shall be made available prior to the occupation of the dwellinghouses hereby permitted. The collection area shall only be utilised for the storage of bins on bin collection days and shall be free of bins at all other times. The collection points shall thereafter be retained in perpetuity. *Reason: To ensure adequate refuse collection facilities are provided on site and in the interests of the visual amenities of the area. In accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*
15. Prior to the commencement of the development full details of the Management Company and arrangements for the future management and maintenance of the site, including the private highway, parking areas and bin collection points, shall be

submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company in accordance with the approved arrangements. *Reason: To ensure the satisfactory management of the private highways, parking areas and the storage of bins at the collection points at the site. In accordance with Policies GN5 and TR4 of the Adopted Chorley Borough Local Plan Review.*

16. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1st January 2010, Level 4 for all dwellings commenced from 1 January 2013 and Level 6 for all dwellings commenced from 1 January 2016). *Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*
17. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification. *Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*
18. No dwelling shall be occupied until a letter of assurance, detailing how each plot will meet the necessary code level, has been issued by an approved code assessor and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved measures for achieving the required code level. Within 6 months of the completion of each dwelling hereby permitted a Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority. *Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*
19. Prior to the commencement of the development full details of the on site measures to reduce the carbon emissions of the development, through the use of renewable or low carbon energy sources/ technologies, by 15% shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details. *Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*

Item 4c	11/00837/FULMAJ
Case Officer	Mrs Nicola Hopkins
Ward	Astley And Buckshaw
Proposal	Erection of 2 no. distribution centre/industrial buildings (Use Class B1c, B2, B8) with ancillary office accommodation, service yard areas, car parking, access, internal circulation areas and landscaping.
Location	Site 7 And 9 Buckshaw Avenue Buckshaw Village Lancashire
Applicant	Evander Properties Ltd
Consultation expiry:	4 April 2012
Application expiry:	22 December 2011

Summary of Planning Application

Members will recall that this application was due to be considered at DC Committee on 17 January 2012 however the application was withdrawn from the agenda at the request of the applicant. At the time the applicants, Evander Properties, confirmed that discussions were at an advanced stage with a specialist parcel delivery organisation who had, in principle, committed to leasing a substantial part of the proposed development to provide a new mail distribution centre.

Following the withdrawal from the agenda the plans were substantially changed, when compared to the original submission, to accommodate Parcelforce, who have been identified as the named operator of Plot A, into the proposals.

All of the representations received in respect of the original proposals (including the amendments received in November/ December 2011) are listed in paragraphs 11-16. To assist in consideration of this application the following chronology of submissions is provided:

- 14 September 2011- application received
- 22 September 2011- application validated
- 17/ 25h November 2011- 1st set of amended plans received in respect of the landscaping along the western boundary
- 14 December 2011- 2nd set of amended plans received in respect of the landscaping along the western boundary and the siting of the building adjacent to the western boundary
- January 2012 application recommended for approval on the January DC Committee agenda
- 10 January 2012- Member Site Visit undertaken
- 17 January 2012- application withdrawn from the DC Committee agenda
- 27 January 2012- 3rd set of amended plans received incorporating Parcelforce into the scheme
- 5 March 2012- additional plans received in respect of the phasing of Plot A (Parcelforce premises)
- 12 March 2012- additional plans received in respect of the phasing of Plot A (Parcelforce premises)
- 13 April 2012- application included on the agenda for April DC Committee

Proposal

1. This application relates to the erection of 2 distribution centre/industrial buildings (Use Class B1c, B2, B8) with ancillary office accommodation, service yard areas, car parking, access, internal circulation areas and landscaping at the Strategic Regional Site, Buckshaw Village (now known as The Revolution).
2. The application occupies site 5, 7 and 9 which are the last remaining parcels of land at the Strategic Regional Site and occupy 10.20 hectares.
3. The smallest of the 2 buildings (Plot A) proposed occupies the eastern part of the site which covers approximately 5.82 hectares. The proposals incorporate the erection of a single distribution centre/ industrial unit (Use Class B1c, B2 or B8) extending to 11,610sqm in total. This floorspace is made up of 11,000sqm of distribution/ industrial space and 610 sqm of ancillary office accommodation. This building will be occupied by Parcellforce and built in two stages which is addressed below.
4. The larger proposed building (Plot B) occupies the western part of the site which covers approximately 4.08 hectares and incorporates the erection of a single distribution centre/ industrial unit (Use Class B1c, B2 or B8) extending to 17,086sqm in total. This floorspace is made up of 15,925sqm of distribution/ industrial space, 929 sqm of ancillary office accommodation and 232sqm of distribution offices. No end user for this unit has been identified.

Recommendation

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

Main Issues

6. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Background information
 - Green Belt
 - Levels
 - Design and Layout
 - Noise
 - Flood Risk and drainage
 - Traffic and Transport
 - Sustainability

Representations

7. This application has been subject to significant changes during the application process and the following representations have been received in respect of the proposals now under consideration:
8. 1 letter of objection has been received raising the following concerns:
 - Impact on the view and aesthetics of the new properties, directly affecting future sale.
 - Properties will be affected through loss of sunlight.
 - The structure is still too close and will impact on my immediate environment with negative effect.
9. **Cllr Perks** has raised the following objections
 - The scheme has been amended but unfortunately the amended proposals still do not accord with the Local Plan for the following reasons:-
 - 2 Policy EM1A criteria (d) requires industrial development to integrate with its surroundings and Policy GN5 seeks to ensure that the design of proposed developments is well related to their surroundings. The sheer scale, length and mass of unit B in very close proximity to relatively small 2 storey detached dwellings is such that the proposed industrial development cannot be considered to be well related or integrated to the adjacent housing and the surrounding Buckshaw Village streetscape.

- 2 Policy EM1A criterion (g) requires industrial development to have no significant adverse effect on the residential amenities of nearby residences and Policy EM2 criteria (c) seeks to avoid unacceptable harm to surrounding uses. The sheer scale, length and mass of unit B in close proximity to the rear gardens and real elevations of the adjacent dwellings are such that it would have an overbearing and dominant effect on the adjacent and surrounding residential development.
 - 2 Policy EM2 criterion (f) requires adequate screening to be provided to any unsightly features of the development. It is considered that the proposed landscape screening and mounding is insufficient to adequately screen the large and dominant façade. The conclusions of TBA and the Councils Landscape Architect reinforce this view.
 - 2 Furthermore, the shadowing effect of unit B is likely to have an adverse effect on the growth rate of any proposed planting.
- I therefore consider that the above policy conflicts and impacts on the residential development this could all be avoided if unit B had a further reduction in width in order to enable a greater distance to be achieved from the adjacent dwellings.
 - In this way a wider buffer strip would enable a higher mound of 4.0 – 4.5 metres to be achieved which would soften the overall effect of the scale and mass of the large western façade. The associated tree planting could then be located further from the housing and should also incorporate a greater degree of evergreen species so that the screening effect of the planting can be achieved throughout the year.
 - Furthermore, having a greater distance from unit B to the boundary with the adjacent residential site would more closely reflect the nature of the approved Master Plan which formed the basis of the original outline permission. That application shows a separation distance of between 55m and 65 metres from the boundary fence of Parcel L to the proposed industrial building.
 - Such amendments to the scheme would still enable a very large industrial building to be provided on the site for the economic benefit of the local economy but in a manner which more appropriately addressed its relationship to the adjoining dwellings as required by the relevant policies of the Local Plan.

10. **Stewart Milne Homes** have raised the following objections:

- Throughout the application the houses on Parcel L are referred to as under construction. This is not true. Can you please make members of the planning committee aware that the houses adjoining the boundary of the application site houses are built and occupied?
- The application site does not have an extant planning permission. Reference to the previous approval in the supporting documents continues to deliberately mislead members of the public and the planning committee.
- The applicant is using the expired outline approval as a fallback but yet is conveniently only selecting elements of the expired permission that suit the current application. For example there is no structural landscaping between the plot A and B; the buildings have been orientated to suit operator's requirements: and the applicant has chosen to ignore the stand off distance in the expired outline approval of 60-70 metres.
- Despite several requests since October 2011 the applicant has failed to provide images to support its own application. What will the building look like in context of the adjoining residential development? The Council are requesting that members of the planning committee make a decision on the application by reference to a simple cross section drawing. This is a major application and it appears unusual that this detail has not been provided by the applicant.
- There is no reference to phasing of the development. When will the landscaping be planted? How will the growth rates of trees be guaranteed by the applicant or secured by the Council?
- The change in the application is due to occupier interest in Plot B. We welcome the occupier interest in Chorley but we are concerned that the council are approving the whole site without thorough consideration to the context of the adjoining residential development. It appears from a review of the plans that the applicant has secured interest in Parcel B and has simply filled the land that is left with a large building to maximise the potential land value.

- It is our view that if the applicant believes a 45 metre stand off from the boundary of Parcel L is deemed appropriate then it should be applied throughout the scheme.
- Can the Council explain how it is acceptable in planning terms to submit a Design and Access statement four weeks after the revised plan was submitted? Surely the DAS should have been produced to inform the design process and not to retrofit to a design that has already been produced.

11. **The following representations were received in respect of the previous proposals at this site:**

- Scale- loss of light and loss of privacy
- Adjacent to houses that are currently being built- occupants cannot object
- Noise disruption
- Effect on local nature and trees
- Proposed offices and car park should be used as a buffer adjacent to the neighbouring residential properties
- Red cladding is out of place with all other units on development

12. **De Pol Planning & Development Consultants** submitted several letters on behalf of Barratt Homes & Stewart Milne Homes. The concerns are summarised as follows:

- No objection to the principle of the application site being developed for employment uses.
- The scale and bulk of the main industrial building relative to the dwellings under construction to the west is unacceptable
- The distance between the residential properties and the main industrial building is wholly inadequate.
- Noise: there is potential for the proposed B2 / B8 development to result in adverse noise impact on the amenity of the residents of the approved housing site.
- The proposals would not accord with the following policies: Policy EM1A , EM2, GN5 and EP20.
- A much greater separation distance between the very large plot 7/9 building and the adjacent residential development to the west is required.
- The currently proposed separation distance does not at all reflect that shown on the original Illustrative Masterplan (801/61).

13. **Stewart Milne Homes** appointed Hepworth Acoustics to comment on the submitted noise assessment. The comments are summarised as follows:

- There are no planning conditions requiring any noise mitigation measures on the residential development site, so it is incumbent upon the developer of the proposed industrial site to incorporate adequate noise mitigation on their development site.
- There is potential for the proposed B2/B8 development to result in adverse noise impact on the amenity of the residents of the approved housing site. Therefore, we recommend that the separation distance between the western boundary and the start of the development (i.e. the building and HGV area) should be increased, and the acoustic screening of the HGV area improved.

14. **Stewart Milne Homes** objected to the proposals which are summarised as follows:

- The Masterplan for Buckshaw Village is flawed in this area.
- The noise report is flawed and makes no reference to the completed houses or those under construction.
- There is no other relationship between commercial and residential development elsewhere on Buckshaw Village.
- The expired outline requires the provision of not less than 20 metres of structural landscaping and shows an indicative stand off distance from Parcel L of 50 to 60 metres.
- The proposed landscaping does not provide adequate screening of the proposed building.
- If the above application is approved it would threaten the delivery of this part of Buckshaw Village.

- We feel the full impact of the proposals on the 59 homes being built is not being fully considered and this application is being accelerated through the planning process.
 - The proposal results in an unsatisfactory relationship in planning terms between residential and commercial use.
 - We are also concerned that Evander Properties have not produced a Shadow Path Analysis of the proposed building and landscaping that will screen the building in accordance with British Standard 8206.
 - We are also not aware of any evidence that the current proposal meets the BRE tests for sunlight and shadowing in relation to the existing homes on Parcel L.
 - Can you please confirm if the Planning Committee will visit the site before the application is discussed at the Development Control Committee? I would also suggest it would be helpful for Members to visit the Waitrose Distribution site in South Ribble currently under construction by Evander Properties as the building is of similar size to the current proposal by Evander Properties.
15. Concerns have been raised by the property advisor for unit 3 (Wolseley) in respect of the impacts of a shared access on their clients operation.
16. **Stewart Milne Homes** have appointed Trevor Bridge Associates to comment on the submitted landscaping details. The concerns are summarised as follows:
- Concerns are raised about the effectiveness of the proposed screen planting between the residential development and the proposed units. The concerns are as follows:
 - 2 Suitability of species in relation to the residential development
 - 2 The real screening value in the early stages of establishment (first twenty years)
 - 2 Possible future maintenance issues
 - The landscape scheme, in its present form, will offer little screening benefit to occupants of the residential development. The residents will have a minimum ten year period until a reasonable screen is achieved by planting and twenty before full cover is established.
 - Recommend that the bund and structure planting is carried out prior to the remainder of the development and fenced off to protect it. Not only will this allow for early establishment of planting, but it will afford residents protection from the site operations.

Consultations

17. **Environmental Health (Noise)** have made several comments on the proposals which are addressed below
18. **The Environment Agency** have commented on all versions of this application. They have no objection to the proposed development but recommend that any subsequent approval is conditioned.
19. **The Architectural Design and Crime Reduction Advisor** has no objection and has met with the Security Officer from Parcel Force. It has been agreed that the scheme would be built to Secured By Design Standards.
20. **United Utilities** have no objection subject to various conditions/ informatives
21. **Lancashire County Council (Highways)** have no objection. Their specific comments are addressed below.
22. **Chorley's Waste & Contaminated Land Officer** has no objection.
23. **Parks and Open Spaces Officer** has commented on the proposed landscaping.

Applicants Case

24. Following the publication of the National Planning Policy Framework the agents for the application have made the following points:
- In considering the weight to be attached to NPPF in the decision making process, NPPF states that: *'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'*. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU and statutory requirements.'
 - The key policies and guidance provided within NPPF as relevant to the current application are considered below.

Sustainable Development

- Contributing to the achievement of sustainable development is established as the primary purpose of the planning system through NPPF, of which there are three dimensions, as follows:
 - 2 An economic role – contributing to building a strong, responsive and competitive economy;
 - 2 A social role – supporting strong, vibrant and healthy communities
 - 2 An environmental role – contributing to protecting and enhancing our natural, built and historic environment
- At the heart of NPPF is the presumption in favour of sustainable development which is established as the golden thread running through the plan and decision making processes. For decision making this means:
 - 2 Approving development proposals that accord with the development plan without delay; and
 - 2 Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
 - Specific policies in the NPPF indicate development should be restricted.
- Paragraph 197 of NPPF confirms that Local Authorities should apply the presumption in favour of sustainable development in determining planning applications.

Core Planning Principles

- NPPF also establishes a set of core planning principles, sitting below the overarching objectives of the planning system, which should underpin plan and decision making. The core principles state that planning should:
 - 2 Proactively drive and support sustainable economic development;
 - 2 Encourage the effective use of land by reusing land that has been previously developed;
 - 2 Promote mixed use development;
 - 2 Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.

Building a strong and competitive economy

- Achieving economic growth is established as one of the cornerstones of the delivery of sustainable development through NPPF. On this matter NPPF states that: *'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.'*

Protecting Green Belt land

- NPPF provides similar protection to Green Belt land as that provided through PPG2. Most notably, the five purposes of including land within the Green Belt remain unchanged, namely:
 - 2 To check the unrestricted sprawl of large built-up areas;
 - 2 To prevent neighbouring towns merging into one another;
 - 2 To assist in safeguarding the countryside from encroachment;
 - 2 To preserve the setting and special character of historic towns; and
 - 2 To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- As with PPG2, the construction of new buildings within the Green Belt is considered to be inappropriate development such that very special circumstances will need to be demonstrated for planning permission to be approved. Exceptions to this which would not require very special circumstances do not need to be demonstrated, include: *'Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'*
- This exception is broadly consistent with the 'Major Developed Site' exception contained within PPG2 which permitted the redevelopment of designated Major Developed Sites within the Green Belt provided that this would:
 - 2 Have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land within it, and where possible have less;
 - 2 Contribute to the achievement of the objectives for the use of land in Green Belts.

Chorley Local Plan Review (2003)

- As set out above, there is an ongoing requirement that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. NPPF is a material consideration which may justify determining an application against the provisions of the development plan, depending on the extent to which the plan is inconsistent with NPPF. For the first 12 months following the publication of NPPF, this applies only to those development plan policies adopted before 2004 (as is the case with the Chorley Local Plan). The implication of this provision is that reduced weight may be given to a development plan where it is inconsistent with NPPF.
- Conversely where a development plan is consistent with NPPF (even where adopted before 2004), it follows that applications should continue to be determined in accordance with the development plan.
- In respect of the current application, the following key policies of the Chorley Local Plan are most relevant:
 - 2 Policy GN2: Royal Ordnance Site, Euxton
 - 2 Policy DC6: Major Developed Sites in the Green Belt
 - 2 Policy EM1A: Regional Investment Site at Royal Ordnance
- It has been demonstrated through the submission that the application fully accords with the above development plan policies. In addition, a range of detailed technical policies relating to matters such as design, flood risk, protection of residential amenity and highway impact are also relevant to the determination of the application.
- It is considered that significant weight should continue to be attached to the above development plan policies and that, in this instance, the publication of NPPF does not reduce the weight to be attached on the basis that they are in general conformity with NPPF. In reaching this conclusion, the following points should be noted:
 - 2 Policy GN2 supports the core planning principles set out in NPPF, including in respect of support sustainable economic growth, promoting mixed use development, supporting development within sustainable locations and supporting the efficient reuse of land;
 - 2 Policy DC6 is consistent with green belt policy within NPPF and particularly the criteria which must be satisfied in respect of the redevelopment of previously developed sites (designated Major Developed Sites) within the Green Belt;

- 2 Policy EM1A is consistent with green belt policy within NPPF and particularly the criteria which must be satisfied in respect of the redevelopment of previously developed sites (Major Developed Sites) within the Green Belt. Policy EM1A also supports the core planning principles set out in NPPF, including in respect of support sustainable economic growth, promoting mixed use development, supporting development within sustainable locations and supporting the efficient reuse of land.

Implications for the current application

- Due to the degree of consistency between NPPF and the above policies, it is concluded that an up to date set of 'in principle' development plan policies exists against which the application will be determined. The publication of NPPF does not therefore lessen the weight which should be afforded to these policies. The requirement that the application be determined in accordance with the development plan therefore remains and as a material consideration, NPPF does not justify deviating from this approach in respect of the current application.
- The submitted Planning Statement (September 2011) and Supplementary Planning Statement (24th February 2012) have demonstrated that the proposed development complies with the development plan and should therefore be approved. In view of this and the conclusions reached above, it follows that the publication of NPPF does not alter the conclusion that the application should be approved.
- Importantly, NPPF adds additional weight towards the material considerations for the granting of planning permission. The following points are particularly relevant in drawing this conclusion:
 - 2 The development will contribute to the achievement of economic growth, providing several hundred new jobs for the Borough; (Para 17 and 20 NPPF);
 - 2 The development will utilise a sustainably located site, forming part of a wider mixed use development area (including residential, employment and retail uses) and close to public transport services (including a new train station at Buckshaw Village and bus services operating along the A6) (Para 17 NPPF);
 - 2 The site will utilise previously developed land thereby making efficient use of land resources (Para 17 NPPF);
 - 2 The development will support the promotion of mixed use development forming part of a larger site developed for a wide range of uses (Para 17 NPPF)
 - 2 The development will satisfy the requirements of Green Belt policy (by virtue of compliance with Local Plan Policy GN2) (Para 79 to 92 NPPF)
- Finally, the Council's attention is also drawn to the presumption in favour of sustainable development contained within NPPF, which requires Local Authorities to approve developments which accord with the development plan without delay. Compliance with the development plan has been demonstrated throughout the submission, including through various planning and technical assessments submitted. The 'presumption in favour' contained within NPPF therefore adds further weight to the conclusion that the application should be approved at the forthcoming planning committee meeting.

Planning Policy

National Planning Policy:

25. The relevant national planning policy guidance is as follows:
 - National Planning Policy Framework (NPPF)
26. The NPPF confirms that for 12 months from the day of publication (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.
27. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
28. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
29. In respect of the Green Belt the NPPF states within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles include *take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it*;
30. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
31. The NPPF goes on to state that the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:
- buildings for agriculture and forestry;
 - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The Development Plan

32. The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003, the Sustainable Resources Development Plan Document 2008 and the North West of England Regional Spatial Strategy 2008 (RSS).
33. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Regional Spatial Strategy (RSS)

34. At the current time the Regional Spatial Strategy (RSS) for the North West is still in force. The Secretary of State's intention to revoke RSS, and how that intention should be considered has been a matter for the courts, with the outcome that RSS remains part of the development plan, and that the intention to revoke can be regarded as a material consideration in the determination of planning applications.
35. Section 109 of the Localism Act has already come into force which gives the Secretary of State the power to revoke the whole or part of any Regional Spatial Strategy. Consultation on Strategic Environmental Assessment (SEA) which considers the environmental impacts of

revocation expired on 20 January 2012. The Government has indicated that it intends to revoke RSS by April 2012.

36. The relevant policies of the RSS are as follows:
- **Policy DP1 – Spatial Principles:** This policy outlines broad spatial sustainability principles that should be adhered to.
 - **Policy DP2 – Promote Sustainable Communities:** This policy sets out principles that should be followed to create sustainable communities.
 - **Policy DP4 – Make the Best Use of Existing Resources and Infrastructure:** This policy seeks to make the best use of existing infrastructure.
 - **Policy DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility:** This policy seeks to ensure that development is located so as to reduce the need to travel and that there should be safe and sustainable for all. It highlights that all new development should be genuinely accessible by public transport, walking and cycling and that priority should be given to locations where such access is already available.
 - **Policy DP7 – Promote Environmental Quality:** This policy outlines criteria that seek to protect and enhance environmental quality.
 - **Policy DP9 – Reduce Emissions and Adapt to Climate Change:** This policy seeks to ensure that new development reduces emissions and is adaptable to climate change. The Chorley Sustainable Resources Development Plan Document expands upon these principles and is outlined later.

Adopted Chorley Borough Local Plan Review

37. The NPPF confirms that for 12 months from the day of publication of the NPPF (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The NPPF also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans. The emerging plan is addressed below.
38. The relevant policies of the Local Plan are as follows:
- GN5-** Building Design and Retaining Existing Landscape Features and Natural Habitats
 - DC6-** Major Developed Sites in the Green Belt
 - EM1A-** Regional Investment Site at Royal Ordnance
 - EM2-** Development Criteria for Industrial/Business Development
 - EP18-** Surface Water Run-off
 - EP20-** Noise
 - EP21A-** Light Pollution
 - TR4-** Highway Development Control Criteria
 - TR11-** Bus Services
 - TR18-** Provision for Pedestrians and Cyclists in New Developments

Sustainable Resources DPD:

- Policy SR1 – Incorporating Sustainable Resources into New Development

Emerging Policy Considerations

Central Lancashire Local Development Framework Joint Core Strategy

39. Central Lancashire Core Strategy – Publication Version December 2010: Chorley Council is preparing a Core Strategy jointly with Preston City and South Ribble Councils which was submitted for examination in March 2011 and an Examination in Public took place in June 2011. In July 2011, the examining Inspector expressed doubts whether the document in its December 2010 published form could be found sound in providing for sufficient new housing (Policy 4). The examination was suspended and in November 2011 the three Councils produced a Proposed Housing Related Changes document. This was subject to public consultation during November and December 2011. The consultation period ended on 13th December 2011. The examination re-open and closed on 6th March 2012.
40. As a whole the Core Strategy as a document is at an advanced stage.

41. The following Core Strategy Policies are of relevance to this application:

- **Policy 1:** Locating Growth
- **Policy 2:** Infrastructure
- **Policy 3:** Travel
- **Policy 9:** Economic Growth and Employment

Economic growth and employment will be provided for in the following ways:

- (a) The identification of 501 hectares of land for employment development between 2009 and 2026.
 - (b) Regional and sub-regional office developments will be located in Preston City Centre including the Central Business District area and the Tithebarn Regeneration Area, with more local office schemes in Chorley and Leyland town centres.
 - (c) Other major developments for employment will be located in the Preston/South Ribble urban area, Leyland and Farington, and Chorley Town with regionally significant schemes at:
 - i. Samlesbury
 - ii. Cuerden (Lancashire Central)
 - iii. Buckshaw Village
 - iv. Central Preston
- **Policy 27:** Sustainable Resources and New Developments

Site Allocations & Development Management Policies DPD (Preferred Option Paper)

42. Local Development Framework: Site Allocations and Development Management Policies Development Plan Document. The Council has recently completed consultation on the Preferred Option Paper for the Chorley Site Allocations and Development Management Policies Development Plan Document (DPD). This document will accord with the broad content of the Central Lancashire Core Strategy but will provide more site-specific and policy details. The purpose of this document is to help deliver the aims of the Central Lancashire Core Strategy by setting out development management policies and allocating or protecting land for specific uses. This DPD is at a relatively early stage of preparation, and can be afforded limited weight.

Assessment

Principle of the development

43. The site constitutes plots 5, 7 and 9 on the Regional Investment Site (RIS) identified in the Regional Spatial Strategy for the North West. This designation was carried through into Policy 15 of the Joint Lancashire Structure Plan which is not a saved Policy and forms no part of the Development Plan.
44. Policy EM1A of the Adopted Chorley Borough Local Plan Review reserves the land for strategic investment of regional significance, and lists a number of criteria that proposal should comply with including the scale of development, impact on surroundings and nearby occupiers, satisfactory vehicular access, occupation by a limited number of occupiers, comprehensive planning for the site as a whole, and safe links for pedestrians and cyclists.
45. This site constitutes 10.20 ha which equates to approximately 47% of the RIS.

Background Information

46. Reserved matters approval has already been granted at this site however this was never implemented and the permission has now expired. When outline planning permission was originally granted for the development the associated Section 106 required not less than 40% of the overall site to be used for High Quality Generic Manufacturing uses and Knowledge Based Industry. Sites 2, 3, 4 and 6/8 were granted reserved matters approval on a speculative basis including B8 uses and are all now occupied by B8 uses. The Council's aims for the site included a mixed use B2/ B8 site and as such when reserved matters approval was granted on this site previously it was for B2 (High Quality Generic Manufacturing uses and Knowledge Based Industry) use only.

47. This 60/40% split was dictated by the associated S106 Agreement. The agreement stated: The Owner hereby covenants with the Council that not less than 40% of the site shall be used for High Quality Generic Manufacturing Uses and Knowledge Based Industry provided that:
- the Owner will use reasonable endeavours to secure that a greater percentage of the Site is used for such uses and industry;
 - if the Site has been marketed in accordance with the approved marketing strategy for a period of 5 years to the reasonable satisfaction of the Council in writing then the Owner shall be entitled to market the Site for uses not falling within the definition of High Quality Generic Manufacturing Uses and Knowledge Based Industry.
48. The marketing, referred to above, began in 2005 and as such from 1st October 2010 the site, including plots 5, 7 and 9, could be marketed and occupied for uses other than High Quality Generic Manufacturing and Knowledge Based Industry.
49. This application is not a reserved matters application as the time period for submitting reserved matters, in accordance with the original outline permission, has expired. However the principle of considering alternative industrial uses, other than B2, on the site has now been established.
50. The proposed building on Plot A will be occupied by Parcelforce, which is part of the Royal Mail Group, and is a courier and logistics company. Parcelforce opened a new operational hub in Coventry in 2000 and as the business continues to grow they have a requirement for a new regional facility within the north to provide capacity for planned expansion of the business and in response to growing demand for its services.
51. Parcelforce are seeking to develop Plot A as a new distribution warehouse. The facility will work alongside the existing Parcelforce operation located in Coventry to facilitate expansion of the business. The facility will be used to handle, sort and distribute parcels to destinations across a large geographical area from the north Midlands to Scotland. No customer collection facility will be provide at this site.

Green Belt

52. This site is located within the Green Belt which is covered by Policy DC1 of the Chorley Borough Local Plan Review. Policy DC1 advises that planning permission will not be granted, except in very special circumstances, for development other than agriculture, forestry, recreational facilities, cemeteries, the re-use of buildings, replacement dwellings and affordable housing in certain circumstances, and the redevelopment of Major Developed Sites in accordance with Policy DC6. Policy DC1 is considered to be in conformity with the NPPF.
53. The application site is within the Major Developed Site designation. Policy DC6 states: The re-use, infilling or redevelopment of major developed sites in the Green Belt, as shown on the Proposals Map, will be permitted providing all the following criteria are met:
- (a) the proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;
 - (b) the development is in scale and keeping with the main features of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance;
 - (c) the development does not exceed the height of the existing buildings;
- and in the case of infill
- (d) the proposal does not lead to a major increase in the developed portion of the site, result in a significant additional impact on the surrounding countryside or give rise to off-site infrastructure requirements;
- in the case of redevelopment
- (e) the proposal contributes to the achievement of the objectives for the use of land in Green Belts;

- (f) the appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive long term plan for the site as a whole;
 - (g) the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction if this is appropriate;
 - (h) the new buildings do not occupy a larger area than the buildings they replace nor result in a significant additional impact on the surrounding countryside.
54. It is noted that Planning Policy Guidance Note 2 which related to Green Belt has been replaced by the NPPF which does not refer to major developed sites in the Green Belt. The NPPF does however state that redevelopment of previously developed sites (brownfield land) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development is appropriate development.
55. The landscape of the Royal Ordnance site is essentially a very artificial one, having been subject to massive earth movements to form underground bunkers and blast mounds with a variety of buildings and infrastructure. The application site is now a levelled formed building platform with access laid out in accordance with the outline application.
56. When outline planning permission was originally granted the artificial landscape of the area was taken into consideration and the parameters of building heights were identified to be 12-16m. The other approved buildings on The Revolution have been built in accordance with the Masterplan and are approximately 14 metres high. The proposed buildings are 15.6 metres high (plot A) and 14.5 metres high (Plot B)
57. Although this application is a full application which is not related directly to the original outline approval the original design concepts are still applicable. This application cannot be viewed in isolation in respect of this site as it would not achieve *a comprehensive long term plan for the site as a whole*. Concerns were originally raised that the scheme did not accord with the original Masterplan for the site as it did not incorporate a 20 metre structural landscape strip along the western boundary. However the plans have been amended to incorporate a buffer landscaping strip and mound (which extends from 23 metres at the narrowest point to 45 metres at its deepest point adjacent to the proposed building), a drainage ditch and a turf laid fire path along the western boundary. This results in the building being sited further away from the common boundary than originally proposed.
58. It is considered that the amended proposals reflect the originally envisaged design principles for the whole site in accordance with the original Masterplan and will not have a greater impact on the Green Belt in accordance with the NPPF.

Levels

59. The proposed finished floor levels (FFL) are 68.51 for the building on Plot A and 65.7 for the building on Plot B. This reflects the fact that the site steps up. Plot B is adjacent to the residential parcel L of Buckshaw Village. This site is currently under construction by Stewart Milne Homes (11/00149/REMAJ) and Barratts Homes (10/00792/FULMAJ) with some units completed and occupied. The FFLs of the dwellings along the common boundary range from 65.00 to 66.25 (at the north west corner of the site) which ensures that the maximum difference between the dwellings and the building on Plot B is 0.7 metres however they are proposed to be separated by a landscape strip which is addressed below and as such it is not considered that the level difference will adversely impact on the neighbours amenities.
60. The site has been remediated and levelled and there is a significant level step change on the application site where Plot A will be sited. To address the level changes currently present on the site the Royal Mail will be carrying out a cut and fill exercise to minimise the amount of material to be imported to or exported from the site whilst forming a level plateau around the proposed building.
61. The highest level of the site will be the existing access point adjacent to Plot 3 (Wolseley Plumb Centre Distribution Unit). The levels will then run gradually down to the north west bounding respecting the existing levels along Buckshaw Avenue and the northern boundary

of the site. It is proposed that the finished floor level of the distribution centre will be 68.51m and that the external yards to both major elevations where the vehicle docks are sited will be approximately 1.2m below this level.

Design and Layout

62. When outline planning permission was originally approved for the whole Strategic Regional Site there was accompanying S106 which incorporated several clauses. Clause 5 of this agreement incorporated the design principles which were required to be incorporated into the reserved matters approvals for the site. these included:
- i) The provision of not less than 20m depth of structural landscaping between the edge of the road corridor and the front elevation of any building which may include staff and customer car parking with each phase of the Development;
 - ii) The provision of not less than 20m depth of structural landscaping between the boundaries of each plot within each phase of the Development;
 - iii) The provision of not less than 15m depth of structural landscaping between the rear elevation of the buildings and the boundary of each plot with the railway line within each phase of the development;
 - iv) The design of each of the buildings shall accord with the following principles:
 - the main front façade will incorporate windows and doors, the main entrance reception and offices
 - profiled and flat metal panels will be the main cladding materials for the warehouse and factory elements with curtain wall glazing and flat metal panels for the office and reception elements
 - elevation treatments will include cladding in light colours and large areas of the same colour and profile of cladding will be avoided
 - window and door frames will be anodized or powder coated aluminium
 - the roof will be shallow pitched with ridges running east-west or a parapet to give a horizontal profile to the link road.
63. Additionally the S106 included a Masterplan which indicatively detailed the layout of the buildings and the proposed landscaping. This Masterplan was subsequently amended removing the landscape strip between site 7 and 9 to allow more flexibility within the layout.
64. These design principles have been established across the remainder of the site and as such are the starting point for the consideration of this application.

Plot A

65. The building on plot A will be occupied by Parcelforce (part of the Royal Mail Group) who will utilise the premises as a new distribution centre which will serve a wide geographic area from the Midlands to Scotland complementing their existing operation in Coventry. Due to the operational requirements of Royal Mail the building incorporates loading docks on both the northern and southern elevation and the loading docks on the south elevation face Buckshaw Avenue which differs to the other buildings present at The Revolution in that they include office accommodation facing Buckshaw Avenue. From a design perspective this represents a new design concept on this site however it is not considered that this is unacceptable on this site as the majority of the other buildings were built on a speculative basis and this building has an identified end user. Varying the design of this building ensures that a fully operational building is achieved on the site.
66. As stated earlier Royal Mail intend to construct this building in two phases and plans have been provided detailing phase 1 and the completed building. The reason for this phased approach is to reduce the build timescales and so enable Parcelforce to meet their immediate business requirement for a new regional facility by September 2013.
67. The phased approach will allow the development to commence at the earliest opportunity with an estimated requirement for 139 new staff for opening in September 2013. Following this, the second phase of development will consist of the development of the remaining 5,000 sq m of warehouse building with associated car parking, extended circulation route and servicing arrangements. Phase 2 can be delivered while Phase 1 is operational and will be constructed in line with growth targets projected by Parcelforce.

68. Phase 1 proposes the erection of a 6,000sqm of operational warehouse space and 580sqm of administration offices. Parking will be provided as part of phase 1 for 50 lorries, 30 tractor units, 7 shunters, 2 Long Wheel Base Vans, 87 private cars, 15 motorcyces and 15 cycles.
69. The agent for the application has confirmed that prior to the construction of Phase 1, the entire site is to be levelled with a cut and fill exercise to form a level plateau. It is not intended to landscape the Phase 2 land in the interim period as this would be an inappropriate use of resources given the intention to develop the site in the immediate future. This land will remain its current pre-development condition and will therefore be similar in appearance to other development plots in the wider Buckshaw area awaiting development.
70. Phase 2 will incorporate the erection of the remaining 5000sqm of operational warehouse space which will include an increase in the office area to 610 sqm and an increase in parking to create an additional 50 trailers (100 in total), 30 tractor units (60 in total), 7 shunters (14 in total), 2 Long Wheel Base Vans (4 in total), 77 private cars (164 in total), 10 motorcyces (25 in total) and 10 cycles (25 in total).
71. This level of car parking is higher than typical B8 land uses which is due to the Parcelforce operation having a higher level of staff than a typical B8 uses given the intensive nature of the distribution operation involved. Furthermore, sufficient car parking is necessary to allow for overlap of changing shifts so that staff beginning a shift can park and enter the building before staff finishing a shift have returned to their cars and left the site.
72. In this regard the agent for the application has confirmed that Parcelforce will encourage sustainable transport modes, however given the unsociable hours of operation; it is difficult for staff to travel by public transport during the night. Parcelforce will prepare a Travel Plan setting out measures to encourage use of sustainable transport modes and to reduce car journeys. This can be secured via condition.
73. The proposed materials are also a consideration to ensure that the building 'fits into' the character of the remaining site. The materials include grey profiled metal cladding on the roof and Sirius metallic horizontally spanning profiled metal cladding panels and blue feature panels for the walls.
74. As set out previously the design and orientation of this building are not in accordance with the original design concept for the Strategic Regional Site however the materials match those used elsewhere on the site. From a design perspective it is considered that the buildings will add variation into the site. The fact that the materials proposed reflect the remainder of the site ensures that the building will not create an overly 'alien' building within the streetscene.
75. As the site will be used as the distribution centre for Royal Mail a significant proportion of goods passing through the facility will comprise higher value mail, including technological goods, ordered on-line through web-sites such as Amazon as well as confidential mail and as such site security is an essential element to ensure the operation of the facility. In this regard the proposals incorporate the erection of a 2.9 metre high black weldmesh boundary fence around the entire boundary of the site. A pedestrian access turnstile/ gate is proposed from the staff car park (at the eastern end of the site) into the main part of the site, at the main vehicular in/ out access 2.9 metre high bifold gates are proposed and at the emergency exit point 2.9 metre high sliding gates are proposed.
76. The introduction of black fencing around the boundary will be very prominent within the surrounding area due to the proposed height and the fact that other units on The Revolution have a relatively open frontage. Weldmesh fencing does generally allow views through however the inclusion of access gates along the road frontage will also create prominent features within the streetscene. The occupiers security requirements are acknowledged, along with the fact that the scheme will be built to Secure by Design Standards however this need to be weighed against the visual impact of such a feature.

77. To reduce the impact of this fence along Buckshaw Avenue, which is the most prominent part of the site, landscaping has been suggested to the front of the fence which will help to 'break-up' the impact of this feature. Further details have been requested in respect of this part of the site to ensure that the scheme integrates into the character and streetscene environment established elsewhere along Buckshaw Avenue.
78. Additionally the agent for the application has confirmed that Parcelforce have identified a need to incorporate a more robust security fence along its western boundary particularly before Phase 2 is brought forward. The proposals include the erection of a security fence 5 metres above the height of the ground level however in order to reduce the visual impact of a continuous length of fence of this scale, the first 2m of height are proposed to be achieved by siting the fence on a 2m high bund (i.e. the fence will be 3 metres in height). This bund also provides the opportunity to incorporate appropriate landscape planting to both soften the appearance of the fence and to discourage unauthorised approaches.

Plot B

79. As set out above concerns were originally raised from the adjacent land owners that the building on Plot B was too close to the residential dwellings currently under construction/ already constructed. This was mainly due to the fact that the scheme did not incorporate a 20m structural landscaping strip as indicated within the original S106 Agreement but also the height of the proposed building and the fact that the building is closer to the common boundary than the Masterplan originally envisaged. It should be noted that an indicative layout was included on the Masterplan for the Strategic Regional Site the Masterplan for Buckshaw Village did not incorporate an indicative layout for the adjacent residential parcel which demonstrates that the relationship between these 2 parcels would be considered further at reserved matters stage.
80. As detailed earlier the height of the building is within the range originally envisaged for this site and the Masterplan was only indicative in respect of the siting. However at pre-application stage the agent and the applicant were advised that the western boundary was the most sensitive location of the site due to the proximity of the residential dwellings and a 20m structural landscaping strip was envisaged when the scheme was originally approved. The applicant was advised that any deviation away from this original design concept would require justification.
81. In this regard there have been several versions of the layout and landscaping plan submitted as part of this planning application which has including increasing the depth of the landscaping and the distance between the boundary and the building. The most recent plans detail a landscaping scheme which is considered to be the most appropriate solution or the site.
82. Concerns have ben raised that the development is contrary to Policy EM2 of the Local Plan. It is noted that Policy EM2 states that for new industrial development on the edges of industrial areas, where sites adjoin residential areas or open countryside, developers will be required to provide substantial peripheral landscaping ranging between 5 and 10 metres in width. This notwithstanding the Masterplan for this site required a 20 metre landscape buffer between the industrial and residential development to ensure a high quality environment was created at the site. As set out below it is considered that this is now achieved in respect of the proposals for the site.
83. The agent has confirmed that the applicant is also proposing to create a series of landscape mounds on which the proposed screening vegetation will be planted. The agent has confirmed that *the landscape buffer area is currently in the ownership of BAe. In developing the site, there will be a legal obligation placed upon BAe to carry out the landscaping works in accordance with the approved plans. The landscaping area will subsequently be transferred to the Revolution Park Management Company Ltd which has now been set up. The management company will be directly responsible for maintaining the landscaping area in accordance with the approved maintenance scheme thereafter.*

84. It is considered that the inclusion of a mound, which was not a requirement of the original outline approval, increases the effectiveness of the screening and the landscaping proposed will provide a high quality landscape scheme along this boundary. Additionally the applicant has agreed to a condition which requires the landscaping to be planted within the first planting season following any approval which will enable the planting to begin maturing prior to the construction of the building (which would be in the next few months).
85. As set out above Trevor Bridge Associates, on behalf of Stewart Milne Homes, initially raised concerns in respect of the effectiveness of the landscaping proposed. The Council's Parks Open Spaces Team assessed the previously submitted scheme and raised concerns that the proposals would have a detrimental impact on the visual amenities of the neighbouring residents, and the screening as proposed would offer little improvement for 12 - 15 years. Suggestions were offered to improve the landscaping.
86. With the submission of the scheme currently under consideration the landscaping was amended in accordance with the comments made by the Open Space Team. The Parks and Open Spaces Officer has confirmed that the height and width of bund represents a much better fit alongside the proposed building, the revised plant sizes and species mix are more appropriate and will provide a greater level of screening to the adjacent properties in the short and long term and the additional height in the bund and revised planting will help to minimise the visual effects to the adjacent properties, especially in the initial 12-15 years whilst the mass planting matures.
87. The proposed building on Plot B will be 24 metres from the common boundary at its closest point and 45 metres from the common boundary at its furthest point. It is acknowledged that this will result in a large building relatively close to residential dwellings however the landscaping proposed will assist in alleviating the visual impact.
88. The proposed materials are also a consideration to ensure that the building 'fits into' the character of the remaining site and from the neighbouring residents perspective, a 202 metre long elevation will be visible from their properties. At the time of writing this report requests for visuals have not been complied with. The materials include grey profiled metal cladding on the roof and duck egg blue horizontally spanning profiled metal cladding panels and silver vertically spanning profiled metal cladding panels for the walls on the warehouse element of the building. For the offices the materials include grey profiled metal cladding panels for the roof, horizontally spanning composite micro-rib metal panels in Silver for the walls, PPC frames in graphite grey with grey tinted glazing and grey lookalike panel spandrels where required for the doors and windows. For the entrance lobby and canopy grey profiled metal cladding panel roof in grey with grey eaves soffit and fascia and grey composite micro-rib metal panels in grey above glazing.
89. The building on Plot B incorporates windows within the main front façade profiled metal panels, a mix of materials to break up the elevations and the roof is designed to give a horizontal profile to the link road all in accordance with the original design concept for the Strategic Regional Site. The materials match those used elsewhere on the site with the exception of the red feature band. One letter has been received stating that the red cladding is out of place with all other units on development. The inclusion of this red banding is a branding inclusion by the applicant and only introduces a small amount of red into all of the buildings facades. It is not considered that this small inclusion will result in buildings which are out of character with the surrounding area.

Noise

90. Noise was a particular concern to the adjacent land owners due to the proximity of the building on plot B to the western edge of the site to the dwellinghouses and the fact that the building is being constructed on a speculative basis (no end user identified) which means the applicants are seeking 24 hour operation.
91. Concerns were raised that the proposed service yard situated within the rear elevation close to the common boundary of the site would lead to unacceptable levels of noise to the detriment of the neighbours amenities. However the amended scheme no longer

incorporates a service yard for Plot B adjacent to the residential dwellings which removes the need for an acoustic fence at this location. The scheme does not however include a car park at the front of the building close to the common boundary. The amended plans are supported by a revised noise assessment which concludes that the assessment of on-site operational noise has shown that moderate increases in the existing ambient noise climate are likely at the southernmost properties within the residential development site to the west of the subject site.

92. Maximum noise levels associated with heavy goods vehicle movements are predicted to be below the criterion that the World Health Organisation states is an indicator of sleep disturbance, although the slamming of car doors within the car park of Plot B may cause the criterion to be exceeded at the southernmost new residential properties.
93. The report recommends mitigation measures to ensure that the occupants of the adjacent residential site are protected from noise in respect of the proposed car park. The suggested mitigation is a 2.5 metre high acoustic fence along the rear of the car parking spaces to ensure that the maximum noise levels do not exceed the WHO criterion. This can be addressed by condition.
94. The amended plans and noise assessment have been considered by the Council's Environmental Health Officer whose initial views are that the amended proposals appear fine however further comments will be reported on the addendum along with any conditions that are considered necessary in respect of noise.

Flood Risk and drainage

95. The application is supported by a Flood Risk Assessment and Drainage Strategy which has been reviewed by the Environment Agency (EA). The Environment Agency initially objected to the proposals as they were concerned that the scheme did not clearly establish the surface water drainage scheme for the site.
96. These concerns were forwarded to the agent for the application and the applicant's drainage consultants who have had further discussions with the EA. The first matter concerns the responsibility for the maintenance of pond 5a and the second matter concerns the surface water discharge rate.
97. The Environment Agency has subsequently confirmed that they have discussed the site with RPS, who are the applicants' engineers, and they have received additional information on 29 November 2011 (their ref. AMS/NK016970). The EA consider that the additional information addresses their previous concerns regarding the maintenance of the surface water drainage system and that the applicants have the ability to enforce maintenance of pond 5a. The EA have also reviewed the additional details submitted in relation to the surface water run-off rates. They still do have concerns about the proposed surface water run-off rates from the proposed development however they are satisfied that these concerns could be addressed by condition. In this regard appropriately worded conditions have been attached to the recommendation.
98. The proposals include a landscape mound along the western boundary and relocating the existing drainage ditch. The agent for the application has confirmed *RPS have been consulted regarding surface water runoff from the proposed landscaped bunding to the western of the building occupying Plots 7 and 9. The landscaped area in question would itself be permeable and therefore rainwater which falls upon it would normally be expected to be absorbed via infiltration into the ground. The dense planting of the landscaped zone would also significantly arrest the rate at which non-absorbed rainwater would runoff this area.*
99. Based upon a typical "greenfield" runoff rate this mound is *very unlikely to present any significant risk of flooding of the gardens of residential properties beyond the western boundary.*

100. In this regard the Environment Agency have confirmed that they have no concerns in relation to surface water and the proposed landscape mound. As such it is not considered that this mound will create any surface water flooding issues.
101. In respect of the amended proposals the Environment Agency have confirmed *Although the area of hardstanding has increased, the management of any associated increase in run-off would still be covered by the condition we recommended. The applicant will need to demonstrate that surface water run-off is managed in accordance with the Buckshaw Village Drainage Strategy and that on-site attenuation/storage is provided as required prior to the commencement of development.*
102. As such there is not considered to be any unresolved issues from a flood risk and drainage perspective.

Traffic and Transport

103. Vehicular access to Plot A is proposed as an in/out function at the existing junction. A new emergency exit point is also proposed along Buckshaw Avenue. Access to Plot B is via the existing junction on Buckshaw Avenue.
104. The current proposals subject to this application are supported by a Supplementary Transport Statement which has been reviewed by the Highway Engineer at Lancashire County Council. The Highway Engineer initially raised the following concerns *the road layout is already strategically designed in terms of the number and level of access junctions as part of the pre-planning and master planning stage for the village. The proposals will result in 3 accesses in close proximity of each other which will lead to traffic congestion and the level of conflicting vehicle movements will also have adverse impact on highway safety.*
105. The agent for the application has confirmed that the access and exit arrangement proposed in respect of Plot A are part of security obligations required by Parcelforce which have specific operational access requirements. Parcelforce check vehicles at a site entry point and vehicles are then either permitted into the site or refused entry. Parcelforce cannot allow unauthorised vehicles into the secure site to turn around. As such, the Plot A design initially incorporated a bypass lane with access/egress onto the public highway. This was to enable vehicles to drive back on to the highway avoiding reverse manoeuvres onto the public highway. As well as safety concerns any reversing manoeuvre out of the site would cause delays to operational movements. Whilst such occurrences are likely to be infrequent, the access design acts as a safety feature in such an event
106. Following receipt of these concerns the plans were amended to incorporate a turning circle within the site and further justification provided for the proposed emergency access which not only provides access for emergency vehicles but also in the event of a breakdown of normal access arrangements (e.g. a technical failure or vehicle breakdown at the entrance point) then the emergency access would allow operational vehicles to enter and exit the site. This circumstance would require staff to physically monitor the gate and so would only be used as an emergency measure.
107. The Highway Engineer has reviewed these amendments and confirmed that as plot A is now served by the existing single access point this removes the highway objection to the application.
108. The Highway Engineer has confirmed that the overall access arrangements which include the widening of the existing access and provision of a new emergency access as a site safety feature for operational purposes are acceptable. The works to alter the existing access and formation of the new emergency access will be required to be carried out under a S278 agreement.
109. In respect of Plot A, access to the staff car park is via the existing private access road serving Unit 3 (Wolseley). This access has been constructed on site and formed part of the planning approval for unit 3. The Highway Engineer has commented however that the limit of highway adoption is 10m back from the nearside edge of the carriageway on Buckshaw Avenue (ie

10m into the access road). As such the access road is essentially private from this point onwards and the new access point to serve the proposed Unit is to be taken off the private section of the access road. The Highway Engineer considers that whilst this in itself would not constitute a reason for highways objection, as the existing access road is privately maintained. The Applicant should check with their solicitors that they have a right to use the private road for access to the proposed new Unit.

110. Additionally in this regard concerns have been raised by the property advisor for unit 3 (Wolseley) in respect of the impacts of a shared access on their clients operation. However as the access will only be utilised by private vehicles and not HGVs etc conflict is not considered to be an issue.
111. The Highway Engineer has requested a S106 contribution for travel planning which is £18,000.
112. The National Planning Policy Framework guidance published on 27th March 2012 replaces Circular 05/2005 in respect of Planning Obligations. The NPPF states that planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
113. The application is however supported by a Framework Travel Plan which demonstrates the applicant's commitment to providing a full travel plan. It has not been demonstrated that the above request meets the relevant tests and as such it is proposed to deal with the requirement for a travel plan via condition.
114. The Highway Engineer understands that provision for a Bond for Phase 2 Highway Works was put in place with the S106 with Chorley B.C. This is addressed below within the S106 section.

Sustainability

115. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted. The applicants have provided an Energy Efficiency/Resources Conservation Statement which was revised in February 2012 to address the amended scheme. This document sets out how the scheme will meet the requirements of Policy SR1 of the Sustainable Resources DPD. Policy SR1 requires these types of developments to achieve BREEAM 'Very Good' and incorporate a 15% reduction in carbon emissions through the use of low/ zero carbon technology.
116. The submitted document confirms that the two plots will be designed to achieve a BREEAM 'Very Good' rating and will incorporate numerous measures to conserve the use of natural resources including energy, water, materials and land.
117. The energy and carbon performance of the proposed development has utilised the functional characteristics of the site and its future use to deliver a 15% carbon reduction below the predicted baseline through energy efficiency and conservation measures.
118. Energy efficiency will be delivered through the use of high levels of insulation, air tightness, protection against thermal bridging, lighting specification, use of daylight where practical, and the general use of efficient systems throughout the design. Energy conservation will be achieved by providing the tools within the building to allow occupants to minimise their energy consumption by effectively zoning controls for lighting and heating, incorporating automatic light switching for presence and daylight where appropriate, and using a BMS to facilitate the remote monitoring and control of energy-consuming systems within each building.
119. The applicants have considered the full range of potential low carbon generation technologies and should additional measures be required to meet the 15% threshold, then

then air source heating and/or cooling offers the best solution and will be included as part of the energy solution for the office spaces only.

120. This is considered to be the most appropriate solution for the buildings proposed and the above requirements can be addressed by suitably worded conditions.

Section 106 Agreement

121. When outline planning approval was originally granted for this site there was an associated S106 Agreement. As this is a full application which is not associated with the outline planning approval there is a requirement to ensure that all of the originally agreed obligations have been satisfied and any outstanding would have to be secured via a new S106 Agreement. All of the obligations within this agreement have been met apart from clause 8 which the Highway Engineer refers to above.
122. Clause 8 relates to phase II highway works and requires works to be done at the junction with the A6 when certain triggers are met. These triggers have not yet been met. The owner was required to provide a bond or a parent company guarantee to the Council to cover the cost of the phase II highway works.
123. BAE, via their Bondsman, have confirmed that the bond for 'highway works at the A6' will be retained.
124. As the necessary arrangements are in place in respect of clause 8 and the remainder of the obligations have been satisfied there is no requirement for a S106 in respect of this application.

Overall Conclusion

125. It is acknowledged that this is a 'stand alone' application for the erection of 2 industrial units at The Revolution however the fact that in the past it has been established that this type of use is appropriate for this site is a material consideration. The site is allocated within the Local Plan under Policy EM1a as a regional investment site which reserves land at the Royal Ordnance Site for strategic inward investment of regional significance. The agents for the application have confirmed that Parcellforce anticipate 267 jobs will be created once the site is fully operational. Jobs would comprise warehouse operatives, management and administration roles, maintenance engineers and drivers.
126. It is acknowledged that the building on plot B will be close to the residential dwellings on Parcel L and this is the most sensitive location of the site. The building height accords with that originally envisaged for the whole site, as set at outline stage, and although the proximity in respect of the siting of the building is closer than that agreed on the masterplan at outline stage, this plan was only indicative. It is considered that the proposed landscaping on a mound, which was not a requirement of the original outline approval, will achieve a high quality landscape environment for the employment area which was the original objective of the Masterplan and outline approval.
127. Noise is a concern particularly due to the potential for 24 hour working however it is considered that adequate mitigation measures can be accommodated and secured via condition to ensure that the proposals do not create a statutory nuisance.
128. As such the proposals are considered to be acceptable and the application is recommended for approval.

Other Matters

Public Consultation

129. In accordance with the Council's Statement of Community Involvement the applicant carried out a consultation exercise prior to submission. This was in the form of an informal exhibition event. 16 members of the public attended and 10 questionnaires were completed. 8 supported the scheme and 2 raised concerns in respect of the impact on the highway network, the scale of the development and potential overshadowing to the neighbouring properties and the effects on the local landscapes.

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

Planning History

Site:

04/00029/FULMAJ - Remediation and reclamation earth works. Approved 28 April 2004.

04/00882/OUTESM - Outline application for employment development including full details of a link road – Approved December 2004

07/01395/REMAJ- Reserved matters application for the erection of 3 buildings for B2 use with ancillary parking areas. Approved March 2008

Adjacent Sites:

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

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

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

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

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

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

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

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

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

Recommendation: Permit Full Planning Permission Conditions

1. The proposed development of Phase 1 of Plot A 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 proposed development of Plot B must be begun not later than three years from the date of this permission. *Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

3. The approved plans are:

Plan Ref.	Received On:	Title:
EVAM2000	15 September 2011	Site Location Plan
2028-PL002 Rev A	12 March 2012	Landscape
5257 - 014	10 April 2012	Site Layout Plan (Complete)
<u>Plot A Phase 1</u>		
3500-099 PL-EX-09	5 March 2012	Proposed Fencing Details Phase 1 (Plot A)
3500-099 SK55 Rev A	22 March 2012	Feature Security Boundary Treatment (Plot A)
3500-099 SK28 Rev H	5 March 2012	Proposed Site Layout Plan Phase 1 (Plot A)
3500-099 SK55	5 March 2012	Proposed Site Layout Site Levels Phase 1 (Plot A)
3500-099 SK35 Rev C	5 March 2012	Building Plan Phase 1 (Plot A)
3500-099 SK59 Ph1 Rev A	12 March 2012	Proposed Site Plan Phase 1 (Plot A)
3500-099 SK36 Rev B	5 March 2012	Proposed Elevations Phase 1 (Plot A)
<u>Plot A Complete</u>		
3500-099	27 January 2012	Building Plan (Plot A)
3500-099 SK45	27 January 2012	Elevations (Plot A)
3500-099 SK31 Rev G	5 March 2012	Office Accommodation (Plot A)
3500-099 SK46	27 January 2012	Office Accommodation Plans (Plot A)
3500-099 SK59 Rev A	12 March 2012	Proposed Site Plan (Plot A)
<u>Plot B</u>		
5257 - 014	27 January 2012	Building Plan (Plot B)
5257 - 016	27 January 2012	Office Floor Plans (Plot B)
5257 - 019	27 January 2012	Elevations (Plot B)
2028-DL001	27 January 2012	Cross Sections Showing Proposed Plantings at Year 1
2028-DL002	27 January 2012	Cross Sections Showing Proposed

2028-DL003

27 January 2012

Plantings at Year 7
Cross Sections Showing Proposed
Plantings at Year 15

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

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

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

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

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

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

6. In respect of Plot A prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking / servicing areas shall be passed through an oil interceptor in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority, notwithstanding the previously submitted plans. The scheme shall be designed and constructed to have a capacity and details compatible with, the site being drained. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. *REASON: To protect water quality. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review.*

7. In respect of Plot B prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking / servicing areas shall be passed through an oil interceptor in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority, notwithstanding the previously submitted plans. The scheme shall be designed and constructed to have a capacity and details compatible with, the site being drained. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
Reason: To protect water quality. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review.
8. Before the development of Plot B hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.
Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby properties and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.
9. Before the development of Plot A Phase 2 hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.
Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby properties and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.
10. Before the development of Plot B commences full details, of the 2.5 metre high acoustic fence to be erected along the car park boundary in accordance with appendix F of the submitted Noise Assessment dated February 2012, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved plans.
Reason: To protect the amenities of the neighbouring residents and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review.
11. Prior to the first use of the development of Plot A hereby permitted, a Business Travel Plan shall be submitted to and approved in writing by, the local planning authority. The measures in the agreed Travel Plan shall then thereafter be complied with unless otherwise agreed in writing by the Local Planning Authority.
Reason: To reduce the number of car borne trips and to encourage the use of public transport and to accord with Policies TR1 and TR4 of the Adopted Chorley Borough Local Plan Review.

12. Prior to the first use of the development of Plot B hereby permitted, a Business Travel Plan shall be submitted to and approved in writing by, the local planning authority. The measures in the agreed Travel Plan shall then thereafter be complied with unless otherwise agreed in writing by the Local Planning Authority.
Reason: To reduce the number of car borne trips and to encourage the use of public transport and to accord with Policies TR1 and TR4 of the Adopted Chorley Borough Local Plan Review.
13. Before the development of Plot A Phase 1 hereby permitted is first commenced full details of lighting proposals for the site shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details.
Reason: To protect the appearance of the locality, to prevent light pollution, in the interests of public safety and crime prevention and in accordance with Policy Nos. GN5, EM2 and EP21A of the Adopted Chorley Borough Local Plan Review.
14. Before the development of Plot A Phase 2 hereby permitted is first commenced full details of lighting proposals for the site shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details.
Reason: To protect the appearance of the locality, to prevent light pollution, in the interests of public safety and crime prevention and in accordance with Policy Nos. GN5, EM2 and EP21A of the Adopted Chorley Borough Local Plan Review.
15. Before the development of Plot B hereby permitted is first commenced full details of lighting proposals for the site shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details.
Reason: To protect the appearance of the locality, to prevent light pollution, in the interests of public safety and crime prevention and in accordance with Policy Nos. GN5, EM2 and EP21A of the Adopted Chorley Borough Local Plan Review.
16. The development of Plot A Phase 1 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.
17. The development of Plot A Phase 2 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.

18. The development of Plot B 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.
19. Before the development of Plot A Phase 1 hereby permitted is first occupied details of the cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall be in accordance with the approved details.
Reason : To ensure adequate on site provision for cycle parking and in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review.
20. Before the development of Plot A Phase 2 hereby permitted is first occupied details of the cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall be in accordance with the approved details.
Reason : To ensure adequate on site provision for cycle parking and in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review.
21. Before the development of Plot B hereby permitted is first occupied details of the cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall be in accordance with the approved details.
Reason : To ensure adequate on site provision for cycle parking and in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review.
22. The car park and vehicle manoeuvring areas for Plot A Phase 1 shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.
Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR8 of the Adopted Chorley Borough Local Plan Review.
23. The car park and vehicle manoeuvring areas for Plot A Phase 2 shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.
Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR8 of the Adopted Chorley Borough Local Plan Review.
24. The car park and vehicle manoeuvring areas for Plot A Phase 2 shall be provided in accordance with the approved details prior to first occupation of the premises as

hereby permitted. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

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

25. The car park and vehicle manoeuvring areas for Plot B shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.
Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR8 of the Adopted Chorley Borough Local Plan Review.
26. The development of Plot A Phase 1 shall not begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.
Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
27. The development of Plot A Phase 2 shall not begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.
Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
28. The development of Plot B shall not begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.
Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
29. Within 6 months of occupation of each building hereby approved (including Plot A Phase 1 and Phase 2) a 'Post Construction Stage' assessment shall be carried out and a Final Certificate, certifying that a BREEAM standard of minimum 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
30. Prior to the commencement of the development of Plot A Phase 1 full details of the on-site measures to reduce the carbon emissions of the development (related to predicted energy use) by 15% shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details

Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

31. Prior to the commencement of the development of Plot A Phase 2 full details of the on-site measures to reduce the carbon emissions of the development (related to predicted energy use) by 15% shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details

Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

32. Prior to the commencement of the development of Plot B full details of the on-site measures to reduce the carbon emissions of the development (related to predicted energy use) by 15% shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details.

Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

33. Prior to the commencement of the development of Plot A hereby permitted full details of the public footpath along the eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the levels of the footpath and the surrounding land, the gradient of the footpath and the route. The footpath shall be completed and open to the public prior to the occupation of the building on Plot A.

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

34. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the grant of this planning approval and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

35. The external facing materials detailed on the approved plans shall be used and no others substituted.

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

36. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.

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

37. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.
Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in the National Planning Policy Framework
38. No materials or equipment shall be stored on the site other than inside the building.
Reason: In the interests of the amenity of the area and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.
39. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 8, Classes A, B and C) or any Order revoking or re-enacting that Order, no extension or alteration (other than Phase 2 of Plot A) shall be carried out in respect of the buildings to which this permission relates.
Reason : To prevent an intensification in the use of the premises, in the interests of the visual amenities of the area and the amenities of local residents and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.
40. In the event that Phase 2 of Plot A has not commenced within 3 years of the completion of Phase 1 a scheme for the landscaping and management of the phase 2 land shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be landscaped and managed in accordance with the approved scheme and maintained in perpetuity pending the commencement of phase 2 of Plot A.
Reason: In the interests of the visual amenities of the area in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

Item 4d **12/00042/DIS**

Case Officer **Mrs Nicola Hopkins**

Ward **Eccleston And Mawdesley**

Proposal **Application to discharge condition 6 (boundary treatments)
attached to planning approval 11/00290/REMMAJ/1**

Location **Sagar House Langton Brow Eccleston Chorley Lancashire**

Applicant **Barratt Homes Manchester**

Consultation expiry: **15 March 2012**

Application expiry: **12 April 2012**

Proposal

1. This application relates to an application to discharge condition 6, boundary treatments, attached to planning approval 11/00290/REMMAJ/1.
2. Reserved matters planning approval was granted to Barratt Homes in January 2011 to build 70 dwellings at the site. This approval was subsequently amended by virtue of Section 73 application reference 11/00290/REMMAJ/1.

Recommendation

3. It is recommended that condition 6 is discharged.

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Background information
 - Condition 6

Representations

5. 1 letter of objection has been received raising the following concerns:
 - The Boundary treatment is not acceptable.
 - The new hedge they show does not really exist as they state but that "over time" it will grow to approx. 6 foot- until then the view will be wood fences- a mature hedge should be installed.
 - Issues with seepage running through our properties causing sections of our walkway to be covered in black slippery slime and currently ice - some form of field drain similar to the one installed by Northern Trust between Sagar House field and the Green field is required.
6. 1 letter has been received stating that the preference is to reduce the existing conifers along the boundary with Langton Brow (with a 1.8 metre close boarded fence on the development side) to 2.5 metres in height.
7. 1 letter has been received from a resident of Shelley Drive including 2 illustrations detailing the boundary treatment details they would like put in place to ensure that their rights to air are not infringed upon. Their property is 6 feet 4 3/8 inches lower than the field.

Following the receipt of amended plans the following representation were received:

8. 1 letter was received raising the following points:

- We are all concerned predominantly with privacy we would like the 1800mm close boarded privacy fence reinstated. We understand that the fence was lowered so the owners of the new houses could maintain the hedge somewhat, but we are all worried that in the future the new owners might cut the hedge to the level of their fence which is 1200mm.
 - laurel genolia would be the best hedge as it is evergreen and very dense, but also this type of laurel requires little trimming.
 - We also want the hedge to be at least 1500mm when planted.
 - Because we are concerned about privacy now and in the future, we want it noted in the new houses covenants that the new owners must never change their fence to a different type or remove the fence.
9. 1 letter has been received stating that the boundary treatment is still not acceptable for the following reasons:
- This now gives them two security fences and leaves us with no privacy fence. Please reinstate the 1800mm privacy fence, if hedge maintenance is the reason it has been lowered we (7/9/11 Shelley) will maintain the hedge if is not of a thorned variety i.e. laurel vs. hawthorn.
 - The distance between the two fences would be better at 1000mm rather than 750mm. This will allow a denser hedge to form.
 - The actual hedge as mentioned above must not have prickles as the 3 houses have children that play in the yards.. A good hedge could be cherry laurel, which is a standard hedging plant and is an evergreen that would look good year round.
 - There is still no mention of drainage/seepage control in the boundary treatment layout.

Assessment

Background Information

10. Reserved matters approval was originally granted to Barratt Homes at the site in January 2011. Condition 6 of the reserved matters approval stated:

Prior to the commencement of development all details for the boundary treatment that bounds the properties between those on 7-11 (odds) Shelly Drive and the proposed development and the boundary of the rear of those properties on Langton Brow (southern edge) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include providing details of the level of the fence in relation to the existing ground level. The discharge of condition application for the fencing to be consulted on with residents and if there are objections then the discharge application should be referred to the Chair and Vice Chair of the Development Control Committee for a decision about reference to committee. The agreed scheme shall be maintained at all times to the satisfaction of the Local Planning Authority.

Reason: - To protect the amenities of the neighbouring properties and in accordance with saved policies GN5 and HS4 of the Adopted Chorley Local Plan Review.

11. By virtue of a S73 application, Barratt Homes, applied to vary this condition in March 2011. Barratt Homes initially wanted to replace *Prior to the commencement of development* with *Prior to the occupation of the dwellings*. However it was considered that this variation would result in the potential for the development to progress to an advanced stage without an agreed boundary treatment solution.

12. As such it is considered reasonable to vary the condition as follows:

Within 3 months of this planning approval or prior to the construction of plots 40-45 and 67-70 (whichever is the earliest) all details for the boundary treatment that bounds the properties between those on 7-11 (odds) Shelley Drive and the proposed development and the boundary of the rear of those properties on Langton Brow (southern edge) shall be formally submitted, as a discharge of condition application, to the Local Planning Authority. This shall include providing details of the level of the fence in relation to the existing ground level and full details of the consultation with neighbours and copies of any exchanges of correspondence in this regard. The Local Planning Authority will then consult with residents

on the discharge of condition application and if there are objections then the discharge application should be referred to the Chair and Vice Chair of the Development Control Committee for a decision about reference to committee. The agreed scheme shall be maintained at all times to the satisfaction of the Local Planning Authority.

13. It is considered that this compromise allowed part of the development to commence (although not the plots immediately adjacent to the affected properties), whilst putting the onus on the developers to agree an appropriate way forward within a restricted time period with the relevant residents.

Condition 6

14. Following the grant of the S73 application Barratt Homes contacted the residents of Langton Brow on 10 October 2011 setting out their proposals for the boundary treatment. This included reducing the height of the existing hedge to 2.5 metres and erecting a 1.8 metre high timber close boarded fence on the development site which will denote the new boundary between the properties and the development.
15. Barratt Homes received two responses to this letter, from 368 and 372 Langton Brow, confirming acceptance of this approach. 1 letter was received objecting to this approach.
16. In respect of Shelley Drive Barratt Homes wrote to 7, 9 and 11 Shelley Drive on 25th May 2011 including several boundary treatment options. None of the suggested options were considered suitable to the residents and the main point raised by the residents was reinstatement of the drainage ditch within this area.
17. The variation of condition was approved in June 2011 and no details of the any further correspondence with the residents of Shelley Drive, since May 2011, have been forwarded in support of the application. The applicant has confirmed that the Shelley Drive residents were not re consulted following the approval of the S73 application. This was partly due to the fact that the residents actually sketched out what they wanted in terms of a satisfactory boundary treatment, which Barratt Homes stated isn't feasible, and also partly because the contracts manager and site manager had separate meetings with the residents on site to discuss the way forward which was met with a non constructive outcome, so it was not considered that reconsultation would be a appropriate way forward.
18. In accordance with the requirements of the condition Barratt Homes have submitted details of the proposed boundary treatments along Langton Brow and Shelley Drive by virtue of this discharge of condition application. The neighbours have been consulted and only one response has been received from Langton Brow confirming that their preference is to reduce the existing hedge to 2.5 metres with a 1.8 metre fence on the development site. This reflects the solution put forward by Barratt Homes and in the absence of objections from residents along Langton Brow, in accordance with the requirements of the condition, is considered to be an acceptable way forward.
19. The main issue in respect of discharging this condition is the boundary treatment along Shelley Drive. Barratt Homes originally suggested retaining the existing fence on the Shelley Drive side, planting a hedge to grow to 1.8 metres high in time and erecting a 1.8m high fence on the development side.
20. As set out above initially 2 residents objected to this solution and requested that the field drain is incorporated. One resident has suggested that the existing fence on the Shelley Drive side is retained, a hedge to match the height of the fence is planted, a 'buffer area' of planting incorporating field drainage is incorporated and a fence is erected on the development side.
21. In accordance with the requirements of the condition due to the objections received this discharge of condition application is referred to the Chair and Vice Chair of the Development Control Committee for a decision about reference to committee.

22. The originally suggested solution raised concerns as the 'buffer area' would be segregated from both Shelley Drive and the development by fencing which raises maintenance implications. It is acknowledged that the condition requires the agreed scheme to be maintained at all times however this area is proposed to form part of the garden areas associated with the plots along this part of the site and the suggested solution would reduce the amount of private garden area associated with these plots. This has the potential to lead to pressure in the future to reduce the extent of the 'buffer area'.
23. Obviously the planting of any hedge along this boundary raises maintenance issues and the originally suggested solution put forward by Barratts Homes incorporated the planting of a hedge and then a 1.8 metre high timber fence which would render maintenance impossible. As such Barratt Homes have suggested erecting the timber close boarded fence along the boundary with the hedge inboard however this would result in the existing residents looking at a fence and not a hedge. The other solution of a hedge then a fence would put the maintenance liability onto the existing residents which is not considered possible due to the level differences.
24. To address this maintenance issue the plans along this boundary were amended to increase the space between the two fences to 750mm and reducing the height of the fence in the development side to 1.2 metres high. This allows for the hedge to be maintained by the future owners and allows for light to access the hedge.
25. Barratt Homes have confirmed that for immediate impact an evergreen Laurel will be planted at an approx height of 5ft (1.5 metres). This ensures that it is still adolescent enough for the roots to take but also gives an immediate impact as possible.
26. As set out above 2 letters of concern have been received in respect of the amended solution however the purpose of a boundary treatment condition is to ensure that adequate levels of privacy are provided for the existing and future residents. Although a 1.2 metre high fence is not usually adequate to provide a decent level of privacy taking into account the retention of the existing fence, the planting of a 1.5 metre high hedge and the level differences in this situation the solution will provide privacy whilst ensuring the hedge can be maintained and achieve an adequate level of light.
27. It is also noted that drainage is raised as a concern however surface water drainage on this site was adequately dealt with via a separate condition and a drainage ditch is not considered necessary in this part of the site. Barratt Homes have confirmed that *installing a land drain along this boundary would not be suitable, primarily because there is no suitable location to outfall a land drain. United Utilities do not allow land drainage connections to sewers, and could therefore jeopardise the adoptability of the main drainage network. Ordinarily land drains would drain to a stream or watercourse, however there are no watercourses in the vicinity of the site. We also feel that it is unnecessary as any problems experienced by the existing neighbouring properties are caused because the development site is higher than the neighbouring properties, thus causing the surface run-off/ground water to run off and/or infiltrate to the lower neighbouring properties. The redevelopment of the site dramatically increases the impermeable area and thus decreases the amount of surface water infiltrating to ground by approximately 50%, as all roofs, driveways, and roads are now positively drained to the main drainage network. In addition, buildings, kerbs, fences, drainage trenches and landscaping, should all help in "cutting off" surface run-off that may have previously run off the site to the neighbouring properties. Furthermore the addition of the hedge will help alleviate the problems of surface run-off and/or infiltration due to increased water demand from the hedge.*

Overall Conclusion

28. It is acknowledged that the residents along Shelley Drive object to the suggested boundary treatment, particularly taking into account the land level differences; however it is considered that the suggested solution will provide adequate levels of privacy whilst providing a 'softer' edge by virtue of the proposed hedge. In this regard a 1.5 metre high Laurel hedge will be required to address the concerns raised in respect of providing a suitable hedge from day one.

29. Shelley Drive is sited to the south of the development site and as such the proposed boundary treatment is located along the northern boundary ensuring that loss of sunlight is not an issue.
30. Concerns have been raised that the future owners will reduce the height of the hedge to 1.2 metres to match the height of the fence on the development side however the condition allows for *The agreed scheme shall be maintained at all times to the satisfaction of the Local Planning Authority*. As such the discharge of the condition can be on the proviso that the hedge is maintained at a height of 1.8 metres, once matured, at all times.

Non-material Planning Considerations

31. The neighbours consider that their solution will ensure that their rights to air are not infringed upon however the condition was attached to protect the amenities of the neighbouring properties in respect of privacy, right to air is not a material planning consideration.

Planning Policies

North West Regional Spatial Strategy

Policies: DP1, DP4, DP7, RDF1, RDF2, W3, L4, L5, RT9, EM5, EM15, EM16, EM17.

Adopted Chorley Borough Local Plan Review

Policies: GN3, GN5, GN9, EP4, EP9, HT10, EP17, EP18, HS4, HS5, HS6, HS8, EM4, TR1, TR4, TR18, LT14.

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Chorley's Local Development Framework

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

Joint Core Strategy

Policy 1: Locating Growth

Policy 2: Infrastructure

Policy 4: Housing Delivery

Policy 7: Affordable Housing

Policy 17: Design of New Buildings

Policy 22: Biodiversity and Geodiversity

Policy 27: Sustainable Resources an New Development

Planning History

5/5/5189- Administrative and Executive Building. Approved 1965

08/01244/OUTMAJ- Outline application for the erection of 82 dwellings and associated roads and open space. Withdrawn

09/00146/OUTMAJ- Outline application for the erection of 82 dwellings and associated roads and open space. Refused

09/00802/OUTMAJ- Outline application for the erection of 70 dwelling houses with associated roads and open spaces. Approved September 2010

10/00866/REMAJ- Reserved matters application for the erection of 70 dwellings (1.5 storey, 2 storey and 2.5 storey) with associated roads and open spaces. Approved January 2011

11/00291/DIS- Application to discharge conditions 4, 5, 9, 10, 12 and 17 attached to planning approval 10/00866/REMAJ. Conditions discharged.

10/00866/REMAJ- Reserved matters application for the erection of 70 dwellings (1.5 storey, 2 storey and 2.5 storey) with associated roads and open spaces. Approved January 2011

11/00291/DIS- Application to discharge conditions 4, 5, 9, 10, 12 and 17 attached to planning approval 10/00866/REMAJ. Conditions discharged.

11/00290/REMAJ/1- Section 73 application to vary conditions 6 (boundary treatments), 7 (Code for Sustainable Homes) and 16 (approved plans) attached to planning approval 10/00866/REMAJ. Approved June 2011

Recommendation: Condition(s) discharged

Item 4e	12/00191/OUT
Case Officer	Mr Adrian Morgan
Ward	Adlington & Anderton
Proposal	Outline application for the demolition of the existing buildings and erection of four houses (two pairs of semi-detached houses).
Location	107 - 113 Chorley Road Adlington Chorley LancashirePR6 9LP
Applicant	Mr T Pickering
Consultation expiry:	29 March 2012
Application expiry:	3 May 2012

Proposal

1. Erection of two pairs of semi-detached houses following demolition of the existing commercial premises on the site.

Recommendation

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

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Loss of employment premises
 - Housing Development
 - Impact on the neighbours
 - Traffic and Transport

Representations

4. Two neighbour representations have been received.
5. Both representations suggest that the land between the numbers 113 and 115 Chorley Road is in the same ownership as the house at number 115. On the submitted plan this area is included within the red line and is indicated as parking for one of the proposed houses.
6. One of the correspondents, whilst welcoming the redevelopment of the site in principle, also indicates that he would object to the loss of the trees and shrubs that presently run along the boundary between the site and number 105 Chorley Road (which he says is wrongly indicated as number 103 in the submitted Design & Access statement).
7. Adlington Town Council wrote in support of the proposal, stating that "The Town Council considers that a residential development of this type would be a suitable use for this site".

Consultations

8. **Highway Authority**
No overriding objection to the proposal in principle, however, sufficient vehicle turning space should be provided to allow vehicles to enter and leave the site in forward gear. Also require

applicants to reinstate/provide public footway on Chorley Road up to number 105 and enter into a related S278 agreement with the Highway Authority to provide the required works.

9. **Director People and Places** - *The following comments were submitted: -*

Due to the size and sensitive end-use (residential with garden), the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.

The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: In the interests of safety and in accordance with PPS23

Please Note: It is the applicant's responsibility to properly address contaminated land issues, to ensure safe development and secure occupancy.

INFORMATIVE - Desk Study Report *The report should include a desk study, site reconnaissance (walk over) and risk assessment in accordance with the recommendations in Planning Policy Statement 23: Planning and Pollution Control 2004. Further guidance and advice on producing the report can be obtained from the Council's Contaminated Land Officer on 01527 515661.*

Assessment

The Site

The application site is situated on the eastern side of Chorley Road. It is presently occupied by what appear to be three unoccupied buildings that were formerly used as commercial premises. Three of these buildings form a terrace and front the road. The northernmost building is a two storey office of similar appearance to nearby houses; the central building is a single-storey, flat roofed former shop and the southernmost building is a larger, pitched roofed, showroom type retail premises. Behind these buildings is a brick-built outhouse formerly used as a workshop/store. There is also a concrete garage towards the rear of the site.

The buildings on the site are set back behind a narrow frontage that is open to the pavement. Between number 105 Chorley Road and the northern edge of the site is a row of trees and bushes. There are driveways at both ends of the site that run to the rear boundary. Behind the buildings is a small courtyard area, beyond which is a playing field.

The buildings and site presently have a generally neglected appearance. The rear boundary fence is broken down, leaving the site open to the adjoining playing field.

Directly facing the site across Chorley road is a telephone exchange, a detached bungalow and a short row of shops.

Loss of Employment Use

10. Policy EM9 of the Chorley Local Plan applies to the redevelopment of employment sites. It requires that such sites are retained for employment use unless it can be demonstrated that such uses are no longer viable, or are no longer appropriate, on the site.
11. The applicants have indicated that the site has been marketed for three years without success. Evidence of this marketing has not been submitted with the application but,

according to by the applicant, could be provided. A large For Sale sign is apparent on the site and has been in place for a considerable period.

12. The retail uses that comprise the majority of the site are not subject to Policy EM9 anyway and it is considered that, for planning purposes, the redevelopment of the site in its entirety would be preferable to any piecemeal approach.
13. A conditional sale was agreed in 2010 subject to planning permission being obtained for a small food store on the site (application 11/00161/FUL). This application was refused by the Council mainly due to the out-of-centre location of the site; poor vehicle access and car parking provision and neighbour amenity issues.
14. The refusal of application 11/00161/FUL demonstrates that it would be unlikely nowadays that the site would be considered to be appropriate in planning terms for the employment uses that presently occupy it, due in particular to the lack of potential to create suitable access for servicing and car parking. As such, a change to residential use is in principle welcome.

Housing Development

15. Most of Chorley Road within the vicinity of the site is lined with terraces of houses and semi-detached houses of the type proposed would be a lower density of development than most housing along the road. This difference is not problematic in policy terms; it would increase the range of house types available along the road and provides for each house to have two off-road car parking spaces, which would satisfy policy requirements for houses with up to three bedrooms.
16. The proposal complies with the relevant criteria set down in Local Plan housing policies HS4 and HS6, for example; the site is accessibly located; the development could be satisfactorily accommodated on the site and would be compatible with surrounding uses; and there would be no conflict with other policies in the Local Plan. The outline proposal submitted presents no constraints that would limit the potential for a satisfactory reserved matters scheme to be drawn up should outline permission be granted.

Impact on the neighbours

17. The only likely alternatives for the site, other than its use for housing, are that the present retail / employment uses would find occupiers and recommence, or, should this not happen, then the site would become ever more neglected. Either way, neighbour amenity would be more likely to be compromised than it would by the presence of four houses on the site. The use of the site for housing could be expected to generate fewer comings and goings and less general disturbance than commercial uses and also to ensure its reasonable tidiness, maintenance and security.

Traffic and Transport

18. The proposed development would provide for sufficient off-road car parking provision to meet policy requirements for up to three-bedroomed houses. The plans also indicate that some turning space would be provided on the site to allow both access and egress in forward gear. The Highway Authority has, however, indicated that additional space would be required.
19. In practice, in traffic terms, as with the neighbour amenity issue, four houses would be likely to generate fewer comings and goings than the existing use should it be continued and, therefore, the proposed use would represent an improvement. Most of Chorley Road close to the site is occupied by housing, the majority reliant upon on-street car parking. The proposed development would be consistent with the dominant use along the road and provide parking facilities in line with present policy requirements.

Section 106 Agreement

20. In line with the requirements of Policy HS21 of the Chorley Local Plan and the Council's Interim Guidelines on New Equipped Play Areas, the applicant and other interested parties will be required to enter into a Section 106 legal agreement with the Council to provide an offset sum in lieu of play space provision at Reserved Matters stage.

Overall Conclusion

21. The proposed development does not conflict with any national or local policy.
22. There is evidence that the existing use of the site is no longer tenable; this evidence includes the fact that planning permission was recently refused by the Council its redevelopment for retail purposes.
23. The proposal represents an opportunity to redevelop a site that presently has a use that is no longer being operated, and there appears to be no immediate prospect of any commercial use recommencing. As a result of the buildings being unused, the site, which is prominently located on the main road, is gradually developing an increasingly neglected appearance.
24. The proposed housing use would be consistent with the residential nature of the road in the immediate vicinity. In comparison to the existing use, housing would be likely to offer benefits in highway and traffic terms and to neighbour amenity.

Planning PoliciesNational Planning Policies:

National Planning Policy framework (NPPF)

Adopted Chorley Borough Local Plan Review

Policies: HS4, HS6, HS21, EM9

Planning History

The site history of the property is as follows:

Ref: 11/00161/FUL

Decision: REFFPP

Decision Date: 21 April 2011

Description: Erection of an A1 retail unit including ATM, plant and car parking alterations

Ref: 12/00191/OUT

Decision: PCO

Decision Date:

Description: Outline application for the demolition of the existing buildings and erection of four houses (two pairs of semi-detached houses).

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

1. **Prior to occupation of the buildings hereby approved, the applicants must reinstate or provide a public footway on Chorley Road to provide continuity with the existing footway up to number 105. This will involve entering into a related S278 agreement with the Highway Authority to provide the required works.**
Reason: In the interests of highway safety and in accordance with the National Planning Policy Framework and Local Plan policy TR4.
2. **Due to the size and sensitive end-use (residential with garden), the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.**

The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: In the interests of safety and in accordance with the National Planning Policy Framework.

Please Note: It is the applicant's responsibility to properly address contaminated land issues, to ensure safe development and secure occupancy.

INFORMATIVE - Desk Study Report The report should include a desk study, site reconnaissance (walk over) and risk assessment in accordance with the recommendations in Planning Policy Statement 23: Planning and Pollution Control 2004. Further guidance and advice on producing the report can be obtained from the Council's Contaminated Land Officer on 01527 515661.

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Item 4f	12/00305/FUL
Case Officer	Mrs Nicola Hopkins
Ward	Chisnall
Proposal	Proposed partial demolition of the existing building and the erection of a replacement building for Festive Lights (resubmission of 12/00091/FUL)
Location	Festive Lights Disklok House Preston Road Charnock Richard Chorley
Applicant	Festive Lights Ltd
Consultation expiry:	18 April 2012
Application expiry:	16 May 2012

Proposal

1. The application relates to the existing Festive Lights premises in Charnock Richard. The application seeks planning permission for the redevelopment of the existing site to accommodate a mixed-use building comprising a Class B1 administrative office and Class A1 retail sales area / showroom.
2. It is proposed to demolish the existing brick building on the site but retain the steel frame section and then reconstruct the whole building as a steel frame office and showroom. At the same time additional car parking will be provided on the site and it is proposed to demolish the breeze block building at the rear of the site.
3. The site is currently occupied by a modern warehouse building occupied by Disklok UK and a two storey office complex with retail showroom. Car parking is located to the front and the site is accessed directly from Preston Road with a secondary access from Croston Lane.

Recommendation

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

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Application Site
 - Background information
 - PPS4 Assessment
 - Impact on the Green Belt
 - Impact on the neighbours
 - Design
 - Flood Risk
 - Traffic and Transport
 - Sustainability
 - Noise and Light

Representations

6. **Charnock Richard Parish Council** have no objections

Consultations

7. **Environmental Health (Noise and Light)** have made the following comments:
- There have been no previous complaints concerning statutory nuisance associated with this property and it would appear that this proposal should not present any adverse impact on any neighbouring dwellings.
 - The proposal has a substantial glass area to the front of the building which (dependant on operational hours) may be an issue in respect of possible light overspill to any neighbouring properties.
8. **The Environment Agency** have no comments to make.
9. **Lancashire County Council (Highways)** have confirmed that the application is a resubmission of application no: 12/00091/FUL to which I had no highway objection. The revised application is of no material highway change and as such I would again have no objection.
10. **Chorley's Waste & Contaminated Land Officer** has no objection
11. **The Council's Policy and Design Team Leader** has commented in respect of design which is addressed below.

Applicants Case

12. The following points have been provided by GVA Grimley on behalf of the applicants in support of the proposals:
- The planning application proposal made by Festive Lights fulfils their aspiration to upgrade their accommodation on the site at Preston Road in order to expand and develop the performance of their business. The proposal involves a part-demolition and redevelopment of existing buildings on site to provide a modern development with sufficient accommodation and internal configuration to support showroom and retail sales areas as well as administrative and internet and tele-sales space.
 - The proposed scheme involves a minor reduction in floorspace at the site but with an increase in the overall building height. This is a key requirement for the business in order for the larger product lines to be effectively displayed on site. The new accommodation will also present a modern arrangement which is suited to their wider business profile which trades successfully with a number of multi-national retailers.
 - The development proposal includes retail floorspace (in an out-of-centre location) and development within the Green Belt. The retail policy assessment shows that the proposal meets the clear tests in regard to impact and sequential alternatives as contained formerly within PPS4 and now within the NPPF.
 - In regard to Green Belt development it is held that the scheme would not lead to a disproportionate additions or a materially larger building than the one that is presently on the site. On this basis the development is considered to meet the NPPF 'exception test' which provides limited examples of development within the Green Belt which is not considered to be inappropriate.

- Notwithstanding this position, it is also evident that the proposal benefits from a strong business need case. By virtue of the very limited harm that would be conveyed to the Green Belt land and the overriding benefits of the scheme, which amount to very special circumstances, it is concluded that the planning application is compliant with the provisions of the NPPF in regard to development within the Green Belt and upon this basis we seek the support of Chorley Borough Council in granting planning permission.

13. The following points have been provided the applicants in support of the proposals:

- A large proportion of the customers buy through the internet, but people still like to view products before they buy and see that an internet company has a viable base. We have looked at various options in the past to relocate with our main aim to keep in the Chorley area.
- The first option was to buy the Bentwood Brothers building on Water Street in Chorley (now Curry's store). We came up against several obstacles i.e. the asking price kept increasing seemingly as we became more interested in the property. We persevered and had plans drawn up to outline the proposed building to include showroom, warehousing, offices and seasonal retail store.
- We did meet up with Chorley Planning Department and our local MP Lindsay Hoyle to put forward our proposals and the advantages to Chorley of having this type of business i.e. a 'Christmas Wonderland' to attract more visitors to Chorley and to increase the amount of employees required from the local area. At the time the Planning Dept. were very restrictive on the type of products we could sell to the point of listing products and not deviating from this. Meanwhile the purchase price did keep increasing to the point that the project became untenable.
- The next option was to demolish our own existing building and erect new offices. This was in 2002 and the plans were passed, but at the time as the business was growing, we found we needed more warehousing as a priority and funds would not allow us to do both.
- Further down the line we have looked at several properties on the Matrix development on Buckshaw Village, but these did not meet the criteria and were too expensive when considering the added costs of warehousing somewhere else.
- We decided that because we could not find a property in the Chorley area that could satisfy our criteria i.e. showroom height, offices, warehousing and position, that the only option was to buy some land and build our own bespoke building.
- Land for sale became available on Buckshaw Village next to Tesco. We had plans drawn up for a bespoke building but the land was in fact for lease and not for sale to buy outright. The land had so many sub leases and covenants on it that the bank eventually said no to the funding of the project.
- Kath Burns the economic development officer at Chorley looked at other land options Myles Standish Way, Chorley, Botany Bay, Chorley, but again these were not suitable for type of building we require or not yet being developed.
- To buy land at approx £450,000, then build a specialist building plus relocating costs is extortionate. In the present climate the bank has told us this is not an option. We have

come to realise we have already got the land and a building. The current building is not fit for purpose and does not fit our business profile as a modern business going forward hence the reasons why we are progressing the planning application we have made.

Planning Policy

National Planning Policy:

- The relevant national planning policy guidance is as follows:
- National Planning Policy Framework (NPPF)
- The NPPF confirms that for 12 months from the day of publication (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.
- In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
 - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- In respect of the Green Belt the NPPF states within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles include *take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*
- The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- The NPPF states that *when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*
- The NPPF goes on to state that the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:
 - buildings for agriculture and forestry;
 - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
14. Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:
- mineral extraction;
 - engineering operations;
 - local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - the re-use of buildings provided that the buildings are of permanent and substantial construction; and
 - development brought forward under a Community Right to Build Order.
15. The proposals involve a business within the Green Belt. The NPPF supports economic growth in rural areas by taking a positive approach to sustainable new development. The NPPF states that to promote a strong rural economy, local and neighbourhood plans should:
- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
 - promote the development and diversification of agricultural and other land-based rural businesses;
 - support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
 - promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
16. In respect of retail developments the NPPF states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:
- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
 - define a network and hierarchy of centres that is resilient to anticipated future economic changes;
 - define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
 - promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
 - retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;

- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
 - allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
 - set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
 - recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
 - where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.
17. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
18. This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.
19. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:
- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.
20. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.
21. Ultimately, in decision making, the NPPF (paras. 186 and 187) directs LPAs to:
- Approach decision taking in a positive way to foster delivery of sustainable development;
 - Look for solutions rather than problems with decision-takers at every level seeking to approved applications for sustainable development where possible; and

- Work proactively with applicants to secure developments that improve the economic, social and environmental conditions of an area.

The Development Plan

22. The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003, the Sustainable Resources Development Plan Document 2008 and the North West of England Regional Spatial Strategy 2008 (RSS).
23. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Regional Spatial Strategy (RSS)

24. At the current time the Regional Spatial Strategy (RSS) for the North West is still in force. The Secretary of State's intention to revoke RSS, and how that intention should be considered has been a matter for the courts, with the outcome that RSS remains part of the development plan, and that the intention to revoke can be regarded as a material consideration in the determination of planning applications.
25. Section 109 of the Localism Act has already come into force which gives the Secretary of State the power to revoke the whole or part of any Regional Spatial Strategy. Consultation on Strategic Environmental Assessment (SEA) which considers the environmental impacts of revocation expired on 20 January 2012. The Government has indicated that it intends to revoke RSS by April 2012.
26. The relevant policies of the RSS are as follows:
- **Policy DP1 – Spatial Principles** - This policy outlines broad spatial sustainability principles that should be adhered to.
 - **Policy DP4 – Make the Best Use of Existing Resources and Infrastructure** - This policy seeks to make the best use of existing infrastructure.
 - **Policy RDF4 – Green Belts** - This policy relates to the general extent of the Region's Green Belt
 - **Policy W5- Retail Development** - This policy relates to new retail development in the region

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27. The relevant policies of the Local Plan are as follows:
- DC1- Green Belt
 - EP4 - Species Protection
 - EM5- Extensions to Rural Enterprises
 - TR4- Highway Development Control Criteria

Sustainable Resources DPD:

- Policy SR1 – Incorporating Sustainable Resources into New Development

Emerging Policy Considerations

Central Lancashire Local Development Framework Joint Core Strategy

28. Central Lancashire Core Strategy – Publication Version December 2010: Chorley Council is preparing a Core Strategy jointly with Preston City and South Ribble Councils which was submitted for examination in March 2011 and an Examination in Public took place in June 2011. In July 2011, the examining Inspector expressed doubts whether the document in its

December 2010 published form could be found sound in providing for sufficient new housing (Policy 4). The examination was suspended and in November 2011 the three Councils produced a Proposed Housing Related Changes document. This was subject to public consultation during November and December 2011. The consultation period ended on 13 December 2011. The examination re-opened and closed on 6 March 2012.

29. As a whole the Core Strategy as a document is at an advanced stage.
30. The following Core Strategy Policies are of relevance to this application:
 - **Policy 2:** Infrastructure
 - **Policy 11:** Retail and Town Centre Uses and Business based tourism
 - **Policy 13:** Rural Economy
 - **Policy 17:** Design of New Buildings
 - **Policy 27:** Sustainable Resources and New Developments

Site Allocations & Development Management Policies DPD (Preferred Option Paper)

31. Local Development Framework: Site Allocations and Development Management Policies Development Plan Document. The Council has recently completed consultation on the Preferred Option Paper for the Chorley Site Allocations and Development Management Policies Development Plan Document (DPD). This document will accord with the broad content of the Central Lancashire Core Strategy but will provide more site-specific and policy details. The purpose of this document is to help deliver the aims of the Central Lancashire Core Strategy by setting out development management policies and allocating or protecting land for specific uses. This DPD is at a relatively early stage of preparation, and can be afforded limited weight.

Assessment

Application Site

32. The application site covers approximately 0.165 hectares is bounded by Preston Road and Croston Lane. The surrounding area incorporates residential dwellings located to the immediate south of the application site and beyond Croston Lane to the north. The area to the immediate east of the site beyond Preston Road comprises open grazing land and a golf course.

Background Information

33. The site was originally occupied by Preston Road Garage incorporating a dwellinghouse with attached motor accessory shop (approved in 1978). In 1979 planning approval was granted to convert the ground floor of the dwellinghouse to extend the motor accessory shop with a first floor extension for living accommodation. For both of these applications the retail element was restricted to the sale of motor accessories. In 1992 an application was submitted to erect a bicycle storage building and change of use of the premises to allow bicycle assembly and sales. However this application was withdrawn although it was noted at the time that the sales of bicycles was not authorised as the previous approvals restricted sales from the site as set out above and the applicant was advised to regularise the situation by applying for the sales element also.
34. In 2002 planning permission was granted to erect a replacement warehouse building and to erect replacement storage/ office building, to replace the existing building on site, for the use by a car security business. Although it does not appear that the replacement storage/ office building was constructed.

35. The current premises functions as a shop selling lights however planning permission was never granted for this retail function. An element of retail has previously been approved at the site however this was strictly controlled as set out above. Additionally the previous use of the premises was for office/ storage accommodation and as such the authorised use would appear to be for office/ storage use.
36. In 2002 the premises were being used by a car security business for offices and warehousing and as such Festive Lights have not operated from the premises for in excess of 10 years (which would result in the retail use being authorised).
37. Festive Lights supply indoor/ outdoor lights and festive lighting in the UK. The company was established in 1999 and the business has significantly grown and diversified in the subsequent period. The business predominantly focuses on Christmas related products including artificial trees (up to 8 metres including pre-lit, fibre optic and LEDs options) and has an extensive decorations range (including lighting for weddings and general display) and also homeware range (mood lighting candles etc.).
38. The proposals incorporate a modern showroom with sufficient space for visitors to view the product lines.

Retail Proposals

39. As set out above the use of the premises by Festive Lights is not an authorised use however this planning application seeks to regularise this situation. This is an application for economic growth, in respect of the retail proposals of the development. Retail development is a main town centre use; and this development will be sited outside of a defined shopping area.
40. With regard to the mechanism of assessment of a retail proposal, prior to the publication of the NPPF Planning Policy Statement 4 incorporated several tests. Following the publication of the NPPF ensuring the vitality of town centre is still a key Government objective. The NPPF requires the application of a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.
41. It is noted that this sequential approach is not applicable to small scale rural development however Festive Lights do not have the benefit of planning permission for retail use on this site and this application includes a significant level of retail floorspace. The proposals are considered to be of a scale where the sequential approach should be applied.
42. GVA Grimley have assessed the site in this regard on behalf of the applicant. The submitted document confirms that in assessing applications for retail development which are not in accordance with an up-to-date Local Plan, the NPPF (para. 26) details that local planning authorities (LPAs) should require the following:
 - Impact Assessment; applicant required to assess:
 - 2 The impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - 2 The impact of the proposal on town centre vitality and viability including local consumer choice and trade in the town centre and wider area.
 - Sequential Test; applicant required to demonstrate that there are no suitable incentre sites or failing that accessible edge or out-of-centre sites which are well connected to a town centre.

43. GVA Grimley, on behalf of the applicants have made the following assessment in respect of the NPPF:

1) Impact Test

- Whilst the NPPF details that LPAs should require an impact assessment if a proposed development is outside of a defined town centre and not in accordance with an up-to-date Local Plan, the guidance does however go on to state that an assessment should only be provided if the development is over a proportionate, locally set floorspace threshold or if there is no locally set threshold then 2,500 sqm.
- On the basis of this policy guidance, having regard to the nature of the application proposal, it is clear that no impact assessment is required in this instance given that:
 - 2 There is no locally set floorspace threshold; the Borough Council's emerging Joint Core Strategy is not sufficiently progressed at this stage to either determine local thresholds or be apportioned sufficient material weight in any policy-based assessment of the application proposals.
 - 2 The quantum of floorspace proposed by the application is substantially below the 'default' floorspace threshold established by NPPF.
- In any event, as detailed in the PPS4 Statement submitted as part of the application, the proposal would not adversely impact on the vitality and viability of Chorley town centre as a whole given the bespoke and specialised nature of Festive Lights retail operation which is reflected in the range of retail goods currently sold on site (i.e. artificial Christmas trees and indoor / outdoor decorative lighting). The vitality and viability of Chorley town centre is clearly not underpinned by any retail sector to which the proposal relates.

2) Sequential Compliance

- As set out in the PPS4 Statement submitted with the application, the proposed development cannot be realistically accommodated in Chorley town centre given the bespoke nature of the retail operation (size of Christmas trees etc.). There is recognition within the PPS4 practice guidance (para. 6.31) which details that the size and bulk of goods sold will influence the size and type of unit / site required.
- Whilst the constraints of locating the proposed retail use in the town centre have been established, a detailed assessment of sequentially preferable units within Chorley town centre or indeed on its edge or outside the centre has been undertaken for the purposes of robustness.
- It is clear from site visits that the majority of current vacant units within Chorley town centre are simply unsuitable by virtue of being too small and constrained in terms of width and height to accommodate the applicant's full range of goods.
- The Borough Council must have regard to both the operational and viability constraints facing the applicant in seeking to significantly improve the nature of the business. We consider that there are no sequentially preferable alternatives which would meet the operational and financial constraints facing the applicant.

Out-of-Centre Sites

- In terms of out-of-centre opportunities, the Borough Council in its own policy-based assessment (application consultation response) has identified the former Comet Unit at Highfield Industrial Estate (779 sqm) in Chorley as a sequentially preferable out-of-centre location given its proximity and accessibility to the town centre.
- Whilst it is accepted that the former Comet Unit constitutes a better out-of-centre location in accessibility terms, it is considered that the site is not available, suitable or viable for the applicant on the following basis:

- 2 The unit is not actively available by the freeholder (Comet formerly leased the unit); there are no marketing details available and no suggestion that the unit will be actively re-used for retail purposes at this time.
 - 2 It would not be financially viable for the applicant to relocate / trade from the unit; the applicant simply could not afford a comparable level of rent to what a former national electrical retailer chain is likely to have paid. The retail element of the business only achieves a turnover of c. £280,000 and there is no opportunity to operate as a Class A1 retail business.
44. In respect of the impact assessment taking into account guidance contained within the NPPF it is not considered that an impact assessment is required in respect of this proposal and this notwithstanding due to the specialised nature of the business, which can be controlled by condition, the proposals will not adversely impact on the vitality or viability of Chorley Town Centre.
45. In respect of the sequential assessment undertaken by GVA Grimley of all of the premises assessed the reasons for discounting the premises include them being too small, too low (in respect of ceiling heights), incorporate insufficient parking space and not financially viable from the business perspective. It is acknowledged that the nature of the business is specialised and requires bespoke accommodation and as such it is not considered that there are any sequentially preferable sites which could accommodate the business.

Impact on the Green Belt

46. The application site is located within the Green Belt where there is a presumption against inappropriate development. The NPPF sets out development which is considered appropriate within the Green Belt.
47. It is noted that the definition of 'appropriate development' has been extended, when compared to PPG2, to include extension or alteration of any building in the Green Belt, not just dwellings however this is on the proviso that the alterations do not result in disproportionate additions over and above the size of the original building. It also noted that the NPPF guidance states that the replacement of a building is not inappropriate provided the new building is in the same use and not materially larger than the one it replaces.
48. In this case the height of the building is increasing by 3.1m and although the proposals result in a reduction of 13 sq.m. of floorspace this is due the fact that at first floor level the scheme includes a large void to allow for large Christmas trees to be displayed in the building. It is considered that this proposal is a replacement building given that only a small part of the existing building will be retained and the building is considered to be materially larger than the one it replaces. As such it is not considered to be appropriate development in the Green Belt in accordance with the above definitions and very special circumstances are required for this application.
49. In this case there is an existing building on the site which is a material consideration in respect of this site. It is proposed to demolish the existing brick building on the site but retain the steel frame section and then reconstruct the whole building as a steel frame office and showroom.
50. The internal layout includes a large void at first floor which will be a full height showroom where large trees etc can be displayed. The retained building at present is used largely for smaller displays, this building will be used for the same purpose but the existing and

proposed showrooms will be linked together. There will be no bulk storage on site this will be taken care of off-site in the purpose built storage and distribution unit.

- 51. It is proposed to raise the eaves height of 4.9 to 5.6m to allow for ceiling heights internally that will work within a commercial building and allow for heating and lighting services within ceiling voids.
- 52. The roof is proposed to be constructed with a slate roof to respect the surrounding properties. This increases the height to 10.6m opposed to the existing height of 7.5m.
- 53. The footprint has been proposed to line in the rear of the proposed with the existing steel framed building. The front elevation has been stepped out by approximately 2.5m around the entrance which then steps back to the main building.

54. The floor space split is as follows:

	Existing	Demolished	Proposed
Ground Floor	328m ²	169m ²	289m ²
First Floor	275m ²	154m ²	159m ²
Outbuilding	138m ²	138m ²	
Total	741m²	461m²	448m²

- 55. This results in a total decrease of 13m² of floor area however this does not include the large void at first floor and includes the demolition of the outbuilding, which is not a consideration when assessing the impact on the Green Belt.
- 56. The actual variation in floor space is an increase of 143 m² (448 m² ground floor and 280 m² first floor) when compared to the existing building on site. In volume terms the existing building is 2,015 m³ and the resultant building will be 3,805 m³.
- 57. GVA Grimley have assessed the impact of the proposals in respect of the Green Belt and consider that the proposals are appropriate development within the Green Belt for the following reasons:
 - The proposed development is of a scale and nature which remains consistent with the existing buildings on site. Indeed, the proposal results in an overall reduction in floorspace at the site and no alterations to the car park, access or landscaped areas of the site.
 - Our assessment of the proposal is that it is not disproportionately or materially larger than the original building on the site for the following reasons:
 - 2 Whilst the overall height of the building will increase by 3.1m this impact is softened by the 30 degree roof pitch and architectural style of the building which is purposely 'quasi-residential'; and
 - 2 The development allows for a more efficient use of space by Festive Lights, resulting in a 13 sq.m. reduction in the present quantum of floorspace at the site.
 - Upon the basis of these factors it is considered that the overall impact of the proposal is not significant when considered against the existing baseline position and for this reason the development proposal should not be held as materially larger or a disproportionate increase from the existing building size. Upon this basis we consider the development to fall within the exceptions provided under NPPF policy (paragraph 39) regarding the inappropriateness of development within the Green Belt. The development should not therefore be held to be inappropriate and is therefore worthy of support.

58. However as set out above it is considered that the proposals do not constitute appropriate development and in this regard GVA Grimley have provided the following very special circumstances in support of the proposals:
- The application proposal is made to support the development and expansion of a rural business. The business provides an important source of well-paid employment to a localised workforce. The development would support the economic development of Chorley and provide the opportunity to create further employment as the business grows;
 - A series of alternative options within Chorley have been explored however no suitable premises or development land have been identified which can enable Festive Lights to provide a viable new home for their business. On this basis a redevelopment of the site at Preston Road is the only means of upgrading their current accommodation unless they were to move away from the Borough;
 - The localised nature of the workforce means that relocation away from the Borough of Chorley would lead to less sustainable travel patterns and the potential loss of skilled employees. Festive Lights clear brief is to retain their business headquarters within the Borough of Chorley and this is considered to be a sensible business decision in order to retain their key staff upon which the future development of the business relies upon;
 - The need for new headquarter premises is now a key priority for Festive Lights. There is excellent potential to secure sales expansion through international trade and internet sales, albeit a new high quality building commensurate with the profile of customer expectations is a prerequisite for the target growth the business seeks to achieve;
 - The present accommodation arrangements are insufficient; the headquarter building on Preston Road is outdated, has insufficient floor to ceiling heights in which to display stock and is of a poor internal configuration in which to manage the retail/showroom alongside the offices and sales areas.
59. In conclusion GVA Grimley consider that the business need case which underpins the planning application rationale is one which amounts to very special circumstances. The limited impact conveyed by the redevelopment proposal itself is quite clearly outweighed by the very special circumstances case and on this basis it is concluded that the development is found to be compliant with the NPPF tests on development within the Green Belt.
60. The proposals are considered to be inappropriate development within the Green Belt which, in accordance with the NPPF, are by definition harmful to the Green Belt. Such development should not be approved except in very special circumstances. In this case the fact that there is an existing building on the site is taken into consideration along with the business aspirations of the applicants. The specialised nature of the retail use on this site can be controlled by condition to ensure that a general A1 retail use cannot be accommodated on the site and in this case it is not considered that the proposals will have a significantly greater impact on the Green Belt.

Impact on the neighbours

61. The immediate residential neighbours to the site are Holmlea, Pervill and Elsdale. Holmlea is a small timber built bungalow which is sited immediately adjacent to the car park located at the front of the existing building. The existing building is sited adjacent to the rear garden area associated with Holmlea.
62. The part of the existing building which will be retained as part of the development is steel frame of the structure adjacent to the boundary with Holmlea. The roof of the existing building slopes away from Holmlea, the existing eaves height of this part of the building is 3.8 metres

high adjacent to the boundary and the ridge extends to 7.3 metres at its highest point (which is approximately 6 metres from the boundary with Holmlea.

63. The proposed development retains the same eaves height (3.8 metres) adjacent to the boundary with Holmlea and the roof slopes away from the boundary to replicate the existing situation on site. It is noted that the roof of the proposed building is higher than the existing building however within 6 metres of the boundary the maximum height of the building is 7.3 metres identical to the existing situation. As such it is not considered that the proposals represent a materially greater impact on the residents of Holmlea than the existing building.
64. There are no existing windows in the side elevation of the existing building which faces Holmlea. The proposed building also does not incorporate any windows within this elevation ensuring that the amenities of the neighbours are protected.
65. Pervill is a detached two storey dwellinghouse which is the neighbouring property to Holmlea however as the property is set back from the highway it is visible from the application site. The building lines up with Pervill however there is over 20 metres retained between the building and the existing dwellinghouse. The relationship of the application site and Pervill is similar to the relationship with Holmlea although there is a greater distance retained between the properties. It is considered that as the roof design and window location replicates the existing situation the proposals will not adversely impact on the amenities of the residents of Pervill.
66. Elsdale is a detached bungalow located to the rear (south west) of the application site. Within the application site there is an existing detached building, adjacent to the boundary with Elsdale, which will be demolished as part of the proposals. The south-west elevation of the building faces the boundary with Elsdale and is sited approximately 27.5 metres from the common boundary (although the boundary is not straight at this part of the site and directs away from Elsdale) and approximately 40 metres from the side elevation of Elsdale.
67. The existing building has 4 first floor windows (one obscurely glazed) and 2 doors at ground floor level within the south-west elevation. The proposals incorporate 2 first floor windows, which serve the proposed sales/ accounts office area, ground to eaves height windows which serve the reception area at ground floor and the proposed sales/ accounts office area at first floor, roller shutter doors at ground floor level to serve the proposed store and a door into the showroom area within the south-west elevation.
68. The proposed eaves height of the building is approximately 0.3 metres higher than the existing building and the proposed building is approximately 4 metres closer to the common boundary than the existing building. The proposed windows will face the side elevation and front garden of Elsdale however as over 27 metres is retained to the boundary and taking into account the fact that there are existing first floor windows within the existing building it is not considered that the proposals will create loss of privacy to a degree which warrants refusal.

Design

69. From a design perspective it is not considered that the existing building, which is broken up in terms of its scale and massing by a different roof heights, variation in surface materials, and has a footprint that is residential in character, represents an architecturally significant building which makes a significant 'impact' on the streetscene.
70. It is considered that the replacement building has the potential to be more appropriate to its use and will create a focal building that enhances the streetscene.

71. The Council's Policy and Design Team Leader has recommended that high quality materials should be secured and consideration be given to an enhanced boundary treatment.
72. Clarification of any security measures has been sought as external security shutters is not appropriate. Additionally it is not considered that the proposed external lighting is needed, given the extent of glazing that allows the building to be lit internally and it has been suggested that any signage is backlit. Signage will be subject to a separate application for advertisement consent.

Trees and Landscape

73. There are two existing mature trees within the boundary of the application site adjacent to the existing detached outbuilding which will be demolished. The proposed site plan details that these 2 trees will be retained and as the building they are immediately adjacent to will be demolished this should ensure the future health of these trees.

Traffic and Transport

74. There are two existing buildings on the site and Festive Lights have operated from the premises for a number of years although the retail element of the business does not have the benefit of planning permission. The existing site includes parking to the front and rear of the premises with sufficient space for 14 vehicles. The proposed site layout includes provision for 21 vehicles (8 to the front of the premises and 13 to the rear).
75. In July 2009 a partial review of the RSS in respect of parking standards was submitted for consultation. In the absence of locally set standards these parking standards have been applied to this application. The standards require 1 space per 40sqm in respect of A1 retail warehouses and 1 space per 30sqm in respect of B1 office space.
76. With a retail showroom area of 460 m² there is a requirement for 11.5 spaces and a office space of 67 m² there is a requirement for 2 spaces. The proposed parking exceeds this number however it is considered that given the rural nature of the location and the nature of the business, primarily aimed at bulk purchases, an excess of parking is suitable for this site.
77. The Highway Engineer has assessed the proposals and confirmed that he has no objection to the proposals.
78. Concerns were raised in respect of the previous application about lack of sufficient parking at the site. As set out above it is considered that the parking provision is sufficient for the size of premises proposed and no concerns have been raised by the Highway Engineer. As such from a traffic and parking perspective the proposals are considered to be acceptable.

Sustainability

79. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted. Policy SR1 of the Council's Adopted Sustainable Resources DPD requires minimum energy efficiency standards for new buildings to be 'very good' of the Building Research Establishment's Environmental Assessment Method (BREEAM). Although the development only incorporates partial demolition of the building and the retention of the steel frame section of the building it is considered that the amount of new build development required represents a new building on the site for which this Policy is applicable. This will be addressed by condition on any positive recommendation.

80. The second part of the Policy requires planning permission for non-residential units of 500 sq metres or more floor space to meet certain renewable energy criteria. It is acknowledged that the proposed floor area is under 500sqm however this is mainly due to the large first floor void. The resultant building will have a floor area of 728 m² and as such the requirements of this part of the Policy is also applicable in this case. This can also be addressed by condition.

Noise and Light

81. The Council's Environmental Health Officer has commented that from a noise perspective it is not considered that the proposals will adversely impact on the neighbours amenities. The Officer has however raised an issue with the substantial glass area to the front of the building which (dependant on operational hours) may be an issue.
82. Although the opening hours are not included on the submitted application forms the web-site for Festive Lights confirms that the premises opens from 9am to 5pm Monday to Friday and this has been reflected in the hours condition attached to the recommendation (along with the inclusion of Saturdays opening which it is not considered will adversely impact on the neighbours amenities). Due to the hours proposed it is not considered that light spill will be an issue in respect of the neighbours amenities.

Overall Conclusion

83. Due to the bespoke nature of the proposed business it is not considered that the out of centre location for the retail elements of the business will adversely impact on either the vitality or viability of Chorley Town Centre. Although the development constitutes inappropriate development within this Green Belt location the very special circumstances forwarded in support of this application are considered, in this case, to justify the erection of a replacement building for the use by Festive Lights. As such the application is recommended for approval.

Planning History

- 9/78/186-** Extension for accessory shop. Approved June 1978
- 9/79/1207-** Extension and alterations to shop and house. Approved 1980
- 9/80/25-** Non illuminated sign. Approved 1980
- 9/80/317-** Temporary residential caravan. Approved 1980
- 9/80/746-** Canopy over Petrol Station Forecourt. Approved 1980
- 92/00508/FUL-** Proposed bicycle storage building and change of use to allow bicycle assembly and sales. Withdrawn
- 02/00191/FUL-** Demolition of existing storage shed and erection of new storage building to side. Approved April 2002
- 02/00924/FUL-** Demolition of existing offices and erection of new offices. Approved March 2003
- 06/00774/FUL-** New entrance with fascia panels/canopies over entrance and front windows. Approved August 2006
- 12/00091/FUL-** Proposed partial demolition of the existing building and the erection of a replacement building for Festive Lights. Withdrawn.

Recommendation: Permit Full Planning Permission Conditions

1. **The proposed development must be begun not later than three years from the date of this permission.**
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. **The approved plans are:**

Plan Ref.	Received On:	Title:
PR11-196/03 Rev A	19 March 2012	Location Plan
PR11-196/3D1 Rev A	19 March 2012	3D Image
PR11-196/01	19 March 2012	Existing Plans and Elevations
PR11-196/02	19 March 2012	Proposed Floor Plans and Elevations

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

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

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

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

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

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

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

6. The car park and vehicle manoeuvring areas shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas.

7. Prior to the commencement of the development details of a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.

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

8. Within 6 months of the completion of the development hereby approved a 'Post Construction Stage' assessment shall be carried out and a Final Certificate, certifying that a BREEAM standard of minimum 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy SR1 of the Sustainable Resources DPD
9. Prior to the commencement of the development full details of the on-site measures to reduce the carbon emissions of the development (related to predicted energy use) by 15% shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details
Reason: To ensure the development is in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
10. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences 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 Nos. GN5 of the Adopted Chorley Borough Local Plan Review.
11. The use hereby permitted shall be restricted to the hours between 9am and 5pm on weekdays, between 9am and 5pm 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. EP20 of the Adopted Chorley Borough Local Plan Review.
12. The premises hereby permitted shall be used for the sale and display of indoor and outdoor lighting products associated with Festive Lights Ltd. and for no other purpose (including any other purpose in Class A1 of the Schedule of Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
Reason: The very special circumstances forwarded in support of this application relate directly to the use of the premises by Festive Lights Ltd. To protect both the vitality and viability of Chorley Town Centre and the Green Belt. In accordance with Government guidance contained in the National Planning Policy Framework.

Item 4g	12/00031/FUL
Case Officer	Matthew Maule
Ward	Eccleston And Mawdesley
Proposal	Retention of car park and access track
Location	High Heys Farm Langton Brow Eccleston ChorleyPR7 5PB
Applicant	Mr & Mrs Karl Whaite
Consultation expiry:	22 March 2012
Application expiry:	30 March 2012

Proposal

1. This application seeks retrospective permission for layout of a car park and access track at High Heys Farm, Langton Brow, Eccleston. The car parking area building is situated approximately 80m to the north of High Heys Farm house. It is 16m in width and 52m in length. The car park and the access track are laid out with rolled limestone. The applicant has stated that the car park would provide 44 parking spaces however parking spaces would not be formally marked out.
2. Immediately to the north and west of the car park are fishing lakes that are within the applicant's ownership, beyond which are open fields. To the south east of the car park are agricultural buildings, stables, a kennels and a cattery. To the south, and at a lower level than car park, is a lake, a detached farm house and a number of agricultural buildings.

Recommendation

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

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Principle of the Proposed Development
 - Visual Impact
 - Impact on the Amenity of Neighbours
 - Impact on Highway Safety
 - Landfill Gas Migration

Representations

5. One letter of objection has been received. This letter raises concerns about development taking place on the site without planning permission and also notes that previous planning conditions have not been complied with. The letter states that the laying out of the car park has resulted in a significant part of the Green Belt being destroyed and disputes the need for this additional parking. The letter also quotes figures from the 2011 accounts of High Heys Fisheries Ltd and suggest that these provide little confidence regarding the viability of the business.
6. The letter notes that the car park is remote from other facilities on the site. It states that the development has a detrimental impact on the landscape and asserts that the need for additional parking at the site was considered and rejected in 2003. The letter also expresses concern about the impact of the proposal on traffic generation and highway safety.

Consultations

7. **Lancashire County Council (Highways)** – express some concern about the state of the access from Langton Brow due to it being poorly surfaced. They do however note that the site has permission for three fishing lakes with 100 pegs. As such, LCC Highways conclude that there can be little grounds for objection from a highways point of view given that the level of traffic is already established. LCC highways also remark that a car park provided approximately 40 spaces would seem appropriate for fishing lakes with 100 pegs.
8. LCC Highways request that the first 15m of the access from Langton Brow be surfaced to a good standard to prevent mud/debris from being carried on to the highway. They do however recognise that this may be difficult to justify because the existing level of traffic is already established.
9. **Coal Authority** – standing advice.
10. **Chorley Borough Council Environment and Neighbourhoods Manager** – no comments to make in tis instance.
11. **Eccleston Parish Council** – none received by 10 April 2012.

AssessmentPrinciple of the Proposed Development

12. The National Planning Policy Framework (NPPF) seeks to facilitate a positive approach to sustainable new development in rural areas. It encourages local planning authorities to support the sustainable growth and expansion of all types of business and enterprise in rural areas. The NPPF also promotes the development and diversification of agricultural and other land-based rural businesses and supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.
13. The NPPF seeks to protect the openness and character of the Green Belt. Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It recommends that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and stipulates that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. The NPPF advises that built development in the Green Belt is inappropriate development unless it is for, inter alia, the provision of appropriate facilities for outdoor sport and outdoor recreation as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
15. Policy DC1 of the Chorley Borough Local Plan Review outlines the instances in which development may be permitted within the Green Belt. Policy DC1 states that planning permission may be granted for essential facilities for sport and outdoor recreation.
16. As noted above, national planning policy is supportive of proposals for the sustainable growth and expansion of all types of business and enterprise in rural areas. It specifically encourages local planning authorities to support rural leisure developments that benefit businesses in rural areas, communities and visitors.
17. The applicant has submitted evidence to demonstrate that the fishery could be considered to constitute an important rural business. In particular, information has been provided on the contribution made by the fishing lakes to the overall viability of the farm. This highlights that turnover from the fishing lakes has trebled since the operations first commenced and that the fishery now provides approximately two-thirds of the farm's income. . Accordingly, it is considered that the fishery is run on a commercial basis and represents an important part of the farm's business. Due to the need for anglers to transport large amounts of equipment, the applicant has asserted that users of the fishing lakes need to be able to park in reasonable

proximity of the lakes in order for the business to remain an attractive and useable facility. The proposal would therefore support the growth and expansion of a rural business and, as a result, is considered to be aligned with the elements of the NPPF which relate to supporting a prosperous rural economy.

18. The application site is located within the Lancashire Green Belt. Both national and local planning policies seek to resist inappropriate development that detracts from the character and openness of the Green Belt. Areas of car parking undoubtedly have the potential to have a harmful impact on the openness of an area and, for this reason, are normally considered to be inappropriate development in the Green Belt.
19. The application site has an existing car park located immediately adjacent to the stable and farm buildings. The applicant has noted that there are 104 fishing pegs in total on the various lakes within the application site and that the lakes are used to host winter matches with up to 50 teams competing over a six week period. The applicant has asserted that the existing area of parking is inadequate to meet demand and, as a result, anglers using the fishing lakes have previously had to park on adjacent fields due to a shortage of parking spaces at the site. It is also asserted that parking problems on the site are compounded by the fact that the existing car park is also used by vehicles associated with the stables and livery of horses, including horseboxes. Furthermore, the applicant has noted that the existing car park is situated approximately 100m to the east of the fishing lakes which makes it difficult for anglers to carry their equipment to the fishing lakes. Accordingly, the applicant has asserted that the proposed development represents an essential facility for outdoor sport and recreation and, as such, is appropriate development in the Green Belt.
20. Notwithstanding the above, it is noted that the definition of what constitutes appropriate development in the Green Belt has recently been amended through the publication of the NPPF. Whereas Planning Policy Guidance note 2 (PPG2) specified that facilities for outdoor sport or recreation could only be considered to be appropriate development in the Green Belt if they are 'essential facilities', this has been amended in the NPPF so that such facilities are appropriate development if they are deemed to be 'appropriate facilities'.
21. The car park would be well-related to the fishing lakes which it would serve. These lakes unquestionably constitute an established outdoor sport and recreation facility and it is considered that the proposal would provide an appropriate level of car parking for this established facility given that there are 104 fishing pegs in total on the various lakes within the application site. As a result, it is considered that the car park and access road are 'appropriate facilities for outdoor sport and recreation' and are therefore appropriate development in the Green Belt. The proposal is therefore aligned with national guidance contained within the NPPF of Green Belts and the principle of the proposed development is considered to be appropriate.

Visual Impact

22. The NPPF states that good design is a key aspect of sustainable development and is indivisible from good planning. It advises that permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
23. The importance of ensuring that new development respects the character of the surrounding area is also emphasised by policy DP7 of the Regional Spatial Strategy. Similarly, policy GN5 of the Local Plan Review sets out the importance of development being sensitive to the character and local distinctiveness of the wider area around the site. It also emphasises that retaining landscaping and other important features can ensure that a development successfully blends in with its surroundings.
24. The car park and access track are located to the north of High Heys Farm House and are in excess of 250m from Langton Brow. The car park would undoubtedly have a greater visual impact when there are cars parked on it. However, the distance of the car park and access track from Langton Brow coupled with the topography of the site mean that they would not be particularly visible from the surrounding area. In addition, the applicant has suggested that a

landscaping scheme could be implemented to reduce the visual impact of the proposal and a condition is recommended to secure this.

25. The car park and access track are laid from rolled limestone and it is considered that this choice of materials is appropriate and more in keeping with the rural character of the surrounding area than if the car park and access were to be surfaced in tarmac. It is therefore considered that the proposal would not have an unacceptable detrimental visual impact.

Impact on the amenity of neighbours

26. The nearest dwelling to the car park is High Heys Farm House which is situated approximately 80m to the south. This dwelling is however owned and occupied by the applicant and there are no other dwellings within 150m of the car park. The car park would be accessed along the exiting access route from Langton Brow and there have been no objection to the proposed development on the basis that it would have a negative impact on the amenity of occupants of neighbouring properties. As such, it is considered that the retention of car park and access track would not have an unacceptable detrimental impact on the occupants of neighbouring properties.

Impact on Highway Safety

27. The fishing lakes are accessed from Langton Brow via a track that runs to the south of High Heys farmhouse. This track is unevenly surfaced and is quite narrow, being largely a single-width track with a number of passing places. In addition, it is noted that this access track is not only used by the farm house and fishery but also by a stables, livery, kennels and a cattery. Lancashire County Council (Highways) has expressed some concern about the state of this access from Langton Brow to High Heys Farm. Nevertheless, the application site has permission for three fishing lakes with over 100 pegs and, as such, LCC Highways conclude that there can be little grounds for objection from a highways point of view given that the level of traffic is already established.
28. The applicant has stated that the car park would provide approximately parking spaces. LCC highways also remark that a car park provided approximately 40 spaces would seem appropriate for fishing lakes with 100 pegs. Taking into account the above, it is considered that the proposed development would not have an unacceptable detrimental impact on highway safety.
29. Due to their concerns about the access from Langton Brow to High Heys Farm, LCC Highways have requested that the first 15m of the access from Langton Brow be surfaced to a good standard to prevent mud/debris from being carried on to the highway. Nevertheless, it is considered that the imposition of such a requirement would not be reasonable given that the existing level of traffic using the site has already been established though the granting of permission for over 100 pegs on the site.

Landfill Gas Migration

30. The NPPF advises that to prevent unacceptable risks from pollution, planning policies and decisions should ensure that new development is appropriate for its location. The NPPF also stipulates that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.
31. The application site is within 250m of a former landfill site. Due to the proximity of the proposed development to this former landfill site, the Council's Environment and Neighbourhoods Manager has been consulted on the application. The Council's Environment and Neighbourhoods Manager has considered the application and has not raised any objections to the proposed development. It is therefore considered that the risk of landfill gas migration is low.

Overall Conclusion

32. The retention of the car park and access track 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 proposals would constitute appropriate development in the Green Belt and would not have an unacceptable detrimental impact on highway safety. Therefore, it is considered that the proposed development would be in accordance with policies DC1 and GN5 of the Chorley Borough Local Plan Review. Accordingly, it is recommended that the application be approved.

Planning Policies

National Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: DC1 and GN5

Planning History

Application Number-

Ref: 01/00218/FUL **Decision:** WDN **Decision Date:** 7 August 2001

Description: Two storey side extension, front porch, front and rear dormers and raising of roof ridge.

Ref: 01/00443/FUL **Decision:** PRRRTF **Decision Date:** 5 July 2001

Description: Rebuilding and replacement of 23 kennels,

Ref: 01/00694/FUL **Decision:** PERFP

Decision Date: 19 December 2001

Description: Replacement dwelling,

Ref: 02/00483/FUL **Decision:** PERFPP **Decision Date:** 16 July 2002

Description: Formation of fishing lake,

Ref: 03/00172/FUL **Decision:** PERFPP **Decision Date:** 16 April 2003

Description: Formation of fishing lake and car parking area

Ref: 12/00031/FUL **Decision:** PCO **Decision Date:**

Description: Retention of car park and access track

Recommendation: Permit Full Planning Permission Conditions

1. The car park area hereby approved shall not be used for any purpose other than the parking 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.*

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Item 4h	12/00092/FUL
Case Officer	Matthew Maule
Ward	Eccleston And Mawdesley
Proposal	Retention of an electrical meter building
Location	High Heys Farm Langton Brow Eccleston ChorleyPR7 5PB
Applicant	Mr & Mrs Karl Whaite
Consultation expiry:	22 March 2012
Application expiry:	2 April 2012

Proposal

1. This application seeks permission for the retention of an electric meter building at High Heys Farm, Langton Brow, Eccleston. The building is situated approximately 45m to the north east of High Heys Farm house. It is 5m in length and 4.1m in width and has a pitched roof with a ridge and eaves height of 3.2m and 2.1m respectively. The building is faced with concrete blockwork, black corrugated roof sheeting and timber window frames and doors.
2. The electric meter building serves the farmhouse, farm, dog kennels and cattery and also the aeration pumps for the fishing lake.
3. The electric meter building is situated approximately 45m to the north east of High Heys Farm house. High Heys Farm house is a two-storey detached dwelling faced with stone, grey roof tiles and UPVC window frames. To the north west of the electric meter building are three fishing lakes that are within the applicant's ownership, beyond which are open fields. To the west of the electric meter building are agricultural buildings, stables, a kennels and a cattery. To the south, and at a lower level than the electric meter building, is a lake, a detached farm house and a number of agricultural buildings.

Recommendation

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

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Design
 - Impact on the amenity of neighbours
 - Impact on the character and openness of the Green Belt.

Representations

6. One letter of objection has been received. This letter asserts that the building is unnecessarily large and is situated away from the facilities that it serves. It is therefore argued that the building would have an unnecessary impact on the Green Belt.
7. The letter also queries whether the building is being used for the purpose described and whether it is compliant with the electrical installation regulations.

Assessment

Design

8. The National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, is indivisible from good planning. It advises that Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

9. 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.
10. 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.
11. The electric meter building is relatively modest in scale. Whilst the proposed building is not located particularly close to High Heys Farm house, it would not be particularly prominent from Langton Brow and it is noted that the building occupies the position of a previous electrical meter building.
12. There is a range of buildings associated with High Heys Farm of various designs and scales in the surrounding area. It is considered that the proposed choice of materials for the building is acceptable. The building is of simple design and it is considered that the building is of an appropriate scale for its function. It is therefore considered that the design of the building is acceptable.

Impact on the amenity of neighbours

13. The electric meter building is relatively modest in scale. It is approximately 45m from High Heys Farm which is owned by the applicant. There are no other dwellings within 120m of the building. It is also noted that there have been no objection to the proposed development on the basis that it would have a negative impact on the amenity of occupants of neighbouring properties. As such, it is considered that the retention of the electric meter building would not have an unacceptable detrimental impact on the occupants of neighbouring properties.

Impact on the character and openness of the Green Belt

14. Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It recommends that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and stipulates that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations
15. The NPPF advises that the construction of new buildings in the Green Belt is inappropriate development unless it is for, inter alia, appropriate facilities for sport and outdoor recreation, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, or the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.
16. Policy DC1 of the Chorley Borough Local Plan Review outlines the instances in which development maybe permitted within the Green Belt. Policy DC1 states that planning permission may be granted for essential facilities for sport and outdoor recreation.
17. The electric meter building is relatively modest in scale. It has a footprint of 20.5m² and a volume of approximately 54.3m³. The building is therefore of a smaller scale than a standard domestic double garage. It is considered that the building is of an appropriate scale for its function. The building does however occupy an elevated position above the farm house and is visible from the access road to the property.
18. The applicant has submitted a statement in support of the application. This notes that the electric meter building is essential to the agricultural enterprise, the farmhouse, stables, kennels and cattery. The applicant has also noted that the building is essential for the

management of the fishery as the fishing lakes requires daily oxygenation in order to keep the water and fish stocks healthy. It is however noted that, as stated above, the electric meter building would not just serve the fishing lakes but would also serve the farmhouse, farm, dog kennels and cattery. The degree to which it constitutes an essential facility for outdoor sport / recreation is therefore uncertain.

19. Notwithstanding the above, the applicant's statement also draws attention to the fact that the electric meter building occupies the same position as a previous electrical meter building and photographic evidence of this building has been appended to the applicant's statement. This previous electric meter building appears to have been of a similar scale to the replacement building that has been erected and it is recognised that the NPPF states that the replacement of a building does not constitute inappropriate development in the Green Belt if the new building is in the same use and not materially larger than the one it replaces. The applicant has also asserted that the previous building was in a poor state of repair and had become dangerous due to serious water leakage. The applicant has also stated that consideration was given to putting the electric meters within the house but that this had to be discounted due to the extortionate cost.
20. As a result, irrespective of whether or not it is accepted that the building is an appropriate facility for outdoor recreation, it is considered that there are very special circumstances that would justify the harm to the Green Belt and that the proposal may also be considered to be permissible under the requirements of the NPPF as the building would not have a significantly greater impact on the character and openness of the Green Belt than the building it replaced. Accordingly, it is considered that the impact of the proposal on the character and openness of the Green Belt should not constitute a reason for refusal.

Overall Conclusion

21. The retention of the electric meter building would not result in any significant harm to the character and appearance of the existing building or the surrounding area, nor would it cause any significant harm to the amenity of neighbouring residents. In addition, it is considered that the proposals would not have an unacceptable impact on the character and openness of the Green Belt. Therefore, it is considered that the proposed development would be in accordance with policies DC1 and GN5 of the Chorley Borough Local Plan Review. Accordingly, it is recommended that the application be approved.

Other Matters

Non- material planning considerations

22. A letter of objection has queried whether the installation is compliant with the electrical installation regulations. Nevertheless, as this is addressed by other legislation this is not considered to constitute a material planning consideration.

Planning Policies

National Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: DC1 and GN5

Supplementary Planning Guidance:

- Design Guide

Planning History

Application Number-

Ref: 01/00218/FUL

Decision: WDN

Decision Date: 7 August 2001

Description: Two storey side extension, front porch, front and rear dormers and raising of roof ridge.

Ref: 01/00443/FUL**Decision:** PRRRTF**Decision Date:** 5 July 2001**Description:** Rebuilding and replacement of 23 kennels,**Ref:** 01/00694/FUL**Decision:** PERFP**Decision Date:** 19 December 2001**Description:** Replacement dwelling,**Ref:** 02/00483/FUL**Decision:** PERFPP**Decision Date:** 16 July 2002**Description:** Formation of fishing lake,**Ref:** 03/00172/FUL**Decision:** PERFPP**Decision Date:** 16 April 2003**Description:** Formation of fishing lake and car parking area,**Ref:** 12/00031/FUL**Decision:** PCO**Decision Date:****Description:** Retention of car park and access track**Recommendation:** **Permit Full Planning Permission
No Conditions**

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Item 4i	12/00102/FULMAJ
Case Officer	Mr David Stirzaker
Ward	Chorley East
Proposal	Erection of 28 dwellings (amendments to the number of dwellings (additional 4 no. dwellings over layout approved by 02/00680/FULMAJ & additional 13 no. dwellings over layout approved by 10/00820/FULMAJ), layout, design, landscaping and external appearance)
Location	Land Between From Street And Crosse Hall Lane Chorley
Applicant	Morris Homes Ltd
Consultation expiry:	14 March 2012
Application expiry:	14 May 2012

Proposal

1. The application incorporates amendments to a previously approved scheme. The original reserved matters scheme (02/00680/REMMAJ) incorporated the erection of 161 dwelling houses. An amendment to the original plans gained planning permission for 164 dwellings and a re-plan permitted in 2010 (Ref No. 09/00749/FULMAJ) increased the number of dwellings across the site to 172. The current proposals incorporate amendments to the north eastern part of the site and seek to amend the layout, design, landscaping and external appearance of the dwellings on this part of the site. Further re-plan applications were approved recently in 2010 (Ref No. 10/00820/FULMAJ) and 2011 (Ref No. 11/00494/FULMAJ).
2. The site is located between From Street and Cross Hall Lane, Chorley and covers a site area of 7.83 hectares. The principle of redeveloping the site for residential use was established as far back as 1988 with the grant of outline planning permission. In addition to this the site is allocated as a housing site within the Adopted Chorley Borough Local Plan Review.
3. The whole site is 7.83 hectares in size. The proposed amendments would result in the construction of 176 dwellings across the whole site which equates to a density of 22.73 dwellings per hectare. The part of the site which is the subject of this application covers an area of 0.538 hectares so the density of the re-plan area would equate to 50 dwellings per hectare which is higher than the average density across the site.

Recommendation

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

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Proposed Amendments
 - Levels
 - Impact on the neighbours
 - Design
 - Trees and Landscape
 - Ecology

- Flood Risk
- Traffic and Transport
- Public Right of Way
- Contamination and Coal Mines
- Drainage and Sewers

Representations

6. One letter of objection has been received, the contents of which can be summarised as follows:
 - The two houses nearest to Froom Street are too close and will not only create a feeling of intrusion and crowding on this stretch of road but will not be good for dwellers who will have contrived tiny gardens with close passage to HGV's using Froom Street
 - The approved layout was much more considerate of location/existing environment keeping a decent, sensible building line away from Froom Street
7. No letters of support have been received

Consultations

8. **British Waterways** raise no objections in principle to the re-plan application. However, in terms of the land between the application site and the canal, it is requested that this land be included in the red edge and notice served on British Waterways so as the applicant can then be required, via a condition, to submit future management details of the land as if the land was not maintained, it could have a negative impact on the amenities of residents and canal users. An informative is also recommended regarding the works adjacent to the canal embankment.
9. No comments have yet been received from **Lancashire County Council (Ecology)** so any comments received will be reported in the Addendum.
10. **The Environment Agency** do not raise any objections to the application but support the recommendations in the submitted TEP Report 'Implications for Water Voles' for further surveys and revisions to the Working Method Statement as appropriate for works being undertaken as part of the overall development of the site. For re-grading of banks, details will need to be provided about the slope and suitability for Water Voles, habitat enhancement, mitigation and reinstatement.
11. **The Architectural Design and Crime Reduction Advisor** states that as the development is at an advanced stage, there are no specific comments to make on this application for 28 dwellings on part of the site although reference is made to recent reported crimes on Crosse Hall Lane and Froom Street. Of particular relevance are the crimes committed on the existing building site so it is recommended that the security arrangements on site are reviewed and additional deterrents are considered such as CCTV/night time security staff and enhanced motion sensor lighting.
12. No comments have been received from **United Utilities**. Any comments received will be reported in the Addendum.
13. **Lancashire County Council (Highways)** state that whilst some elements of the development do not comply with Manual for Streets resulting in an undesirable situation, in this instance, because the adjacent phase is similarly designed and built, no objections are raised.
14. **Chorley's Waste & Contaminated Land Officer** has not raised any specific issues in terms of land contamination but has raised concerns in terms of bin storage and collection with some of the plots.
15. **Lancashire County Council (Education)** have requested a contribution of £23,276 towards the provision of 2 no. primary school places within a 3 mile radius of the application site. This is based on there being an additional 5 no. dwellings on the site over the number of dwellings

approved as a result of a re-plan application in 2010. However, a further request has been sought to reflect the correct increase in housing numbers on the site which is actually 4 no. dwellings so this will be reported in the Addendum.

Applicants Case (if required)

16. The applicant advises that the re-design of this part of the site will replace the approved dwellings with a more sustainable mix of housing that offers more choice to a wider market whilst offering repairing solutions to weaknesses within the current approved scheme. Specifically, the properties will have good sized rear gardens, dual aspect and corner turning dwellings will provide continuity to the streetscene whilst creating attractive frontages, cohesive streetscenes have replaced erratic building lines, more variety of elevations and fenestration has been provided and whilst the development also continues the 2 and 3 storey properties already built and approved on the wider site.

Assessment

Principle of the development

17. The principle of redeveloping the site for residential development has been established for a number of years. Outline planning permission was originally granted in 1988 to develop the site for residential purposes. Reserved matters were granted at the site in 2003 (02/00680/REMAJ). This permission related to the erection of 161 dwellings and the development is currently under construction on site.
18. This is not an easy site to develop due to the significant levels changes across the site, the fact that the site is bounded by the canal and the M61 and the fact that the Black Brook bisects the site. The site has also been the subject of various applications to re-plan sections of the site as Morris Homes have tried to respond to an ever changing housing market.

Levels

19. The areas of development proposed cover the same areas of the site as already approved. The site is at a lower level than Fromm Street and the canal. However, this application now proposes dwellings fronting onto the canal so this will continue the run of dwellings which already front onto the canal to the south which are 2 storey facing the canal and 3 storey to the rear elevations. The dwellings to the east of these will be at a lower level as they sit below the canal. There is then a further fall in levels down to Black Brook to the east.

Impact on the neighbours

20. The layout of the dwellings within the application site will provide a satisfactory inter relationship between the proposed dwellings and the existing dwellings and each dwelling will have sufficient private amenity space.
21. The existing development on the site has been completed up to the southern edge of the re-plan site. The Rivington house type proposed on plot 72 of the re-plan site will be close to the Rivington house type on plot 55 to the south which has been completed. However, this relationship is merely a continuation of the existing run of properties which are stepped and fronting onto the canal. Whilst the property on plot 72 would project beyond a 45° line drawn from the nearest edge of the habitable room windows in the rear of plot 55, there are 2 no. windows to each room in the rear of plot 55 which serve a lounge, family room and bedroom 2. Also, plot 72 is due north of plot 55 so will not experience a direct loss of sunlight as a result of the dwelling on plot 72 and the relationship is not dissimilar to that approved in 2010 (Ref No. 10/00820/FULMAJ) wherein a detached dwelling was sat further forward of the rear of plot 55 than is now proposed so this relationship is considered to be an acceptable one.
22. In terms of the relationship between the proposed and existing dwellings along the southern boundary of the re-plan site, the interface distances are sufficient to provide adequate levels of amenity for the occupiers of the existing dwellings and the proposed dwellings. The applicant also proposes a small 'duplex' property on plot 174 which will have a minimal amount of outdoor space. However, this issue is something a prospective purchaser will be aware of. Other than this, each property will also have sufficient outdoor amenity space. Elsewhere, the relationship between the proposed dwellings is an acceptable one and each of the dwellings facing onto Black Brook will have sufficient garden space to the rear as well.

23. On the basis of the above, the relationship between the proposed dwellings and the existing dwellings to the south of the site is considered to be an acceptable one.

Design

24. The re-plan of this part of the site will increase the density by replacing the previously approved detached dwellings with a mix of terraced and semi-detached properties, a single apartment and a duplex property. The re-plan now also proposes terraced split level properties fronting onto the canal as a continuation of what has already been built to the south. The properties are 2 storey when fronting the canal and 3 storey at the rear with 3 floors internally. There will be a pedestrian access pathway at the front of these properties, again matching the already built properties to the south which provide an attractive frontage to the canal rather than being rear on to the canal and at the foot of the embankment. Parking for these properties will be provided at the rear with car ports and uncovered spaces at a ration of 2 no. spaces per dwelling.
25. The re-plan also includes two pairs of corner properties fronting the road junction leading to the parking court. A pair of the same corner properties are also utilised facing onto Black Brook and Fromm Street. To the rear of plots 166 to 173 is a car parking area which utilises the natural bowl formed by the embankments leading up to the canal and Fromm Street. Access to this car parking area will be under the apartment (plot 172).
26. The frontage to Black Brook will now be a continuation of the higher density development to the south rather than the approved larger detached dwellings. The proposed re-plan will provide an interesting frontage to Black Brook albeit at a higher density than originally approved whilst also providing an interesting frontage onto the canal.
27. In terms of the comments made by British Waterways, the land in question is controlled by British Waterways and it is not considered reasonable to require the applicant to maintain this land following the completion of the development given it is open to British Waterways to maintain it as landowner.

Trees and Landscape

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

Ecology

30. The applicant has submitted a report with the application regarding the implications of the development in relation to Water Voles. LCC (Ecology) have not yet provided comments on the proposals but in relation to the most recent application on this part of the site, LCC (Ecology) considered that the development would not result in significant impacts on biodiversity hence the proposals appeared to be in accordance with biodiversity Planning Policy, guidance and legislation.
31. The Environment Agency have also commented on the biodiversity aspects of the application and support the recommendations in the submitted TEP Report 'Implications for Water Voles' for further surveys and revisions to the Working Method Statement as appropriate for works being undertaken as part of the overall development of the site. For regarding of banks, details will need to be provided about the slope and suitability for Water Voles, habitat enhancement, mitigation and reinstatement.

Flood Risk

32. The Environment Agency have not raised any objections to the application in terms of flood risk and previous conditions requiring submission of drainage details are recommended to be attached again to any permission granted.

Traffic and Transport

33. LCC (Highways) have stated that some elements of the layout do not accord with Manual for Streets but because of the layout of the parcel to the south, which adopts the same design approach, no objections are being raised in relation to the re-plan. The level of car parking across the site is satisfactory in that each dwelling will benefit from 2 no. off road parking spaces. Also, the parking court to the rear of plots 166 to 170 makes interesting use of the natural bowl formed by the embankments to From Street and the canal.
34. From a traffic and transport perspective, the

Public Right of Way

35. Whilst there are public rights of way on the wider site, there are none that run through this part of the application site nor would any be affected by the re-plan of this part of the site.

Contamination and Coal Mines

36. The application site falls within a British Coal Standing Advice Area. A standard informative is recommended to be attached to the planning permission drawing the applicants attention to this and the need to obtain specific information relating to any past coal mining activity and any other ground stability information in order to make an assessment of the risks associated with this.
37. The Environment Agency do not raise any concerns in relation to ground contamination nor does the Council's Waste and Contaminated Land Officer. Ground Contamination has been addressed on the site through previous planning applications whereby a Ground Investigation and Remediation Report has already been approved. As with the recent re-plan applications on this site approved in 2009, 2010 and 2011, a condition is recommended requiring an updated Method Statement to be agreed with the Council in writing if any further contamination is found during the course of construction works and that the site be remediated in accordance with the recommendations made in approved Ground Investigation and Remediation Report.

Drainage and Sewers

38. United Utilities did not raise any objections to previous re-plan applications subject to the site being drained on a separate system with only foul drainage connected to the foul sewer whilst surface water should discharge directly into the adjacent watercourse for which Environment Agency consent may be required. United Utilities have not yet made comments on the application so any comments will be reported in the Addendum.
39. As with previous applications on this site, a condition is recommended requiring full surface water drainage details to be submitted to the Council for approval prior to the commencement of works. The Environment Agency also request that a previous surface water drainage condition and a condition requiring the implementation of a previously approved attenuation scheme be attached to any permission granted.

Section 106 Agreement

40. An original Section 106 Agreement was secured on the site for the provision of on site affordable housing along with a commuted sum for off site affordable housing. The legal agreement also covered open space provision. The agreement was originally signed in 1999 and a supplementary agreement was signed in 2003 requiring the payment of additional commuted sums.
41. As the approval of the reserved matters has obviously been granted on the site and the date for submitting reserved matters has expired, this application is dealt with as a full application. As such a supplemental S106 agreement is required to tie this application into the Section 106 obligations and also secure a contribution towards primary school places to be paid to

Lancashire County Council which is likely to be around £20,000, the details of which will be reported in the Addendum.

Overall Conclusion

42. The principle of developing the site for residential purposes was established nearly 20 years ago and the redevelopment of the site is currently ongoing. The amendments to the originally approved scheme proposed as part of this application are considered to be acceptable and it is not considered that the increase in the number of units will adversely impact on the development or the area as a whole as the overall number of houses on the site once fully completed will still be 15 more than originally approved. As such the amendments are considered to be acceptable subject to the signing of a supplemental S106 agreement linking this latest application to the original and previous approvals and to also secure the contribution towards primary school places.

Other Matters

Sustainability

43. Since the grant of reserved matters approval in 2003 the Council now has an adopted Development Plan Document and Supplementary Plan Document on Sustainable Resources which requires the submission of a Sustainability Statement. The applicants have submitted a Sustainability Statement as part of this application. However, the dwellings which could be constructed on the application site are subject to the 2002 building regulations. The applicant has however specified that the dwellings which are the subject of this application would be constructed with energy efficiency improvements to reduce carbon emissions by 10-15% over the dwellings that could be constructed under the older Building Regulations. The same issue was encountered with the applications permitted in 2009 (Ref No. 09/00749/FULMAJ), 2010 (Ref No. 10/00820/FULMAJ) and 2011 (Ref No. 11/00494/FULMAJ) for re-plans of other parts of the site. These permissions included specific conditions requiring the applicant to submit full details of predicted energy use to demonstrate a reduction carbon emissions in accordance with Policy SR1 of the Development Plan Document given there is an extant permission on the site for dwellings that could be built to 2002 Building Regulations. The same condition is therefore recommended in relation to this application.

Waste Collection and Storage

44. In terms of the concerns expressed by the Council's Waste and Contaminated Land Officer, the applicant has submitted an amended plan which seeks to address these issues so the final comments on the amendments are being awaited. These will be reported in the Addendum.

Planning Policies

National Planning Policies:

National Planning Policy Framework (NPPF)

Adopted Chorley Borough Local Plan Review

Policies: GN1 / GN5 / EP4 / EP9 / EP17 / EP18 / HS3 / HS4 / HS5 / HS6 / HS21 / TR4

Supplementary Planning Guidance:

- Design Guide

Chorley's Local Development Framework

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

Joint Core Strategy

Policy 1: Locating Growth

Policy 2: Infrastructure

Policy 5: Housing Density

Policy 7: Affordable Housing

Policy 17: Design of New Buildings

Policy 22: Biodiversity and Geodiversity

Policy 26: Crime and Community Safety

Policy 27: Sustainable Resources and New Developments

Planning History

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11/00431/DIS - Application to discharge conditions attached to planning permission no. 10/00820/FULMAJ which permitted the erection of 32 dwellings on part of the site (Discharged)

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

11/00494/FULMAJ - Erection of 23 dwellings (amendment to layout, design, landscaping and external appearance approval as part of planning approval 02/00680/REMAJ and 07/01051/FULMAJ). Approved.

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

1. The approved plans are:

Plan Ref.	Received On:	Title:
N/155/P/LP01	2 February 2012	Location Plan
GR2-1	2 February 2012	Detached Garage Details Gable Roof
02054//PH4/SK3	2 February 2012	Sections Through Phase 4
N155/P/CRT/02	2 February 2012	Proposed Carport Plans & Elevations
F1-1	2 February 2012	Standard Screen Fence Details 1
1950.10 Rev B	2 February 2012	Landscape Structure Plan
N155/P/THROS/01	2 February 2012	Roseberry House Type Elevations
N155/P/THROS/02	2 February 2012	Roseberry House Type Floor Plans
N155/P/HTDID/01	2 February 2012	Didsbury House Type Elevations
N155/P/HTDID/02	2 February 2012	Didsbury House Type Floor Plans
N155/P/HTDAL/01	2 February 2012	Dalton House Type Elevations
N155/P/HTDAL/02	2 February 2012	Dalton House Type Floor Plans
N155/P/BD/01	2 February 2012	Budworth House Type Elevations
N155/P/BD/02	2 February 2012	Budworth House Type Floor Plans
N155/P/HTROS/03	9 February 2012	Roseberry House Type Elevations
N155/P/HTROS/03	9 February 2012	Roseberry House Type Elevations
N155/P/HTRIV/04	9 February 2012	Rivington House Type Floor Plans
N155/P/BD/03	9 February 2012	Budworth House Type Elevations
N155/P/BD/04	9 February 2012	Budworth House Type Floor Plans
N155/P/SS02	12 April 2012	Streetscene Elevations
HB163/P/HTEDG/01 Rev A	12 April 2012	Edgware House Type Elevations
HB163/P/HTEDG/02 Rev A	12 April 2012	Edgware House Type Floor Plans
HB155/PL02 Rev SS	12 April 2012	Planning Layout 02

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

2. All bathroom and en-suite bathroom windows in the dwellings hereby permitted shall be fitted with Pilkington Privacy Level 5 obscure glazing. Obscurely glazed windows shall be retained as such at all times thereafter.

Reason: In the interests of the privacy of occupiers of dwellings and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

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

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

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

seeded, paved or hard landscaped; and detail any changes of ground level or landform.

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

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

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

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

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

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

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

9. Prior to the commencement of the development full details of the predicted energy use of the development expressed in terms of carbon emissions shall be submitted to an approved in writing by the Local Planning Authority. If no data specific to the application is available benchmark data will be acceptable. A schedule should include how energy efficiency is being addressed, for example, amongst other things through the use of passive solar design. It will be flexible enough to show the on-site measures to be installed and implemented so as to reduce carbon emissions in accordance with policy SR1 of the Sustainable Resources DPD. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD and Supplementary Planning Document

10. Before the development hereby permitted is first commenced there shall have been submitted to and approved in writing by the Local Planning Authority a method statement for providing protection to protected species during the course of the

development including specific details of the re-grading works to the embankment, the suitability of the slope for water voles, habitat enhancement details, mitigation details, details of reinstatement and a ten year plan (including provision for protecting all protected species and their habitats) for the maintenance and management of all areas other than garden curtilages and highways. Thereafter, the approved method statement and ten year maintenance and management plan shall be fully complied with and implemented in full.

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

11. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.
Reason: To secure proper drainage and in accordance with Policy Nos. EP17 and EM2 of the Adopted Chorley Borough Local Plan Review.
12. The development hereby permitted shall be carried out in accordance with the approved details of the measures to be taken, during the period of construction, to prevent mud and other debris being carried onto the public highway by vehicles leaving the site. The agreed measures shall be implemented in full before commencement of the development and retained in operation until such time as the development is complete.
Reasons: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
13. All vehicles entering and leaving the site in connection with the construction of the development hereby permitted shall only do so via the new access road and canal bridge permitted under planning permission 9/98/00208/FUL, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the amenities of local residents and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
14. The site shall be remediated fully in accordance with recommendations made in the Ground Investigation and Remediation Statement Ref: 588/02 Chorley, Crosse Hall Mill Farm (May 2004) by Woodford Consulting Engineers Ltd.
Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with the National Planning Policy Framework.
15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.
Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with the National Planning Policy Framework.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E) (as amended), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).
Reason: To protect the appearance of the locality, the amenities of neighbours and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
17. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building(s) (notwithstanding any details shown on the previously submitted plans and

specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

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

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

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

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

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

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

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

21. 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.

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Item 4j	12/00188/FULMAJ
Case Officer	Caron Taylor
Ward	Euxton South
Proposal	Section 73 application to vary conditions 1, 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 21, 22, 24, 25, 29, 30, 31 and 32 of planning permission 11/00238/FULMAJ to allow changes to the phasing of the development, an increase in the finished floor level of the Fleet Garage and Stores building, a reduction in the landscaping scheme relating to the Fleet Garage and Stores building and changes to the sustainable resources condition.
Location	International Fire Training Centre Washington Hall West Way Euxton Chorley
Applicant	Lancashire Fire And Rescue Service
Consultation expiry:	21 March 2012
Application expiry:	22 May 2012

Proposal

1. Section 73 application to vary conditions 1, 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 21, 22, 24, 25, 29, 30, 31 and 32 of planning permission 11/00238/FULMAJ to allow changes to the phasing of the development, an increase in the finished floor level of the Fleet Garage and Stores building, a reduction in the landscaping scheme relating to the Fleet Garage and Stores building and changes to the sustainable resources condition.
2. In June 2011 permission was granted for the redevelopment of Washington Hall Fire Training Centre (part outline and part full application). A ten year permission was granted to allow the site to be redeveloped in phases. This application is for amendments to this permission.

Recommendation

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

Main Issues

4. The redevelopment of the site has already been found to be acceptable by the earlier permission, this report will therefore consider whether the proposed changes are acceptable.

Representations

5. No letters of representation have been received.

Assessment**Assessment of Changes to the Scheme.**

6. A large number of conditions need to be amended as many of the conditions on the existing permission refer to specific plan numbers and these will change if new plans are permitted.
7. Apart from changes to the plan numbers, the changes are as follows:
 - changes to the phasing of the development;
 - increase in the finished floor level of the Fleet Garage and Stores building;
 - reduction in the landscaping scheme relating to the Fleet Garage and Stores building;
 - changes to the sustainable resources condition

Phasing

8. In terms of phasing (condition 4), Phase 1 will remain as originally approved.
9. Phase 2-A will be changed however so that although half of Washington Hall will be demolished and the new Fleet Garage and Stores Building constructed, the widening of the access to the site will not take place until Phase 4, in addition although most of the Fleet Garage and Stores Building will be constructed the last two bays will not be constructed as part of this phase, but will be extended later.
10. The remainder of Washington Hall will be demolished as originally permitted as part of Phase 2-B but it is not proposed to construct the associated car park until Phase 5.
11. There is no proposed change to Phase 3 which will still be for demolition of the existing fleet garage and construction of the new Fire Station (the Fire Station was permitted under a separate planning permission).
12. As part of Phase 4 the Urban Search and Rescue Building (USAR) will be constructed as originally planned and Minerva buildings will be constructed. The access way into the site will be widened at this stage.
13. The change from previously permitted to Phase 5 is the construction of the car park that was previously to be implemented as part of Phase 2 and the extension of the Fleet Garage and Stores Building.
14. There is no proposed change to Phase 6.
15. The changing to the phasing is considered acceptable. The main change is that the car park will not be constructed until Phase 5 and the access will not be widened until Phase 4. However, it is considered that the need for parking will mainly arise from the development associated with Phase 5 when the Headquarters and Training Building will be constructed and any permission can be conditioned so that these are not brought into use until the car park has been constructed.
16. Although the widening of the access road will now not take place until Phase 4, the existing permission required this to be done before the USAR building was brought into use. This will still be case even with a change to the phasing as the USAR building will also be constructed as part of Phase 4.
17. The change to the phasing is therefore considered acceptable subject to conditions.

Finished Floor Levels

18. As well as the phasing of the site, the finished floor level of the Fleet Garage and Stores building is also proposed to be amended (condition 12) so it is raised from that previously approved by 140mm (from 62.400 previously approved to 62.540). The change is due to changes in the drainage plans to the site. To raise the floor level by 14cm is considered acceptable if necessary. Although this cannot be later agreed in writing as requested in the application a condition is proposed that the floor level should not exceed 62.510 which the agent agrees is acceptable.

Landscaping

19. In relation to the landscaping scheme relating to the Fleet Garage and Stores building the Fire Service have reviewed this and consider that due to the functional nature of the building that as much landscaping is not required and it is therefore proposed to reduce it. The site is surrounded by mature planting and landscaping is proposed as part of other parts of the site. The Fleet Garage and Stores building is located to the rear (north of the site) past what will be the main Headquarters building. The reduction of landscaping in this area of the site is therefore considered acceptable and conditions 8 and 9 amended accordingly with an alternative plan.

Sustainable Resources Condition

20. Condition 25 relates to sustainable resources and states that the Urban Search and Rescue (USAR) building and Fleet Garage and Stores shall be built to BREEAM 'very good' standard. In addition, it requires before the construction of either of these buildings is commenced a Sustainable Resources Statement to be submitted and approved in writing by the local planning authority demonstrating how that building will comply with criterion (b) of policy SR1 of the Sustainable Resources Development Plan Document and that the building shall then be constructed in accordance with the approved details.
21. Criterion (b) requires decentralised, renewable or low carbon energy sources are installed and implemented to reduce carbon emissions by 15%.
22. The Fire Service still propose to construct the buildings to a BREEAM rating of 'very good' but request that the 15% is removed for these particular buildings. In relation to Criterion (b) the Fire Service advise that an energy statement has been produced for the whole site which has identified a range of renewables that can be used on various buildings across the site. They consider the main aim for the Fleet Garage and Stores building and the USAR building is to achieve BREEAM 'very good'. Due to the nature and function of the buildings they have low energy use and other buildings within the site provide a better opportunity for renewable energy generation.
23. It is considered that as an energy statement has been provided showing that the site has been considered as a whole that the condition for these two buildings can be altered so that they achieve BREEAM 'very good' without the 15% reduction in carbon emissions. A condition will still require reserved matters application for other phases to be accompanied by information on how it complies with the sustainable resources policies in place at that time.

Overall Conclusion

24. The changes to the conditions are considered acceptable. Condition 32 will also need to be amended listing the approved plans.

Planning PoliciesNational Planning Policies:

NPPF

Adopted Chorley Borough Local Plan Review

Policies: GN5, DC6, TR4.

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Chorley's Local Development Framework

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

Planning History

11/00238/FULMAJ - Proposed redevelopment of Washington Hall Fire Training Centre (part outline and part full application). Outline for the redevelopment of the whole site including long term master plan and full application for proposed road widening, construction of a new urban search and rescue (USAR) building and fleet garage and stores facility. Permitted 16 June 2012.

**Recommendation: Permit Full Planning Permission
Conditions**

1. The part of the proposed development hereby permitted in full (as identified on drawing no. C-0115-29 Rev B: Scope of Application) must be begun no later than three years from the date of this permission.
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Applications for approval of the reserved matters (namely external appearance of the buildings, scale and landscaping of the site) must be made to the Council for the part of the proposed development hereby permitted in outline (as identified on drawing no. C-0115-29 Rev B: Scope of Application) before the expiration of 10 years from the date of the this permission and the development hereby permitted must be begun three years from the date of approval of the last of the reserved matters to be approved.
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. The development hereby permitted shall be carried out in accordance with the following phasing plans:
Phase 1: C-0115-17 Rev A
Phase 2-A: C-0115-18 Rev C
Phase 2-B: C-0115-19 Rev B
Phase 3: C-0115-20 Rev C
Phase 4: C-0115-21 Rev C
Phase 5: C-0115-22 Rev C
Phase 6: C-0115-23 Rev B
Reason: To ensure the buildings are not retained in the Green Belt after the need for them has gone and to ensure proper long term planning of the site and in accordance with the NPPF and Policies DC1 and DC6 of the Adopted Chorley Borough Local Plan Review.
4. The development hereby permitted shall be carried out in accordance with the Phasing of Demolition plan (reference C-0115-16 Rev B: Phasing of Demolition). The buildings on the site to be removed shall be demolished in line with this plan and the last building to be demolished as shown on this plan shall be removed within 15years of the date of this permission.
Reason: To ensure the buildings are not retained in the Green Belt after the need for them has gone and to ensure proper long term planning of the site and in accordance with the NPPF and Policies DC1 and DC6 of the Adopted Chorley Borough Local Plan Review.
5. No development approved by this planning permission shall be commenced until a Framework Site Investigation has been designed for the whole site using the information obtained from the Ground Investigation at Service Training Centre, West Way, Euxton for Lancashire Fire & Rescue by Sub Surface North West Limited (Ref No. 5204, dated April 2009). This should be submitted to, and approved in writing by the local planning authority. It shall include:
 - A full site investigation design for the part of the development hereby permitted in full (as identified on drawing no. C-0115-29 Rev B: Scope of Application);
 - Details of the phasing of the site investigation for the part of the site hereby permitted by outline permission (as identified on drawing no. C-0115-29 Rev B: Scope of Application) and include timings for when a method statement, remediation strategy and verification report will be submitted.

Prior to commencement of the part of the development hereby permitted in full (as identified on drawing no. C-0115-29 Rev B: Scope of Application) the site investigation shall be undertaken in accordance with the approved details and a Method Statement

and Remediation Strategy based on the information obtained from the site investigation shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved.

Any applications for the approval of reserved matters for any phase or sub-phase submitted pursuant to the outline permission hereby permitted (as identified on drawing no. C-0115-29 Rev B: Scope of Application) shall be accompanied by a detailed site investigation report on that particular area/phase, as recommended by Sub Surface NW in their report No.5204 Ground Investigation at Service Training Centre (STC), West Way (April 2009). The applicant should also refer to the Recommendations as detailed in Section 4.4 of this report. The site investigation shall be undertaken in accordance with the approved details and a Method Statement and Remediation Strategy based on the information obtained from the site investigation shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved.

If during development, contamination not previously identified is found to be present on any part of the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with. The development shall then proceed in strict accordance with the measures approved including the addendum.

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

Reason: To enable a risk assessment to be undertaken, refinement of the conceptual model, the development of a Method Statement and Remediation Strategy and to ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off the site and in accordance with the NPPF.

6. No phase of the development approved by this permission shall be commenced until a scheme for the dispersal of foul and surface waters has been approved in writing by the local planning authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of drainage and in accordance with the NPPF.

7. All planting, seeding or turfing comprised in the approved details of landscaping for the Fleet Garage and Stores hereby permitted in full (shown on part of drawing no. 3944.02 Rev I) shall be carried out in the first planting and seeding seasons following the occupation or completion of this building, 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. GN5 and EP9 of the Adopted Chorley Borough Local Plan Review.

8. All planting, seeding or turfing comprised in the approved details of landscaping for the car park hereby permitted in full (shown on part of drawing no. 3944.02 Rev I) shall

be carried out in the first planting and seeding seasons following the use or the completion of the car park, 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. GN5 and EP9 of the Adopted Chorley Borough Local Plan Review.

9. All planting, seeding or turfing comprised in the approved details of landscaping for the Urban Search and Rescue (USAR) building hereby permitted in full (shown drawing no. 3944.03 Rev A) shall be carried out in the first planting and seeding seasons following the occupation or completion of this building, 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. GN5 and EP9 of the Adopted Chorley Borough Local Plan Review.

10. Any application for the approval of reserved matters for any phase or sub-phase submitted pursuant to the outline permission hereby permitted (as identified on drawing no. C-0115-29 Rev B: Scope of Application) shall be accompanied by a scheme of landscaping. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. Any area of the site included in the red edge of the original permission (11/00238/FULMAJ) that has not formed part of a subsequent reserved matters application shall have a landscaping scheme submitted for it as part of the last reserved matters application. 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 interests of the amenity of the area and in accordance with Policy Nos. GN5 and EP9 of the Adopted Chorley Borough Local Plan Review.

11. The part of the proposed development hereby permitted in full (as identified on drawing no. C-0115-38 Rev B: Scope of Application) shall not exceed the proposed Finished Floor Levels shown on the following approved plan(s):

C-0115-35 Rev C – Proposed USAR Building

C-0115-36 Rev E – Proposed Fleet Garage and Main Stores

unless otherwise agreed beforehand in writing by the Local Planning Authority.

Reason: To protect the appearance of the locality and in accordance with Policy Nos. GN5 and DC6 of the Adopted Chorley Borough Local Plan Review.

12. Any application for the approval of reserved matters for any phase or sub-phase submitted pursuant to the outline permission hereby permitted (as identified on drawing no. C-0115-29 Rev B: Scope of Application) shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality and in accordance with Policy Nos. GN5 and DC6 of the Adopted Chorley Borough Local Plan Review.

13. Foul drainage from the development of this site must be drained to the foul sewer. Surface water from any areas likely to be contaminated must be connected to the foul sewer.
Reason: To secure proper drainage and in accordance with Policy Nos. EP17 and EM2 of the Adopted Chorley Borough Local Plan Review.
14. No individual part of the development hereby permitted in full (as identified on drawing no. C-0115-29 Rev B: Scope of Application) shall commence until full details of all external facing materials to that building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and DC6 of the Adopted Chorley Borough Local Plan Review.
15. Any application for the approval of reserved matters for any phase or sub-phase submitted pursuant to the outline permission hereby permitted (as identified on drawing no. C-0115-29 Rev B: Scope of Application) shall be accompanied by full details of the colour, form and texture of all external facing materials to the proposed building(s). The development shall only be carried out using the approved external facing materials.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and DC6 of the Adopted Chorley Borough Local Plan Review.
16. The part of the development hereby permitted in full (as identified on drawing no. C-0115-29 Rev B: Scope of Application) shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and DC6 the Adopted Chorley Borough Local Plan Review.
17. Any application for the approval of reserved matters for any phase or sub-phase submitted pursuant to the outline permission hereby permitted (as identified on drawing no. C-0115-29 Rev B: Scope of Application) shall be accompanied by details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification). The development shall only be carried out in conformity with the approved details.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and DC6 the Adopted Chorley Borough Local Plan Review.
18. The Urban Search and Rescue (USAR) building hereby permitted shall not be brought into use until the site junction with West Way has been constructed in accordance with drawing no. SCP/10290/SK002/C (Proposed Option 2 – Access Arrangement with Ghost Island Right Turn Lane).
Reason: In the interests of highway safety to provide a dedicated land for emergency vehicles and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.
19. The existing access onto Washington Lane shall remain as an emergency access only.
Reason: Washington Lane is a rural land and is not suitable for large vehicles and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

20. Any application for the approval of reserved matters for any phase or sub-phase submitted pursuant to the outline permission hereby permitted (as identified on drawing no. C-0115-29 Rev B: Scope of Application) shall be accompanied by full details of the number of parking spaces to be provided in that phase (if they are to be provided) including details of disabled parking provision, motorcycle parking and bicycle parking.
Reason: To allow the authority to assess that the site is adequately served by parking and disabled parking and that motorcycle and bicycle parking is sufficiently provided and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.
21. The staff car park hereby approved in full (as identified on drawing no. C-0115-38 Rev B: Scope of Application) shall be implemented as part of Phase 5 (C-0115-22 Rev C) and be surfaced or paved, drained and marked out all in accordance with the approved plan before any part of the Headquarters and Training Centre Building is brought into use. 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.
22. Prior to the commencement of construction of any part of the development hereby permitted is commenced a Framework Travel Plan shall be produced and provided to the local planning authority and approved in writing by them. This shall detail how a Travel Plan(s) will be will produced for the site (possible in phases) and detail the timescales in which they will be produced and implemented in relation to the phasing of the site. Following approval of the Framework Travel Plan a Travel Plan shall be produced (possibly in phases) in line with the approved Framework Travel Plan and shall include as a minimum:
- Appointment of a named Travel Plan Co-ordinator
 - Travel survey;
 - Details of cycling, pedestrian and public transport links to the site;
 - Details of cycle parking;
 - SMART Targets for non-car modes of travel;
 - Action plan of measures to be introduced;
 - Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years from the date of occupation of the last building hereby permitted by a reserved matters application.
- Reason: To ensure the delivery of sustainable transport objectives, including reductions in car usage, increased use of public transport and walking and cycling and in accordance with Policy TR4 of the Adopted Local Plan Review and the NPPF.*
23. Any application for the approval of reserved matters for any phase or sub-phase submitted pursuant to the outline permission hereby permitted (as identified on drawing no. C-0115-29 Rev B: Scope of Application) shall be accompanied by a Sustainable Resources Statement demonstrating how that phase or sub-phase will comply with national and/or local planning policies in place at the date of submission with regard to Sustainable Resources. The development shall only be carried out in accordance with the approved details.
Reason: To ensure the proper planning of the area. In line with the objectives of the NPPF and Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD and any future policies at the time of submission.
24. The Urban Search and Rescue (USAR) building and Fleet Garage and Stores hereby granted full planning permission shall be built to BREEAM 'very good' standard.
Reason: To ensure the proper planning of the area. In line with the objectives of the NPPF, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD.

25. The 'mitigation & compensation proposals' included in the report 'Bat Emergency Survey' (Arbtech Consulting Ltd, 2011) shall be implemented in full.
Reason: To ensure the protection a European Protected Species and in accordance with the NPPF.
26. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds must be avoided between March and July inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections that have been submitted to and approved in writing by the local planning authority.
Reason: To ensure that detrimental impacts on breeding birds are avoided and in accordance with the NPPF.
27. Rhododendron is present on the site, under the Wildlife and Countryside Act 1981 (as amended) it is an offence to cause the spread of this species. Therefore a programme for the control/eradication of this species shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The programme shall accord with Environment Agency Guidelines. The programme shall be implemented in accordance with the approved details.
Reason: To ensure the eradication of Rhododendron in accordance and the NPPF.
28. Before any individual part of the proposed development hereby permitted in full (as identified on drawing no. C-0115-29 Rev B: Scope of Application) is commenced, details of measures to be undertaken during site works to protect the diversity of local amphibian populations from harm shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details. Any amphibians discovered during site works should be translocated to a suitable area in the fire training centre grounds such as the fenced vegetated area adjacent to Pond 1 or Pond 3 as shown in the report 'Great Crested Newt Survey Report (ENVIRON UK Ltd) June 2010'.
Reason: To protect the diversity of local amphibian populations from harm and in accordance with the NPPF.
29. Any application for the approval of reserved matters for any phase or sub-phase submitted pursuant to the outline permission hereby permitted (as identified on drawing no. C-0115-29 Rev B: Scope of Application) shall be accompanied by details of measures to be undertaken during site works to protect the diversity of local amphibian populations from harm shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details. Any amphibians discovered during site works should be translocated to a suitable area in the fire training centre grounds such as the fenced vegetated area adjacent to Pond 1 or Pond 3 as shown in the report 'Great Crested Newt Survey Report (ENVIRON UK Ltd) June 2010'.
Reason: To protect the diversity of local amphibian populations from harm and in accordance with the NPPF.
30. Before the 3 storey office building is brought into use (as identified on approved plan C-0115-29 Rev E) the existing footway (south of the site access with West Way) from the roundabout up to the site entrance shall be improved to provide a 3.0m wide shared cycle/pedestrian route, and the route along the north side of the access up to Chancery Road shall also be improved to provide a 3.0m wide shared cycle/pedestrian route.
Reason: To allow cyclists to continue their travel along the route without having to join West Way before turning into the site access and the latter to concur with the shared pedestrian cycle/pedestrian route on the opposite side of the road and improve alternative methods of getting to the site other than the car and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
31. The approved plans are:
- | Title: | Drawing Number | Date Received: |
|--------|----------------|----------------|
|--------|----------------|----------------|

Existing Location Plan	C-0115-331	All drawings received 22 February 2012
Proposed Location Plans	C-0115-34	
Proposed Master-plan	C-0115-29 Rev E	
Phasing of Development Demolition	C-0115-16 Rev B	
Phase 1:	C-0115-17 Rev A	
Phase 2-A:	C-0115-18 Rev C	
Phase 2-B:	C-0115-19 Rev B	
Phase 3:	C-0115-20 Rev C	
Phase 4:	C-0115-21 Rev C	
Phase 5:	C-0115-22 Rev C	
Phase 6:	C-0115-23 Rev B	
Scope of Application	C-0115-38 Rev B	
Proposed Fleet Garage & Main Stores Building – Proposed Elevations	C-0115-31 Rev E	
Proposed Fleet Garage & Main Stores Building – Proposed Ground Floor Plan	C-0115-05 Rev H	
Proposed Fleet Garage & Main Stores Building – Proposed Site Plan	C-0115-36 Rev E	
Proposed Site Plan (including FFLs)		
Proposed Staff Car park	C-0115-41 Rev A	
Proposed USAR Building – Proposed Elevations	C-0115-30 Rev E	
Proposed USAR Building – Proposed Floorplan	C-0115-04 Rev D	
Proposed USAR Building – Proposed Site Layout	C-0115-35 Rev B	
Proposed USAR Building – Proposed Site Layout (including FFLs)	C-0115-35 Rev C	
Landscape Proposals – USAR Building	3944.03 Rev A	
Landscape Proposals – Fleet Garage & Car Park	3944.02 Rev I	
Tree Survey and Root Protection Area	3944.01	
Proposed Option 2 – Access Arrangement with Ghost Island Right Turn Lane	SCP/10290/SK002/C	

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

32. Any application for the approval of reserved matters for any phase or sub-phase shall be made in accordance with the scope of the approved indicative Master-plan (reference C-0115-29 Rev E: Proposed Master-plan) in relation to the scale, including building heights, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure an acceptable form of development for the site within the parameters of the outline permission.

Item 4k	12/00235/FUL
Case Officer	Caron Taylor
Ward	Coppull
Proposal	Amendments to previously approved application 11/00865/FULMAJ to include an additional dwelling (plot 26), the substitution of house types on plots 23 and 25 and the repositioning of plots 22 and 24 to allow for this.
Location	Land To The North Of Northenden Road With Access Off Moss Bank Coppull
Applicant	Persimmon Homes Lancashire
Consultation expiry:	10 April 2012
Application expiry:	26 April 2012

Proposal

1. Amendments to previously approved application 11/00865/FULMAJ to include an additional dwelling (plot 26), the substitution of house types on plots 23 and 25 and the repositioning of plots 22 and 24 to allow for this.

Recommendation

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

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 and Layout
 - Access and Parking
 - Section 106 Agreement
 - Other Issues

Representations

4. No letters of representation have been received.

Coppull Parish Council

5. Have no objection.

Consultations

6. None received.

Assessment

Principle of the development

7. The principle of the development has already been established by the previous permissions granted in September 2010 and November 2011 (10/00833/FULMAJ and 11/00865/FULMAJ). This report will therefore only look at the acceptability of the changes that have been made to the scheme.

Density

8. The previous approvals worked out at a density of 18 per hectare. The inclusion of an additional house on the site will increase this to 18.8 per hectare.

Levels and Impact on the Neighbours

9. The properties on plots 23 and 25 will be substituted with a Crathorne and Roseberry house type (from a Rufford previously approved). The house types on plots 22 and 24 will remain the same but their position will be amended slightly to allow for the change in house types on the adjacent plots.
10. It is not considered this change will detrimentally impact on any adjacent existing properties or proposed properties within the site. The nearest properties to the plot 22 are those on Mavis Drive, particularly numbers 41 and 43. However there will be approximately 40m between these properties and the nearest amended property on plot 22 and will be at a lower level as the land drops away to the brook.
11. The additional property will be within the site layout and will not affect properties off site. In addition it will not impact on the amenities of other proposed properties as it will face towards the site of plot 13.

Design and Layout

12. The proposed additional dwelling is achievable on the site due to the relocation of a previously planned pumping station being changed to be underground, rather than above ground (a change approved under permission 11/00865/FULMAJ). This has therefore freed up land for a further house where the pumping station had previously planned to be located.
13. The house types to be substituted and the additional property are all house types already used elsewhere within the site and are therefore acceptable in design terms.

Access and Parking

14. The proposed properties will each have two off road parking spaces to the front and an integral garage. Although the garage is not of a size that would normally be classed as a parking space, the parking provided is considered sufficient. Due to the long access road which only has properties on one side of it on street parking is unlikely to cause problems in the street and the parking provision is therefore considered acceptable.

Section 106 Agreement

15. A supplemental to the original Section 106 agreement is not required as this application only relates to five plots within the site. The amendment to the original permission is still being implemented in terms of the affordable homes and commuted sum for public open space requirements. Therefore a supplemental Section 106 is not required to ensure these are secured.

Other Issues

16. It is not considered the changes will impact on other aspects of the proposal such as ecology, impact on Coppull Enterprise Centre (Ring Mill) as a listed building and parking provision subject to appropriate conditions being applied as were applied to the previous permission.

Overall Conclusion

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

National Planning Policies

NPPF, Manual for Streets

Adopted Chorley Borough Local Plan Review

Policies GN1, GN5, EP2, EP4, HS1, HS4, HS5, HS19, HS21, TR4

Sustainable Resources Development Plan Document

Sustainable Resources Supplementary Planning Guidance

Planning History

Ref: 97/00730/OUT

Decision: Permitted

Decision Date: 10 July 2001

Description: Outline application for 18 dwellings & construction of roads & sewers in connection with residential development. This consent lapsed in July 2004.

Ref: 04/00717/FULMAJ

Decision: Withdrawn

Decision Date: 29 September 2004

Description: Erection of 18 residential units and construction of associated roads and sewers

Ref: 04/01452/FULMAJ

Decision: Withdrawn

Decision Date: 4 March 2005

Description: Erection of 18 residential units (including optional conservatories) and construction of associated roads and sewers,

Ref: 05/00413/ADV

Decision: Withdrawn

Decision Date: 18 November 2005

Description: Retrospective application for the erection of a sign for a housing site

Ref: 05/00674/FULMAJ

Decision: Refused

Decision Date: 28 September 2005

Description: The erection of 16 residential units including optional conservatory positions with associated roads and drainage. This was refused on housing land availability grounds, and the absence of affordable housing in the scheme. An appeal was submitted but withdrawn before it was determined.

Ref: 10/00833/FULMAJ

Decision: Approved

Decision Date: 9 September 2010

Description: Erection of 25 no. two-storey dwellings and associated infrastructure (including 20% affordable dwellings).

Ref: 11/00865/FULMAJ

Decision: Approved

Decision Date: 23 November 2011

Description: Application to vary conditions 1, 4 and 8 of planning approval 10/00833/FULMAJ to allow alterations to the approved plans. The amendments are: slight repositioning of plots 5 - 13 to accommodate a sewer easement, changes to the finished floor levels (raising plots 1-4, lowering plots 5-13 and raising plots 14 - 22), alterations to the elevations of the Rufford house type, changes to window style of all properties and omission of the water pumping station building.

**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. This permission does not imply or grant permission for conservatories on any of the properties.
Reason: For the avoidance of doubt and in the interests of proper planning.

3. The approved plans are:

Plan Ref.	Dated:	Title:
F157.PL.03 Rev C	1 March 2012	Proposed House Types 1 of 2
F157.PL.04 Rev B	1 March 2012	Proposed House Types 2 of 2
NER.101 Rev B	1 March 2012	Site Plan

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

4. No dwelling shall be occupied until all fences and walls 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 external facing materials detailed on the application forms 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.

6. Before each dwelling hereby permitted is first occupied, its driveway shall be surfaced or paved, drained and marked out all in accordance with the approved details.
Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

7. The integral/attached garages shall be kept freely available for the parking of cars and shall not be converted to living accommodation without the express grant of planning permission unless off-road parking for at least two cars will be maintained, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.
Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.

8. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.
Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.

9. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1 January 2010, Level 4 for all dwellings

commenced from 1 January 2013 and Level 6 for all dwellings commenced from 1st January 2016) and achieve 2 credits within Issue Ene7: Low or Zero Carbon Technologies.

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

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Item 4I	12/00234/FULMAJ
Case Officer	Caron Taylor
Ward	Eccleston And Mawdesley
Proposal	Extensions and alterations to leisure facility building at former Mawdesleys Eating House and Hotel (changes to plans approved as part of redevelopment of the whole site by ref: 11/00636/FULMAJ)
Location	Mawdsleys Eating House And Hotel Hall Lane Mawdesley Ormskirk Lancashire
Applicant	Stocks Hall Care Homes Ltd
Consultation expiry:	4 April 2012
Application expiry:	31 May 2012

Proposal

1. The application is for extensions and alterations to the leisure facility building at former Mawdesleys Eating House and Hotel (changes to plans approved as part of redevelopment of the whole site by ref: 11/00636/FULMAJ).

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
 - Impact on the neighbours
 - Design
 - Ecology
 - Flood Risk
 - Traffic and Transport
 - Drainage and Sewers

Representations

4. No letters have been received from residents.

Consultations

5. None received.

Applicants Case

6. The approved plans included a proposal to retain the leisure element of the existing building (the most westerly 27 metre length of the main hotel) and in due course refurbish it to match the appearance of the new building. No internal details were included at that time, but details of changes to the external elevations were part of the approval and were conditioned to be implemented within 2 years of commencement.
7. The applicant is now working up detailed Building Regulations plans and to discharge the conditions on 2011/0636, and is hoping to start work soon. The Architect has now worked up the details of the improvement of the leisure building and they are slightly altered, thus necessitating this further planning application.

8. The approved plans showed a remodelling of the main north and south elevations to add gables to match the design of the main care home. These gables increased the height of the building by about 1.3 metres. This agreed design concept is maintained, and all matching materials will be used.
9. The proposed details involve modernising the existing small swimming pool and adding a small hydrotherapy pool to enable patients to be treated. This displaces the existing gym so a replacement is provided upstairs in an attic area which is enlarged. Above the western half of the building there are 5 hotel bedrooms and these will be replaced by 5 respite bedrooms to modern health standards. With the inclusion of a lift and new stairs the building height increases by another 2 metres in that area. The entrance off the car park is modernised by removing the single storey office projection and creating replacement accommodation with an attractive door.
10. The additional first floor accommodation amounts to about 336m² and a volume increase of approximately 1355m³. If that is added to the increase already approved for the leisure building it amounts to an increase in volume of 8.9% over the existing.
11. The Architect has maintained the style approved for the main building. The higher gable at the west end acts as a visual stop to the run of buildings and the extension, being set back from the road in line with the main building, will not have a significant impact.
12. When the Hotel was functioning the leisure club was used by guests and also by local Mawdesley residents on a 'membership' basis. In principle this duality will continue. Stocks Hall will bring to the site their patients from other Care Homes for treatment, therapy, exercise or just for a break. Hence the provision of the respite bedrooms so that visiting patients can stay for treatment when the existing care home is full. Transport of patients is by taxi or the applicant's own minibus. Use by local residents is effectively capped by membership, but is more likely to take place in the early evening when visitors to the Care Home are much less frequent. The previous similar level of use by local residents was such that there was no evidence of parking, access or amenity issues, and the application proposals should not change that.
13. The proposal will create about six jobs but they obviously replace jobs lost when the Hotel closed 3 years ago. We do not believe that there will be any measurable change in traffic generated as patient volumes are low and rely on minibus/taxi, and resident users are low in volume and can walk/cycle.
14. There was an ecologic impact as bats were recorded at the hotel building and mitigation proposed. But none were found at the leisure building and as that survey was last summer, no new survey is required and no habitat is affected by this application.
15. No new footprint is proposed so there is no impact on ground conditions or surface water drainage.

Assessment

Background

16. Planning permission was granted in October 2011 (ref: 11/00636/FULMAJ) to rebuild the hotel to form a care home but sever the former leisure element and leave it serve the care home. The application is to make changes to the previously approved plans for the leisure element.

Principle of the development

17. The development has already been found to be acceptable by the previous permission. This report will therefore focus on the changes now proposed.
18. The NPPF was introduced on 27 March (since the original permission on this site) and differs slightly in its wording on what is appropriate development in the Green Belt from PPG2 as is

specifically states that the extension or alteration of a building is appropriate providing it does not result in disproportionate additions over and above the size of the original building.

19. The main change to that approved will be raising the height of the originally approved front gables, the most easterly by approximately 700mm and the most westerly by approximately 2m. This would allow two storey accommodation in the west elevation and rear (southern) elevation and roof lights would be inserted in the east facing roof plane. The porch would also be given a more contemporary glazed design.
20. The footprint of the leisure building will remain as previously approved. The additional first floor accommodation amounts to approximately 336m² and a volume increase of approximately 1355m³. If that is added to the increase already approved for the leisure building it amounts to an increase in volume of 8.9% over the existing. It is considered that this is not disproportionate to the existing building and the proposal is therefore acceptable development in principle.

Impact on the neighbours

21. There are no properties opposite the site or to the rear, however Birch House is to the west and is a replacement dwelling permitted in 2009. It has small WC and utility room windows and side of a bay window at ground floor and a small window serving a playroom in the roof space on its side elevation facing towards the development. It has a driveway and large double garage closest to the site boundary. This property is nearest to the now proposed first floor accommodation in the west elevation, however there will be approximately 23m from the west elevation of the leisure building to the boundary with this property, a relationship that is considered acceptable and exceeds the Council's interface guideline of 10m between a first floor window and a boundary. It is not considered the proposal will impact on any other properties.

Design

22. The changes to that previously approved will reflect the same design but with enlarged front gables on the north elevation and remodelling of the south elevation to introduce an additional gable (rather than the use of pitched roof dormers). It is considered that the changes follow the original design concept and reflects the design of the care home already permitted. The design of the building is therefore considered acceptable.

Ecology

23. An ecology report was carried out as part of the application for the overall development of the site and conditions were be applied to ensure mitigation measures are implemented as part of the development. These included two bat roosts, one within the cavity of the man building and the other in the form of a stand alone wooden structure situated in the south west corner of the site with a loft space and timber cladding to three elevations. These will be unaffected by this proposal and this application is considered acceptable with regard to ecology.

Flood Risk

24. The site is not within a Flood Zone 2 or 3 area and does not require a flood risk assessment. The proposal is therefore considered acceptable in relation to flood risk.

Traffic and Parking

25. A Transport Statement and Framework Travel Plan accompanied the original application. the application.
26. The additional floor area to the building will allow five respite rooms to be created (there are five hotel bedrooms in the building as exists), and the increase in head height will allow the necessary lift and stairs to be added. The respite bedrooms will be used by visiting patients when the existing care home is full and also used by patients from other care homes owned by the applicant. It is not considered the five respite bedrooms will lead to a need for an increase in parking as transport of patients is by taxi or the applicant's own minibus.
27. The application is therefore considered acceptable in terms of parking.

Sustainable Resources

28. The extension is below the threshold size of the Council's Policy SR1. The leisure building will be serviced separately to the main building. There will be two pools in the building (swimming and hydrotherapy) and will utilise PV panels on the south facing roof slope and an air source heat pump. Roof water will be recycled for use in toilets so that this building will be similarly efficient to the main care home.

Overall Conclusion

29. The proposal is considered appropriate development in the Green Belt in line with the NPPF. The design and other details of the proposal are also considered acceptable subject to conditions and the application is therefore recommended for approval.

Planning PoliciesNational Planning Policies:

PPS1, NPPF

Adopted Chorley Borough Local Plan Review

Policies: GN5, DC1, EP9, EP18, TR4

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

There is an extensive planning history relating to the existing building of the site, but is not considered necessary to list it here as the proposal includes demolition the building. The most recent application is the redevelopment of the site as a whole which was permitted by 11/00636/FUL.

**Recommendation: Permit Full Planning Permission
Conditions**

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

Plan Ref.	Received On:	Title:
1039-103 Rev B	1 March 2012	Proposed Elevations of Leisure Centre
1039-10 Rev B	1 March 2012	Existing/proposed Floor Plans

Reason: For the avoidance of doubt and in the interests of proper planning.
2. The development hereby permitted shall not commence until samples of the 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. This shall include brick, slate and render samples and details of the windows to be used (including their reveal). The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.
3. The proposed development must be begun not later than three years from the date of this permission.

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



Report of	Meeting	Date
Director Partnerships, Planning and Policy	Development Control Committee	24 April 2012

Tree Preservation Order No.18 (Anderton) 2011

PURPOSE OF REPORT

- The purpose of this report is to decide whether to confirm the above Tree Preservation Order (TPO) in light of the comments received.

RECOMMENDATION(S)

- That Tree Preservation Order No.18 (Anderton) 2011 be confirmed as originally proposed (as a group order).

EXECUTIVE SUMMARY OF REPORT

- The Council received comments requesting that specific trees should be protected rather than opting to protect the trees by a group order to allow the owners of plot 1 to manage oak and holly species better.
- The above request has been noted, however, the order was compiled on the recommendation of the Council’s Arboricultural Officer (who has now left the authority) who advised that a group order would be the most appropriate in this case.
- It is not considered the circumstances raised are so significant to warrant amendments to the nature of the order or will severely hinder the management of oak and holly species at the site. As such, it is considered the trees should be protected by group order as originally proposed.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

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

BACKGROUND

7. An application was received and approved to the develop land the adjacent land formally known as the Squirrel Hotel, Bolton Road, Anderton for the demolition of the former pub/restaurant and the erection of 4 detached dwellings with associated works (ref: 11/00131/FUL). A TPO was placed on these trees to protect them in the future.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

9. None.

COMMENTS OF THE MONITORING OFFICER

10. None.

Lesley-Ann Fenton
Director Partnerships, Planning and Policy

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Matthew Banks	5230	10 th April 2012	***



Report of	Meeting	Date
Head of Governance	Development Control Committee	24 April 2012

PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO. 19(WHITTLE-LE-WOODS) 2011 WITHOUT MODIFICATION

PURPOSE OF REPORT

- To consider formal confirmation of the Tree Preservation Order No.19 (Whittle-le-Woods) 2011 without modification.
- That Tree Preservation Order No. 19 (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

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

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

BACKGROUND

- The Order was made on the 6th January 2012. 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 6th and 9th 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 PROPOSAL

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

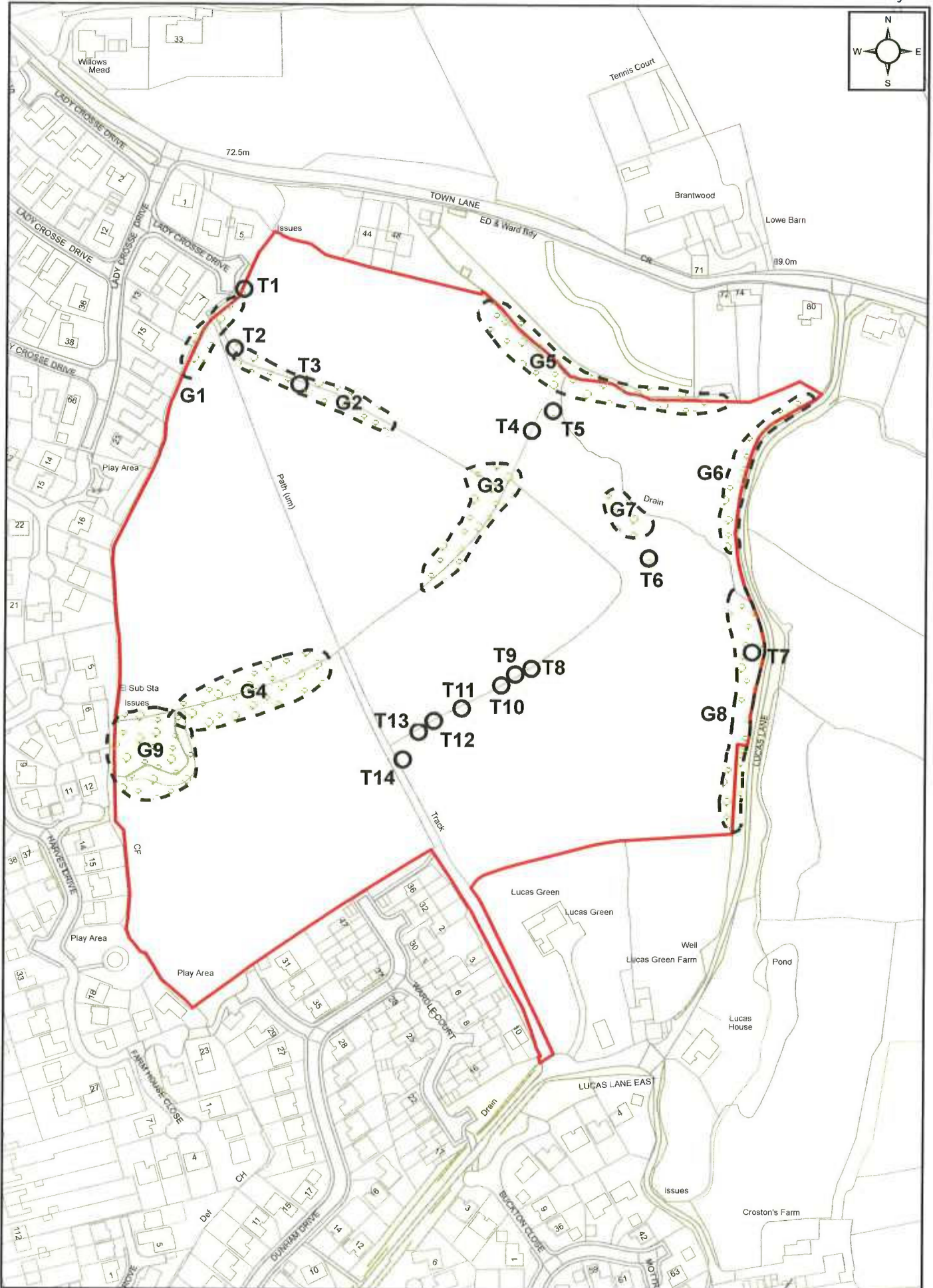
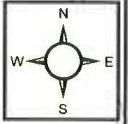
IMPLICATIONS OF REPORT

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

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

Attached to this report is a copy of the Plan where the Tree Preservation Order No.19 (Whittle-le-Woods) 2011 has been made.

Report Author	Ext	Date	Doc ID
Liz Leung	5169	20.03.2012	959



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Report of	Meeting	Date
Head of Governance	Development Control Committee	24 April 2012

PROPOSED CONFIRMATION WITHOUT MODIFICATION OF TREE PRESERVATION ORDER NO. 17 (CLAYTON-LE-WOODS) 2011

PURPOSE OF REPORT

- To consider formal confirmation of Chorley Borough Council Tree Preservation Order No. 17 (Clayton-le-Woods) 2011 without modification.

RECOMMENDATION(S)

- That Chorley Borough Council Tree Preservation Order No. 17 (Clayton-le-Woods) 2011 be formally confirmed without modification.

EXECUTIVE SUMMARY OF REPORT

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

Confidential report Please bold as appropriate	Yes	No

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

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

BACKGROUND

- The order was made on 16 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 16 December. The Parish Council was also notified for information only. The order was made because on the assessment of the Council's Tree Officer the two oak 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 their enjoyment by the public.

6. 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. the two oak trees protected by the Order without first having obtained lawful permission.

IMPLICATIONS OF REPORT

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

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

CHRIS MOISTER
HEAD OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Alex Jackson	5166	22 March 2012	956



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Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	24 April 2012

PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 16 MARCH AND 12 APRIL 2012

PLANNING APPEALS LODGED

1. Appeal by Redrock Limited against the Committee decision to refuse planning permission for 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) at 47 Clancutt Lane, Coppull PR7 4NR (Planning Application: 11/00993/OUTMAJ Inspectorate Reference: APP/D2320/A/12/2172036/NWF). Planning Inspectorate letter received 16 March 2012.
2. Appeal by Mr Raymond Jeszke against the delegated decision to refuse Certificate of Lawfulness for use of land as overflow parking area for vehicles and trailers at Land South of Central Bodyshop Ltd., Buckingham Street, Chorley PR6 0HD. (Planning Application: 11/00916/CLEUD Inspectorate Reference: APP/D2320/X/12/2171726) Planning Inspectorate letter received 22 March 2012.
3. Appeal by Redrow Homes (Lancashire) Ltd against the Committee decision to refuse planning permission for Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with (all matters reserved, save for access) at Land Bounded By Town Lane (To The North) And Lucas Lane (To The East) Town Lane Whittle-Le-Woods. (Planning Application: 11/00992/OUTMAJ Inspectorate Reference: APP/D2320/A/2172693/NWF). Planning Inspectorate letter received 22 March 2012.
4. Appeal by Mr Andrew Sumner against the Committee decision to refuse planning permission for Outline application for the erection of two detached houses and a pair of semi-detached houses at 11 Sutton Grove Chorley PR6 8UL. (Planning Application: 11/00764/OUT Inspectorate Reference: APP/D2320/A/2171049/NWF). Planning Inspectorate letter received 23 March 2012.
5. Appeal by Mr J. Sutton against the delegated decision to refuse planning permission for Erection of a detached two storey house within the side garden area of 15 Riverside Crescent (resubmission of application 11/00676/FUL) at land adjacent to 15 Riverside Crescent Croston PR26 9RU. (Planning Application: 11/01068/FUL Inspectorate Reference: APP/D2320/A/12/2172285/NWF). Planning Inspectorate letter received 28 March 2012.

PLANNING APPEALS DISMISSED

6. Appeal by Mr Steven McCarthy against the Committee decision to refuse planning permission for Outline application for the erection of 2 no. Two-story detached dwellings and provision of public green space in place of private garden (all matters reserved apart from access) at Balshaw Villa, Balshaw Lane, Euxton PR7 6HX (Planning Application:

11/00574/OUT Inspectorate Reference: APP/D2320/A/11/2161948). Planning Inspectorate letter received 26 March 2012.

PLANNING APPEALS ALLOWED

7. None..

PLANNING APPEALS WITHDRAWN

8. None

ENFORCEMENT APPEALS LODGED

9. None.

ENFORCEMENT APPEALS DISMISSED

10. None.

ENFORCEMENT APPEALS ALLOWED

11. None.

ENFORCEMENT APPEALS WITHDRAWN

12. None.

LANCASHIRE COUNTY COUNCIL DECISIONS

13. None.

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

Report Author	Ext	Date	Doc ID
Robert Rimmer	5221	12.04.2012	***