



Development Control Committee

Agenda and Reports

For consideration on

Tuesday, 22nd May 2012

In the Council Chamber, Town Hall, Chorley

At 6.30 pm

PROCEDURE FOR PUBLIC SPEAKING AT MEETINGS OF THE DEVELOPMENT CONTROL COMMITTEE

- Persons must give notice of their wish to address the Committee, to the Democratic Services Section by no later than midday, one working days before the day of the meeting (12 Noon on the Monday prior to the meeting).
- One person to be allowed to address the Committee in favour of the officers recommendations on respective planning applications and one person to be allowed to speak against the officer's recommendations.
- In the event of several people wishing to speak either in favour or against the recommendation, the respective group/s will be requested by the Chair of the Committee to select one spokesperson to address the Committee.
- If a person wishes to speak either in favour or against an application without anyone wishing to present an opposing argument that person will be allowed to address the Committee.
- Each person/group addressing the Committee will be allowed a maximum of three minutes to speak.
- The Committees debate and consideration of the planning applications awaiting decision will only commence after all of the public addresses.

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

ORDER OF SPEAKING AT THE MEETINGS

1. The Director Partnership, Planning and Policy or her representative will describe the proposed development and recommend a decision to the Committee. A presentation on the proposal may also be made.
2. An objector/supporter will be asked to speak, normally for a maximum of three minutes. There will be no second chance to address Committee.
3. A local Councillor who is not a member of the Committee may speak on the proposed development for a maximum of five minutes.
4. The applicant or his/her representative will be invited to respond, for a maximum of three minutes. As with the objector/supporter there will be no second chance to address the Committee.
5. The Development Control Committee, sometimes with further advice from Officers, will then discuss and come to a decision on the application.

There will be no questioning of speakers by Councillors or Officers, and no questioning of Councillors or Offices by speakers.

14 May 2012

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 22ND MAY 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, 22nd May 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 - 6)**

To confirm the minutes of the meeting of the Development Control Committee held on 24 April 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 nine 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) 12/00102/FULMAJ - Land between Froom Street and Crosse Hall Lane, Chorley
(Pages 7 - 20)

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)

- (b) 12/00084/FULMAJ - Chimney and building Withnell Fold Mill, Withnell Fold, Withnell, Chorley (Pages 21 - 38)

Proposal

Refurbishment and restoration of chimney and associated building to form office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure

Recommendation

Permit (subject to Legal Agreement)

- (c) 12/00085/CON - Chimney and Building Withnell Fold Mill Withnell Fold Withnell, Chorley (Pages 39 - 52)

Proposal

Refurbishment and restoration of chimney and associated building to form office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure.

Recommendation

Permit - Conservation Area consent

- (d) 10/01065/FUL - Land 30M North West of 79 Railway Road Brinscall Lancashire
(Pages 53 - 58)

Proposal

Erection of 4 No three bedroom dwellings

Recommendation

Permit (subject to Legal Agreement)

- (e) 12/00297/FUL – Land North of 272 Preston Road, Coppull, Chorley (Pages 59 - 66)

Proposal

Demolition of existing commercial workshop and a detached garage and erection of 3 no. detached houses with attached garages

Recommendation

Refuse full planning permission

- (f) 12/00219/FULMAJ - Mawdsleys Eating House and Hotel, Hall Lane, Mawdesley, Ormskirk (Pages 67 - 76)

Proposal

Section 73 application to vary condition 22 (sustainable resources) of planning approval 11/00636/FULMAJ to demolish the existing restaurant and hotel buildings and erect a care home

Recommendation

Permit full planning permission

- (g) 12/00325/FUL - Inland Revenue Lingmell House, Water Street, Chorley (Pages 77 - 86)

Proposal

Change of use of existing office accommodation (ground and first floor) to Chorley Academy free school (Use Class D1)

Recommendation

Permit full planning permission

- (h) 12/00350/OUTMAJ - Friday Street Depot, Friday Street, Chorley (Pages 87 - 96)

Proposal

Application to extend the time limit for implementation of extant outline planning permission 09/00044/OUTMAJ for the demolition and clearance of existing warehouse and outbuildings and erection of proposed 2 storey primary health care centre (Use Class D1) including ancillary office accommodation

Recommendation

Permit (subject to Legal Agreement)

- (i) 12/00185/FULMAJ - Group 4N land 150 Metres West of Sibbering's Farm, Dawson Lane, Whittle-le-Woods, Chorley (Pages 97 - 106)

Proposal

Application for substitution of house types on plots 44, 51, 65, 80, 81, 91, 94, 100, 104 and 105 (10 houses in total) previously approved as part of application 10/00745/FULMAJ

Recommendation

Permit (Subject to Legal Agreement)

5. **Planning Appeals and Decisions** (Pages 107 - 108)

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

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

Yours sincerely



Gary Hall
Chief Executive

Cathryn Filbin
Democratic and Member Services Officer
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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 Counce, 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
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આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

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

01257 515823

کیجئے:

Development Control Committee

Tuesday, 24 April 2012

Present: 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 and Dave Rogerson

Officers in attendance: Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), Alex Jackson (Senior Lawyer), Caron Taylor (Planning Officer), Nicola Hopkins (Principal Planning Officer (Major Projects)), Adele Hayes (Principal Planning Officer) and Cathryn Filbin (Democratic and Member Services Officer)

Also in attendance: Councillors Julia Berry and Mark Perks

12.DC.158 APOLOGIES FOR ABSENCE

There were no apologies for absence.

12.DC.159 MINUTES

RESOLVED – That the minutes of the meeting held on 27 March 2012 be confirmed as a correct record and signed by the Chair.

12.DC.160 DECLARATIONS OF ANY INTERESTS

In accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct, the following Members declared a prejudicial interest in relation to the applications listed below:

Councillor	Application No
Councillor Harold Heaton	12/00305/FUL – Festive Lights, Disklok House, Preston Road, Charnock Richard, Chorley
Councillor Roy Lees	12/00188/FULMAJ – International Fire Training Centre, Washington Hall, West Way, Euxton, Chorley

12.DC.161 PLANNING APPLICATIONS TO BE DETERMINED

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

- a) **Application:** 11/00938/FUL - Go Ape Rivington Lane Rivington Bolton Lancashire **Proposal:** Extension of car park to Go Ape (enlargement of car park as built)

RESOLVED (9:0:5) – That full planning permission be granted subject to the conditions detailed within the report in the agenda, and an additional condition relating to the inclusion of a Travel Plan, the wording for which be delegated to the Director of Partnerships, Planning and Policy in consultation with the Chair and Vice Chair.

- b) **Application:** 12/00197/FUL- Abbeystead Farm Buildings Bolton Road Abbey Village Lancashire **Proposal:** Proposed redevelopment of Abbeystead Farm including the demolition of the existing buildings and the erection of 5 no. detached dwellings

RESOLVED (13:0:1) – That planning permission be granted subject to a Section 106 Legal Agreement, the conditions detailed within the report in the agenda, and the additional condition on the addendum.

- c) **Application:** 11/00837/FULMAJ - Site 7 and 9 Buckshaw Avenue Buckshaw Village Lancashire **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

RESOLVED (unanimously) – That planning permission be granted subject to the conditions detailed within the report in the agenda, and the amended conditions and additional conditions detailed in the addendum.

- d) **Application:** 12/00042/DIS - Sagar House, Langton Brow, Eccleston, Chorley **Proposal:** Application to discharge condition 6 (boundary treatments) attached to planning approval 11/00290/REMMAJ/1

RESOLVED (12:0:2) - That condition 6 be discharged with the proviso that the Laurel hedge be planted at the height of 1.5 meters and be allowed to grow and maintained at no less than 1.8 meters.

(At this point Councillor Roy Lees left the room briefly, before returning for the discussion and subsequent vote of the following item)

- e) **Application:** 12/00191/OUT - 107/113 Chorley Road, Adlington, Chorley **Proposal:** Outline application for the demolition of the existing buildings and erection of four houses (two pairs of semi-detached houses)

RESOLVED (unanimously) – That planning permission be granted subject to a Section 106 Legal Agreement and the conditions detailed within the report in the agenda.

(At this point Councillor Harold Heaton declared a prejudicial interest and left the room for the duration of the following item taking no part in the discussion or vote. Councillor Geoffrey Russell took the Chair for the following item.)

- f) **Application:** 12/00305/FUL - Festive Lights, Disklok House, Preston Road, Charnock Richard, Chorley **Proposal:** Proposed partial demolition of the existing building and the erection of a replacement building for Festive Lights

(resubmission of 12/00091/FUL)

RESOLVED (unanimously) – That full planning permission be granted subject to the conditions detailed within the report in the agenda and the additional condition detailed at the Committee meeting restricting illumination at the site, the wording for which be delegated to the Director of Partnerships, Planning and Policy in consultation with the Vice Chair.

- g) **Application:** 12/00031/FUL - High Heys Farm Langton Brow, Eccleston, Chorley **Proposal:** Retention of car park and access track

RESOLVED (unanimously) – That full retrospective planning permission be granted subject to the condition detailed within the report in the agenda and the additional conditions detailed at the Committee meeting in relation to a landscaping scheme to reduce the visual impact of the development, the wording for which be delegated to the Director of Partnerships, Planning and Policy in consultation with the Chair and Vice Chair.

- h) **Application:** 12/00092/FUL - High Heys Farm, Langton Brow, Eccleston, Chorley **Proposal:** Retention of an electrical meter building

RESOLVED – That full retrospective planning permission be granted.

- i) **Application:** 12/00102/FULMAJ - Land between Froom Street and Crosse Hall Lane, Chorley **Proposal:** Erection of 28 dwellings (amendments to the number of dwellings (additional 4 no. dwellings over layout approved by 02/00680/FULMAJ and additional 13 no. dwellings over layout approved by 10/00820/FULMAJ), layout, design, landscaping and external appearance)

RESOLVED (unanimously) – That the decision be deferred to a future meeting of the Development Control Committee to allow Members of the Committee time to visit the site of the proposed development.

(At this point Councillor Roy Lees declared a prejudicial interest and left the room for the duration of the following item, taking no part in the discussion or vote).

- j) **Application:** 12/00188/FULMAJ - International Fire Training Centre, Washington Hall, West Way, Euxton, Chorley **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

RESOLVED (unanimously) – That the Section 73 application to vary the conditions detailed within the report be granted.

- k) **Application:** 12/00235/FUL - Land to the north of Northenden Road with access off Moss Bank 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

RESOLVED (unanimously) – That full planning permission be granted subject to the conditions detailed within the report in the agenda.

- l) **Application:** 12/00234/FULMAJ - Mawdsleys Eating House and Hotel Hall Lane, Mawdesley, Ormskirk
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)

RESOLVED (unanimously) - That full planning permission be granted subject to the conditions detailed within the report in the agenda and the additional condition detailed within the addendum.

12.DC.162 ENFORCEMENT REPORT - ORCHERTON HOUSE FARM

Members of the Committee considered a report from the Director of Partnerships, Planning and Policy which sought Members views on whether it was expedient to serve an enforcement notice to rectify a breach of planning permission in that without planning permissions an operational development which constituted the erection of a dwelling house had been carried out.

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

12.DC.163 TREE PRESERVATION ORDER NO. 18 (ANDERTON)

The Director of Partnerships, Planning and Policy submitted a report for Members of the Development Control Committee to consider a formal confirmation of the Tree Preservation Order no. 18 (Anderton) 2011 without modification in light of comments received.

RESOLVED (unanimously) – That the Tree Preservation Order no. 18 (Anderton) 2011 be confirmed without modification.

12.DC.164 TREE PRESERVATION ORDER NO.19 (WHITTLE-LE-WOODS) 2011

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. 19 (Whittle-le-Woods) 2011 without modification. No objections had been received in response to the making of the order.

RESOLVED (unanimously) – That the Tree Preservation Order no. 19 (Whittle-le-Woods) 2011 be confirmed without modification.

12.DC.165 PROPOSED CONFIRMATION WITHOUT MODIFICATION OF TREE PRESERVATION ORDER NO. 17 (CLAYTON-LE-WOODS) 2011

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. 17 (Clayton-le-Woods) 2011 without modification. No objections had been received in response to the making of the order.

RESOLVED (unanimously) – That the Tree Preservation Order no. 17 (Clayton-le-Woods) 2011 be confirmed without modification.

12.DC.166 PLANNING APPEALS AND DECISIONS

The Director of Partnerships, Planning and Policy submitted a report which detailed five planning appeals that been lodged and an appeal which had been dismissed by the Planning Inspectorate.

RESOLVED – That the report be noted.

12.DC.167 ANY OTHER ITEM(S) THAT THE CHAIR DECIDES IS/ARE URGENT

The Chair thanked Members of the Development Control Committee for their commitment and support over previous 12 months.

Chair

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Item 4a	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 Froom Street And Crosse Hall Lane Chorley
Applicant	Morris Homes Ltd
Consultation expiry:	14 March 2012
Application expiry:	14 May 2012

1. Members will recall that this application was reported to Development Control Committee on 24 April 2012 wherein it was deferred for a site visit. The recommendation, that this application is granted conditional outline planning approval subject to the associated supplemental Section 106 Agreement, remains as per the original report.

Proposal

2. 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).
3. The site is located between Froom 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.
4. 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

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

Main Issues

6. 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

7. 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
8. No letters of support have been received

Consultations

9. **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.
10. **Lancashire County Council (Ecology)** advise that the amended proposals appear to relate to the internal layout only, and there do not appear to any additional impacts on biodiversity over and above those identified previously (i.e. under the earlier application 10/00820/FULMAJ). The same ecological report as submitted in support of the earlier application has again been submitted in support of this application (TEP, September 2010. Rivington View, Chorley. Alterations to Site Layout, Implications for Water Voles). The TEP report identifies the need for a revised method statement (water voles), based on annual water vole activity surveys of Black Brook so it would be appropriate for the recommendations of the TEP report to be secured by planning condition, i.e. annual surveys to be carried out for water vole activity along the stretches of Black Brook potentially impacted by development with the results to be submitted to the Council for approval in writing in consultation with specialist advisors; survey results to be used to inform revisions to the water vole method statement and habitat management plan, and any revisions to also be

approved in writing by the Council in consultation with specialist advisors. Approved method statements and management plans to be implemented in full.

11. **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.
12. **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.
13. **United Utilities** do not raise objections subject to the site being drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/SUDS or to watercourse and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. A public sewer crosses this site and we will not permit building over it. We will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.
14. **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.
15. **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.
16. **Lancashire County Council (Education)** have provided a revised figure based on there being an increase of 4 dwellings across the site as a result of this latest re-plan. The new figure relates to the provision of 1 no. primary school place and seeks a commuted sum payment of £11,638. This will be included in the supplemental S106 agreement.

Applicants Case

17. 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.

AssessmentPrinciple of the development

18. 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.
19. 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

20. The areas of development proposed cover the same areas of the site as already approved. The site is at a lower level than From 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

21. 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.
22. 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.
23. 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.
24. 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

25. 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.
26. 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 From 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 From Street. Access to this car parking area will be under the apartment (plot 172).
27. An amended site layout plan has been submitted which clarifies that the 'duplex' property on plot 174 will have its own small rear garden space. The site plan also clarifies that the dedicated bin storage area to the rear of the car ports will serve plots 76-81 and plot 165 whilst the bin store in the underpass below the apartment (plot 171) will serve plots 166-169. Plot 171 will have its own dedicated bin storage space accessed from the underpass. All other properties will have rear garden bin storage areas.
28. 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.
29. 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

30. 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.
31. 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

32. 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.

33. 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

34. 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

35. 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 of this part of the site. The level of car parking across the site is satisfactory in that each dwelling will benefit from 2 no. off road parking spaces.
36. Also, the parking court to the rear of plots 166 to 170 makes interesting use of the natural bowl formed by the embankments to Froom Street and the canal with access via an underpass below the apartment on plot 171. Elsewhere on the site, carports provide covered parking spaces for a large proportion of the other dwellings on the site which is the same approach utilised on the adjoining phase to the south.

Public Right of Way

37. 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

38. 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.
39. 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

40. 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.

41. 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

42. 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.
43. 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

44. The principle of developing the site for residential purposes was established nearly 20 years ago and the redevelopment of the site is currently on-going. 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

45. 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

46. 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 PoliciesNational 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/REMMAJ - 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/REMMAJ). 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/REMMAJ. 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/REMMAJ (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/REMMAJ). Approved.

10/00820/FULMAJ - Amendment to siting, design, landscaping and external appearance of planning consents 09/00749/FULMAJ and 02/00680/REMMAJ 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/REMMAJ 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/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/01 Rev A	17 April 2012	Roseberry House Type Elevations
N155/P/HTROS/02 Rev A	17 April 2012	Roseberry House Type Floor Plans
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	Edgeware House Type Elevations
HB163/P/HTEDG/02 Rev A	12 April 2012	Edgeware House Type Floor Plans
HB155/PL02 Rev TT	17 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.
22. The recommendations on page 3 of the TEP report (Implications for Water Voles: Report Ref 1698.016) shall be carried out in full. Specifically, annual surveys shall be carried out for water vole activity along the stretches of Black Brook potentially impacted on by the development and the results shall be submitted to Chorley Council for approval in writing in consultation with specialist advisors at Lancashire County Council; the survey results shall be used to inform any revisions to the water vole method statement and the habitat management plan, and any revisions shall also be

approved in writing by the Council in consultation with specialist advisors. The approved method statements and management plans to be implemented in full.

Reasons: To safeguard protected species and in accordance with Policy No. EP4 of the Adopted Chorley Borough Local Plan Review and the NPPF.

Item 4b	12/00084/FULMAJ
Case Officer	Ian Heywood
Ward	Wheulton And Withnell
Proposal	Refurbishment and restoration of chimney and associated building to form office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure.
Location	Chimney And Building Withnell Fold Mill Withnell Fold Withnell Lancashire
Applicant	Primrose Holdings Ltd
Consultation expiry:	16 April 2012
Application expiry:	8 May 2012

Proposal

This report covers two applications: 12/00084/FULMAJ and 12/00085/CON for respectively:

1. Planning Permission for: Refurbishment and restoration of chimney and associated building to form office (class B1) demolition of remaining buildings and erection of 37 dwellinghouses (Class C3) and associated hardstanding, landscaping and infrastructure.
2. Conservation Area Consent for demolition of the mill buildings at Withnell Fold Mill, except the chimney and associated building.

Site Description The site is located at the western edge of the Withnell Fold Conservation Area immediately adjacent to the Leeds-Liverpool Canal. The topography of the site falls in an east to west direction towards the canal with the current buildings set over a variety of levels. The buildings currently occupying the site are the remains of the former Withnell Fold paper mill, the majority being demolished in 1983. These remaining buildings are thought to have been used for packaging and distribution rather than the manufacture of paper. They have been altered both internally and externally with new, utilitarian buildings added. None of the internal fixtures or fittings remains. One mill chimney, there were originally two, remains and the buildings at its base are to be retained, refurbished and converted to offices for which permission has already been obtained previously. The remaining buildings are to be demolished and replaced by a residential development of 37 units that retains the same overall massing as the originals but adopts a sympathetic yet contemporary style using a mix of traditional and contemporary materials.

Recommendation

3. It is recommended that these applications are granted full planning permission and conservation area consent.

Information Supplied in Support of the applications

4. The following documents have been supplied in support of the application:
 - Statement of Community Involvement
 - Transport Statement
 - Updated Transport Assessments
 - Arboricultural Implications report
 - Flood Risk, Contamination and Land Drainage Report

- Planning Statement
- Design and Access Statement
- Proof of Marketing Statement
- Heritage Statement
- Energy Resource and Code for Sustainable Homes Statement
- Ecological Report and Updates
- Bat Report
- Land Contamination Report
- Tree Location Plan
- Tree Constraints Plan
- Planning History Report
- Previous site development options and costings including structural appraisal

Main Issues

5. The main issues for consideration in respect of this planning application are:
- Principle of the development
 - Impact on the significance of the Withnell Fold Conservation Area
 - Levels
 - Impact on the neighbours
 - Design
 - Open Space
 - Trees and Landscape
 - Ecology
 - Flood Risk
 - Traffic and Transport
 - Public Right of Way

Representations

6. 37 letters have been received from neighbours. Of these 10 are outright objections. 11 are fully supportive. The remaining 16 are all in favour of the redevelopment of the site, but express concerns about the potential for increased traffic that could emanate from the development and suggest a reduced scale of new development.
7. **Withnell Parish Council** suggest a number of conditions be applied should permission be granted regarding the provision of a play area, retention of the Green Corridor, enhancement of the canal footpath and suggest that a further traffic survey was needed (the latter item has now been provided).
8. **Lindsey Hoyle MP** has forwarded a letter from a concerned constituent. This is the same letter that has been received and is included within item 5 (above).

Consultations

9. **Lancashire County Council (Ecology)** Has no objection to the application and suggests conditions be attached to any consents granted to ensure the completion of appropriate mitigation measures as put forward in the ecological statements that accompany the applications.
10. **Lancashire County Council (Planning Contributions)** has put forward figures for financial contributions for waste management. However these fail to satisfy the requisite CIL tests.
11. **The Environment Agency** raises no objection to the proposals and suggests conditions to be attached to any permission.
12. **English Heritage** objects to both elements of the proposal – demolition and redevelopment. The demolition of all mill buildings except the chimney and the redevelopment proposals for the site. They claim that insufficient evidence had been provided to support a case for demolition and that consequently the case for redevelopment was not made. The applicant has subsequently produced additional information in support of the case, including an addendum to the Heritage Statement that includes further historical research and also an

addendum to the Planning Statement that demonstrates evidence of alternative uses for the building having been previously sought that directly addresses these issues. English Heritage continues to object to the proposals.

13. **Director People and Places** supports the application and the proposal by the applicant to provide funding to acquire land within Withnell Fold village to provide additional community recreation space of a type to be determined by the local community through the local body responsible for the Millennium Green. Provision for this arrangement will be included in the S.106 Agreement.
14. **United Utilities** raise no objections to the proposal and suggest a number of conditions.
15. **Lancashire County Council (Highways)** do not object to the applications and has suggested a number of conditions to be attached to any consents granted.
16. **Chorley's Waste & Contaminated Land Officer** has suggested a number of pre-commencement conditions and an informative to be applied to any consent that may be granted.
17. **Lancashire County Council (Education)** No comments have been received and no request for a financial contribution has been made.
18. **Central Lancashire Primary Care Trust** considers that the proposal will have no material impact upon care provision for the area.
19. **Lancashire County Council (Archaeology)** objects to the proposal on the grounds that the case for demolition had not been met in accordance with the then requirements of PPS5, now section 12 of the NPPF. Additional information in the form of an updated Heritage Statement has been provided but LCC Archaeology's position remains unchanged.
20. **British Waterways** raised objections to the proposed demolition on the basis of the damage it would cause to the setting of the historic canal. They raised concerns about the discharge of rainwater from the site into the canal but suggest further dialogue between the parties should resolve this. Finally they raised the question of trees located on part of the site currently in BW ownership that would be affected by new development. British Waterways suggest that a landscaping condition be applied that secures retention of important trees. They have put forward some further conditions to be attached to any consent that may be granted.
21. **Chorley Council Planning Policy** commented that in general terms the proposal was in conformity to local Planning Policy including those policies that are in conformity with the NPPF from the Adopted Chorley Borough Local Plan Review 2003, the Central Lancashire Core Strategy and the emerging Site Allocations and Development Management Policies DPD. Policies included are:

From the Adopted Chorley Borough Local plan Review 2003:

- DC1
- EM9
- HS4
- HS5
- HS21
- HT7
- SR21

From the Central Lancashire Core Strategy:

- Policies 4, 5, 6, 7, 10, 16, 17 and 27

From the Site Allocations and Development Management DPD:

- BNE6
- BNE7
- HW2
- HW5

From the NPPF:

- Sections 3, 6, 7, 9, 10, 11 and 12

22. Whilst this is currently an employment site the evidence suggests that this is not an economic or sustainable use of the site and that the marketing evidence provided supports the proposal for reuse of the site for residential purposes. Whilst the site is in the Green Belt the proposed redevelopment closely matches the massing of the current buildings so it is considered that they will have no greater impact upon the openness of the Green Belt than is currently the case. The development thus meets the test for redevelopment in the Green Belt as stated in the final bullet point to paragraph 89 of the NPPF. Policies with regard to affordable housing and open space are to be covered by contributions secured through a S.106 agreement. The proposed development accords both with the Council's Sustainable Resources DPD, and the NPPF.

Applicants Case

23. The applicant has owned the site for approximately 20 years. During that time he has maintained the buildings at a level commensurate with the income generated by his tenants, which is very low. The buildings have been occupied by low intensity industrial users, car repair businesses, that require an abundance of space but which make a low level of return. Significant areas, particularly the upper floors, remain vacant and are in a deteriorating condition despite repeated attempts by the applicant to find new occupants. The combination of low values and consequently low income generated from the site has limited the value of reinvestment in the buildings to little more than basic, essential repairs. As a result the condition of the buildings is deteriorating and the applicant has shown that there is no prospect of this situation improving even in the longer term. The applicant has made a number of attempts to find alternative uses for the buildings, none of which proving to be successful. The site is a blight on the appearance of the Withnell Fold Conservation Area and the proposed development provides an opportunity to not only reverse that situation but to enhance the area with new buildings that are sympathetic to their location and that are of such a quality as to enhance the setting of the conservation area. Furthermore the proposed development will remove the significant level of 'industrial' traffic to and from the site, as shown by the traffic surveys, which currently cause harm to the amenity of local residents and to the appearance of the area as a whole.

AssessmentPrinciple of the development

24. The application site is within the Green Belt. It is, however, also a brown field site. The NPPF continues the tone of the previous PPG in considering inappropriate development as being, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The final bullet point to paragraph 89 of the NPPF suggests where exceptions exist to this may be found, namely *'limited infilling or the partial or complete 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.'* In this case the scale, mass and form of the new development will closely follow that of the existing buildings on the site. An examination of photographs of the existing buildings and artists impressions of the proposed development provided in the Design and Access Statement show the close resemblance in the scale, form and massing of both the current buildings and those proposed. Consequently it is considered that the proposed development will have no greater impact upon the openness of the Green Belt than the current buildings. In terms of the Green Belt the proposed development is thus considered to be in conformity with both local and national policy.

Impact upon the significance of the Withnell Fold Conservation Area

25. Withnell Fold Conservation Area is, as defined by Annex 2 to the NPPF, a designated heritage asset. The mill buildings themselves are not designated in any way, except for the Locally Important chimney, and are consequently heritage assets. Consequently only those tests within S.12 of the NPPF appertaining to heritage assets are a consideration in this case. These are 128, 129, 131, 132 (but only in relation to the Conservation Area), 135, 136 and 138.
26. 128 relates to the need for applicants to demonstrate their understanding of the significance of any heritage assets affected by their proposals. The applicant has extensively covered this in the Heritage Statement that accompanies the application.
27. 129 requires Local Planning Authorities to assess that significance when determining applications. In this case I consider the level of significance to be low.
28. 131 requires Local Planning Authorities to take account of desirability of sustaining or enhancing the significance of heritage assets, the positive contribution that the conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. In this case I consider that redevelopment of the site will enhance the significance, character and sustainability of the local area and will make a positive contribution to the local community by greatly improving the visual amenity of the area, giving the site a sustainable active and secure future and by making a significantly more appropriate use of the land.
29. 132 in this case refers only to the significance of the Conservation Area and the impact of proposals upon that significance. In this instance I consider that the significance of the Conservation Area will be sustained as a result of this proposal because the mill buildings do not contribute to the significance of the Conservation Area. The significance of the conservation area as a whole will be sustained.
30. 135 specifically refers to the judgement to be made with regard to the impact of proposals on non-designated heritage assets. In this case the significance of the mill is considered to be very low and thus the impact is also considered to be low. The Withnell Fold Conservation Area was designated by Chorley Borough Council in 1969, i.e. when the whole mill complex was extant. Whilst access is not available to all areas of the current buildings on Heath and Safety Grounds, the limited area to which this applies does not change the consideration that the buildings are of low significance.
31. 136 seeks to ensure that a demolished site will be redeveloped and not left vacant. Clearly in this case proposals are jointly being considered both for demolition and redevelopment of the site.
32. 138 considers that not all elements of a Conservation Area will necessarily contribute to its significance. In this instance that is precisely the case – the mill building contributes little to the significance of the conservation area. That is embodied more in the workers cottages, the school, the Methodist chapel and the reading room.
33. The applicant has, in conformity with PPS5 previously and currently S.12 (paragraph 128) of the NPPF, provided a highly detailed heritage statement to accompany the applications. These show that the remaining mill buildings on the site that are proposed to be demolished are the smaller and less significant parts of the original complex of mill buildings. Whilst the existence of the village owes much to the existence of the mill the heritage statement shows that the mill workers cottages and their associated public buildings – reading room, school and Methodist chapel now make a greater contribution to the special character of the conservation area than the surviving mill buildings, apart that is from the surviving mill chimney that is to be retained as part of the development.
34. This report also makes a record of the buildings as they currently exist on site which confirms

their low level of significance. The buildings are greatly altered and none retain any of their original fittings or fixtures. Even details such as sash windows are not original to the buildings, having been replaced with second hand items by the current owner during the period of his tenure.

35. The remaining buildings are considered to have been used for packaging and distribution rather than the manufacture of paper. Furthermore there is no evidence to show that the paper distributed from here was ever used for the production of bank notes, except perhaps for the export market. A combination of low historical status, lack of any remaining machinery and a long succession of alterations have resulted in buildings, apart from the chimney that are considered to be of very low significance.
36. Furthermore the semi-derelict nature of the site and the deteriorating quality of the buildings coupled to unsustainable, uneconomic use are all having a detrimental impact upon the significance of the conservation area as a whole and that of its setting.
37. After consideration of these points it is considered that retention of the most significant remaining part of the buildings, the chimney, with demolition of the remaining buildings and their replacement with suitably designed, appropriately scaled contemporary buildings will overall be a benefit to the appearance of the conservation area. Its significance will, in my opinion, be sustained.
38. Both English Heritage and Lancashire County Council Archaeology assert that the former mill buildings are 'designated heritage assets'. This is incorrect. The definitions are clearly stated in Annex 2 to the NPPF. At no point either within the NPPF or previously within PPS5 is there any indication that an undesignated building within a conservation area can be termed 'designated'. It is interesting to note that within English Heritage's own resources ("Pastscape") from the National Monuments register the buildings are described thus: "*The site of a 1840s paper mill which was demolished in 1983. The only surviving remnants of the mill are the mill chimney and a small number of ancillary buildings which are now used for light industrial purposes. The site of the mill has now been covered with a modern housing estate.*" It is clear from this that the buildings are afforded a very low level of significance.
39. English Heritage and Lancashire County Council Archaeology also assert that the applicant has not proven the case for demolition. I disagree. The applicant has provided more than ample evidence to support the case for demolition and redevelopment of the site. Financial information has been provided to show that redevelopment and reuse of the current buildings is not only not cost effective, even if grant funding (which proved to not be forthcoming) was available, but would not result in an architecturally acceptable solution. More information is provided in the following, Background Information, section.
40. English Heritage and Lancashire County Council Archaeology suggest that there is insufficient information provided with the application on which to judge the significance of the building. I disagree. The applicant has provided all the available information that it is possible to provide in terms of the history and development of the site. That the conclusions of this research are the same as those determined by the study commissioned by the Council from leading conservation architects, Donald Insall and Associates in 2004 is testament to their accuracy and thoroughness. Additionally the applicant has agreed to any pre-commencement condition requiring further archaeological recording of the building to be undertaken. Despite an offer to all parties for further site visits and discussions, neither English Heritage nor Lancashire County Council Archaeology has taken up this offer. Further evidence gleaned from a local historian shows that the 'machines' for the paper production processes were all installed before the extant buildings on the site were even built. This confirms the assertion made in the applicant's heritage statement that these remaining buildings were not used for the paper manufacturing process, but were more likely used for packaging and distribution. This evidence therefore confirms the view put forward in the heritage statement that the remaining buildings are of very low historic significance.
41. The Council's own Building Control Manager has extensive knowledge of the site. In his opinion he confirms the view that the buildings are simply not economic to convert, nor are

some of them structurally capable of conversion without uneconomic strengthening and stabilisation works. Furthermore the topography of the site poses still further problems such that partial demolition in some areas would lead to catastrophic collapse to much larger areas of the site.

Background Information

42. Withnell Fold paper mill was originally more than twice its current size and included two mill chimneys. The only evidence that remains of the mill in its entirety are historic photographs and archive film footage. Available evidence suggests that the extant buildings were not used for the production of paper but were used for its packaging and distribution. The supporting Heritage Statement document gives great detail on the history of the site, its development and subsequent decline leading to closure in 1967 and the demolition of the older, original part of the complex in the 1980s.
43. During the period of the applicant's ownership, approximately twenty years, a number of proposals have been put forward for the redevelopment of the site. Many different options have been considered, including a feasibility study commissioned by Chorley Borough Council in 2004 from well respected conservation architects, Donald Insall Associates. Since 2004 still further options for the site have been considered at pre-application discussions with the Council. None have, so far, borne fruit.
44. The site is complex, being situated on land of widely varying topography set over large variations in levels. Furthermore the construction of the buildings is such that remodelling of them for other purposes would be hugely expensive and thus not cost effective. As has already been mentioned the buildings have been significantly altered with additional concrete beams added internally to the upper buildings at least, walls have been removed or added and a myriad of other changes have taken place. Entirely new concrete block work buildings have been added to the site and the overall impression one gets is that of a ramshackle conglomeration of accretions. The applicant has submitted information to demonstrate a long history of attempts to find alternative, more economic, uses for the buildings and example costings have been included. The Council commissioned feasibility study established that even in a buoyant property market it would prove difficult to make the economic case for the buildings stack up. That situation is, in todays more challenging economic climate, ever more difficult to overcome.

Housing Development

45. The proposed development is largely for housing, albeit with an office being retained in the building at the base of the chimney for which consent has previously been granted. The proposal is to erect 37 dwellings of which 9 will be 2 bed apartments, 13 will be terraced properties, 2 are semi-detached and 13 are detached. The requirement for provision of affordable housing has been agreed to be provided off site. The applicant has agreed to provide the required number and type of affordable housing units, which at 20% equates to 7.4 houses with details to be secured via the S.106 agreement in a location to be determined by the Strategic Housing Team within the Council. (Either 8 houses or 7 houses and 0.4 as a commuted sum.)

Levels

46. This is a complex site set over a variety of levels. These are shown clearly on the topographic survey and within the sectional drawings that accompany the application. The architectural team have used these variations to the advantage of potential occupants by creating views to open countryside to the west and facilitating subterranean parking to avoid other views being obscured by a sea of parked residents' cars within the development. The difficult levels within the site have also precluded their conversion and reuse due to difficulties in finding an architecturally acceptable scheme that would be acceptable visually and that would maintain functional usability. Spaces would be awkward to use, difficult to access and would not be marketable. Previous work has shown that the costs involved could never be recouped, even in the long term.

Impact on the neighbours

47. The applicant has undertaken three public consultation events prior to submitting the applications and continues to have ongoing dialogue with both local groups and individuals. Potentially the neighbours that could suffer the greatest impact are those in Parke Mews, which could be overlooked by residents in the apartments. This issue has been addressed and an amended plan incorporating a revised internal layout and obscure glazing for the apartment block has been submitted. The applicant has also undertaken three traffic surveys to establish the current levels of traffic generated by the mill in its current use and also that generated by school runs and residential traffic to Parke Mews and Mill Wood Close, both adjacent to the access for the application site. More detail on this is given in the subsequent section on Traffic and Transport. The purpose of these surveys to allay the fears of many local residents regarding the potential for increased traffic as a result of the development.

Design

48. The applicants design team met and discussed the proposals on a number of occasions prior to submitting the applications, and indeed the design was driven by the requirements of officers. The idea has been to maintain the massing of the current industrial buildings, but to give them a high quality contemporary feel at the same time using a carefully considered palette of both traditional and contemporary materials. The end result is a development that responds well to its context in terms of the scale and massing but also in the use of matching materials, local stone, but with some carefully considered contemporary touches. Precise final details will be controlled by conditions, but the aim is to execute the scheme to the highest possible standards of construction. Consequently the design suggested is appropriate, complimentary and will enhance the appearance of the Withnell Fold Conservation Area.

Open Space

49. The provision of allocated public open space within the development is not considered to be appropriate by both planning officers and the Parks and Open Spaces team. The applicant is offering to expand the current public open space found within the village by procuring an additional piece of land in addition to land that he already owns. In so doing this will respond to the requests made by the local people in terms of both location and the facilities to be provided. This provision by the applicant will be secured via the S.106 Agreement. This area will not only benefit the local residents in terms of the amenity provided but it will also be visually enhancing for the character of the conservation area as a whole.

Trees and Landscape

50. A comprehensive tree report accompanies the application and LCC Ecology has confirmed that the proposal is acceptable. None of the works will affect any trees of either landscape or ecological value and the proposals include plans to strengthen the 'Green Corridor' at the eastern side of the site.

Ecology

51. Certain parts of the application site have a wide range of ecological interest. There is an already established green corridor to the eastern edge of the site and the applicant intends to maintain and strengthen this. LCC Ecology has commented that they are satisfied with the ecological reports and the proposed mitigation measures will be the subject of a condition.

Flood Risk

52. The Environment Agency raises no objection to the proposal and conditions will be attached to any consent granted to ensure compliance with their requirements.

Traffic and Transport

53. The applicant has undertaken three traffic surveys and has produced a number of transport reports to accompany the application. These indicate the currently high levels of industrial/semi industrial traffic that is currently generated by the very sparsely occupied mill buildings. The evidence from both the traffic surveys and from traffic modelling have been verified by LCC Highways engineers who consider the access arrangements proposed to be adequate, subject to a number of conditions. The perhaps surprising evidence from the surveys shows that the mill currently generates a high volume of traffic movements, mostly

from commercial vehicles and even large articulated lorries. The change of the site to residential will clearly change the type and number of vehicle movements. LCC Highways consider that the proposed access arrangements will be acceptable for both vehicle movements and highway safety perspectives. Maintenance of highways, parking areas and open space within the development will be the responsibility of a management company, to which all residents within the development will contribute. The highways will thus remain private in the same way as the nearby development at Parke Mews and Mill Wood Close.

Public Right of Way

54. There is no public right of way across the site. There is, however, a public right of way in the form of the Leeds-Liverpool Canal towpath, outside the application site, which is currently unofficially accessed across the application site. The applicant has agreed to continue to allow free and open access across his site to the canal towpath and has even agreed to provide 12 car parking spaces for visiting walkers. Public access to the Canal will thus be significantly enhanced by this proposal.

Drainage and Sewers

55. British Waterways have requested an informative be included with any consent granted regarding surface water discharge into the canal, which is the current arrangement. The development proposal includes a drainage plan that includes a pumping station that will be constructed to adoptable standard in consultation with United Utilities.

Section 106 Agreement

56. The Council's Legal Team have drawn up the S.106 Agreement following close consultation with the applicant and agent. Any consent will be issued subject to the signing of this agreement.

The Agreement will include the following terms:

- Provision of land off-site (registered under Title number LA897226) in lieu of Chorley Local Plan Land Allocation LT13.33 or if this is not provided, the provision of equivalent off-site play space in the Borough of Chorley, location to be agreed with the Council;
- The provision of 20% affordable housing (7 units) to be provided off-site over one, two or three sites in locations mentioned below, predominantly 2bed houses for social rent or alternatively the payment of a Commuted Sum in lieu of the affordable housing units;
 - Bretherton
 - Heskin
 - Ulnes Walton
 - Brindle
 - Heapey
 - Houghton
 - Wheelton
 - Charnock Richard
 - Eccleston
 - Mawdesley
 - Heath Charnock

A contribution of funds by the Developer to facilitate the purchase of land (registered under Title number LA795200) by the Withnell Millennium Trust in order that this can be used as a new Community Orchard. It is unclear who is to maintain the Orchard etc. and what is to happen if the land is not acquired by the Trust etc.

Overall Conclusion

57. Following several previous failed attempts to improve this site and enhance the quality of the area for both local residents and visitors alike the current proposal represents a genuinely good opportunity to realise this long held vision. Even the best attempts by the Council in

previous years failed to bring forth a solution. It is clear that the status quo cannot be maintained with the buildings being a financial drain on their owner and the site degenerating into a yet greater eyesore with the passage of time. This proposal represents an opportunity to enhance the appearance of the Withnell fold Conservation Area with a development that on the one hand plays homage to the industrial history of the site, but which at the same time uses contemporary styling that will be executed in high quality materials.

58. Access to the site and to the Leeds-Liverpool canal will be enhanced by the upgraded access road and the provision of 12 parking spaces. Additional public open space is to be provided on a site that meets the aspirations of the local community and that provides functions that the local people have asked for.
59. The applicant, and the Council, have demonstrably attempted to find solutions to the problems encountered with conversion of the buildings to alternative uses but on each occasion these have proved to be unsuccessful.
60. The case for demolition has been more than adequately made. Economically and architecturally the case for the conversion of the buildings simply does not stack up. It has been shown that the buildings are of low historic significance and those of the greatest importance for the history of the site – the chimney – is being retained and is now in the process of restoration and refurbishment.
61. The proposal includes a heritage interpretation ‘hub’ that is to be located for the benefit of prospective residents and visitors alike. This will provide information on the history and development of the site to allow the story of the site to continue to be read by future generations.
62. The Withnell Fold Conservation Area and indeed the village will be enhanced by this development in terms of both the visual appearance of the site, but also in terms of the provision of easier access to the Leeds-Liverpool Canal, including additional parking for walkers’ vehicles, additional public amenity space and an enhanced wildlife green corridor.

Other Matters

Public Consultation

63. The applicant has undertaken three public consultation events, including a presentation to the Parish Council. Elements of the scheme have been tweaked in response to comments made at these events and an additional traffic survey has been conducted over two days – a Friday and a Tuesday. The general response from these events is that of support for the redevelopment of the site, albeit tempered with some concerns for the potential for traffic volume increase. As stated above these concerns appear unfounded following the second traffic survey and upon the receipt of comments from LCC Highways.

Sustainability

64. The Council’s Planning Policy team have confirmed that they are happy that the proposed development conforms to its policy on Sustainable Resources, the SPD and DPD. The site at present is in very much less than optimal sustainable use. It is sparsely occupied by a limited number of motor vehicle body repair businesses that require large areas of space, employ small numbers of people and generate large amounts of waste yet return very low rental income for the site owner. The level of traffic generated by these businesses is disproportionate with both the level of employment and the income generated both in terms of sheer volume of traffic movements and the relatively large vehicle sizes involved.

Waste Collection and Storage

65. The Council’s Waste and Contaminated Land officer has confirmed that he is happy with the proposal from this perspective.

Planning Policies

National Planning Policies:

National Planning policy Framework (NPPF)

Sections:

- 3 – Supporting a prosperous rural economy
- 6 – Delivering a wide choice of high quality homes
- 7 – Requiring good design
- 9 – Protecting Green Belt land
- 10 – Meeting the challenge of climate change, flooding and coastal change
- 11 – Conserving and enhancing the natural environment
- 12 – Conserving and enhancing the historic environment

Adopted Chorley Borough Local Plan Review

Policies:

- DC1 – Development in the Green Belt
- EM9 – Redevelopment of Existing Employment Sites for Non-Employment Uses
- HS4 – Design and Layout of Residential Development
- HS5 – Affordable Housing
- HS21 – Playing Space Requirements
- HT7 – New Development in Conservation Areas.

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

Central Lancashire Core Strategy, Policies:

- 4 – Housing delivery
- 5 – Housing density
- 6 – Housing Quality
- 7 – Affordable Housing
- 10 – Employment sites and premises
- 16 – Heritage Assets
- 17 – Design of new buildings
- 27 – Sustainable resources and new developments

Sites for Chorley- Issues and Options Discussion Paper December 2010

- BNE6 – Heritage Assets
- BNE7 – Trees
- HW2 – Playing Fields, parks, Recreational and Amenity Open Space
- HW5 – The Leeds and Liverpool Canal

Planning History

Ref: 02/00057/FUL **Decision:** PERFPP **Decision Date:** 15 March 2002
Description: Refurbishment of existing building for use as office,

Ref: 96/00770/FUL **Decision:** PERFPP **Decision Date:** 22 January 1997
Description: Refurbishment of existing building for office use,

Ref: 12/00084/FULMAJ **Decision:** PDE **Decision Date:**
Description: Refurbishment and restoration of chimney and associated building to form office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure.

Ref: 12/00085/CON**Decision:** PCO**Decision Date:**

Description: Refurbishment and restoration of chimney and associated building to form office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure.

What this history does not show is the considerable number of pre-application discussions, meetings and proposals that have been considered but which have failed to result in a planning application.

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:
PS-01	02/02/2012	Red-edged plan
PS-02	02/02/2012	Site plan
PS-03	08/02/2012	Block Plan
PS-04	23/03/2012	Apartment plans
PS-05	02/02/2012	Apartment elevations
PS-06	02/02/2012	Plot 10 plans
PS-07	02/02/2012	Plot 10 elevations
PS-08	02/02/2012	Plot 11 Plans
PS-09	02/02/2012	Plot 11 elevations
PS-10	02/02/2012	Plot 12 plans
PS-11	02/02/2012	Plot 12 elevations
PS-12	02/02/2012	Plots 13 & 14 plans
PS-13	02/02/2012	Plots 13 & 14 elevations
PS-14	02/02/2012	Plot 15 plans
PS-15	02/02/2012	Plot 15 elevations
PS-16	02/02/2012	Plot 16 plans
PS-17	02/02/2012	Plot 16 elevations
PS-18	02/02/2012	Plot 17 plans
PS-19	02/02/2012	Plot 17 elevations
PS-20	02/02/2012	Plot 18 plans
PS-21	02/02/2012	Plot 18 elevations
PS-22	02/02/2012	Plot 19 plans
PS-23	02/02/2012	Plot 19 elevations
PS-24	02/02/2012	Plot 20 plans
PS-25	02/02/2012	Plot 20 elevations
PS-26	02/02/2012	Plots 21 & 24 plans
PS-27	02/02/2012	Plots 21 & 24 elevations
PS-28	02/02/2012	Plots 22 & 23 plans
PS-29	02/02/2012	Plots 22 & 23 elevations
PS-30	02/02/2012	Plots 25 – 33 plans & elevations
PS-31	02/02/2012	Plots 34 – 37 plans & elevations
PS-31a	02/02/2012	Proposed plot boundary treatment
PS-32	02/02/2012	Proposed drainage plan
PS-33	02/02/2012	Street scene elevations
PS-37	02/02/2012	Proposed sections
PS-38	02/02/2012	Site plan in context
PS-40	18/04/2012	Proposed access plan

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

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

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with the National Planning Policy Framework

4. Before the development commences, full details of the treatment of all the proposed windows and doors shall have been submitted to and been approved in writing by the Local Planning Authority. The submitted details shall include the proposed method of construction, the materials to be used, fixing details (including cross sections at a scale of 1:1) and their external finish including any surrounds, cills or lintels.

Reason: In the interests of the character and appearance of the building and in accordance with the National Planning Policy Framework.

5. No works shall take place until the applicant, or their agent or successors in title, have secured the implementation of a programme of building recording and analysis. This must be carried out by a professionally qualified archaeological/building recording consultant or organisation in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority. Upon completion of the programme of building recording and analysis it shall be submitted to the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historic importance associated with the building and in accordance with the National Planning Policy Framework.

6. The development hereby permitted shall not commence until:

- A methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated site - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
- All testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;

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

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

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

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

7. The development hereby permitted shall not commence until the applicant has submitted to and received approval from the local planning authority in writing a 'Construction Traffic Management Method Statement' that shall include details relating to:

- access arrangements;
 - construction vehicle routing;
 - the management of junctions with and crossings of the public highway;
 - the timing of delivery vehicle movements;
 - details of banksmen/escorts for abnormal loads;
 - temporary warning signing;
 - proposed accommodation works and where necessary a programme for their subsequent removal and the reinstatement of street furniture, where required along the route;
 - traffic management on the existing highway network.
 - provide bond for full value of reinstatement.
 - approval is secured by the main contractor for the passage of all construction vehicles over all highway structures from the relevant responsible authorities (ie canal, railway, highway over-bridge etc.).
- The development shall be carried out in accordance with the approved Construction Traffic Management Method Statement, unless otherwise approved in writing by the local planning authority.

Reason: To ensure the safety of both residents and construction staff throughout the period of construction and to define acceptable timings for vehicle movements in order to safeguard the amenity of local residents.

8. The development hereby permitted shall not commence until the applicant has provided and received approval in writing from the Local Planning Authority details of the proposed access arrangements to include:

- A layout to ensure the provision of a 4.5 metre wide shared surface;
- A pedestrian safety rail/barrier;
- The footway layout at the entrance to the site;
- Traffic calming measures.

Reason: To ensure traffic safety for both vehicular and pedestrian movements in to, out of and within the site

9. No part of the development hereby permitted shall be occupied or used until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.

10. Before the development hereby permitted commences the mitigation measures outlined in the ecological surveys entitled:

Pennine ecological: Withnell Fold Mill, Chorley, Lancashire – Ecological Survey, Evaluation and Impact Assessment. November 2008, with updates in 2012;

Mulberry: Arboricultural Implications and Method Statement ref PM/AIS/03/01/12;

Ecology Services UK Ltd: Bat Survey 14 October 2010, with updates in 2012; 'Tree Survey'

Shall be implemented, subject to any amendments required by Natural England at the licensing stage, and shall have been agreed in writing by the local planning authority.

Reason: To safeguard Ecology including protected species.

11. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

A preliminary risk assessment which has identified:
all previous uses
potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

The results of the site investigation and detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters from contamination.

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

Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review and to ensure flood risk is not increased elsewhere as a result of the development.

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

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

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

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

15. Before the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.
Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR8 of the Adopted Chorley Borough Local Plan Review.
16. The integral 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 and in accordance with Policy No.TR8 of the Adopted Chorley Borough Local Plan Review.
17. 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 and EM2 of the Adopted Chorley Borough Local Plan Review.
18. 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 (in accordance with existing guidelines e.g. BS 5837: 2005); 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. The scheme shall be implemented in full. The scheme shall demonstrate, amongst other things: adequate retention, protection and enhancement of bat foraging and commuting habitat; replacement pond creation and tree planting/woodland enhancement to offset tree losses.
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 and to be in accordance with The Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended) and The Natural Environment and Rural Communities Act 2006..
19. 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.
20. The development hereby permitted shall not commence until details have been submitted to and been approved in writing by the Local Planning Authority regarding the design of external lighting to be installed within the proposed development, notwithstanding the details already submitted. The details shall include the model/make, exact dimensions and the fixing details of the lighting to be used and the

proposed hours of illumination. Only the approved lighting scheme shall thereafter be used within the development. The scheme shall demonstrate avoidance of artificial illumination of bat foraging and commuting habitat (including but not limited to the canal, woodland edges and bat roost entrances).

Reason: To secure the appearance of the development and to safeguard the amenity of residents and to comply with the Conservation of Habitats and Species Regulations 2010 (as amended).

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwelling hereby permitted (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy No HS4 of the Adopted Chorley Borough Local Plan Review.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling(s) hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

23. The development hereby permitted shall not commence until the applicant has submitted to and received approval in writing from the Local planning Authority the following details appertaining to the requirements of United Utilities:

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water must discharge to either soakaway/SUDS or watercourse which may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we will require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

A public sewer crosses this site and we will not permit building over it. We (United Utilities) will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

Reason: To safeguard the disposal of surface water and foulwater in accordance with the requirements of United Utilities.

24. The development hereby permitted shall not commence until:
The prior acquisition of a licence from Natural England for the derogation of the protection of bats under the Habitats Directive.

Reason: To ensure compliance with the following legislation:

- *The Conservation of Habitats and Species Regulations 2010 (as amended).*
- *The Wildlife and Countryside Act 1981 (as amended).*
- *The Natural Environment and Rural Communities Act 2006.*
- *The National Planning Policy Framework, 2012 (NPPF)*
- *Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact Within the Planning System (DEFRA 01/2005, ODPM 06/2005).*

25. The development hereby permitted shall not commence until:
A mitigation/compensation scheme for impacts on nesting swallows/swallow nest sites have been submitted and approved by Chorley Council in consultation with

specialist advisors. The approved scheme shall be implemented in full. The scheme shall demonstrate that the site will continue to support swallow nesting during the operational lifetime of the scheme.

Reason: To be in accordance with the following legislation:

- *The Conservation of Habitats and Species Regulations 2010 (as amended)*
- *The Wildlife and Countryside Act 1981 (as amended)*
- *The Natural Environment and Rural Communities Act 2006*
- *The national Planning Policy Framework 2012 (NPPF)*
- *Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system (DEFRA 01/2005, ODPM 06/2005).*

Item 4c	12/00085/CON
Case Officer	Ian Heywood
Ward	Wheelton and Withnell
Proposal	Refurbishment and restoration of chimney and associated building to form office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure.
Location	Chimney And Building Withnell Fold Mill Withnell Fold Withnell Lancashire
Applicant	Primrose Holdings Ltd
Consultation expiry:	16 April 2012
Application expiry:	3 April 2012

Proposal This report covers two applications: 12/00084/FULMAJ and 12/00085/CON for respectively:

1. Planning Permission for: Refurbishment and restoration of chimney and associated building to form office (class B1) demolition of remaining buildings and erection of 37 dwellinghouses (Class C3) and associated hardstanding, landscaping and infrastructure.
2. Conservation Area Consent for demolition of the mill buildings at Withnell Fold Mill, except the chimney and associated building.

Site Description The site is located at the western edge of the Withnell Fold Conservation Area immediately adjacent to the Leeds-Liverpool Canal. The topography of the site falls in an east to west direction towards the canal with the current buildings set over a variety of levels. The buildings currently occupying the site are the remains of the former Withnell Fold paper mill, the majority being demolished in 1983. These remaining buildings are thought to have been used for packaging and distribution rather than the manufacture of paper. They have been altered both internally and externally with new, utilitarian buildings added. None of the internal fixtures or fittings remains. One mill chimney, there were originally two, remains and the buildings at its base are to be retained, refurbished and converted to offices for which permission has already been obtained previously. The remaining buildings are to be demolished and replaced by a residential development of 37 units that retains the same overall massing as the originals but adopts a sympathetic yet contemporary style using a mix of traditional and contemporary materials.

Recommendation

3. It is recommended that these applications are granted full planning permission and conservation area consent.

Information Supplied in Support of the applications

4. The following documents have been supplied in support of the application:
 - Statement of Community Involvement
 - Transport Statement
 - Updated Transport Assessments
 - Arboricultural Implications report
 - Flood Risk, Contamination and Land Drainage Report
 - Planning Statement
 - Design and Access Statement
 - Proof of Marketing Statement

- Heritage Statement
- Energy Resource and Code for Sustainable Homes Statement
- Ecological Report and Updates
- Bat Report
- Land Contamination Report
- Tree Location Plan
- Tree Constraints Plan
- Planning History Report
- Previous site development options and costings including structural appraisal

Main Issues

5. The main issues for consideration in respect of this planning application are:
- Principle of the development
 - Impact on the significance of the Withnell Fold Conservation Area
 - Levels
 - Impact on the neighbours
 - Design
 - Open Space
 - Trees and Landscape
 - Ecology
 - Flood Risk
 - Traffic and Transport
 - Public Right of Way

Representations

6. 37 letters have been received from neighbours. Of these 10 are outright objections. 11 are fully supportive. The remaining 16 are all in favour of the redevelopment of the site, but express concerns about the potential for increased traffic that could emanate from the development and suggest a reduced scale of new development.
7. **Withnell Parish Council** suggest a number of conditions be applied should permission be granted regarding the provision of a play area, retention of the Green Corridor, enhancement of the canal footpath and suggest that a further traffic survey was needed (the latter item has now been provided).
8. **Lindsey Hoyle MP** has forwarded a letter from a concerned constituent. This is the same letter that has been received and is included within item 5 (above).

Consultations

9. **Lancashire County Council (Ecology)** Has no objection to the application and suggests conditions be attached to any consents granted to ensure the completion of appropriate mitigation measures as put forward in the ecological statements that accompany the applications.
10. **Lancashire County Council (Planning Contributions)** has put forward figures for financial contributions for waste management. However these fail to satisfy the requisite CIL tests.
11. **The Environment Agency** raises no objection to the proposals and suggests conditions to be attached to any permission.
12. **English Heritage** objects to both elements of the proposal – demolition and redevelopment. The demolition of all mill buildings except the chimney and the redevelopment proposals for the site. They claim that insufficient evidence had been provided to support a case for demolition and that consequently the case for redevelopment was not made. The applicant has subsequently produced additional information in support of the case, including an addendum to the Heritage Statement that includes further historical research and also an addendum to the Planning Statement that demonstrates evidence of alternative uses for the building having been previously sought that directly addresses these issues. English Heritage continues to object to the proposals.

13. **Director People and Places** supports the application and the proposal by the applicant to provide funding to acquire land within Withnell Fold village to provide additional community recreation space of a type to be determined by the local community through the local body responsible for the Millennium Green. Provision for this arrangement will be included in the S.106 Agreement.
14. **United Utilities** raise no objections to the proposal and suggest a number of conditions.
15. **Lancashire County Council (Highways)** do not object to the applications and has suggested a number of conditions to be attached to any consents granted.
16. **Chorley's Waste & Contaminated Land Officer** has suggested a number of pre-commencement conditions and an informative to be applied to any consent that may be granted.
17. **Lancashire County Council (Education)** No comments have been received and no request for a financial contribution has been made.
18. **Central Lancashire Primary Care Trust** considers that the proposal will have no material impact upon care provision for the area.
19. **Lancashire County Council (Archaeology)** objects to the proposal on the grounds that the case for demolition had not been met in accordance with the then requirements of PPS5, now section 12 of the NPPF. Additional information in the form of an updated Heritage Statement has been provided but LCC Archaeology's position remains unchanged.
20. **British Waterways** raised objections to the proposed demolition on the basis of the damage it would cause to the setting of the historic canal. They raised concerns about the discharge of rainwater from the site into the canal but suggest further dialogue between the parties should resolve this. Finally they raised the question of trees located on part of the site currently in BW ownership that would be affected by new development. British Waterways suggest that a landscaping condition be applied that secures retention of important trees. They have put forward some further conditions to be attached to any consent that may be granted.
21. **Chorley Council Planning Policy** commented that in general terms the proposal was in conformity to local Planning Policy including those policies that are in conformity with the NPPF from the Adopted Chorley Borough Local Plan Review 2003, the Central Lancashire Core Strategy and the emerging Site Allocations and Development Management Policies DPD. Policies included are:

From the Adopted Chorley Borough Local plan Review 2003:

- DC1
- EM9
- HS4
- HS5
- HS21
- HT7
- SR21

From the Central Lancashire Core Strategy:

- Policies 4, 5, 6, 7, 10, 16, 17 and 27

From the Site Allocations and Development Management DPD:

- BNE6
- BNE7
- HW2
- HW5

From the NPPF:

- Sections 3, 6, 7, 9, 10, 11 and 12

22. Whilst this is currently an employment site the evidence suggests that this is not an economic or sustainable use of the site and that the marketing evidence provided supports the proposal for reuse of the site for residential purposes. Whilst the site is in the Green Belt the proposed redevelopment closely matches the massing of the current buildings so it is considered that they will have no greater impact upon the openness of the Green Belt than is currently the case. The development thus meets the test for redevelopment in the Green Belt as stated in the final bullet point to paragraph 89 of the NPPF. Policies with regard to affordable housing and open space are to be covered by contributions secured through a S.106 agreement. The proposed development accords both with the Council's Sustainable Resources DPD, and the NPPF.

Applicants Case

23. The applicant has owned the site for approximately 20 years. During that time he has maintained the buildings at a level commensurate with the income generated by his tenants, which is very low. The buildings have been occupied by low intensity industrial users, car repair businesses, that require an abundance of space but which make a low level of return. Significant areas, particularly the upper floors, remain vacant and are in a deteriorating condition despite repeated attempts by the applicant to find new occupants. The combination of low values and consequently low income generated from the site has limited the value of reinvestment in the buildings to little more than basic, essential repairs. As a result the condition of the buildings is deteriorating and the applicant has shown that there is no prospect of this situation improving even in the longer term. The applicant has made a number of attempts to find alternative uses for the buildings, none of which proving to be successful. The site is a blight on the appearance of the Withnell Fold Conservation Area and the proposed development provides an opportunity to not only reverse that situation but to enhance the area with new buildings that are sympathetic to their location and that are of such a quality as to enhance the setting of the conservation area. Furthermore the proposed development will remove the significant level of 'industrial' traffic to and from the site, as shown by the traffic surveys, which currently cause harm to the amenity of local residents and to the appearance of the area as a whole.

AssessmentPrinciple of the development

24. The application site is within the Green Belt. It is, however, also a brown field site. The NPPF continues the tone of the previous PPG in considering inappropriate development as being, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The final bullet point to paragraph 89 of the NPPF suggests where exceptions exist to this may be found, namely *'limited infilling or the partial or complete 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.'* In this case the scale, mass and form of the new development will closely follow that of the existing buildings on the site. An examination of photographs of the existing buildings and artists impressions of the proposed development provided in the Design and Access Statement show the close resemblance in the scale, form and massing of both the current buildings and those proposed. Consequently it is considered that the proposed development will have no greater impact upon the openness of the Green Belt than the current buildings. In terms of the Green Belt the proposed development is thus considered to be in conformity with both local and national policy.

Impact upon the significance of the Withnell Fold Conservation Area

25. Withnell Fold Conservation Area is, as defined by Annex 2 to the NPPF, a designated heritage asset. The mill buildings themselves are not designated in any way, except for the Locally Important chimney, and are consequently heritage assets. Consequently only those tests within S.12 of the NPPF appertaining to heritage assets are a consideration in this case. These are 128, 129, 131, 132 (but only in relation to the Conservation Area), 135, 136 and 138.

26. 128 relates to the need for applicants to demonstrate their understanding of the significance of any heritage assets affected by their proposals. The applicant has extensively covered this in the Heritage Statement that accompanies the application.
27. 129 requires Local Planning Authorities to assess that significance when determining applications. In this case I consider the level of significance to be low.
28. 131 requires Local Planning Authorities to take account of desirability of sustaining or enhancing the significance of heritage assets, the positive contribution that the conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. In this case I consider that redevelopment of the site will enhance the significance, character and sustainability of the local area and will make a positive contribution to the local community by greatly improving the visual amenity of the area, giving the site a sustainable active and secure future and by making a significantly more appropriate use of the land..
29. 132 in this case refers only to the significance of the Conservation Area and the impact of proposals upon that significance. In this instance I consider that the significance of the Conservation Area will be sustained as a result of this proposal because the mill buildings do not contribute to the significance of the Conservation Area. The significance of the conservation area as a whole will be sustained.
30. 135 specifically refers to the judgement to be made with regard to the impact of proposals on non-designated heritage assets. In this case the significance of the mill is considered to be very low and thus the impact is also considered to be low. The Withnell Fold Conservation Area was designated by Chorley Borough Council in 1969, i.e. when the whole mill complex was extant. Whilst access is not available to all areas of the current buildings on Heath and Safety Grounds, the limited area to which this applies does not change the consideration that the buildings are of low significance.
31. 136 seeks to ensure that a demolished site will be redeveloped and not left vacant. Clearly in this case proposals are jointly being considered both for demolition and redevelopment of the site.
32. 138 considers that not all elements of a Conservation Area will necessarily contribute to its significance. In this instance that is precisely the case – the mill building contributes little to the significance of the conservation area. That is embodied more in the workers cottages, the school, the Methodist chapel and the reading room.
33. The applicant has, in conformity with PPS5 previously and currently S.12 (paragraph 128) of the NPPF, provided a highly detailed heritage statement to accompany the applications. These show that the remaining mill buildings on the site that are proposed to be demolished are the smaller and less significant parts of the original complex of mill buildings. Whilst the existence of the village owes much to the existence of the mill the heritage statement shows that the mill workers cottages and their associated public buildings – reading room, school and Methodist chapel now make a greater contribution to the special character of the conservation area than the surviving mill buildings, apart that is from the surviving mill chimney that is to be retained as part of the development.
34. This report also makes a record of the buildings as they currently exist on site which confirms their low level of significance. The buildings are greatly altered and none retain any of their original fittings or fixtures. Even details such as sash windows are not original to the buildings, having been replaced with second hand items by the current owner during the period of his tenure.
35. The remaining buildings are considered to have been used for packaging and distribution rather than the manufacture of paper. Furthermore there is no evidence to show that the paper distributed from here was ever used for the production of bank notes, except perhaps for the export market. A combination of low historical status, lack of any remaining machinery

and a long succession of alterations have resulted in buildings, apart from the chimney that are considered to be of very low significance.

36. Furthermore the semi-derelict nature of the site and the deteriorating quality of the buildings coupled to unsustainable, uneconomic use are all having a detrimental impact upon the significance of the conservation area as a whole and that of its setting.
37. After consideration of these points it is considered that retention of the most significant remaining part of the buildings, the chimney, with demolition of the remaining buildings and their replacement with suitably designed, appropriately scaled contemporary buildings will overall be a benefit to the appearance of the conservation area. Its significance will, in my opinion, be sustained.
38. Both English Heritage and Lancashire County Council Archaeology assert that the former mill buildings are 'designated heritage assets'. This is incorrect. The definitions are clearly stated in Annex 2 to the NPPF. At no point either within the NPPF or previously within PPS5 is there any indication that an undesignated building within a conservation area can be termed 'designated'. It is interesting to note that within English Heritage's own resources ("Pastscape") from the National Monuments register the buildings are described thus: "*The site of a 1840s paper mill which was demolished in 1983. The only surviving remnants of the mill are the mill chimney and a small number of ancillary buildings which are now used for light industrial purposes. The site of the mill has now been covered with a modern housing estate.*" It is clear from this that the buildings are afforded a very low level of significance.
39. English Heritage and Lancashire County Council Archaeology also assert that the applicant has not proven the case for demolition. I disagree. The applicant has provided more than ample evidence to support the case for demolition and redevelopment of the site. Financial information has been provided to show that redevelopment and reuse of the current buildings is not only not cost effective, even if grant funding (which proved to not be forthcoming) was available, but would not result in an architecturally acceptable solution. More information is provided in the following, Background Information, section.
40. English Heritage and Lancashire County Council Archaeology suggest that there is insufficient information provided with the application on which to judge the significance of the building. I disagree. The applicant has provided all the available information that it is possible to provide in terms of the history and development of the site. That the conclusions of this research are the same as those determined by the study commissioned by the Council from leading conservation architects, Donald Insall and Associates in 2004 is testament to their accuracy and thoroughness. Additionally the applicant has agreed to any pre-commencement condition requiring further archaeological recording of the building to be undertaken. Despite an offer to all parties for further site visits and discussions, neither English Heritage nor Lancashire County Council Archaeology has taken up this offer. Further evidence gleaned from a local historian shows that the 'machines' for the paper production processes were all installed before the extant buildings on the site were even built. This confirms the assertion made in the applicant's heritage statement that these remaining buildings were not used for the paper manufacturing process, but were more likely used for packaging and distribution. This evidence therefore confirms the view put forward in the heritage statement that the remaining buildings are of very low historic significance.
41. The Council's own Building Control Manager has extensive knowledge of the site. In his opinion he confirms the view that the buildings are simply not economic to convert, nor are some of them structurally capable of conversion without uneconomic strengthening and stabilisation works. Furthermore the topography of the site poses still further problems such that partial demolition in some areas would lead to catastrophic collapse to much larger areas of the site.

Background Information

42. Withnell Fold paper mill was originally more than twice its current size and included two mill chimneys. The only evidence that remains of the mill in its entirety are historic photographs and archive film footage. Available evidence suggests that the extant buildings were not used

for the production of paper but were used for its packaging and distribution. The supporting Heritage Statement document gives great detail on the history of the site, its development and subsequent decline leading to closure in 1967 and the demolition of the older, original part of the complex in the 1980s.

43. During the period of the applicant's ownership, approximately twenty years, a number of proposals have been put forward for the redevelopment of the site. Many different options have been considered, including a feasibility study commissioned by Chorley Borough Council in 2004 from well respected conservation architects, Donald Insall Associates. Since 2004 still further options for the site have been considered at pre-application discussions with the Council. None have, so far, borne fruit.
44. The site is complex, being situated on land of widely varying topography set over large variations in levels. Furthermore the construction of the buildings is such that remodelling of them for other purposes would be hugely expensive and thus not cost effective. As has already been mentioned the buildings have been significantly altered with additional concrete beams added internally to the upper buildings at least, walls have been removed or added and a myriad of other changes have taken place. Entirely new concrete block work buildings have been added to the site and the overall impression one gets is that of a ramshackle conglomeration of accretions. The applicant has submitted information to demonstrate a long history of attempts to find alternative, more economic, uses for the buildings and example costings have been included. The Council commissioned feasibility study established that even in a buoyant property market it would prove difficult to make the economic case for the buildings stack up. That situation is, in today's more challenging economic climate, ever more difficult to overcome.

Housing Development

45. The proposed development is largely for housing, albeit with an office being retained in the building at the base of the chimney for which consent has previously been granted. The proposal is to erect 37 dwellings of which 9 will be 2 bed apartments, 13 will be terraced properties, 2 are semi-detached and 13 are detached. The requirement for provision of affordable housing has been agreed to be provided off site. The applicant has agreed to provide the required number and type of affordable housing units, which at 20% equates to 7.4 houses with details to be secured via the S.106 agreement in a location to be determined by the Strategic Housing Team within the Council. (Either 8 houses or 7 houses and 0.4 as a commuted sum.)

Levels

46. This is a complex site set over a variety of levels. These are shown clearly on the topographic survey and within the sectional drawings that accompany the application. The architectural team have used these variations to the advantage of potential occupants by creating views to open countryside to the west and facilitating subterranean parking to avoid other views being obscured by a sea of parked residents' cars within the development. The difficult levels within the site have also precluded their conversion and reuse due to difficulties in finding an architecturally acceptable scheme that would be acceptable visually and that would maintain functional usability. Spaces would be awkward to use, difficult to access and would not be marketable. Previous work has shown that the costs involved could never be recouped, even in the long term.

Impact on the neighbours

47. The applicant has undertaken three public consultation events prior to submitting the applications and continues to have ongoing dialogue with both local groups and individuals. Potentially the neighbours that could suffer the greatest impact are those in Parke Mews, which could be overlooked by residents in the apartments. This issue has been addressed and an amended plan incorporating a revised internal layout and obscure glazing for the apartment block has been submitted. The applicant has also undertaken three traffic surveys to establish the current levels of traffic generated by the mill in its current use and also that generated by school runs and residential traffic to Parke Mews and Mill Wood Close, both adjacent to the access for the application site. More detail on this is given in the subsequent section on Traffic and Transport. The purpose of these surveys to allay the fears of many

local residents regarding the potential for increased traffic as a result of the development.

Design

48. The applicants design team met and discussed the proposals on a number of occasions prior to submitting the applications, and indeed the design was driven by the requirements of officers. The idea has been to maintain the massing of the current industrial buildings, but to give them a high quality contemporary feel at the same time using a carefully considered palette of both traditional and contemporary materials. The end result is a development that responds well to its context in terms of the scale and massing but also in the use of matching materials, local stone, but with some carefully considered contemporary touches. Precise final details will be controlled by conditions, but the aim is to execute the scheme to the highest possible standards of construction. Consequently the design suggested is appropriate, complimentary and will enhance the appearance of the Withnell Fold Conservation Area.

Open Space

49. The provision of allocated public open space within the development is not considered to be appropriate by both planning officers and the Parks and Open Spaces team. The applicant is offering to expand the current public open space found within the village by procuring an additional piece of land in addition to land that he already owns. In so doing this will respond to the requests made by the local people in terms of both location and the facilities to be provided. This provision by the applicant will be secured via the S.106 Agreement. This area will not only benefit the local residents in terms of the amenity provided but it will also be visually enhancing for the character of the conservation area as a whole.

Trees and Landscape

50. A comprehensive tree report accompanies the application and LCC Ecology has confirmed that the proposal is acceptable. None of the works will affect any trees of either landscape or ecological value and the proposals include plans to strengthen the 'Green Corridor' at the eastern side of the site.

Ecology

51. Certain parts of the application site have a wide range of ecological interest. There is an already established green corridor to the eastern edge of the site and the applicant intends to maintain and strengthen this. LCC Ecology has commented that they are satisfied with the ecological reports and the proposed mitigation measures will be the subject of a condition.

Flood Risk

52. The Environment Agency raises no objection to the proposal and conditions will be attached to any consent granted to ensure compliance with their requirements.

Traffic and Transport

53. The applicant has undertaken three traffic surveys and has produced a number of transport reports to accompany the application. These indicate the currently high levels of industrial/semi industrial traffic that is currently generated by the very sparsely occupied mill buildings. The evidence from both the traffic surveys and from traffic modelling have been verified by LCC Highways engineers who consider the access arrangements proposed to be adequate, subject to a number of conditions. The perhaps surprising evidence from the surveys shows that the mill currently generates a high volume of traffic movements, mostly from commercial vehicles and even large articulated lorries. The change of the site to residential will clearly change the type and number of vehicle movements. LCC Highways consider that the proposed access arrangements will be acceptable for both vehicle movements and highway safety perspectives. Maintenance of highways, parking areas and open space within the development will be the responsibility of a management company, to which all residents within the development will contribute. The highways will thus remain private in the same way as the nearby development at Parke Mews and Mill Wood Close.

Public Right of Way

54. There is no public right of way across the site. There is, however, a public right of way in the form of the Leeds-Liverpool Canal towpath, outside the application site, which is currently unofficially accessed across the application site. The applicant has agreed to continue to

allow free and open access across his site to the canal towpath and has even agreed to provide 12 car parking spaces for visiting walkers. Public access to the Canal will thus be significantly enhanced by this proposal.

Drainage and Sewers

55. British Waterways have requested an informative be included with any consent granted regarding surface water discharge into the canal, which is the current arrangement. The development proposal includes a drainage plan that includes a pumping station that will be constructed to adoptable standard in consultation with United Utilities.

Section 106 Agreement

56. The Council's Legal team have drawn up the S.106 Agreement following close consultation with the applicant and agent. Any consent will be issued subject to the signing of this agreement.

The Agreement will include the following terms:

- Provision of land off-site (registered under Title number LA897226) in lieu of Chorley Local Plan Land Allocation LT13.33 or if this is not provided, the provision of equivalent of-site play space in the Borough of Chorley, location to be agreed with the Council;
- The provision of 20% affordable housing (7 units) to be provided off-site over one, two or three sites in locations mentioned below, predominantly 2bed houses for social rent or alternatively the payment of a Commuted Sum in lieu of the affordable housing units;
 - Bretherton
 - Heskin
 - Ulnes Walton
 - Brindle
 - Heapey
 - Hoghton
 - Wheelton
 - Charnock Richard
 - Eccleston
 - Mawdesley
 - Heath Charnock

A contribution of funds by the Developer to facilitate the purchase of land (registered under Title number LA795200) by the Withnell Millennium Trust in order that this can be used as a new Community Orchard. It is unclear who is to maintain the Orchard etc. and what is to happen if the land is not acquired by the Trust etc.

Overall Conclusion

57. Following several previous failed attempts to improve this site and enhance the quality of the area for both local residents and visitors alike the current proposal represents a genuinely good opportunity to realise this long held vision. Even the best attempts by the Council in previous years failed to bring forth a solution. It is clear that the status quo cannot be maintained with the buildings being a financial drain on their owner and the site degenerating into a yet greater eyesore with the passage of time. This proposal represents an opportunity to enhance the appearance of the Withnell fold Conservation Area with a development that on the one hand plays homage to the industrial history of the site, but which at the same time uses contemporary styling that will be executed in high quality materials.

58. Access to the site and to the Leeds-Liverpool canal will be enhanced by the upgraded access road and the provision of 12 parking spaces. Additional public open space is to be provided on a site that meets the aspirations of the local community and that provides functions that the local people have asked for.

59. The applicant, and the Council, have demonstrably attempted to find solutions to the problems encountered with conversion of the buildings to alternative uses but on each occasion these have proved to be unsuccessful.

60. The case for demolition has been more than adequately made. Economically and architecturally the case for the conversion of the buildings simply does not stack up. It has been shown that the buildings are of low historic significance and those of the greatest importance for the history of the site – the chimney – is being retained and is now in the process of restoration and refurbishment.
61. The proposal includes a heritage interpretation ‘hub’ that is to be located for the benefit of prospective residents and visitors alike. This will provide information on the history and development of the site to allow the story of the site to continue to be read by future generations.
62. The Withnell Fold Conservation Area and indeed the village will be enhanced by this development in terms of both the visual appearance of the site, but also in terms of the provision of easier access to the Leeds-Liverpool Canal, including additional parking for walkers’ vehicles, additional public amenity space and an enhanced wildlife green corridor.

Other Matters

Public Consultation

63. The applicant has undertaken three public consultation events, including a presentation to the Parish Council. Elements of the scheme have been tweaked in response to comments made at these events and an additional traffic survey has been conducted over two days – a Friday and a Tuesday. The general response from these events is that of support for the redevelopment of the site, albeit tempered with some concerns for the potential for traffic volume increase. As stated above these concerns appear unfounded following the second traffic survey and upon the receipt of comments from LCC Highways.

Sustainability

64. The Council’s Planning Policy team have confirmed that they are happy that the proposed development conforms to its policy on Sustainable Resources, the SPD and DPD. The site at present is in very much less than optimal sustainable use. It is sparsely occupied by a limited number of motor vehicle body repair businesses that require large areas of space, employ small numbers of people and generate large amounts of waste yet return very low rental income for the site owner. The level of traffic generated by these businesses is disproportionate with both the level of employment and the income generated both in terms of sheer volume of traffic movements and the relatively large vehicle sizes involved.

Waste Collection and Storage

65. The Council’s Waste and Contaminated Land officer has confirmed that he is happy with the proposal from this perspective.

Planning Policies

National Planning Policies:

National Planning policy Framework (NPPF)

Sections:

- 3 – Supporting a prosperous rural economy
- 6 – Delivering a wide choice of high quality homes
- 7 – Requiring good design
- 9 – Protecting Green Belt land
- 10 – Meeting the challenge of climate change, flooding and coastal change
- 11 – Conserving and enhancing the natural environment
- 12 – Conserving and enhancing the historic environment

Adopted Chorley Borough Local Plan Review

Policies:

- DC1 – Development in the Green Belt
- EM9 – Redevelopment of Existing Employment Sites for Non-Employment Uses
- HS4 – Design and Layout of Residential Development

- HS5 – Affordable Housing
- HS21 – Playing Space Requirements
- HT7 – New Development in Conservation Areas.

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

Central Lancashire Core Strategy, Policies:

- 4 – Housing delivery
- 5 – Housing density
- 6 – Housing Quality
- 7 – Affordable Housing
- 10 – Employment sites and premises
- 16 – Heritage Assets
- 17 – Design of new buildings
- 27 – Sustainable resources and new developments

Sites for Chorley- Issues and Options Discussion Paper December 2010

- BNE6 – Heritage Assets
- BNE7 – Trees
- HW2 – Playing Fields, parks, Recreational and Amenity Open Space
- HW5 – The Leeds and Liverpool Canal

Planning History

Ref: 02/00057/FUL **Decision:** PERFPP **Decision Date:** 15 March 2002

Description: Refurbishment of existing building for use as office,

Ref: 96/00770/FUL **Decision:** PERFPP **Decision Date:** 22 January 1997

Description: Refurbishment of existing building for office use,

Ref: 12/00084/FULMAJ **Decision:** PDE **Decision Date:**

Description: Refurbishment and restoration of chimney and associated building to form office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure.

Ref: 12/00085/CON **Decision:** PCO **Decision Date:**

Description: Refurbishment and restoration of chimney and associated building to form office (class b1), demolition of remaining buildings and erection of 37 dwellinghouses (class c3) and associated hardstanding, landscaping and infrastructure.

What this history does not show is the considerable number of pre-application discussions, meetings and proposals that have been considered but which have failed to result in a planning application.

Recommendation: **Permit - Conservation Area Consent 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:
PS-01	02/02/2012	Red-edged plan
PS-02	02/02/2012	Site plan
PS-03	08/02/2012	Block Plan
PS-04	23/03/2012	Apartment plans
PS-05	02/02/2012	Apartment elevations
PS-06	02/02/2012	Plot 10 plans
PS-07	02/02/2012	Plot 10 elevations
PS-08	02/02/2012	Plot 11 Plans
PS-09	02/02/2012	Plot 11 elevations
PS-10	02/02/2012	Plot 12 plans
PS-11	02/02/2012	Plot 12 elevations
PS-12	02/02/2012	Plots 13 & 14 plans
PS-13	02/02/2012	Plots 13 & 14 elevations
PS-14	02/02/2012	Plot 15 plans
PS-15	02/02/2012	Plot 15 elevations
PS-16	02/02/2012	Plot 16 plans
PS-17	02/02/2012	Plot 16 elevations
PS-18	02/02/2012	Plot 17 plans
PS-19	02/02/2012	Plot 17 elevations
PS-20	02/02/2012	Plot 18 plans
PS-21	02/02/2012	Plot 18 elevations
PS-22	02/02/2012	Plot 19 plans
PS-23	02/02/2012	Plot 19 elevations
PS-24	02/02/2012	Plot 20 plans
PS-25	02/02/2012	Plot 20 elevations
PS-26	02/02/2012	Plots 21 & 24 plans
PS-27	02/02/2012	Plots 21 & 24 elevations
PS-28	02/02/2012	Plots 22 & 23 plans
PS-29	02/02/2012	Plots 22 & 23 elevations
PS-30	02/02/2012	Plots 25 – 33 plans & elevations
PS-31	02/02/2012	Plots 34 – 37 plans & elevations
PS-31a	02/02/2012	Proposed plot boundary treatment
PS-32	02/02/2012	Proposed drainage plan
PS-33	02/02/2012	Street scene elevations
PS-37	02/02/2012	Proposed sections
PS-38	02/02/2012	Site plan in context
PS-40	18/04/2012	Proposed access plan

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

3. Before the use of the site hereby permitted is first commenced, full details of facilities to be provided for the cleaning of the wheels of vehicles leaving the site shall be submitted to and approved in writing by the Local Planning Authority. The wheel wash facility shall be provided, in accordance with the approved details, before the use of the site hereby permitted is first commenced and thereafter retained at all times during the operation of the site.

Reason: *To prevent the tracking of mud and/or the deposit of loose material upon the highway, in the interests of public safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*

4. The development hereby permitted shall not take place until the applicant has submitted to and received written approval from the Local Planning Authority:
- a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated site - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination

present to the site, risks to receptors and potential for migration within and beyond the site boundary;

- b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

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

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

- 5. The Development hereby permitted should not proceed until:
 - The prior acquisition of a licence from Natural England for the derogation of the protection of bats under the Habitats Directive;

Reason: To ensure the development is in compliance with the relevant legislation:

 - *The Conservation of Habitats and Species Regulations 2010 (as amended).*
 - *The Wildlife and Countryside Act 1981 (as amended).*
 - *The Natural Environment and Rural Communities Act 2006.*
 - *The National Planning Policy Framework, 2012 (NPPF)*
 - *Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System (DEFRA 01/2005, ODPM 06/2005).*
- 6. No site clearance, site preparation or development shall take place until a scheme of lighting has been submitted to Chorley Council for approval in writing. The approved scheme shall be implemented in full. The scheme shall demonstrate avoidance of artificial illumination of bat foraging and commuting habitat (including but not limited to the canal, woodland edges, and bat roost entrances);

Reason: To ensure the development is in compliance with the relevant legislation:

 - *The Conservation of Habitats and Species Regulations 2010 (as amended).*
 - *The Wildlife and Countryside Act 1981 (as amended).*
 - *The Natural Environment and Rural Communities Act 2006.*
 - *The National Planning Policy Framework, 2012 (NPPF)*
 - *Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System (DEFRA 01/2005, ODPM 06/2005).*
- 7. No site clearance, site preparation or development work shall take place until a mitigation/compensation scheme for impacts on nesting swallows/swallow nest sites have been submitted and approved by Chorley Council in consultation with specialist advisors. The approved scheme shall be implemented in full. The scheme shall demonstrate that the site will continue to support swallow nesting during the operational lifetime of the scheme;

Reason: To ensure the development is in compliance with the relevant legislation:

- *The Conservation of Habitats and Species Regulations 2010 (as amended).*
- *The Wildlife and Countryside Act 1981 (as amended).*
- *The Natural Environment and Rural Communities Act 2006.*
- *The National Planning Policy Framework, 2012 (NPPF)*
- *Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System (DEFRA 01/2005, ODPM 06/2005).*

8. No site clearance, site preparation or development work shall take place until a landscaping scheme (including habitat creation, enhancement and management) has been submitted and approved by Chorley Council in consultation with specialist advisors. The approved scheme shall be implemented in full. The scheme shall demonstrate (amongst other things) adequate retention, protection and enhancement of bat foraging and commuting habitat; replacement pond creation; and tree planting/woodland enhancement to offset tree losses;

Reason: To ensure the development is in compliance with the relevant legislation:

- *The Conservation of Habitats and Species Regulations 2010 (as amended).*
- *The Wildlife and Countryside Act 1981 (as amended).*
- *The Natural Environment and Rural Communities Act 2006.*
- *The National Planning Policy Framework, 2012 (NPPF)*
- *Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System (DEFRA 01/2005, ODPM 06/2005).*

Item 4d	10/01065/FUL
Case Officer	Mr Matthew Banks
Ward	Wheulton And Withnell
Proposal	Erection of 4 No three bedroom dwellings
Location	Land 30M North West of 79 Railway Road Brinscall Lancashire
Applicant	New Progress Housing Association
Consultation expiry:	21 February 2011
Application expiry:	4 February 2011

Proposal

1. Erection of 4 three bedroom dwellings.

Recommendation

2. It is recommended that this application is approved subject to conditions and a Section 106 Agreement.

Main Issues

3. The application went before the Development Control Planning Committee on the 29 March 2011 with a recommendation for approval subject to conditions and the signing of a Section 106 Agreement which required a Public Open Space (POS) contribution of £5,516.
4. The Officer's recommendation of approval was accepted by Members, however, in the intervening period, it has become apparent that the scheme is financially unviable if the POS obligations within the Section 106 Agreement are secured via the associated S106 Agreement.
5. The application is being brought before the Development Control Planning Committee because within the original committee report it was noted that a Section 106 Agreement was being drawn up in relation to this application in accordance with Policy HS21 of the Adopted Local Plan Review for equipped play space and additionally, the resolution was made by Members to approve the application subject to the Section 106 Agreement.
6. As such, having accepted the principle of the development, the main issue for Members to consider is whether a variation of the Section 106 Agreement, to not include the POS contribution, would warrant a recommendation other than approval.
7. It must also be acknowledged that since publication of the original committee report, the national planning policies referred to, including Planning Policy Statement 1 (Delivering Sustainable Development) and Planning Policy Statement 3 (Housing), have been replaced by the National Planning Policy Framework (NPPF). However, it is considered the planning policies relevant to this application are in compliance with the NPPF and the changes to national planning policy have not materially affected the merits of the application to warrant a recommendation other than approval.

Assessment**Background Information**

8. Following approval of the application in March 2011 on-going discussions have taken place between the Council and the applicant and additional information has been submitted in the form of a financial viability appraisal. This appraisal has been independently assessed by

Liberata (the Council's asset management company) on behalf of the Council and they have concluded that it is unlikely that further funds could be achieved from this scheme for the POS contribution of £5,516. This is particularly relevant in this case as all of the properties proposed are affordable dwellings.

9. As such, in this case, it is considered that the information submitted to substantiate this claim demonstrates that with the inclusion of the POS contribution would render the scheme financially unviable. It is therefore considered that the only way to secure development of the site would be to remove the POS obligation from the Section 106 Agreement.
10. With regard to the above, it is therefore considered that based on the information submitted to substantiate the financial assessment of the development and in the interests of securing much needed affordable housing within the rural settlement of Brindle (the application being for 100% affordable housing) the application is recommended for approval subject to conditions with the Section 106 Agreement varied to omit the POS commuted Sum of £5,516.
11. It is important to note however, that the varied Section 106 agreement would still stand to ensure affordable housing is built at the site in accordance with Policy GN4 of the Adopted Chorley Borough Local Plan Review.

Overall Conclusion

12. On the basis of the information submitted to demonstrate the viability of the proposed development, the application is accordingly recommended for approval subject to conditions and a varied Section 106 Agreement omitting the requirement to pay the POS commuted sum of £5,516.

Planning Policies

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN4, HS4, HS8, HS21, TR1, TR4, TR18, EP17 & EP18

Supplementary Planning Guidance:

Adopted Householder Design Guidance Supplementary Planning Document (SPD)

Adopted Supplementary Planning Guidance: Design Guidance

Chorley's Local Development Framework

Policy SR1: Incorporating Sustainable Resources into New Development

Sustainable Resources Development Plan Document

Sustainable Resources Supplementary Planning Document

Application Number – 10/01065/FUL

- Erection of 4 three bedroom dwellings.
- Approve subject to conditions and varied Section 106 Agreement.
- 4 February 2011.

Recommendation: Permit (Subject to Legal Agreement)

Conditions

1. **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.
2. **Prior to the commencement of the development full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company.**

Reason: To ensure the satisfactory management of the unadopted highways and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwelling hereby permitted (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy No HS4 of the Adopted Chorley Borough Local Plan Review.
4. 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.
5. The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings (notwithstanding any details shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
6. 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.
7. 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.

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.
8. 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.

9. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission.
Reason: To define the permission and in the interests of the proper development of the site.
10. The approved plans are:
- | | | |
|------------------|---------|------|
| Stamp-dated on: | DWG No: | Rev: |
| 31 January 2011 | 01 | A |
| 8 December 2010 | 02 | |
| 11 February 2011 | A1a | |
- Reason: To define the permission and in the interests of the proper development of the site.*
11. Before the dwellings hereby permitted are first occupied, the access and parking bays/area shall be completed in entirety as shown on the approved plan(s) for the use of the properties. The parking bays shall be retained for parking only, thereafter.
Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with North West Plan Partial Review (NWPPR) to Policy RT2 of the Regional Spatial Strategy and Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
12. The vehicular turning space shall be laid out and shall be available for use before the development is first occupied. This turning space shall be retained and continuously made available for turning facilities thereafter.
Reason: Vehicles reversing to and from the highway are a hazard to other road users and in accordance with Policy No TR4 of the Adopted Chorley Borough Local Plan Review.
13. The development hereby permitted shall only be carried out in conformity with the proposed finished floor levels shown on the approved plan(s).
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.
14. The proposed development must be begun not later than three years from the date of this permission.
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, or as subsequently agreed in writing by the local planning authority, shall be inserted or constructed at any time at first floor level or above in the front elevation of plots 1-4 hereby permitted.
Reason: To protect the amenities and privacy of the adjoining property and in accordance with policy HS9 of the Adopted Chorley Borough Local Plan Review.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, or as subsequently agreed in writing by the local planning authority, shall be inserted or constructed at any time in the south-west elevation of plot 1 or the north-east elevation of plot 4 hereby permitted.
Reason: To protect the amenities and privacy of the adjoining properties, in accordance with policy HS9 of the Adopted Chorley Borough Local Plan Review and to protect the future development of the area.

17. No development shall take place until details of the proposed surface water drainage arrangements (including plans to a recognised metric scale) have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.
Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review.
18. Before the development hereby permitted is first commenced full details of the means of foul water drainage/disposal (including plans to a recognised metric scale) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal have been completed in accordance with the approved details.
Reason: To ensure proper drainage of the development and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.
19. 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 1st January 2016).
Reason: To ensure the development is in accordance with Government advice contained in the NPPF and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
20. 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 unless the Local Planning Authority otherwise approve in writing.
Reason: To ensure the development is in accordance with Government advice contained in the NPPF and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
21. No dwelling shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out and a Final Code Certificate has been issued certifying that the required Code Level has been achieved and the Certificate has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the development is in accordance with Government advice contained in the NPPF and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling(s) hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).
Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
23. In accordance with Policies GN4 and HS8 of the Adopted Chorley Borough Local Plan Review all of the dwellings hereby permitted shall be made available at significantly below current market costs and shall provide affordable housing to contribute to the solution of a recognised local housing problem. The dwellings hereby approved shall be retained as affordable housing thereafter.
Reason: This site is located within a rural settlement excluded from the Green Belt where residential development will only be considered acceptable if they contribute to

the solution of a recognised local housing problem. In accordance with Policies GN4 and HS8 of the Adopted Chorley Borough Local Plan Review

Item 4e	12/00297/FUL
Case Officer	Caron Taylor
Ward	Chisnall
Proposal	Demolition of existing commercial workshop and a detached garage and erection of 3 no. detached houses with attached garages.
Location	Land North of 272 Preston Road Coppull Lancashire
Applicant	David Rothwell
Consultation expiry:	16 May 2012
Application expiry:	21 May 2012

Proposal

1. Demolition of existing commercial workshop and a detached garage and erection of 3 no. detached houses with attached garages.

Recommendation

2. It is recommended that this application is refused.

Main Issues

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

Representations

4. A letter of objection have been received from Staveley's Eggs to the north of the site on the grounds that the application site is adjoining their intensive poultry farm and at regular intervals, manure is moved off site in trailers and muck spreaders, passing within 15m of the proposed dwellings, creating strong manure smells. The site is also adjacent to their over night lorry parking (which is also approximately 15m away), with trucks starting and leaving and entering all night, 2am, 3am, 4am, 5am etc. without any previous noise complaints. Both these activities have been happening in the course of their business, in excess of 25 years. They state they do not wish to be in conflict with potential neighbours and would request that the Council take the above points into consideration in deciding the planning application.

Consultations

5. **The Environment Agency**
Have no objection.
6. **Chorley Council Planning Policy**
The development does not accord with any of the criteria in Local Plan Policy DC1. Whilst the proposal is located within the confines of Coppull Moor, where limited infilling in accordance

with Policy DC4 is allowed under criterion e), this proposal does not constitute infilling as it does not involve the development of single plot for a single dwelling and the proposal does not lie within a group of buildings, with buildings on either side.

7. The proposal does not relate to any of the first five criteria in the NPPF on Green Belts. In terms of criterion 6) most of the site may be considered brownfield (the commercial workshop and curtilage); however part of the site would be considered greenfield if it consists of private residential garden land. However, whilst criterion 6) allows the partial or complete redevelopment of brownfield land it is considered that this proposed redevelopment with three detached dwellings would have a greater impact on the Green Belt than the buildings which are currently on the site, so would not accord with criterion 6).
8. As with the previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I do not consider that there are very special circumstances that would outweigh the harm to the Green Belt in this case.
9. As this proposal involves the loss of a commercial workshop, it should be assessed against the provisions of Policy EM9 in the Local Plan, which aims to protect employment sites. For sites that are suitable for employment re-use proof of marketing is normally required for proposals for non-employment uses in accordance with the associated Supplementary Planning Guidance. This has not been undertaken. However, in this case the proposed residential development is not considered appropriate in principle due to the Green Belt location. In addition the proximity of the site to the neighbouring egg business has the potential to result in unacceptable amenity issues for residents so it may not be prudent to encourage residential use of the site. These factors would not be outweighed by a marketing exercise demonstrating no realistic prospect of an employment re-use or redevelopment of the site, or that employment redevelopment would not be economically viable.
10. **Environmental Health**
State ordinarily they would want to condition the fitting of 'acoustic insulative measures' to the dwellings to protect the occupants from the possibility of noise from the movement of vehicles. The question of ventilation within rooms in the dwelling will also need to be addressed.
11. Problems with odours are more difficult to address. Over the years they have received complaints, generally, from residents within Chorley Borough concerning the movement of and the spreading of chicken manure to land. Chicken farms and the manure that they produce are inherently odorous. The control of this is supremely difficult.
12. Therefore, as there are no control measures which the applicant could employ to mitigate odours within the dwellings it is more likely that they are minded to recommend refusal of the application based on this.
13. The provisions of the Environmental Protection Act 1990 mean that effectively new residents of these properties could move in one day and make a formal complaint about nuisance the next. The Council would have to investigate this and would come under a certain amount of criticism when there is severe difficulty in failing to regulate an already inherently odorous process.
14. **United Utilities**
Have no objection.
15. **Lancashire County Council (Highways)**
The A49 Preston Road is a main distributor road with a speed limit of 30mph. It is single lane in each direction and from site observations they would adjudge speeds to be subjectively around 30mph. A traffic count in Oct 2009 recorded traffic volumes approaching 10,000veh/day. The road is an incline running uphill in the north to south direction and there is a slow double bend in the road alignment on approach to the site from the southerly direction.

16. There is a quality bus stop on the opposite site of the road approximately 40m north of the site. As such there will be occasions for vehicles to use both lanes to overtake a waiting bus. The site is presently served by a dropped vehicle crossing and the intention of the application is to utilise the existing crossing. The existing crossing is 4.5m wide. For the purpose of the multiple vehicle use the access should be improved to that of a radius type with min 3mR radii to aid vehicles entering and leaving in the interest of general road safety. A radii access will also help to ensure the entrance is more conspicuous.
17. Visibility at the existing access is however limited and in order for the access to work safely the applicant would be required to improve existing sightline to give 2.4m x 43m visibility splays. The visibility in the lead direction is satisfactory therefore it is in the secondary direction where the improvement is needed, and which should be possible to achieve by removing the existing hedgerow.
18. The existing footway fronting the site is approximately only 1.3m wide and would be required to be improved to 2m wide.
19. Due to the general highway alignment and the presence of the nearby bus stop, any vehicle parked on the highway whether they be serving/deliver/car, will have a likely adverse affect on general road safety and operation of the highway network at the locality. Stopped vehicles will obstruct normal northbound traffic flow along the road, forcing vehicles to overtake by crossing the centreline marking, and will also obstruct visibility at the access. Together with limited forward visibility and the possibility that vehicles approaching from the northerly direction may also be wanting to overtake a parked bus at the bus stop, there would be significant potential for vehicular accident with serious road injury.
20. It is therefore important that any residential development on the site provides adequate means for the houses to be serviced away from Preston Road and that all other vehicles are equally discouraged from parking on the highway. For this reason, it would be necessary for the development to provide a suitable vehicle turning space on the site enabling access for refuge collection. The turning facility should be capable of accommodating a standard 3-axle refuge wagon and which would also cater for most types of delivery and emergency vehicles.
21. An amended plan has been received altering the internal turning head which LCC Highways state they are now happy with.
22. In terms of numbers 270-272 Preston Road enjoys business use as well as residential. As such LCC Highways state the applicant would also be required to first demonstrate that following the loss of the adjoining land the premises will continue to enjoy an adequate level of parking and operational space provision to meet general requirements.
23. The applicant has submitted an amended plan in response to this and LCC Highways state they are now satisfied all of the highway requirements listed in their initial comments are now addressed. They now do not have any overriding highway objection to the proposed development subject to conditions.
24. **Chorley's Waste & Contaminated Land Officer**
Requests a condition requiring a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures if the application is approved.
25. **Police Architectural Liaison Officer**
Does not object to the application.

Applicant's Case

26. Thought has been given to the surrounding housing needs of the community through research done via estate agents in the area. Family accommodation was the priority. It seemed logical to follow the design and style of local detached houses along with

consultation with council planning and urban design teams and following the council written guide lines brochure the scheme was formed.

27. The width of the site allowed for one detached house to the front infill plot which has been kept in line with the existing properties and the rear gardens like wise, due to the demolition of existing workshop to rear this area also allows for two further detached properties along with substantial gardens and off road parking.
28. The new properties will be built in complementary bricks and roofing tiles to those of surrounding properties. In terms of access parking will be formed within the development this will assist the off road parking problems common to many areas.

Assessment

Principle of the development

29. The site is in the Green Belt. The Government have issued the National Planning Policy Framework (NPPF) which replaces previous national guidance including PPG2. Although Local Plan Policy DC1 on Development in the Green Belt is largely consistent with the National Planning Policy Framework (NPPF) there are some differences between them. As such this application should be assessed against Policy DC1 and the NPPF, but where there are differences greater weight should be given to the NPPF.
30. The proposal involves the demolition of an existing commercial workshop and a detached garage and the erection of 3 detached houses with attached garages and is a form of development that does not accord with any of the criteria in Local Plan Policy DC1. Whilst the proposal is located within the confines of Coppull Moor, where limited infilling in accordance with Policy DC4 is allowed under criterion e), this proposal does not constitute infilling as it does not involve the development of single plot for a single dwelling and the proposal does not lie within a group of buildings, with buildings on either side.
31. In terms of the NPPF, this states that new buildings are inappropriate in the Green Belt unless they are:
 - a. buildings for agriculture and forestry;
 - b. 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;
 - c. 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;
 - d. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e. limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - f. 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.
32. The proposal therefore needs to be considered against these criteria. The proposal does not relate to any of the first four criteria. In terms of criterion 5) the proposal does not involve limited infilling in a village and does not propose affordable housing for a local community need.
33. In terms of criterion 6) of the NPPF most of the site may be considered brownfield (the commercial workshop and curtilage); however part of the site would be considered greenfield as it consists of private residential garden land. However, whilst criterion 6) allows the partial or complete redevelopment of brownfield land it is considered that this proposed redevelopment with three detached dwellings would have a greater impact on the Green Belt than the buildings which are currently on the site, so would not accord with criterion 6).
34. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In this case it is not considered that there are

very special circumstances that would outweigh the harm to the Green Belt and the application is considered unacceptable in principle.

35. There are other issues in that the application site is partly currently in commercial use (the larger building to the rear of the site) and has not been marketed in line with policy before it may be permitted to go to residential use, however the proposal has been found to be unacceptable in Green Belt terms and therefore even if the marketing had been carried out it would not make it acceptable in Green Belt terms.

Density

36. The application would result in development equivalent to 15.3 dwellings per hectare, which is considered low density however a higher density would result in greater impact in relation to highways and noise/odour issues and is therefore considered to be appropriate to the layout of the area.

Levels

37. The land drops from west to east away from Preston Road, however it is considered acceptable finished floor levels can be achieved on site subject to a condition.

Neighbour Amenity

38. Nos. 270 and 272 are in the same ownership as the application site and are in part commercial use. There would be 10m from the first floor windows of the proposed properties to the rear boundary of these buildings.
39. It is not considered that the proposal will have an unacceptable impact on the properties on Chisnall Lane which are bungalow that back on to the land. The proposed properties will be side on to them with their main habitable room windows facing east and west.
40. Within the site the layout will accord with the Council's interface distances in relation to the distances between windows and boundaries.
41. In terms of the amenity of the residents of the proposed properties, Staveley's Eggs adjoins the site immediately to the north and have objected to the application as they are concerned that new properties will conflict with the use as an intensive poultry farm. They state at regular intervals, manure is moved off site in trailers and muck spreaders, passing within 15m of the proposed dwellings, creating strong manure smells. The site is also adjacent to their over night lorry parking (which is also approximately 15 m), with trucks starting and leaving and entering all night at 2am, 3am, 4am, 5am etc. without any previous noise complaints. Both these activities have been happening in the course of our business, in excess of 25 years.
42. The Council's Environmental Health Team has been contacted for advice on this matter. They state that in terms of noise the properties could be conditioned to be fitted with acoustic insulative measures to protect the occupants from the possibility of noise from the movement of vehicles. However, they state that problems with odours are more difficult to address and chicken farms and the manure that they produce is inherently odorous and its control supremely difficult. There are no control measures which the applicant could employ to mitigate odours within the dwellings and they recommend refusal of the application.
43. The amenity of residents of the proposed properties is a material consideration in determining the application. Although there are provisions of the Environmental Protection Act 1990 that mean Environmental Health can respond to complaints, the planning system should not rely on this as a solution to granting planning permission therefore creating a problem. The planning system must consider whether the proposal will result in unacceptable living conditions for the residents of the proposed properties. In this case it is considered that allowing the properties in such close proximity to an intensive poultry farm would result in unacceptable living conditions for the future occupiers that could not be overcome by planning conditions. The application is therefore considered unacceptable in this respect.

Design

44. The properties would be two-storey detached dwellings with chimneys and ground floor bay windows and benefit from attached single garages. There is a wide variety of properties in the vicinity, including two-storey buildings immediately to the south. The design of the properties is therefore considered acceptable.

Trees and Landscape

45. A tree report has been submitted with the application. The land contains a number of individual trees and the perimeter of site is bordered in parts by a hedgerow. The trees on the site are mainly towards the centre of site. The report advises that all appear in good health showing moderate vitality.
46. There are five juvenile stems that have been pruned over time to produce compact fruit trees. There are also single Beech, Silver birch and Laburnum trees which are all juvenile to early-semi-mature.
47. It is considered the trees are either of small size or in a position to the rear of the site that would warrant a tree preservation order. The trees on the frontage to Preston Road that contribute to the amenity of the area are within the grounds of Staveley's Eggs.

Flood Risk

48. The site is not within a flood zone area identified by the Environment Agency and is less than 1 hectare in area. It does not therefore require a flood risk assessment.

Traffic and Transport

49. The properties proposed will each have a driveway of a length sufficient to hold two cars and an integral garage of a size sufficient to be counted as an additional parking space which is considered acceptable subject to a condition that the garages be retained for the parking of vehicles.
50. Lancashire County Council Highways originally had concerns about the proposed internal layout and parking/access arrangements for numbers 270 and 272 Preston Road. An amended plan has been submitted and they state they are now satisfied all of the highway requirements as listed in their initial comments are now addressed subject to conditions.
51. The application is considered acceptable in terms of highways and parking.

Drainage and Sewers

52. United Utilities have no objection to the proposal subject to a condition that if possible the site should be drained on a separate system with only foul drainage connected to the foul sewer. They also ask for informative notes to be placed on any permission. Subject to conditions the application is considered acceptable in this respect.

Sustainability

53. The scheme is required to be built to Level 3 of the Code for Sustainable Homes, it is considered this is could be secured by condition.

Overall Conclusion

54. The application is considered inappropriate development in the Green Belt as it is considered the proposed redevelopment of three detached dwellings would have a greater impact on the Green Belt than the buildings which are currently on the site. In this case it is not considered that there are very special circumstances that would outweigh the harm to the Green Belt and the application is considered unacceptable in principle.
55. There are other issues in that the application site is partly currently in commercial use (the larger building to the rear of the site) and has not been marketed in line with policy before it may be permitted to go to residential use, however the proposal has been found to be unacceptable in Green Belt terms and therefore even if the marketing had been carried out it would not make it acceptable in Green Belt terms.

56. In addition it is not considered that measures could be secured to ensure an acceptable level of amenity for the residents of the proposed properties in terms of smells from the adjacent Staveley's Eggs site.
57. Highway issues are considered acceptable subject to conditions had the application been recommended for approval.
58. The application is recommended for refusal.

Planning Policies

National Planning Policies:

NPPF

Adopted Chorley Borough Local Plan Review

Policies: DC1, HS4, 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 no planning history relevant to the current application.

Recommendation: Refuse full planning permission

Reasons

1. It is not considered that measures could be secured to ensure an acceptable level of amenity for the residents of the proposed properties in terms of smells from the adjacent Steveley's Eggs site. The proposal is therefore considered unacceptable in terms of the NPPF.
2. The application is inappropriate development in the Green Belt as it is considered the proposed redevelopment of three detached dwellings would have a greater impact on the Green Belt than the buildings which are currently on the site. In this case it is not considered that there are very special circumstances that would outweigh the harm to the Green Belt and the application is considered unacceptable in principle in accordance with Policy DC1 of the Adopted Chorley Borough Local Plan Review and the NPPF.

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Item 4f	12/00219/FULMAJ
Case Officer	Caron Taylor
Ward	Eccleston and Mawdesley
Proposal	Section 73 application to vary condition 22 (sustainable resources) of planning approval 11/00636/FULMAJ to demolish the existing restaurant and hotel buildings and erect a care home
Location	Mawdsleys Eating House and Hotel, Hall Lane, Mawdesley Ormskirk
Applicant	Stocks Hall Care Homes Ltd
Consultation expiry:	16 May 2012
Application expiry:	30 May 2012

Proposal

1. Section 73 application to vary condition 22 (sustainable resources) of planning approval 11/00636/FULMAJ to demolish the existing restaurant and hotel buildings and erect a care home

Recommendation

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

Main Issues

3. 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
 - Drainage and Sewers

Representations

4. No neighbour letters have been received
5. Mawdesley Parish Council
No objection providing the 15% reduction in the original permission is enforced.

Consultations**6. Chorley Planning Policy**

The applicants intend to incorporate measures into the building to reduce the carbon emissions of predicted energy use by at least 15%. This application is solely to omit the BREEAM requirement of the condition.

7. The BREEAM requirement directly stems from the opening paragraph of Policy SR1: Incorporating Sustainable Resources into New Development, which states that “Minimum energy efficiency standards for all other new buildings to be ‘very good’ (or where possible, in urban areas, ‘excellent’) of the Building Research Establishment’s Environmental Assessment Method (BREEAM)”.
8. The applicants refer to paragraph 42 of the Planning and Climate Change Supplement to PPS1, which states that in their consideration of the environmental performance of proposed development, planning authorities should expect new development to comply with adopted DPD policies on local requirements for decentralised energy supply and for sustainable buildings, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable. In this case the applicants state that this site has extra costs in relation to ecological mitigation, ground conditions, demolition, water supply and quality of external finishes. They also state that the proposal is for a specific specialised function primarily controlled by other (Health) national standards.
9. The PPS1 Supplement has now been cancelled and replaced by the National Planning Policy Framework (NPPF). This places further emphasis on viability issues. It states that pursuing sustainable development requires careful attention to viability and costs in decision-taking (and plan-making). To ensure viability the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
10. This is a long standing derelict site that is an eyesore in the locality and which is in need of redevelopment. The applicants have highlighted that its redevelopment is subject to a range of extra costs. They fully intend to meet the reduction in carbon emissions required by Policy SR1 and have addressed the other SR1 policy criteria. It is considered that in these particular circumstances there are sufficient factors to outweigh the requirement for a full BREEAM ‘very good’ assessment on this site.

Applicants Case

11. The applicants are seeking to omit the BREEAM requirement as it does not add to the energy efficiency proposals already included.
12. The condition arises from the Council’s Development Plan Document, in particular Policy SR1. It is worth recounting the wording of the Policy:
13. *Subject to other planning policies, planning permission for new built development will only be granted on non-residential units of 500 sq metres or more floor space where all of the following criteria are satisfied:*
 - a. *Evidence is set out to demonstrate that the design and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change and;*
 - b. *Appropriate decentralised, renewable or low carbon energy sources are installed and implemented to reduce the carbon emissions of predicted energy use by at least 15%.*
 - c. *The use of non-grey water is to be minimised and the quality, quantity and amenity of surface water is to be managed through the implementation of sustainable urban drainage systems where appropriate and;*

d. Appropriate storage space is to be provided for recyclable waste materials and composting”.

14. The physical layout of the building has been approved by the Council under this full planning permission so the design and layout must be assumed to meet criterion (a) and is therefore fixed. To support the application a report was commissioned from Ashmount Consulting Engineers which demonstrated how criteria a) to d) would be fully met and in particular it addressed the requirement of Criteria (b) to deliver a 15% reduction in carbon emissions of predicted energy use by the use of air source heat pump, solar hot water and photovoltaic technologies.
15. It is our very clear view that the proposals submitted, the implementation of which is conditioned by the first half of Condition 22, will deliver the requirements a) to d) of the Councils Policy SR1.
16. The reason for the condition refers back to PPS1. The supplement to PPS1 on Planning and Climate Change sets out the Government's policy. In our submission the viability of the project is compromised by the extra requirement of BREEAM. This site has extra costs in relation to ecological mitigation; ground conditions; demolition; water supply and quality of external finishes. Para 42 of the supplement sets out what authorities should expect in terms of environmental performance. The approved proposal meets all the other criteria of para 42, but in relation to full compliance with local DPD policies, the para accepts that a proposal might not comply where it is “demonstrated by the applicant that having regard to the type of development involved and its design, that this is not feasible or viable”. The proposal is for a specific specialised function primarily controlled by other (Health) national standards which restricts the design freedom which might occur e.g. in a speculative office block. The site and design is therefore fixed which means that any benefit to be potentially gained by the wider remit of BREEAM is denied. When this is added to the high cost and therefore threat to viability, it means that in our view the additional requirement is not justified.
17. Policy SR1 also says that “minimum *energy efficiency standard* of the new building is to be ‘very good’ under BREEAM.” The target is therefore the energy efficiency of the building. Therefore, in our opinion the key question is – what does a BREEAM ‘very good’ standard require over and above the proposals already included in the application to specifically address energy efficiency?
18. The Building Research Establishment's Environmental Assessment Method is managed by BRE Global Limited which “is an independent third party approvals body offering certification of fire, security and sustainability products and services to an international market”. It operates the BREEAM environmental assessment method for buildings. Their 2011 Technical Manual on non-domestic buildings is 406 pages long. So this is a very wide ranging assessment process which takes place at several stages from design to usage. The assessment criteria include 49 assessment issues so it is a major task for those procuring a building, and requires them to appoint an accredited assessor early in the design process and carry out a review at five stages including ‘post construction’. There is no option of self assessment here. It is therefore an expensive process which comes on top of building regulations and we estimate a cost of over £15,000 plus client time for this one building.
19. It is accepted that it is a convenient standard for the Council to advocate, but they question what is really achieved for this investment in this case except a piece of paper. There are a whole range of issues which have to be ‘measured’ which add nothing to the building's efficiency. Issues such as “cyclists’ facilities; travel plan; proximity to amenities; public transport accessibility; site selection; ecological value; noise attenuation (and more) are all already assessed by the local planning authority so it is duplicating the Council's role and duties and that cannot be satisfactory or efficient.
20. The applicant is very happy to meet the Council's key energy requirements but objects to being saddled with the additional cost and bureaucracy of a system which will not directly increase the building's energy efficiency. They are also unhappy that compliance with the

planning condition is deferred to another body over which the Council has no influence and thus making applicants beholden to a 'private assessor' without any redress.

21. The safeguard for the Council in achieving its prime objective in this case (the 15% target) is that the applicant is the owner/procurer/operator of the building. This is not always the case. It is not a speculative venture where construction (such as by volume housebuilders in the past) minimised capital investment at the expense of higher future running costs by an occupier. It is in the applicant's own interest to maximise efficiency. For example, he is seeking to sink a borehole on site to control his own potable water supply. That chimes with the grey water recycling already proposed and indicates that where investment directly supports the sustainability of the building it will be made. It is our submission that the BREEAM requirement will only add unnecessary costs in this case which potentially threatens its sustainability rather than enhances it.
22. This application therefore requests that wording of Condition 22 be varied.

Assessment

23. The principle of the development has already been established. This report will therefore only consider the acceptability of varying the condition.
24. The condition applied to the original permission (11/00636/FULMAJ) states:-
The building hereby permitted shall be built to BREEAM 'very good' and the measures set out in the Ashmount Consulting Engineers report dated July 2011 shall be incorporated into the building to reduce the carbon emission of predicted energy use by at least 15%.
Reason: To ensure the development is in accordance with Government advice contained in 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.
25. The applicant requests that it is amended to remove reference to the BREEAM 'very good', so it does not have to be built to this standard but still has to achieve a 15% reduction in carbon emissions.
26. The National Planning Policy Framework (NPPF) states that authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.
27. It also states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
28. The site is currently an eyesore and the Council wish to see its redevelopment as a care home take place as soon as possible. The applicant has undertaken work to show that a 15% reduction in carbon emissions by renewable resources can be achieved and the Council can still require this by a varied planning condition.
29. In addition to the 15% reduction by renewable resources the development will still benefit from increased insulation and energy efficiency through the following measures:
 - Increased insulation and improved U-values in walls, floors and roofs above the latest 2010 building regulation Part L2A requirements;
 - High efficiency mains gas condensing boiler installation;
 - High efficiency air source heat pump installation;
 - Heating controls to be fully zoned with enhanced load & weather compensation;
 - All internal lighting to be dedicated low energy;

- All external lighting will be energy efficient and will have daylight sensors to ensure no running except when necessary.
30. This is an approach supported by the Council as measures built into the fabric of the building are considered important before renewable energy technologies are added.
31. In this case the cost to the applicant of implementing full BREEAM 'very good' along the Council's desire to see a long standing derelict site brought back in to use and that a 15% reduction will still be achieved, along with the fact that the owner's will still be putting into place aspects of BREEAM such as a Travel Plan, is considered to outweigh the policy requirement of requiring full BREEAM 'very good' at the site. For this reason the application is recommended for approval, subject to the varied condition:

The measures set out in the Ashmount Consulting Engineers report dated July 2011 shall be incorporated into the building to reduce the carbon emission of predicted energy use by at least 15%.

Reason: To ensure the development is in accordance with Government advice contained in 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.

Overall Conclusion

32. The application is recommended for approval subject to a varied condition in relation to sustainable resources.

Other Matters

Planning Policies

National Planning Policies:

NPPF

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.

12/00234/FUL: 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). Permitted at previous planning committee on 24 April 2012.

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-PL-03 Rev C	1 September 2011	Proposed Site Plan
1039-PL-07	13 July 2011	Proposed Generic Elevations Leisure Centre
1039-PL-06	13 July 2011	Proposed Floor Plans Generic
1039-PL-05	13 July 2011	Proposed Site Sections Generic Elevations
1039-PL-04	13 July 2011	Proposed Nursing Home Elevations

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

2. The boundary treatments as shown on drawing number 1039-PL-03 Rev C shall have been erected in conformity with the approved details prior to occupation of the building hereby approved.
Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to adjacent properties and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.
3. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.
4. Before the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan and the cycle stand provided. The car park, bicycle stands and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles or bicycles.
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.
5. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan 1039-PL-03 Rev C.
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.
6. The external works to the leisure building as shown on drawing number 1039-PL-07 shall be carried out within two years of the commencement of the development.
Reason: To ensure the leisure building is altered to match the new care home building hereby permitted to ensure the design of the two buildings is complementary and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.
7. The development must not proceed without the prior acquisition of a licence from Natural England for the derogation of the protection of bats under the Habitats Directive. The proposed measures given in paragraphs 12.3 and 12.4 of the report '*Former Mawdesley Hotel, Hall Lane, Mawdesley, Nr Ormskirk, L40 2QZ. Ecological Scoping Survey*' (The Tyrer Partnership, September 2011) for the avoidance of impacts on protected and priority species (and avoidance of any breach of the Conservation of Habitats and Species Regulations 2010) must be implemented in full.
Reason: To ensure protected species are protected during building works and in accordance with PPS9.
8. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and August 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 Council.
Reason: To ensure breeding birds are protected during construction and in accordance with PPS5.
9. During the construction period, all trees and hedges to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard *BS5837:2005 Trees in relation to construction - Recommendations* at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the

tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained and in accordance with Policy No. EP9 of the Adopted Chorley Borough Local Plan Review.

10. Japanese knotweed (*Fallopia japonica*) is present within the site. This shall be eradicated from the site and working methods shall be adopted to prevent the spread of this species.

Reason: To ensure the eradication of Japanese Knotweed in accordance with the Wildlife and Countryside Act 1981 (as amended) and PPS9.

11. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. Surface water should discharge directly in to the adjacent watercourse and may require the consent of the Environment Agency. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.

Reason: To secure proper drainage and to prevent flooding and in accordance with PPS25.

12. No part of the development hereby approved shall commence until a scheme for the construction of the site access and footway improvement works (reinstatement) has been submitted to, and approved by the Local Planning Authority in writing. The development shall only be carried out in accordance with the approved details.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

13. No part of the development hereby approved shall be occupied or opened for trading until the access works as shown on the approved site plan have been constructed and completed in accordance with the approved details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Hall Lane to points measured 120m in the westerly direction and 90m in the easterly direction along the nearer edge of the carriageway of Hall Lane, from the centre line of the access, and shall be constructed and maintained at footway/verge level.

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

15. 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.

16. A Full Travel Plan shall be developed along the following timescales:

- Travel Plan Co-ordinator/s appointed and LCC's Travel Plan team informed of contact details at least 1 month prior to occupation.

- Travel Questionnaire undertaken within 3 months of occupation
- A Full Travel Plan submitted to the Planning authority within 6 months of occupation of the building hereby permitted.

The Full Travel Plan needs to include the following as a minimum:

- Details of Travel Plan coordinator
- Details of Travel questionnaire results
- Details of cycling, pedestrian and public transport links to and through the site
- Details of the provision of secure covered 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.

The building hereby permitted shall only be occupied in accordance with the Full Travel Plan.

Reason: To encourage the use of sustainable and alternative methods of transport and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

17. 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. It shall specifically include detail of a replacement tree for the Oak tree to be removed on the site frontage. The scheme shall specifically include details of the landscaping of the site (including any walls) to the frontage of the site in front of the approved car park.

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.

18. 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.

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.

19. Due to the size and sensitive end-use, 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.

20. Surface water must not discharge to the combined sewer. This site must be drained on a separate system, with only foul drainage connected into the foul sewer.

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

21. The measures set out in the Ashmount Consulting Engineers report dated July 2011 shall be incorporated into the building to reduce the carbon emission of predicted energy use by at least 15%.
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.

22. 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.

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Item 4g	12/00325/FUL
Case Officer	Nicola Hopkins
Ward	Chorley North East
Proposal	Change of use of existing office accommodation (ground and first floor) to Chorley Academy free school (Use Class D1)
Location	Inland Revenue Lingmell House Water Street Chorley Lancashire
Applicant	Gill Academy Trust
Consultation expiry:	4 May 2012
Application expiry:	23 May 2012

Proposal

1. The application relates to a temporary change of use of existing office accommodation (ground and first floor) formally occupied by the Inland Revenue to Chorley Academy free school (Use Class D1)
2. The proposals intend to establish a secondary school and sixth form school. It is proposed to utilise the application site for the first year of operation only (September 2012- September 2013) and intends to enrol 60 Year 7 students and 100 post 16 (of which 32 post-16 students would be based off site). After the first year the school is seeking to relocate to a permanent facility.
3. The existing building can accommodate the temporary school accommodation without any external development or demolition.
4. The proposals incorporate the change of use of the existing ground and first floor level (the second floor does not form part of this application).
5. Free Schools are state-funded schools the first of which were opened in September 2011 and enable independent groups to set up a school. On 10 October 2011, the Secretary of State announced the successful applications to open a mainstream Free School in 2012 and beyond that have been approved to pre-opening stage and this included Chorley Career and Sixth Form Academy. The vision of the Chorley Career and Sixth Form Academy will be to provide independent but state funded education to young people aged from 11-19.

Recommendation

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

Main Issues

7. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Impact on the conservation area
 - Impact on the neighbours
 - Traffic and Transport
 - Noise

Consultations

8. **Chorley's Conservation Officer** has commented as the application site is within St Laurence's Conservation Area
9. **Lancashire County Council (Highways)** has no highway objection to the development
10. **Director of People and Places** has no comments to make.

Neighbours

11. None received

Policy Background**National Planning Policy:**

12. The relevant national planning policy guidance/statements are as follows:
 - **National Planning Policy Framework (NPPF)**
The NPPF states:
'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.'
13. 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 the Framework.
14. 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).
15. 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).
16. 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:
 - Approving development proposals that accord with the development plan without delay; and
 - 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.
17. Paragraph 72 of the NPPF states:
The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this

requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted.
- **Policy statement – planning for schools development (August 2011)**

This Policy document sets out the Government's vision for school development and confirms that the Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards.

The Development Plan

18. 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).
19. 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)

20. 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.
21. 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 indicated that it intended to revoke RSS by April 2012 however at the time of writing this report this had not happened.
22. The relevant policies of the RSS are as follows:
 - DP1: Spatial Principles
 - DP2: Promote Sustainable Communities
 - DP4: Make the Best Use of Existing Resources and Infrastructure
 - Policy DP5: Manage Travel Demand; Reduce the Need to Travel and Increase Accessibility
 - L1: Health, Sport, Recreation, Cultural and Education Services Provision
 - RT2: Managing Travel Demand
 - RT9: Walking and Cycling

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23. 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 the 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.
24. The relevant policies of the Local Plan are as follows:
 - GN1- Settlement Policy – Main Settlements
 - EM6- Financial And Professional Services
 - TR4- Highway Development Control Criteria
 - EM9- Redevelopment Of Existing Employment Sites For Non-Employment Uses

25. Supplementary Planning Guidance:

- Proof Of Marketing: Policy EM9 – Redevelopment Of Existing Employments Sites For Non- employment Uses

Chorley's Local Development Framework

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

Emerging Policy Considerations***Central Lancashire Local Development Framework Joint Core Strategy***

26. 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.

27. As a whole the Core Strategy as a document is at an advanced stage.

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

- **Policy 10-** Employment Premises and Sites

This Policy states that all existing employment premises and sites last used for employment will be protected for employment use.

- **Policy 14-** Education

The Policy states that the Council will provide for education requirements by:

- Enabling new schools and other educational facilities to be built in locations where they are accessible by the communities they serve, using sustainable modes of transport.
- Asking developers to contribute towards the provision of school places where their development would result in or worsen a lack of capacity at existing schools.
- Working in partnership with the education authority in any modernisation programme requiring school closure or new construction.
- Supporting the growth and development of higher and further education, through close working with the relevant institutions.
- Working in partnership with the education authority and other service providers to identify opportunities for the co-location of services

- **Policy 16-** Heritage Assets

This Policy seeks to protect and seek opportunities to enhance heritage assets.

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

29. 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.

AssessmentPrinciple of the development

30. In August 2011 the Secretary of State for Communities & Local Government and the Secretary of State for Education issued a new policy statement on planning for schools

development. The policy statement is designed to facilitate the delivery and expansion of state-funded schools through the planning system in response to the Government's strong commitment to improving state education. It follows and strengthens the guidance on planning for schools development contained in the Written Ministerial Statement of July 2010.

31. The Statement confirms the Government's commitment to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools include free schools. The NPPF reiterates this view and confirms that local planning authorities should take a proactive, positive and collaborative approach to development that will widen choice in education.
32. Policy L1 of the North West RSS requires plans and schemes to provide for the full spectrum of education provision and the views of the local community must be taken into account.
33. The application site is located within the settlement boundary of Chorley Town within St Laurence's Conservation Area and an area allocated for financial and professional service uses (Use Class A2) under Policy EM6.4 of the Local Plan. Additionally Policy EM9 of the Local Plan is applicable to the proposals as they relate to the redevelopment of existing employment sites for non-employment uses for Policy EM9 sites "employment use" is defined as Use Classes B1, B2, B8 and A2.
34. Policy EM6 states: The following area is reserved for changes of use, or the construction of new buildings for financial and professional services (Use Class A2) and other appropriate town centre non-retail uses:
 - Water Street, Chorley Use class A2 zone
35. The use of the premises for school accommodation is contrary to the provisions of Policy EM6, as set out above, as this use falls within Use Class D1. It is noted that it is proposed to remove this allocation within the Site Allocations DPD. This document can only be afforded limited weight at this time due the stage it has reached and the local plan policy has greater weight however, potentially, this zone may be removed in the future.
36. Policy EM9 states:

Sites and premises currently in employment use (or that were last used for employment purposes) which become vacant or are proposed for new development, will be assessed to determine whether they are particularly suitable to be re-used for employment purposes. The factors to be taken into account in assessment will include:

 - a. the site's relationship to public transport;
 - b. the adequacy of the road access;
 - c. whether the site provides a locally important source of employment;
 - d. whether the site serves a particular sector of demand for employment land or premises;
 - e. whether there are adequate replacement or alternative sites in the vicinity;
 - f. whether the site's use for another purpose would prejudice the continued existence of another employer;
 - g. whether the site is suitable for mixed-use development.

Sites that are assessed to be particularly suitable to be re-used for employment purposes shall be reserved for such uses unless:

- i. there is no realistic prospect of an employment re-use of the land or premises, or;
- ii. redevelopment for an employment use would not be economically viable, or;
- iii. an employment re-use or redevelopment would no longer be appropriate for planning or environmental reasons.

Redevelopment and re-use proposals, for whatever purpose, are to comply with the other policies in this Plan

37. Policy EM9 is supported by an accompanying SPG which requires a Statement of the Efforts that have been made to market (Statement of Efforts and Proof of Marketing) for any premises or site currently or last used for employment development where an applicant

proposes non-employment use. The Council currently requests a 12 month marketing period.

38. In accordance with Policy EM9 the site has been assessed to determine whether the site is particularly suitable to be re-used for employment purposes, as follows:
 - a. the site's relationship to public transport- the site is within a sustainable location close to Chorley Town Centre
 - b. the adequacy of the road access- road access is considered to be suitable as addressed below.
 - c. whether the site provides a locally important source of employment- the premises are currently empty and as such do not currently provide a source of employment.
 - d. whether the site serves a particular sector of demand for employment land or premises- the premises are currently empty and the proposed use is only temporary which ensures that the premises will be returned to an employment use
 - e. whether there are adequate replacement or alternative sites in the vicinity- the premises are currently empty and the proposed use is only temporary which ensures that the premises will be returned to an employment use.
 - f. whether the site's use for another purpose would prejudice the continued existence of another employer- it is only intended for the school to occupy the ground and first floor of the building and as such the second floor is still available for office accommodation.
 - g. whether the site is suitable for mixed-use development- the school will only occupy the ground and first floor of the building and as such the second floor is still available for office accommodation.
39. It is considered that this site is suitable to be re-used for employment purposes and as such, in accordance with the SPG which accompanies EM9, a Statement of the Efforts should have been submitted in support of this application. However it has been noted that the proposals are only for a temporary change of use whilst the school secures permanent accommodation.
40. The supporting information states that the premises will only be utilised for the first year of operation only (September 2012- September 2013) however the agent for the application has confirmed that the free school has stated that there is a possibility that their period of accommodation may be required up until, at the latest, December 2014. Additionally the landlord has also requested some assurance that the building will revert to office use following the school vacating the premises. This has been secured by condition.
41. As the premises will be returned to office accommodation following the use by the school it is considered overly onerous, in this case, to require a full Statement of Efforts as the proposals will not result in the permanent loss of office accommodation.
42. It has also been noted that the premises are currently vacant and are being advertised on the Jones Lang LaSalle web-site as a commercial office building for let. As such in accordance with Policy EM9 the premises has been marketed for employment uses.
43. As set out above the NPPF post dates both the Local Plan and the RSS and due weight, the degree of which to be determined by the decision maker, is given to relevant policies in existing plans according to their degree of consistency with the NPPF. In this case it is considered that a temporary use of the premises is preferable to the retention of an empty building close to Chorley town centre. It is clear that the landlord is keen to ensure that the premises is returned to office accommodation following the school securing permanent accommodation which ensures the retention of office accommodation within a relatively sustainable location in accordance with the aspirations of Policies EM6 and EM9.
44. The proposal are fully in accordance with National guidance in respect of widening the choice of education in the Borough and as such in this case the temporary nature of the use with provisions to secure the retention of the premises as office accommodation are material considerations which outweigh the local plan policies.
45. The NPPF also enables decision-takers to give weight to relevant policies in emerging plans. Policy 14 of the Core Strategy seeks to enable new schools to be built in locations which are

accessible by the communities they serve, using sustainable modes of transport. The sustainable nature of this site ensures that the proposals accord with emerging policies.

Impact on the conservation area

46. The application site is located within the St Laurence's Conservation Area, which is a designated heritage asset as defined in Annex 2 to the NPPF. Section 12 of the NPPF is therefore a material consideration in the determination of this planning application.
47. No external alterations to the appearance of the building are proposed as part of the development. The Council's Conservation Officer has reviewed the application and confirmed that the significance of the designated heritage asset, the conservation area, will be sustained as part of the development. As such the proposals are considered to be acceptable in respect of Section 12 of the NPPF.

Impact on the neighbours

48. The application site is adjacent to the residential terraced row of properties 11-25 Water Street. 11 Water Street is immediately adjacent to the application site boundary and has 2 ground floor windows facing the application site. It is intended that the existing hard standing area to the rear and side of the building, currently used for parking, will be used as an external play area for the school.
49. It is acknowledged that an external play area associated with a school has the potential to impact on the neighbours amenities in terms of noise creation when compared to the existing use as a car park. However this would only be during the school opening hours which the agent has confirmed are 7am – 6pm during weekdays, and on some Saturdays 9am – 1pm. The Council's Neighbourhood Environmental Health Officer has raised no issue from a noise perspective and as such it is not considered that the external play area will adversely impact on the neighbours amenities through noise generation.

Traffic and Transport

50. The Highway Engineer at Lancashire County Council has assessed the proposals and has raised no objection to the proposals. In accordance with the submitted draft North West Regional Parking Standards 2 parking spaces per classroom are required for secondary school and 1 space per 2 staff and 1 space per 10 students is required for higher education. However it should be noted that there will be up to 60 Year 7 pupils (aged 11 to 12 years) and up to 100 Year 12 students (aged 16-17 years) attending the Academy during its first year and as such parking space for students is not an issue. As such an assessment of the parking requirements is based upon the requirements for secondary education. The premises will have up to 27 members of staff in the school in the first year of operation, including several part-time members of staff. The travel plan submitted with this application estimates that half of this number will travel to school in their own car.
51. The submitted plans detail 15 car parking spaces to the front of the premises including 2 disabled parking spaces. The proposals include 2 classrooms at ground floor level along with a post 16 classroom at ground floor level and 6 classrooms at first floor level. This results in a requirement for 18 car parking spaces (based upon secondary school accommodation) which results in a deficit of three spaces at the site however the Highway Engineer has assessed the proposals and confirmed that the level of staff parking available in front of the building will prove sufficient. Additionally the site is opposite a public car park which can provide car parking provision for these premises.
52. With respect to parking requirements for parents, the Highway Engineer considers that the central town centre location surrounded by busy roads and the inner ring road, walking to school is unlikely to be a favoured option and for the same reason it is equally unlikely to prove popular or practical for most pupils to cycle to school. As such he considers that there will be a high tendency for pupils to be dropped-off and picked-up by car by parents.
53. In respect of the on-street car parking arrangements the Highway Engineer considers that both Water Street and Hollinshead Street will offer a level of parking provision for dropping-off and picking-up. Within the submitted planning statement there is a suggestion that a one-

way system could be operated for parent parking however the Engineer does not consider this necessary at this time.

54. The Engineer considers that effectively parent parking will take place over a short period in the morning and afternoon and the level of parking is manageable. As such the highway engineer does not feel that school traffic generation will have any significant adverse impact on the safety and operation of the immediate highway.

Overall Conclusion

55. It is acknowledged that the proposals do not fully comply with Local Plan Policies EM6 and EM9 in respect of the use of the premises for a use other than for financial and professional services. However the NPPF confirms that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the proposals will secure the temporary re-use of an empty building in a relatively sustainable location.
56. The National Planning Policy Framework states that *the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- *give great weight to the need to create, expand or alter schools;*
 - *work with schools promoters to identify and resolve key planning issues before applications are submitted.*
57. The Policy statement 'planning for schools development' makes it clear that local authorities should make full use of their planning powers to support state-funded schools applications and that a refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. The statement goes on to confirm that any appeal against any refusals of planning permission for state-funded schools will be treated as priority by the Secretary of State and the Secretary of State may choose to recover, for his own determination, appeals against the refusal of planning permission.
58. It is considered that the proposals will secure educational choice within the Borough, as Free Schools are independent of the Local Authority Education system, in accordance with the Government's clear direction of travel as set out within the NPPF and the planning for schools development policy statement published by the Government. This policy statement confirms that *creating free schools remains one of the Government's flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities.* The temporary nature of the use can ensure the reversion to an office use in the future. As such the application is recommended for approval.

Planning History

74/00010/FUL: 8 storey office block. Withdrawn

77/00587/FUL: Change of use of Parish Institute to Offices. Approved July 1978

78/00441/OUT: Outline application for 39 flats and 1 house plus communal facilities (Category 2 sheltered housing). Approved July 1978

03/00071/FUL: Erection of detached garage. Approved March 2003

05/00434/CON: Application for Conservation Area Consent for the demolition of existing building. Approved July 2005

Recommendation: Permit Full Planning Permission Conditions

1. The use of the ground and first floor of the building by Chorley Career and Sixth Form Academy (Use Class D1) hereby permitted shall cease by 31st December 2014 or when a permanent facility for Chorley Career and Sixth Form Academy is established (whichever is the shortest period of time). Thereafter the building shall be reinstated to office accommodation.

Reason: The permission was granted on a temporary basis having regard to the special circumstances advanced in support of the application, however the use would be inappropriate to the locality on a permanent basis and in accordance with Policy Nos. EM6 of the Adopted Chorley Borough Local Plan Review.

2. The approved plans are:

Plan Ref.	Received On:	Title:
046 S 01	26 March 2012	Site Location Plan
046 S 02	26 March 2012	Existing Site Plan
046 S 04	26 March 2012	Proposed Site Plan
046 GA 00	26 March 2012	Proposed Ground Plan
046 GA 01	26 March 2012	Proposed Level 1 Plan
046 GA 02	26 March 2012	Proposed Level 2 Plan
046 EX 00	26 March 2012	Existing Ground Plan
046 EX 01	26 March 2012	Existing Level 1 Plan
046 EX 02	26 March 2012	Existing Level 2 Plan

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

3. The use hereby permitted shall be restricted to the hours between 7am and 6pm on weekdays, between 9am and 1pm 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.

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Item 4h	12/00350/OUTMAJ
Case Officer	Nicola Hopkins
Ward	Chorley South East
Proposal	Application to extend the time limit for implementation of extant outline planning permission 09/00044/OUTMAJ for the demolition and clearance of existing warehouse and outbuildings and erection of proposed 2 storey primary health care centre (Use Class D1) including ancillary office accommodation
Location	Friday Street Depot Friday Street Chorley Lancashire
Applicant	Mrs Debra Coyle
Consultation expiry:	16 May 2012
Application expiry:	28 June 2012

Proposal

1. The application relates to an extension to the time limit for the implementation of extant outline planning permission 09/00044/OUTMAJ for the demolition and clearance of existing warehouse and outbuildings and erection of proposed 2 storey primary health care centre (Use Class D1) including ancillary office accommodation.
2. Outline planning permission was granted for the development on 30th March 2009 and the applicants had until 30th March 2012 to submit reserved matters. An application for reserved matters has not been submitted however in October 2009 legislation was introduced, subsequent to the 2008 Planning Act, which allows applicants to extend the time period for implementation of extant planning approvals.
3. This legislation was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. A new planning permission is applied for to replace the existing permission.

Recommendation

4. It is recommended that this application is granted conditional 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:
 - Guidance
 - Background of the development
 - Material considerations
 - Neighbour concerns
 - S106 Agreement
 - Sustainability

Representations

6. 1 letter of objection has been received raising the following points:
 - Negative impact on highway safety and parking
 - Parking problems will increase within a short period of time

Consultations

7. **United Utilities** have no objection

AssessmentGuidance

8. Guidance issued by the Department of Communities and Local Government states that when determining applications for extensions to time limits the development will by definition have been judged to be acceptable in principle at an earlier date (in this case by permitting application 09/00044/OUTMAJ). While such applications must be decided in accordance with the plan, unless material considerations indicate otherwise, Local Planning Authorities should in making their decision focus their attention on development plan policies and other material consideration which may have changed significantly since the original grant of planning permission.
9. In this case there has not been any physical change to the site however there have been changes to policy that the proposal should be assessed against. Most notably is the publication of the National Planning Policy Framework which cancels specified previous Government guidance.
10. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted and is a material planning consideration in respect of this application.

Background of the development

11. A planning application for a health care facility at the site was submitted in February 2006 (06/00133/FUL). This application was considered at Development Control Committee on 27 March 2006 and the resolution was to approve subject to the Section 106 Agreement. The Section 106 Agreement was never signed, however, and the Council withdrew the application.
12. Taking into account the Committee members' resolution the principle of redeveloping the site for health care facilities was established in 2006.
13. A subsequent outline application was submitted at the site which dealt with the principle of redeveloping the site, access and scale (scale was addressed as part of the submitted Design and Access Statement however it was not secured by condition- this has been included as part of this recommendation). This application was approved at DC Committee in March 2009 and the decision was issued following the completion of the associated S106 Agreement on 30 March 2009.
14. The site falls to be considered as brownfield land which is the preferred option for redevelopment. The site was agricultural land until the late 19th Century when, with the expansion of the textile industry, the Lancashire and Yorkshire Railway company constructed a railway goods warehouse with rail connections to the north of Chorley Station. The original building was completed circa 1895 and comprised of a rectangular goods warehouse. A coal storage yard and a small weighbridge were established on the south western part of the site in the early 19th century. The Chorley- Blackburn line closed in the 1960s and the old rail

connections to the site were removed but the coal storage use was dormant up to the 1980s until the land to the west of the original warehouse was purchased for the construction of a new highway, Friday Street.

15. It is considered that the principle of redeveloping the site for healthcare facilities has been established by original grant of outline planning permission, the fact that the site falls to be considered brownfield land and the sustainable location of the site, in close proximity to Chorley Town Centre.

Material Considerations

16. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Paragraph 17 of the NPPF sets out the 12 core land-use planning principles which includes encouraging *the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value and take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.*
17. The development proposes the erection of a new health care facility to serve Chorley on previously developed land within a sustainable location which is in accordance with the NPPF.

Neighbour concerns

18. Concerns have been raised in respect of the highway safety and parking implications of the proposals. Although the application is outline access is fixed at this stage. It is proposed that the main vehicular entrance to the site will be via Friday Street utilising the existing entrance to the site. This will be utilised by emergency vehicles, patients, staff and small delivery vehicles.
19. In addition there will be a service road accessed via Friday Street behind the building. This junction will be for access only and will be utilised by delivery, collection vehicles and staff. This will incorporate a new access off Friday Street at the southern end of the site. Access via this service road will be controlled by a security gate. This service road will also incorporate staff parking.
20. The Highway Engineer at Lancashire County Council previously confirmed, as part of the previous application, that the submitted information was sufficient for outline purposes. Full details of the layout and traffic movements will be agreed as part of the reserved matters application.
21. Although layout will be dealt with at reserved matters stage the applicants have indicated that 53 car parking spaces will be provided in the main car park including disabled spaces. Motor cycle and cycle parking will also be provided in the main car park. 33 car parking spaces will be provided to the rear of the building for staff.
22. In respect of the previous application the Highways Engineer raised concerns that the amount of parking proposed was not sufficient for the size of scheme proposed. In accordance with the draft RSS Parking Standards 1 car parking space per 2 staff and 4 spaces per consulting room will be required. 3 disabled bays will be required and 2 cycle parking spaces per consulting room.

23. It is not possible to calculate the required amount of parking particularly in respect of staff parking due to the outline nature of the application however when the previous application was considered the location of the application site, within a sustainable location in walking distance to the bus station and train station, was taken into consideration by way of offering alternative travel choices. The requirement for a travel plan, to reduce reliance on the car, was attached via condition and a S106 contribution was secured for to the improvement of public transport in the area. As such at the time of the previous application the level of parking proposed is considered to be acceptable in this location.
24. In the absence of locally set parking standards the RSS Parking Standards are considered to be an appropriate mechanism for assessing parking. It is not considered that the situation at this site has changed since the original grant of planning permission in respect of parking or highway safety and as such would not constitute a reason for refusal now.

Section 106 Agreement

25. The outline planning approval had an associated S106 Agreement. As this application would result in the issuing of a new planning permission there is a requirement to tie this application into the obligations of the S106 Agreement. The obligations of the original S106 Agreement was for a contribution of £20,000 towards sustainable transport improvements which was defined as *£20,000 towards Chorley Kickstart for "improvements for public transport in the Borough and to improve accessibility to and from the site."*
26. This obligation was considered necessary as the application site is not located on a bus route although the bus station is within walking distance. Diverting an existing bus service via the site was considered however this option was discounted and as such a contribution to Kickstart to improve public transport was secured through a Section 106 Agreement.
27. It is understood that the Kickstart scheme no longer exists however it is still considered appropriate to secure sustainable transport improvements from this scheme. Lancashire County Council have been contacted in this regard and details of the suggested sustainable transport improvements will be reported on the addendum and included within the S106 Agreement.

Sustainability

28. 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). This requirement was not addressed as part of the previous application.
29. Although this application is only outline in nature the building on site will exceed 500sqm. 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. This can be addressed by condition.

Overall Conclusion

30. The development involves the erection of a new health care facility within Chorley which will facilitate the redevelopment of a brownfield site within a sustainable location. The proposals are in accordance with Government advice contained within the NPPF along with existing and emerging Planning Policy, in particular Policy 23 of the Core Strategy which seeks to support health care infrastructure and improve primary care access and facilities. It is not

considered that there has been a material change in circumstances since the original grant of planning permission which would warrant refusal now.

Planning Policies

National Planning Policies:

National Planning Policy Framework

North West Regional Spatial Strategy:

Policy DP1: Spatial Principles

Policy DP2: Promote Sustainable Communities

Policy DP4: Make the best use of Existing Resources and Infrastructure

Policy DP7: Promote Environmental Quality

Policy RDF1: Spatial Priorities

Policy L1: Health, Sport, Recreation, Cultural and Education Service Provision

Policy RT9: Walking and Cycling

Policy EM2: Remediating Contaminated Land

Adopted Chorley Borough Local Plan Review 2003:

GN1- Settlement Policy- Main Settlements

GN5- Building Design and Retaining Existing Landscape Features and Natural Habitats

EM9- Redevelopment of Existing Employment Sites for Non-Employment Uses

EP12- Environmental Improvements

EP13- Underused, Derelict and Unsightly Land

SP6- District, Neighbourhood and Local Shopping Centres

TR2- Road Hierarchy

TR4- Highway Development Control Criteria

TR7- Rear Servicing

TR11- Bus Services

TR16- Cycle Facilities

TR20- Provision for the Mobility Impaired in Public Buildings

TR21- Provision for the Mobility Impaired in New Developments

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 17: Design of New Buildings

Policy 23: Health

Policy 27: Sustainable Resources and New Development

Planning History

83/00380- Construction of highway. Land between Stump Lane and Friday Street. Approved August 1983

84/00775- Use of land and buildings as garages/ stores/ offices. Approved December 1984

06/00133/FULMAJ- Demolition and clearance of existing warehouse and outbuildings and erection of proposed healthcare facilities development. Withdrawn August 2008.

09/00044/OUTMAJ- Outline application for the demolition and clearance of existing warehouse and outbuildings and erection of proposed 2 storey primary health care centre (Use Class D1) including ancillary office accommodation. Approved March 2009

Recommendation: Permit (Subject to Legal Agreement)

Conditions

1. An application for approval of the reserved matters (namely layout, external appearance of the buildings and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two 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.

2. The application for approval of reserved matters 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 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.

3. No development shall take place until:

- a. A methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2001 'Investigation of potentially contaminated site - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
- b. All testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- c. The Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use, in accordance with Government advice contained in the National Planning Policy Framework

4. No part of the development hereby permitted shall be occupied or used until the two vehicular accesses have been constructed in accordance with plans, which have been 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: In the interests of highway safety and in accordance with Policy No.TR4 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. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building (notwithstanding any details shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy RT2 of the North West Regional Spatial Strategy 2008.

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 properties and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.
11. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all vehicular barriers to be erected to the vehicular access and egress points (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 barriers have been erected in accordance with the approved details. The barriers shall thereafter be retained in accordance with the approved details at all times.
Reason: To ensure a visually satisfactory form of development and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.
12. Before the development hereby permitted is first commenced, full details of the work required to the existing retaining wall (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include details of required repair and rebuild in respect of this wall and the methodology for undertaking this work. No building shall be occupied or land used pursuant to this permission until the works have been completed in accordance with the approved details. The retaining wall shall thereafter be retained in accordance with the approved details at all times.
Reason: To ensure a visually satisfactory form of development, the protect the neighbours amenities and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.
13. Before the development hereby permitted is first occupied, provision for cycle parking provision, in accordance with details to be first agreed in writing with the Local Planning Authority, shall have been made.
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.
14. If should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.
Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use, in accordance with Government advice contained in the National Planning Policy Framework
15. 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.

16. The use hereby permitted shall be restricted to the hours between 8am and 10pm on weekdays, between 8am and 8pm on Saturdays and there shall be no operation on Sundays or Bank Holidays.

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

17. Prior to the first use of the development hereby permitted, a Green 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.

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.

18. The approved plans are:

Plan Ref.	Received On:	Title:
	23 January 2009	Site Location Plan
063153-2.001	23 January 2009	Access Arrangements Site Plan
LK11/2009	5 February 2009	Topographical Survey

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

19. Prior to the commencement of the development details of a 'Design Stage' assessment, in respect of BREEAM, 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

20. 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

21. 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.

22. The building hereby permitted shall be built in accordance with the design principles set out within the Design and Access Statement dated January 2009 (submitted as part of application 09/00044/OUTMAJ). In particular the scale of the building which shall be a maximum 2 stories high.

Reason: Scale is fixed as part of this outline submission and in order to secure the implementation of the building that have been considered within the assessment of this application to be an essential element of the scheme as a whole.

Item 4i	12/00185/FULMAJ
Case Officer	Nicola Hopkins
Ward	Clayton-le-Woods And Whittle-le-Woods
Proposal	Application for substitution of house types on plots 44, 51, 65, 80, 81, 91, 94, 100, 104 and 105 (10 houses in total) previously approved as part of application 10/00745/FULMAJ
Location	Group 4N Land 150 Metres West Of Sibbering's Farm Dawson Lane Whittle-Le-Woods Lancashire
Applicant	Redrow Homes (Lancs)
Consultation expiry:	25 April 2012
Application expiry:	23 May 2012

Proposal

1. This application relates to the substitution of house types on plots 44, 51, 65, 80, 81, 91, 94, 100, 104 and 105 (10 houses in total) of land known as Group 4N. These dwellings were previously approved as part of application 10/00745/FULMAJ.
2. Full planning permission was granted at the site in April 2010 and work to construct the dwellinghouses has commenced.

Recommendation

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

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Proposed amendments
 - Major Developed Site in the Green Belt
 - Affordable Housing
 - Density
 - Impact on the neighbours and Listed Buildings
 - Design
 - Open Space
 - Ecology
 - Traffic and Transport
 - S106
 - Sustainability

Consultations

5. **Lancashire County Council (Highways)** has no objection
6. **Whittle le Woods Parish Council** raise no major issues but the Parish Council would like to reiterate that they feel that two-storey housing is more in keeping with the street scene of this development than three-storey, particularly round the periphery.

Assessment

Principle of the development

7. The principle of redeveloping the site, known as Group 4 North, was established with the grant of outline planning permission in March 2008 and the subsequent grant of full planning

permission in April 2010. A small portion of the site (0.4 hectares) forms part of the main Buckshaw Village development. The principle of redeveloping this part of the site was established with the grant of outline planning permission for the Village in 1997 (subsequently amended in 2002).

Proposed Amendments

8. The proposed amendments include:

- Plot 44- substituting a 4 bedroom Richmond house type with a 4 bedroom Marlborough house type both of which are 2 storey properties. Increasing the FFL from 71.90 to 72.85
- Plot 51- substituting a 5 bedroom Cheltenham house type with a 5 bedroom Hampstead house type both of which are 2.5 storey properties. Increasing the FFL from 71.80 to 71.90
- Plot 65- substituting a 4 bedroom Richmond house type with a 4 bedroom Marlborough house type both of which are 2 storey properties. Increasing the FFL from 71.20 to 72.10
- Plot 80- substituting a 4 bedroom Richmond house type with a 4 bedroom Marlborough house type both of which are 2 storey properties. Increasing the FFL from 68.90 to 69.30
- Plot 81- substituting a 5 bedroom Highgrove house type with a 5 bedroom Blenheim house type both of which are 2 storey properties. Increasing the FFL from 68.90 to 69.40
- Plot 91- substituting a 5 bedroom Cheltenham house type with a 4 bedroom Westminster house type both of which are 2.5 storey properties. Increasing the FFL from 70.50 to 71.20
- Plot 94- substituting a 4 bedroom Richmond house type with a 4 bedroom Marlborough house type both of which are 2 storey properties. Increasing the FFL from 69.70 to 70.25
- Plot 100- substituting a 5 bedroom Cheltenham house type with a 5 bedroom Hampstead house type both of which are 2.5 storey properties. Increasing the FFL from 70.60 to 70.80
- Plot 104- substituting a 4 bedroom Richmond house type with a 4 bedroom Marlborough house type both of which are 2 storey properties. Decreasing the FFL from 71.20 to 71.10
- Plot 105- substituting a 5 bedroom Cheltenham house type with a 5 bedroom Hampstead house type both of which are 2.5 storey properties.

Major Developed Site in the Green Belt

9. The site is designated within the Local Plan as a Major Developed Site in the Green Belt. It is noted that Planning Policy Guidance Note 2 which related to Green Belts 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.
10. When outline planning permission was granted building and structures still existed on the site however these have since been demolished and the site remediated.
11. In October 2000 planning permission was granted (00/00717/FUL) for engineering operations comprising building decontamination and demolition across the Royal Ordnance Site which included this site. The combined area of building footprint and blast structures/ mounds which previously existed on the site equated to approximately 2.59 hectares.
12. When planning permission was previously granted for 110 dwellings and associated garage accommodation on the site the footprint created covered 1.42 hectares. The previous approval at this site permitted one additional dwelling which results in the erection of 111 dwellings on the site. The height of the factory buildings which originally existed on the site ranged between 2m and 16 metres. The proposed development incorporates the erection of 2 and 2.5 storey dwellings with a maximum ridge height of 10 metres which ensures that proposed dwellings will not exceed the height of the previous buildings on the site.
13. It is not considered that the proposals will have a materially greater impact than the previous use on the openness of the Green Belt and the proposed dwellinghouses will not exceed the height of the previous buildings on the site in accordance with the NPPF.

Affordable Housing

14. This site is within the Green Belt however it does not fall to be considered a rural settlement within the Council's Adopted Local Plan. As such there is no specific affordable housing

planning policy within the Local Plan which relates directly to the site. When the development of this site was initially considered it was treated as somewhat of a 'hybrid' site. The Council has specific planning policy relating to sites within rural settlements, Policy HS8. This site falls to be considered rural in nature due to its Green Belt allocation however as this Policy requires 100% affordable/ specialist types of accommodation and this site is not a rural settlement the Council did not consider it appropriate to require 100% affordable housing in respect of this site.

15. It was considered, however, suitable to require 30% affordable housing on this site due to its rural character. It was also agreed that the affordable housing would be provided off site as the proposed scheme incorporated large dwellings for which there is only a limited affordable housing need within the Borough. On a scheme of 100 dwellings this would achieve 30 affordable units and the S106 attached to the outline approval for the site included a commuted sum payment of £2.5 million which it was calculated would provide 15 rented units and 15 shared ownership/ intermediate accommodation. This was, however, agreed prior to the completion of the Council's Housing Need Survey.
16. When Redrow Homes submitted the full planning application at this site they stated that they wished to provide units rather than a commuted sum payment as originally agreed and a Section 106 Agreement was completed which reflected this. The S106 Agreement achieves 30 units which equates to 30% of Group 4 North (although this application is for 111 dwellings this is only achieved by incorporating part of the original Buckshaw Village site which has a separate S106 Agreement for which further obligations on this part of the site cannot be requested). It is considered that the proposals are acceptable in terms of planning policy and achieve an acceptable proportion of affordable houses for this 'hybrid' green belt site.

Density

17. The site is 8.41 hectares in size which equates to approximately 13 dwellings per hectare. The net density (excluding the three areas of public open space and highway infrastructure) is 14 dwellings per hectare.

Impact on the neighbours and Listed Buildings

18. There are two immediate neighbours to the site, Jones Farm and Sibberings Farm, both of which are Grade II Listed Buildings. The other immediate neighbours to the site are the houses already constructed on the opposite side of Old Worden Avenue and the properties already under construction on this site. It is not considered that the proposed dwellings will impact on the amenities of the dwellings on Buckshaw Village
19. In respect of the two listed buildings both of these properties were, when planning permission was originally granted at this site, unoccupied derelict properties. However the buildings have been renovated into single dwellinghouses. Jones Farmhouse does not actually border this application site as the properties adjacent to the boundary with Jones Farmhouse are currently under construction in line with the original full planning approval.
20. This application relates to plot 44 which is sited to the west of Sibberings Farm. The proposed changes to this plot include substituting a 4 bedroom Richmond house type with a 4 bedroom Marlborough house type both of which are 2 storey properties. This plot is separated from Sibberings Farm by an area of public open space and it is not considered that the proposals will adversely impact on the amenities of the occupiers of Sibberings Farmhouse or the setting of this Listed Building.

Design

21. The development represents a low density development however due to the nature of this Green Belt location it is considered that a low density development was more in scale and keeping with the surrounding landscape and would enable to retain an open, rural feel which easily integrates into the surroundings. It was considered that this low density will achieve high quality, well designed housing in a sustainable location, close to open space and where the scheme creates a distinctive character which relates well to its surroundings.

22. The scheme proposes the erection of high quality large detached dwellings. The developers, Redrow Homes, have developed a bespoke range of house types for this parcel of land which will be distinctive from the other Redrow dwellings found on Buckshaw Village. The proposed amendments subject to this application are to incorporate Redrow's Heritage range in line with what is being constructed on the remaining part of the site. The site will be served by buses which have a proposed route along the loop road (Old Worden Avenue) which serves the site and incorporates informal open space along with adequate gardens for family dwellings. It is considered that a low density development respects the Green Belt location by retaining an open feel whilst providing a new and distinctive house type within the Village.
23. The scheme has been designed to ensure that the Council's minimum spacing standards are adhered to which ensures that the amenities of the future residents are protected.

Open Space

24. Due to the previous use of this site any redevelopment requires remediation of the site. An application was submitted to Lancashire County Council in 2007 for remediation which was approved and the site has been remediated. A number of trees on the site required removal as part of the remediation works however a number of trees were considered worthy and capable of retention and these trees have been protected by a Tree Preservation Order to ensure their continued retention. (Tree Preservation Order 3 (Whittle le Woods) 2007)
25. As part of the open space provision on the site it is proposed to form an informal area of Public Open Space within the trees which will be retained. In addition to this a small area of open space will be provided within a central location on the site and will form a Village Green area.
26. In accordance with Policy HS21 of the Adopted Chorley Borough Local Plan developments of over 100 units are required to provide 630 square metres of equipped play space, 1140 square metres of informal open space and 4260 square metres of playing field provision.
27. The informal open space will be provided on site. The previous full planning approval for this site had an associated S106 Agreement which incorporated a payment of £310,000 for the provision of community facilities, playing fields and towards the provision and maintenance of an equipped children's play area. A supplemental S106 will be associated with this application tying this application into the obligations.
28. The management of the open space areas on the site will be dealt with by the private management company who will manage the site.

Ecology

29. The main ecological impact on this site was during the remediation works. As part of the remediation application ecological surveys of the site were undertaken which included mitigation/ compensation proposals for habitat loss and impacts on protected species. Various conditions and a Section 106 Agreement was entered into with Lancashire County Council relating to mitigation/compensation for ecological impacts. In addition to this the great crested newts mitigation measures will be monitored under a DEFRA Licence.
30. Following a High Court judgement it is clear that the Council has 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.
31. 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.

32. The impact on great crested newts was addressed as part of the remediation application which led to a Licence being issued by Natural England and a newt fence being erected. It is considered that the measures in place (including newt fencing), agreed as part of the remediation application, will ensure a favourable conservation status of great crested newts. As such it is considered that the requirements of the Habitats Directive have been addressed.

Traffic and Transport

33. The Highway Engineer at Lancashire County Council has been consulted on the application and has no objections.
34. The scheme incorporates a mix of four and five bedroom dwellings. In July 2010 the Secretary of State (SoS) revoked the Regional Spatial Strategies (RSS) which resulted in the North West RSS no longer forming part of the Development Plan for Chorley Borough. However in November 2010 the High Court judged that this revocation was unlawful. 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. This notwithstanding however the Council does not yet have a local document setting out the parking standards within the Borough and as such utilise the North West Regional Spatial Strategy draft parking standards. This document requires dwellinghouses with in excess of 4 bedrooms to incorporate a minimum of 3 off road parking spaces. The proposed scheme achieves off road parking in the form of detached garages, integral garages and driveway space. In accordance with Manual for Streets for a garage to be considered as a parking space (and to ensure both a car can be accommodated whilst providing storage space) the garage should measure 6 x 3 metres (single garage). The detached garages across the scheme accord with the Dimensions set out within Manual for Streets 2 however the integral garages do not meet these standards. In these situations however adequate driveway space is incorporated to accommodate cars off the highway.
37. Where driveway space is provided in front of the garage a minimum of 6 metres is retained to ensure a car can be parked clear of the highway whilst the garage door is open. It is considered that the proposed scheme provides adequate parking for the size and number of dwellings proposed.

Section 106 Agreement

38. When full planning approval was granted for this site there was an associated S106 Agreement. As this application proposes amendments to the approved scheme a supplemental S106 Agreement will be entered into ensuring that the obligations of the S106 also tie into this planning application.

Sustainability

39. When the previous outline planning approval was granted the Council did not have an adopted Policy in respect of sustainable resources however the Section 106 Agreement associated with this site required the Developers to demonstrate the predicted energy use of the development in terms of carbon emissions and to demonstrate how energy efficiency will be addressed.
40. To discharge this clause Redrow Homes produced an Energy Efficiency Statement which was submitted to the Council. This document was considered adequate to address the S106

Clause and this recommendation includes a condition requiring compliance with this approved document.

Overall Conclusion

41. The amendments to the scheme involve the incorporation of Redrow's Heritage Range of dwellinghouses. As set out above the amendments are considered to be acceptable and will still result in a low density, high quality development providing large detached dwellinghouses within Buckshaw Village.

Planning Policies

National Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies:

GN2, GN5, DC1, DC6, EP4, EP9, EP10, HS4, HS8, TR1, TR4, TR18

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

Planning History

00/00717/FUL: Engineering operations comprising building decontamination and demolition. Approved October 2000

07/00402/CTY: Land reclamation and remediation earth works to create a development platform and enhance recreational space provision. Approved September 2007

07/00953/OUTMAJ: Outline application for the redevelopment of the site (7.87 hectares) for 102 dwellings with associated highway infrastructure and landscape treatment. Approved March 2008.

08/01207/FUL: Construction of a gabion retaining wall. Approved January 2009

09/00454/TPO: Pruning of Oak tree in Buchshaw Village Area G4 North. Approved August 2009

09/00585/FULMAJ: Erection of 110 dwellings with associated highway infrastructure, open space and landscape treatment. Including a part amendment to the road layout previously approved as part of reserved matters approvals 05/00523/REMMAJ and 05/00525/REMMAJ. Withdrawn

09/00739/FULMAJ: Erection of 110 Dwellings with associated infrastructure, open space and landscape treatment including a part amendment to the road layout previously approved as part of reserved matters approvals 05/00523/REMMAJ and 05/00525/REMMAJ. Approved April 2010

10/00346/DIS: Application to discharge conditions 5, 9, 12, 13 & 15 of planning approval 09/00739/FULMAJ. Discharged May 2010

10/00745/FULMAJ: Planning application for 87 no. detached dwellings together with associated works (replan of part of site approved by Planning Permission ref. 09/00739/FULMAJ). Approved December 2010

10/00945/MNMA: Application for a minor non-material amendment to planning approval 09/00739/FULMAJ to un-hand plot 30 so that the side entrance is adjacent to the properties driveway. Approved November 2010

11/00835/FUL: Application for substitution of two house types on plots 43 and 53 together with associated works (originally approved under planning approval ref: - 10/00745/FULMAJ). Approved November 2011

12/00164/MNMA: Application for a minor non-material amendment on plots 50, 63, 73, 76, 88, 95, 96, 101 and 106 to update Balmoral and Westminster house types to the latest 2012 edition of this house type (originally approved under permission 10/00745/FULMAJ). Approved.

12/00264/MNMA: Application for minor non-material amendment to planning application 10/00745/FULMAJ to change the roof tiles on plots 40 to 110. Approved April 2012

The following planning history relates to the Buckshaw Village development:

97/00509/OUT: Outline application for mixed use development (granted in 1999)

02/00748/OUT: Modification of conditions on outline permission for mixed use development

05/00523/REMMAJ: Formation of phase 1 of link road to serve residential development. Approved

05/00525/REMMAJ: Formation of phase 1 of link road to serve residential development (duplicate of planning application 05/00523/REMMAJ). Approved

**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:
BVG4N-PLAN01 Rev Z	26 March 2012	Detail Site Layout
1172-G4N-WLW-MP01 Rev I	23 February 2012	Materials Plan
	23 February 2012	Location Plan
D4H161	23 February 2012	The Westminster Floor Plans
D4H161	23 February 2012	The Westminster Elevations
D5H189	23 February 2012	The Marlborough Elevations
D5H189	23 February 2012	The Marlborough Floor Plans
D5H186	23 February 2012	The Hampstead 5
D5H223	23 February 2012	The Blenheim Elevations
D5H223	23 February 2012	The Blenheim Floor Plans
C-SD0808 Rev A	23 February 2012	Free Standing Brick Walls
C-SD0906	23 February 2012	Close Boarded Fencing
C-SD0902 Rev A	23 February 2012	Knee Rail Fencing
3804.05 Rev B	26 March 2012	Landscape Plan Sheet 3 of 4
3804.06 Rev C	26 March 2012	Landscape Plan Sheet 4 of 4
3804.03 Rev B	26 March 2012	Landscape Plan Sheet 1 of 4
3804.04 Rev B	26 March 2012	Landscape Plan Sheet 2 of 4
4240-DG2	26 March 2012	Double Garage
BVG4N-PLAN01 Rev Z.2	3 May 2012	Boundary Treatments

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

3. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

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

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

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

5. 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.

6. The external facing materials detailed on the approved plans shall be used and no others substituted. (For clarification the Ibstock Western Red Multi Stock referred to on the approved plans is actually Weston Red Multi Stock)

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.

7. 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.

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

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

9. The garages hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking

10. The development hereby permitted shall be carried out in accordance with the approved habitat creation and management plan and the proposed landscaping should comprise only native plant communities appropriate to the area and should enhance habitat connectivity, in accordance with guidance given in Lancashire County Council's Supplementary Planning Guidance on Landscape and Heritage (Appendix 10).

Reason: To ensure that the retained and re-established habitats that contribute to the Biodiversity Action Plan targets are suitably established and managed.

11. The development hereby permitted shall be carried out in accordance with the Residential Travel Plan (dated July 2010 undertaken by Singleton Clamp & Partners). The measures in the agreed Travel Plan shall be complied with.
Reason: To reduce the number of car borne trips and to encourage all modes of sustainable travel and to accord with Policies TR1 and TR4 of the Adopted Chorley Borough Local Plan Review
12. 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
13. The management and maintenance responsibilities of the development hereby permitted shall be carried out in accordance the submitted 'Management and Maintenance Arrangements for Open Space' dated April 2010
Reason: To ensure the satisfactory management of the unadopted highways and public open space and in accordance with Policies TR4 and HS21 of the Adopted Chorley Borough Local Plan Review.
14. The development hereby approved shall be carried out in accordance with the approved surface water regulation system.
Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained in the National Planning Policy Framework
15. The development hereby approved shall be completed in accordance with the submitted Energy Efficiency Strategy received 17th April 2009 (planning reference 07/00953/OUTMAJ).
Reason: To ensure the proper planning of the area. In accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2 Part 1, Class E), or any Order revoking or re-enacting the Order, no garage, shed or other outbuilding shall be erected (other than those expressly authorised by this permission) on plots 44 and 65.
Reason: To protect the appearance of the locality, to ensure continued protection of the trees on site and in accordance with Policy Nos. HS4 and EP9 of the Adopted Chorley Borough Local Plan Review.

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Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	22 May 2012

PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 13 APRIL AND 11 MAY 2012

PLANNING APPEALS LODGED

1. None

PLANNING APPEALS DISMISSED

2. Appeal by Mr J Guest against the non-determination of a Certificate of Lawful Use or Development for the storage of plant, commercial/industrial vehicles and machinery/equipment/apparatus etc. Associated with the primary use of the site as an engineering business at Springfields, Sandy Lane, Mawdesley L40 2QB (Planning Application: 10/00798/CLEUD Inspectorate Reference: APP/D2320/X/11/2159188). Planning Inspectorate letter received 2 May 2012.

PLANNING APPEALS ALLOWED

3. Appeal by Mr Harry Noblett against the delegated decision to refuse planning permission for single storey garage for the storage of vintage tractors at Malthouse Farm, Blackburn New Road, Wheelton PR6 8HH (Planning Application: 11/01011/FUL Inspectorate Reference: APP/D2320/D/12/2170420). Planning Inspectorate letter received 23 April 2012.
4. Appeal Allowed In Part by Mr J Guest against the non-determination of a Certificate of Lawful Use or Development for industrial/engineering uses etc. including manufacturing, modification, design, repair and testing of machinery, plant and engineering apparatus, metal fabrication and associated storage and parking of vehicles and plant at Springfields, Sandy Lane, Mawdesley L40 2QB (Planning Application: 10/00796/CLEUD Inspectorate Reference: APP/D2320/X/11/2159174). Appeal allowed insofar as building 6 and the associated land to the north and west and between building 1 and former building 4 is concerned; appeal dismissed insofar as the rest of the application site concerned. Planning Inspectorate letter received 2 May 2012.

PLANNING APPEALS WITHDRAWN

5. None

ENFORCEMENT APPEALS LODGED

6. None

ENFORCEMENT APPEALS DISMISSED

7. Appeal by Mr J Guest against Enforcement Notice EN626 for the breach of planning control of the erection of a wall, brick pillars and electronic gates to the entrance of the land exceeding 1 metre in height at Springfields, Sandy Lane, Mawdesley L40 2QB (Enforcement Notice EN626 Inspectorate Reference: APP/D2320/C/10/2133510). The requirement of the

Enforcement Notice is reduce the height of the wall, pillars and gate to 1 metre in height; the period for compliance with the requirement is 3 months. Planning Inspectorate letter received 2 May 2012.

8. Appeal by Mr J Guest against Enforcement Notice EN627 for the breach of planning control in the formation of an area of crushed hard standing and kerbing and installation of drainage at Springfields, Sandy Lane, Mawdesley L40 2QB (Enforcement Notice EN627 Inspectorate Reference: APP/D2320/C/10/2133512).The requirement of the Enforcement Notice is remove all the material to form hard standing, kerbing and drainage from the land; the period for compliance with the requirement is 3 months. Planning Inspectorate letter received 2 May 2012.

ENFORCEMENT APPEALS ALLOWED

9. Appeal by Mr J Guest against Enforcement Notice EN628 for the breach of planning control of the change of use of the land from a nursery to plant depot for storage of metal buckets, skip compactor, stone, metal cabin, pipe work both plastic and concrete, caravan, road signs and ballast material and parking of plant and machinery at Springfields, Sandy Lane, Mawdesley L40 2QB (Enforcement Notice EN628 Inspectorate Reference: APP/D2320/C/10/2133511).The Enforcement Notice is quashed. Planning Inspectorate letter received 2 May 2012.

ENFORCEMENT APPEALS WITHDRAWN

10. None.

LANCASHIRE COUNTY COUNCIL DECISIONS

11. None.

LESLEY-ANN FENTON
DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY

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	11.05.2012	***