



# Development Control Committee

Agenda and Reports

For consideration on

**Tuesday, 10th July 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.

02 July 2012

Dear Councillor

## **DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 10TH JULY 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, 10th July 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 Development Control Committee held on 12 June 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 seven report for planning applications to be determined (enclosed).

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

[http://planning.chorley.gov.uk/PublicAccess/TDC/tdc\\_home.aspx](http://planning.chorley.gov.uk/PublicAccess/TDC/tdc_home.aspx)

- (a) 12/00369/FUL - Land 40m south of 2 and including 2 Nursery Close, Charnock Richard (Pages 7 - 22)

**Proposal**

Demolition of no. 2 Nursery Close and erection of 10 dwellings (8 no. two-storey houses and 2 no. bungalows), access road and associated development

**Recommendation**

Refuse Full Planning Permission

- (b) 12/00511/FUL - Charnock Richard Football Club, Charter Lane, Charnock Richard, Chorley (Pages 23 - 30)

**Proposal**

Erection of 4 no. 15m high floodlight columns on main football pitch

**Recommendation**

Permit Full Planning Permission

- (c) 12/00435/FULMAJ - St Josephs Roman Catholic School, Railway Road, Chorley (Pages 31 - 38)

**Proposal**

Erection of 20 affordable residential dwellings with associated infrastructure

**Recommendation**

Permit (subject to Legal Agreement)

- (d) 12/00498/FUL - Land rear of 31 to 39 Park Avenue and north of 173 Wigan Road Euxton (Pages 39 - 48)

**Proposal**

Erection of three detached dwellings

**Recommendation**

Permit full planning permission

- (e) 12/00392/FULMAJ - Formerly Multipart Distribution Ltd, Pilling Lane, Chorley (Pages 49 - 54)

**Proposal**

Application for amendments to previously approved reserved matters approval, ref: 07/01228/REMMAJ, incorporating substitution of plots R201-R280 (80 apartments) with 18 dwellinghouses and 34 apartments together with associated roads, sewers and landscaping (52 dwellings in total)

**Recommendation**

Permit (subject to Legal Agreement)

- (f) 12/00475/FULMAJ -Group 1 Euxton Lane Euxton Lancashire (Pages 55 - 64)

**Proposal**

Section 73 application to vary condition 18 (southern boundary treatment) attached to planning approval 09/00095/FULMAJ

**Recommendation**

Permit (subject to Legal Agreement)

- (g) 12/00485/FUL - The Cottage, Back Lane, Bretherton, Leyland (Pages 65 - 70)

**Proposal**

Demolition of Existing Detached Cottage and Application for Retrospective Erection of New Build Detached Dwelling and Integral Garage

**Recommendation**

Permit Full Planning Permission

5. **Planning Appeals and Decisions** (Pages 71 - 72)

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

6. **Exclusion of the Public and Press**

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph \* of Part 1 of Schedule 12A to the Local Government Act 1972.

7. **Enforcement Report** (Pages 73 - 74)

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

8. **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 Paul Walmsley (Chair), Councillor Dave Rogerson (Vice-Chair) and Councillors Ken Ball, Henry Counce, Jean Cronshaw, John Dalton, David Dickinson, Dennis Edgerley, Christopher France, Danny Gee, Harold Heaton, Steve Holgate, Roy Lees, Greg Morgan and Geoffrey Russell) for attendance.
2. Agenda and reports to Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), Cathryn Filbin (Democratic and Member Services Officer) and Alex Jackson (Senior Lawyer) for attendance.
3. Agenda and reports to Development Control Committee reserves, (Councillor ) for information.

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

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

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

01257 515823

کیجئے:

**Development Control Committee****Tuesday, 12 June 2012**

**Present:** Councillor Paul Walmsley (Chair), Councillor Dave Rogerson (Vice-Chair) and Councillors Ken Ball, Henry Counce, Jean Cronshaw, John Dalton, David Dickinson, Dennis Edgerley, Christopher France, Danny Gee, Harold Heaton, Steve Holgate, Roy Lees, Greg Morgan and Geoffrey Russell

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

**Also in attendance:** Councillors Alistair Bradley, Marie Gray, Keith Iddon (Eccleston and Mawdesley), Mick Muncaster, John Walker, Paul Leadbetter and Alison Hansford

**12.DC.174 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**12.DC.175 MINUTES**

**RESOLVED – That the minutes of the meeting held on 22 May 2012 be confirmed as a correct record and signed by the Chair.**

**12.DC.176 DECLARATIONS OF ANY INTERESTS**

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

<b>Councillor</b>	<b>Item No</b>
Councillor Roy Lees	9 – Enforcement Item

**12.DC.177 PLANNING APPLICATIONS TO BE DETERMINED**

The Director of Partnerships, Planning and Policy submitted reports on fourteen 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 representation and submissions provided by officers and individuals.

- a) **Application:** 12/00325/FUL - Inland Revenue, Lingmell House, Water Street, Chorley **Proposal:** Change of use of existing office accommodation (ground and first floor) to Chorley Academy free school (Use Class D1)

The application was withdrawn by the applicant.

- b) **Application:** 12/00362/OUTMAJ - **Proposal:** Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access (resubmission of previous application 11/00992/OUTMAJ)

**RESOLVED (unanimously) – That planning permission be refused for the reason detailed within the report in the agenda.**

- c) **Application:** 11/01093/OUTMAJ - **Proposal:** Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access

**RESOLVED (unanimously) – That the outline planning permission be refused for the reason detailed within the report in the agenda.**

- d) **Application:** 12/00193/OUT - 11 **Proposal:** Outline application for the erection of two detached bungalows

**RESOLVED (unanimously) – That the outline planning permission be refused for the reason detailed within the report in the agenda.**

- e) **Application:** 12/00359/OUT - 33 **Proposal:** Outline application for the erection of one detached dwelling/house and garage, all matters reserved

**RESOLVED (unanimously) – That the outline planning permission be granted subject to an associated Section 106 Agreement and conditions detailed within the report in the agenda and the additional conditions detailed within the addendum.**

- f) **Application:** 12/00269/REMAJ - **Proposal:** Section 73 application to vary conditions 1 and 4 (approved plans) and 9 (finished floor levels), in respect of plots 58-68 and plot 75, attached to planning approval 11/01019/REMAJ

**RESOLVED (11:2:2) – That approval of the Section 73 application to vary conditions 1, 4 and 9 be delegated to the Director of Partnerships, Planning and Policy, in consultation with the Chair and Vice Chair subject to no further areas of objection being raised following consultation with residents on receipt of amended plans from the applicant relating to boundary treatments and lowered plot levels in relation to three dwellings.**



- g) **Application:** 12/00173/FUL - **Proposal:** Application to retain use of land for storage of building materials, parking of vehicles and associated purposes and provision of landscaping to site  
Towngate Works, Dark Lane,  
Mawdesley

**RESOLVED (unanimously) – That full planning permission be refused for the reason detailed within the report in the agenda.**

- h) **Application:** 12/00174/FUL - **Proposal:** Retention of use of land for open storage, parking and provision of landscaping  
Towngate Works, Dark Lane,  
Mawdesley

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

- i) **Application:** 12/00176/FUL - **Proposal:** Retain 3 storage containers  
Towngate Works, Dark Lane,  
Mawdesley

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

- j) **Application:** 12/00177/CLEUD - **Proposal:** Application for a Certificate of Lawfulness for an existing development in respect of siting of a container unit  
Towngate Works, Dark Lane,  
Mawdesley

**RESOLVED (unanimously) – That a Certificate of Lawfulness for established use be granted subject to a condition detailed within the report in the agenda.**

- k) **Application:** 12/00178/CLEUD - **Proposal:** Application for a Certificate of Lawfulness for an existing development in respect of storage of building materials, parking and related activities, plus related storage bunkers and buildings  
Towngate Works Dark Lane  
Mawdesley

**RESOLVED (unanimously) – That a Certificate of Lawfulness for established use be granted subject to the condition detailed within the report in the agenda.**

- l) **Application:** 12/00179/CLEUD - **Proposal:** Application for a Certificate of Lawfulness for an existing development in respect of 3 storage buildings  
Towngate Works Dark Lane  
Mawdesley Lancashire

**RESOLVED (unanimously) – That a Certificate of Lawfulness for established use be granted subject to the condition detailed within the report in the agenda.**

- m) **Application:** 12/00246/FULMAJ - **Proposal:** Reserved Matters Application in relation to planning permission QS Fashions and Bounded by Pall Mall and Bolton Street, Chorley 09/00933/FULMAJ (Appearance, Landscaping \_ Layout) for the provision of a business/non residential institution unit (use class B1 \_ D1)

**RESOLVED (14:0:1) – That the Reserved Matters application be granted subject to conditions detailed within the report in the agenda.**

- n) **Application:** 12/00454/FULMAJ - **Proposal:** Section 73 application to vary Weldbank Plastic Co Ltd, condition 28 (facing materials) attached to Westthoughton Road, Heath planning approval 11/00999/FULMAJ Charnock, Chorley

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

#### **12.DC.178 TREE PRESERVATION ORDER NO. 8 (WITHNELL) 2011**

The Director of Partnerships, Planning and Policy submitted a report for Members to consider whether to confirm the Tree Preservation Order no. 8 (Withnell) 2011 without modification in light of an objection being received.

**RESOLVED – That the Tree Preservation Order no. 8 (Withnell) 2011 be confirmed without modification.**

#### **12.DC.179 TREE PRESERVATION ORDER NO. 1 (CHORLEY) 2012**

The Director of Partnerships, Planning and Policy submitted a report for Members to consider whether to confirm the Tree Preservation Order no. 1 (Chorley) 2012 with a modification in light of an objection being received.

**RESOLVED – That the Tree Preservation Order no. 1 (Chorley) 2012 be confirmed with the following modification:**

- **Amendment to the extent of Group 1 to remove the area of land which is not treed**

#### **12.DC.180 PLANNING APPEALS AND DECISIONS**

The Director of Partnerships, Planning and Policy submitted a report which detailed two planning appeals that had been lodged and one planning appeal that had been dismissed by the Planning Inspectorate, and notification from Lancashire County Council for planning permission being approved.

**RESOLVED – That the report be noted.**

#### **12.DC.181 EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED – That the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely**

**disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Local Government Act 1972.**

(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 subsequent vote.)

**12.DC.182 ENFORCEMENT ITEM**

The Director of Partnerships Planning and Policy submitted a report which asked Members to consider a request to extend the period of compliance for Enforcement Notices approved in 2011.

The owner had not demonstrated any significant or justified reasons for non compliance with the provisions of the Enforcements Notices in full or in part

**RESOLVED (12:1:1) – That the period for compliance not be extended and that a further report be presented at the next meeting of Development Control Committee on 10 July 2012 to monitor the owner’s progress continuing works to comply with the Enforcement Notices.**

Chair

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<b>Item 4a</b>	<b>12/00369/FUL</b>
<b>Case Officer</b>	<b>Caron Taylor</b>
<b>Ward</b>	<b>Chisnall</b>
<b>Proposal</b>	<b>Demolition of no. 2 Nursery Close and erection of 10 dwellings (8 no. two-storey houses and 2 no. bungalows), access road and associated development</b>
<b>Location</b>	<b>Land 40M south of 2 and Including 2 Nursery Close Charnock Richard Lancashire</b>
<b>Applicant</b>	<b>Thomas Mawdsley Building Contractor</b>
<b>Consultation expiry:</b>	<b>13 June 2012</b>
<b>Application expiry:</b>	<b>7 June 2012</b>

### **Proposal**

1. Demolition of no. 2 Nursery Close and erection of 10 dwellings (8 no. two-storey houses and 2 no. bungalows), access road and associated development.

### **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
  - Background information
  - Density
  - Levels and impact on the neighbours
  - Design
  - Trees and Landscape
  - Ecology
  - Flood Risk
  - Traffic and Transport
  - Public Right of Way
  - Contamination and Coal Mines

### **Representations**

4. Twenty one letters of objection have been received and a petition signed by twenty seven people on the following grounds:
  - The scale of the development is unwarranted;
  - There is no shortage of housing in the area;
  - The proposal will impact on residential amenity in terms of overlooking/loss of privacy to Cherry Tree Close;
  - The infrastructure in the village cannot cope;
  - Highway safety- extra traffic to Church Lane and existing cul-de-sacs;
  - The site is a haven for wildlife;

- They are already overlooked by the Arley Homes Development;
- Access, parking and turning is inadequate;
- Nothing has changed since the previous application was recommended for refusal;
- The proposal is unsatisfactory backland development;
- Meadowlands would be the access route for heavy construction traffic which would be a danger to the young families living there plus the nuisance factor of noise and dust;
- The main sewer in Nursery Close is already under pressure from additional housing built by Arley Homes;
- Demolishing a perfectly sound four bedroom house to make an access is impractical and will disturb a quiet cul-de-sac;
- The angle and width of access to the proposed development was deemed unsuitable on the original application, particularly allowing access for emergency services. Has anything changed?;
- Increased traffic using Meadowlands which has a single access and exit on to Church Lane would cause an additional traffic hazard;
- Public outrage as expressed at the Parish Council Meeting surely sums up the feelings of the local residents;
- The local school will not be equipped to deal with a further 10 families once the remaining houses are built at Pole Green Nurseries;
- Wildlife will be severely affected. Birds will not continue to nest in the village with the amount of bushes and hedges cut back. The groundland will be made hard standing which will reduce the amount of food for wildlife species;
- There is plenty of sufficient, affordable housing being developed within the borough;
- Drainage system cannot cope with all the development;
- It will cause overlooking and impair privacy;
- The access would be via two T-junctions within a few metres of each other;
- Construction vehicles would have to use Meadowlands;
- The proposal will have further impact on the accident prone junction with Church Lane;
- This development along with other in the village and those at the Nursery on Church Lane are having an impact on the character on the village
- Garden grabbing;
- It will be unacceptable in the streetscene;
- Proximity to the junction with Meadowlands and the impact this will have especially with refuse collection;
- Policy GN4 restricts rural development and the proposal only loosely complies with criterion C;
- The question the housing and local need;
- Demolition of no. 2 Nursery Close will cause disruption to residents of Nursery Close which has already been endured due to building on the Dog and Partridge;
- Large good vehicles and emergency vehicles already have trouble gaining access to Meadowlands and this would be amplified by the proposed access road;
- Severe loss of privacy to 1, 3, 4 and 5 Nursery Close and 74 Lichen Close;
- Increase in traffic to those living in Meadowslands and Church Lane;
- There are properties that have been for sale in the village for a long time;
- It will isolate number 4 Nursery Close;
- The proposed wire mesh fence is not sufficient to prevent a loss of privacy;
- The site is not previously developed land under the NPPF – it is greenfield – the presumption should be against development;

- The majority of the site has blended into the landscape and supports wildlife and as such is of relevance to the amenity of the area on which the development would have an adverse effect;
- Impact on light and privacy to existing properties;
- The height of the houses would have a significant impact on the character of the area as a whole, and on the streetscene of Nursery Close in particular;
- The estate is used by the primary school for cycling training;
- Inadequate visibility splay at junction of proposed access road resulting in deficient Stopping Site Distance. [Manual for Streets DOT];
- 'Swept path' analysis not performed - or evidenced. [Manual for Streets DOT] 3.
- Turning space is poorly planned - should relate to the environment not to vehicle movement - resulting in space with no use except for turning vehicles;
- No evidence, suggestion or assurance that all houses would be 'significantly below market value' [Chorley Borough Local Plan Review (for Green Belt development)];
- The scale and nature of the proposed development is not in keeping or compliments established housing at Nursery Close and Meadowlands. Particularly in relation to road width, car parking arrangements and footway provision;
- Charnock Richard has inadequate local facilities to support additional developments: no shop, dilapidated community hall and poor public transport necessitating further private car use and is therefore not sustainable;
- It will have a detrimental impact on village life;
- The long established access to the site is from Chorley Lane;
- The access offers little segregation of pedestrian and vehicular traffic which is a safety issue;
- Nursery Close is only 5.5m wide and will present a danger when cars are parked on it;
- The current proposal is worse than the 2007 scheme as the bellmouth into the new development is narrowed and will not allow anything larger than a private car to pass.

Ward Councillor Leadbetter makes the following comments:

- The reasons for recommending refusal last time are essentially unchanged;
- This application proposes two semi-detached bungalows which are also to be offered as affordable dwellings. Considering recent developments and planning approvals, within Charnock Richard, this development is not required to meet local need as per policy GN4. The proportion of affordable housing is not a majority, let alone a substantial majority, as stated in policy HS8;
- The latest application adopts some of the guidance provided in the LCC Residential Road Design Guide, but does not satisfactorily address the issues of access for service vehicles or general parking provision;
- Additionally the poor access provision for service vehicles will increase the likelihood of a serious vehicle / pedestrian accident;
- The development remains over intensive for the site;
- The latest application retains the access between these two properties and will result in significant reduction in living conditions for the occupiers of these two properties, especially 4 Nursery Close which would become isolated;
- The narrow entrance to the development would result in highway running against the boundary of 4 Nursery Close generating unacceptable living conditions for the occupants of 4 Nursery Close and 74 Lichen Close;
- The roughly square area of the site proposed for development and the restricted access to the site, limits choice of site layout.
- The dwelling on plot 5 still appears to have its gable less than 12 metres from the rear elevation of 34 Chorley Lane. Similarly, whilst the layout on plot 1 has changed and

there is no longer an attached garage, the detached double garage of plot 1 appears too close to 4 Nursery Close.

- The size of the site remains unchanged and whilst minor alterations to the layout proposed in the outline application have been submitted, the proposed development would still adversely affect amenities of neighbouring properties. Despite what is reported in the Landscape Design Statement the development does not provide reasonable privacy and amenity for the residents of neighbouring properties as required in policy HS4 criteria (c).
- This latest application proposes pleached hornbeam trees and beech hedges as a screen. Whilst having an aesthetic value these will not provide any acoustic attenuation and the unacceptable noise and disturbance has not been addressed (a dense forest belt of around 10 to 30 metres in width has been demonstrated (Borthwick et al.) to reduce highway traffic noise by only 3dB).
- The width of the access road can only just be accommodated on the site of 2 Nursery Close and being midway along a short and modern cul-de-sac means the development will not be in sympathy with the locality.
- More recently the National Planning Policy Framework has come into force, at the heart of which is “presumption in favour of sustainable development”. However, this proposed development is not a sustainable development.
- In summary, this proposed development would have a significant impact on the amenities of occupiers of neighbouring properties; it would have a detrimental impact on the character and street scene of the existing estate; it is considered to be over development and does not accord with policies GN4, GN5, HS4, HS6, HS8 and TR4 of the Chorley Borough Local Plan Review, neither does it accord with the NPPF and in particular paragraph 64.

Two letters of objection have been received from planning consultants acting on behalf of residents on the following grounds:

- Design and Character: the reduction in the road width from Nursery Close results in a change of character. The proposal is cramped, over development of the site and the scheme would be isolated from the sider area. It will result in isolation of no. 4 Nursery Close. It is inappropriate in terms of density for its context and the sites physical characteristics;
- Residential Amenity: the interface distances do no meet the Council’s standards in terms of plots 1 and 5; there will be a detrimental impact on the outlook from the rear of the properties on Nursery Close and Lichen Close and a loss of sunlight; the proposed properties on plots 1-5 would have reduced amenity from the properties on Cherry Tree Close; the road will impact on the amenity of no. 74 Lichen Close and 4 Nursery Close due to the proximity with their boundaries;
- Highways: the cramped layout will cause problems in reversing out of parking spaces for residents of the proposed properties; the lack of visitor spaces will result in parking on the narrow access road or surrounding streets; there is no footway within the development prioritising vehicles over pedestrians; Manual for Streets recommends street widths less than 5m where on-street parking is discouraged; the turning head will not be sufficient for refuse vehicles and they will be forced to reverse out over a long distance;
- As a result the proposal is contrary to policies HS4 and HS6 of the Local Plan;
- Some of the previous reasons for refusal do not seem to have been overcome;
- Although LCC Highways may not object in technical terms, practically the scheme will not work due to on street parking and there are already problems in Nursery Close caused by this and the insufficient turning head;



5. One letter has been received stating they have no objection providing attention is paid to:
- Privacy to their garden and dwelling;
  - The trees shown are not all within the site, some form the boundary and some are on their land, the growing trees have moved the boundary over and the original boundary should be maintained and extra shrubbery planted;
  - A wire mesh fence is proposed which is not good enough to maintain privacy, a sturdy wooden panel fence should be erected;
  - Provision should be main for surface water to leave the site as the original natural drainage was cut and blocked when Wainhomes built Meadowlands;
  - Meadowlands already has a problem sewer;
  - Charnock Richard does not have the amenities to support more large estates.

6. Charnock Richard Parish Council

The Parish Council object strongly to the proposals. They believe that there have been no significant changes to the earlier submission which would affect their previous observations. Therefore, the Council object on the grounds that highway safety for pedestrians, homeowners and motorists will be detrimentally affected by the proposed access which is inadequate and would not allow easy access for emergency service or utilities vehicles. The turning area within the development is inadequate and is likely to be congested with parked vehicles. The proposals will result in over intensive cramped development of the site also putting additional pressure on drainage and electricity supplies. Development will adversely affect established wildlife habitats. There would be considerable loss of amenity to all neighbouring residents and noise and nuisance caused by the proposed development would be insurmountable. The proposals would contravene a number of planning policies.

### Consultations

7. Chorley Council Planning Policy

This proposal is for the erection of 10 dwellings on the site of a former commercial nursery and is located in the settlement of Charnock Richard where Local Plan policy GN4 applies. Policy GN4 limits development in rural settlements to (a) infill sites, (b) the rehabilitation and reuse of buildings, (c) that which provides affordable housing to meet a recognised local need, (d) that which meets a particular local community or employment needs, or (e) the re-use of previously developed land. It is considered that the proposed development of the application site does not comply with Policy GN4 as it does not meet any of the above criteria. To meet the requires of Policy GN4 the proposal is required to provide affordable housing to meet a recognised local need in accordance with Policy HS8.

8. Emerging Core Strategy Policy 1: Locating Growth focuses growth on brownfield sites and urban locations, with development in rural settlements to meet local needs. Policy 1 states that in smaller villages, development will typically be small scale and limited to infilling, conversion of buildings, and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes. It is considered that the proposal does not conform with Policy 1 as it does not provide exceptional reasons for large scale development and does not sufficiently contribute to affordable housing provision in Charnock Richard.

9. Local Plan Policy HS8 states that residential development of open land in a rural settlement will be restricted to schemes that would significantly contribute to the solution of a recognised local housing problem by meeting criteria (a) to (f) as shown below.

- (a) a substantial majority of the dwelling will be made available at significantly below current market costs;
  - (b) the occupancy of the dwellings will be limited on first and subsequent occupancy to people with close local connections who are unable to afford market housing;
  - (c) the development is shown to be economically viable and be capable of proper management for example through a village trust or similar local organisation;
  - (d) any remaining dwellings connected financially with the development will be limited to specialist types of accommodation for which there is a proven local need;
  - (d) the scale and nature of the development will be in character with the settlement;
  - (f) the development will be within a settlement with suitable adequate local facilities such as schools, shops and public transport services.
10. Criterion (a) requires that a substantial majority of dwellings be made available at below market costs. The proposal aims to provide two affordable dwellings as part of the development and therefore does not meet the requirements of Policy HS8.
11. Emerging Core Strategy Policy 7 contains an affordable housing percentage requirement at or near 35% on sites of 5 or more dwellings in rural areas including Charnock Richard. The proposals indicate that the development will deliver only 20% affordable housing and, therefore, does not comply with Policy 7 of the Core Strategy.
12. It has been established on other sites within the Borough (including the Dog and Partridge site, Charnock Richard) that the financial viability of the site is a material consideration and a reduced percentage of affordable units has been accepted where supported from a financial viability perspective. In the case of the Dog and Partridge site, 43% affordable housing was provided on the greenfield part of the site, above the 35% required by Core Strategy Policy 7 and marginally below Local Plan Policy HS8 requirements.
13. Paragraph 54 of the NPPF states that 'local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.' However, it must be considered that the development will only provide two affordable dwellings which is unlikely to significantly contribute to the solution of local affordable housing and is substantially below the amount required by Local Plan and Emerging Core Strategy policies.
14. The majority of the site is considered to be greenfield and therefore Local Plan Policy HS6 (f) is required to be met. This requires the applicant to demonstrate that there are no suitable brownfield sites available in Charnock Richard, however, previous planning decisions have acknowledged a lack of available brownfield sites in the settlement.
15. Core Strategy Policy 5: Housing Density requires housing densities to be in keeping with the local area. The proposed development would be at a density of approximately 28 per hectare which is similar to other residential developments recently permitted in the surrounding area.
16. It is considered that the proposed development of the application site does not comply with Policy GN4 or Emerging Core Strategy Policy 1: Locating Growth as it does not provide sufficient affordable housing to significantly contribute to the solution of a recognised local need. It does not meet affordable housing requirements as required by Core Strategy Policy 7 and Local Plan Policy HS8 and is not acceptable in principle.

**17. The Environment Agency**

Have no comments to make.

**18. Chorley Contaminated Land Officer**

Request a condition in relation to contaminated land.

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

This is a relatively low crime area. The design and access statement highlights that the site boundary and rear gardens will be enclosed with 1.8m fencing. This is supported. The feather edge board timber panels above the plinth wall should be flush with the front of the wall on the public side so as not to create a climbing aid.

20. Consideration should be given to incorporating the principles of Secured By Design into the scheme in accordance with Secured By Design New Homes guidance 2010 in order to prevent the opportunity for criminal activity. This should include uniformed lighting levels across the site, maximise the opportunities for natural surveillance and ensure clear defensible space is designated between private and public property.

21. Should Secured By Design accreditation be sought for the development further consultation on specific details would be required with the Police Architectural Liaison Officer.

**22. Chorley's Strategic Housing**

The proposal is for the two 2bed bungalows to be affordable units representing 20% of the scheme. The developer has attached a viability assessment to the planning application which he states shows that 30% affordable units would render the scheme not viable. Liberata should be asked to check this assessment.

23. As regards tenure the developer is offering one bungalow for social rent and one for shared ownership .Housing Strategy's preference would be for both bungalows to be for social rent as there is clear demand for this type of tenure. However, this would affect the viability assessment and therefore needs to be raised with the developer who in turn should check with the registered provider as to their assessment of demand for shared ownership bungalows in Charnock Richard. Liberata could also comment on the effect on viability of both properties being for social rent.

24. Two bed bungalows are in short supply across the borough and are therefore welcomed on this development. In terms of standards the affordable bungalows will need to comply with the HCA's Housing Quality Indicators details of which can be found on the HCA's web site.

25. The developer should be advised to consult with a registered provider at the earliest possible stage to discuss tenure and standards and their willingness to buy the properties on completion.

**26. Director People and Places**

In Charnock Richard there is a lack of quality play provision – let alone sufficient to cater for additional dwellings. They request that the contribution to be invested in to the improvement of fixed play equipment within in the village.

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

The site was subject to outline planning application in 2007 application no. 07/00713/OUT, which they understand was recommended for refusal before being withdrawn by the

applicant. One of the reasons for refusal given in the committee report was owing to provision of inadequate turning head. Other reasons given related to visual and neighbour amenity aspects.

28. The new application is again for 10no dwellings however in terms of the access and road layout it is apparent there are a number of notable improvements/changes from the previous application and as such they would have no overriding highway objection to the proposed development in principle. The turning head is improved, the entrance /access is improved to incorporate 6mR compared to 4.2mR previously and the previous layout included for footways where as the current road design is in the form of a shared pedestrian vehicle surface with grass service strip.
29. In terms of the access, the entrance will be formed using 6mR radii which will require the hedgerow to the left of the access on exit to be removed (side of No 4 Nursery Cl). The removal of the hedgerow will ensure visibility sightlines enabling vehicle-vehicle intervisibility between drivers at the access and at No 4. The residential development of 10 no dwellings is effectively very small scale and in transportation terms the traffic to be generated by the development is unlikely to have any significant impact on the highway network.
30. The access road has been designed in the form of a shared surface with a 4.5m wide surface. The design is based up on that of an 'access way' in accord with the Lancashire County Council's Residential Road Design Guide (RRDG). Whilst this guidance document is now superseded by Civilised Streets, which is based on Manual for Streets, it nonetheless still provided sound advice in terms of technical requirements. As such the road layout will prove satisfactory. The applicant has proposed a 4.5m wide shared surface with a 2m wide service verge on western side and a 0.5m wide verge strip along part of the eastern side.
31. Ideally the shared surface should have a varying width and be of irregular shape to discourage fast speeds. However the rumble strip will ensure reduced speeds at the access (a rumble strip at the entrance is a design characteristic of shared surfaces) and the road is relatively short including a slight bend therefore vehicle speeds are likely to be relatively low at between 10-15mph and will ensure a safe pedestrian route.
32. There should also be a variation in surface treatment between the main carriageway (Nursery Close) to define the change in character of the road. In accord with the submitted information, the surface treatment is yet to be decided however the applicant has informed his intention for the road be formally adopted, and as such the surface will likely need to be either asphalt with red chippings or block paving. The matter of the final surface treatment may be suitable addressed through a Section 38 agreement (highway agreement for adoption).
33. With respect to the turning head, it has been improved to that of a design recommendation as per the RRDG and is therefore of an acceptable standard. The provision of a turning head will ensure large vehicles including emergency and cleansing wagons will be able to enter and leave the site in a forward gear without having to undertake a reversing manoeuvre from Lichen Cose and Nursery Close.
34. A shared carriageway surface of 4.5m wide will prove acceptable for the small number of dwellings and will also aid slower vehicle speeds. The turning head is equally narrow and as such there can be concern parked vehicle may hinder normal turning movements. However the vehicle crossings/drives are laid out such that any vehicles parked on the road is also likely to obstruct the neighbouring vehicle access and therefore the likelihood of cars parking on the road is very small. In any case refuse collection etc is once a week with timed

operations therefore it is reasonable to assume residents will ensure no vehicles are parked at that time.

35. A 4.5m wide road surface together with a 2m wide service strip will enable adequate manoeuvring spaces for vehicles to suitably reverse on/off the drive (the minimum requirement is normally 6m).
36. Owing to the narrow carriageway width and the positions of the vehicles crossings/driveway, there will be little scope for on-street parking along the road. For that reason the level of car parking provision on the site should be required to meet recommended car parking standards. The current recommendation is for 2no spaces for a 2-3 bed room house and 3no spaces for a 4-5 bed room house. The garage should be sized 3m x 6m internal to be classed as one parking space.
37. Based on the plan drawings the single garages to plots 3 and 8 are of acceptable size. Also there is further space to accommodate 2no cars on the long drive thereby enabling 3no spaces in total. The drives do however need to be 3.0m wide between the building/fence lines to allow opening of doors, and where part of the drive also forms part of the pedestrian route it should be 3.2m wide (a). Car parking spaces in rows of 3's is not good practice however in this instance it will be a quite cul-de-sac and therefore will prove acceptable.
38. The integral garage to plots 2 and 9 scale only 5.2m x 2.7m internally on plan and may therefore be deemed sub-standard in size. Although the 2 plots have double drives, the plots are 4 bed room houses and should therefore support 3no parking spaces. As such the integral garages should be required to be improved to count as a parking space.
39. The double garages at plots 1 & 10 are also undersized however they may still count as a single parking space and therefore together with the double drive, the parking requirement for 3no spaces is satisfied.
40. The parking layout to plots 4-7 is in the form of tandem parking and whilst this is not ideal the spaces are separated by walkways and will therefore prove acceptable. Also, there is sufficient space for vehicles to adequately manoeuvre on/off the spaces.
41. The high wall to the parking frontage will require to be no more than 0.5m high to ensure driver-children intervisibility at all times (currently shown as 0.75m high). The side boundary fence between plots 7 & 8 to be extended to the back of service verge line, with the last 2m to be again no more than 0.5m high. Equally all shrub planting adjacent to the parking spaces to be of ground level type no more than 0.5m high.
42. Overall they feel the proposed changes make the road layout more acceptable from a highway viewpoint and as such they would have no overriding objection subject to the amendments above.
43. **Chorley's Waste & Contaminated Land Officer**  
Due to a residential end use and that the proximity to infilled ground request a condition requiring report identifying any potential sources of ground contamination and where necessary remediation measures.

**Assessment**Background

44. The application site was previously Buttermere Nurseries which ceased trading in the early 1990's and has been unused since. The site is overgrown and part of the site is covered in a concrete base. There are also two old block work buildings on the site against the east boundary. An outline application for ten dwellings was recommended for refusal in 2007 ref: 07/00713/OUTMAJ) (although it was withdrawn prior to a decision being made) for a number of reasons including, lack of ecology surveys, the size of the turning head and over intensive development, harm to the living conditions of 4 Nursery Close and 74 Lichen Close, failure to accord with the Council's spacing standards, harm to the character and appearance of the streetscene segregating 4 Nursery Close and that the scheme failed to provide a substantial number of affordable dwellings.

Principle of the development

45. The site is in within the settlement of Charnock Richard which is covered by policy GN4 of the Local Plan. This policy limits development to:
- (a) infill sites;
  - (b) the rehabilitation and reuse of buildings;
  - (c) that which provides affordable housing to meet a recognised local need in accordance with Policy HS8;
  - (d) that which meets a particular local community or employment need; or
  - (e) the re-use of previously developed land, bearing in mind the scale of any proposed development in relation to its surroundings and the sustainability of the location.
46. The proposal is not an infill site under criterion (a), and criteria (b) and (d) do not apply. The site is a former nursery and it is not considered that it meets the definition of previously developed land set out in the NPPF therefore criterion (e) does not apply either.
47. For housing to be acceptable on the site it would therefore have to meet criterion (c) that which provides affordable housing to meet a recognised local need in accordance with Policy HS8.
48. Policy HS8 states residential development of open land, other than a small gap in an otherwise built-up frontage, within a Rural Settlement excluded from the Green Belt (which includes Charnock Richard) will be restricted to schemes which would significantly contribute to the solution of a recognised local housing problem.
49. In all cases, all of the following criteria must be satisfied:
- (a) a substantial majority of the dwelling will be made available at significantly below current market costs;
  - (b) the occupancy of the dwellings will be limited on first and subsequent occupancy to people with close local connections who are unable to afford market housing;
  - (c) the development is shown to be economically viable and be capable of proper management for example through a village trust or similar local organisation;
  - (d) any remaining dwellings connected financially with the development will be limited to specialist types of accommodation for which there is a proven local need;
  - (e) the scale and nature of the development will be in character with the settlement;
  - (f) the development will be within a settlement with suitable adequate local facilities such as schools, shops and public transport services.
50. This requires that more than 50% of the dwellings must be affordable and the remaining must be specialist types for which there is proven local need.

51. The applicant has put forward a viability assessment report in support of their application stating that the scheme is not viable with more than two of the dwellings provided as affordable properties. This report has been considered by Liberata (the Council's Property Services Section) and the figures put forward are considered reasonable.
52. Viability is a material consideration in determining planning applications, as stated above an application on this site would only normally be acceptable in principle if more than half the dwellings were affordable and the remaining were specialist types for which there is proven local need. However, it is not considered that the provision of just two affordable units carry such weight to outweigh the policy presumption against it under policy GN4.
53. Viability has been taken into account when considering other applications in the village, including applications at The Dog and Partridge and Pole Green Nurseries. At The Dog and Partridge a small part of the site was previously developed land and the greenfield part of the site proposed 43% affordable housing (ten units). The applicant also accepted a one year permission. At Pole Green, again some part of the site was considered previously developed land and seven of the units (28% of the greenfield part of the site) were offered as affordable units. In addition a clawback/overage was applied to the site so that any increase in profit achieved would go towards affordable housing. It was clear that the number of affordable units and the timeframe with which they were to be delivered and the overage clauses were considered as material considerations in their favour. Given that this site would only result in two affordable dwellings it is not considered that this is a sufficient material consideration to allow the proposal, even if a shorter permission implementation condition were proposed, it is therefore contrary to policy GN4 of the Local Plan.
54. Considering the application against the emerging Core Strategy Policy 1, this states that in smaller villages development will typically be small scale and limited to infilling, conversion of buildings, and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes. It is not considered that emerging policy supports the scheme in its current form.
55. Paragraph 54 of the NPPF states that 'local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.' However, two affordable housing is not considered significant and therefore it is not considered the proposal complies with the NPPF.

#### Density

56. The proposed development would be at a density of approximately 28 per hectare which is similar to other residential developments recently permitted in the surrounding area.

#### Levels and Impact on the Neighbours

57. The levels on the site are slightly higher than those on Lichen Close and Nursery Close, however plot 10 complies with the interface distance taking account of the levels with the properties on Lichen Close. The other properties will look on to the rear gardens of plot 1 or a detached garage, all of which comply with the interface guidelines and is considered an acceptable relationship.
58. No. 4 Nursery Close will face towards the gable of the property proposed on plot 1, however this will be at an angle rather than directly facing it. There will be 12m between the nearest point of no. 4 and plot1 measured perpendicular to the property. Although there will only be 9m between the nearest points, there is an existing flat roof block work former nursery building in this corner which measures approximately 3m in height and is situated close to the

boundary with no. 4 approximately 3.5m from the nearest point of this property. It is therefore considered that the 9m relationship is acceptable considering the building on the site at present and the angle the proposed property on plot 1 will be viewed at. The proposed detached garage on plot 1 will be situated close to the boundary but will be lower in height than the former nursery building and will be set further back on the site.

59. The properties on Chorley Lane have larger rear gardens and the distances between these properties and plots 5 and 6 (the latter being a bungalow) exceed the interface guidelines.
60. To the east of the site are the new properties on Cherry Tree Close. These back on to the application site but are separated by a public footpath along with a row of protected trees. These are deciduous trees so will not provide much screening during the winter months.
61. The properties meet the interface guidelines in terms of distance to boundaries and between facing windows apart from plots 3, 4 and 5. Plot 3 is acceptable to the boundary but falls 70cm short on the rear elevation to rear elevation distance to 3 Cherry Tree Close. It also falls short on the interface with no. 2 Cherry Tree in terms of both distances. Plots 4 and 5 (semi-detached properties) also fall short on the distances. This issue has been raised with the agent and will be updated on the addendum.
62. The proposal complies with the 10m interface with the land to the west of the site which is in the ownership of a property on Chorley Lane. Although the proposed site layout shows a wire mesh fence on the rear boundary this would not be sufficient to protect the amenities of either the proposed properties or the adjoining land, however a condition could be imposed requiring boundary treatment details to be approved, not just here but around all boundaries of the site to ensure this is acceptable.
63. The impact on neighbouring properties is considered acceptable in terms of policy HS4 apart from plots 3-5, which has been put to the agent and will be updated on the addendum.
64. Although the access point is considered acceptable by LCC Highways, it is not considered the issues of the impact it would have on the amenity of neighbouring properties notably number 4 Nursery Close and 74 Lichen Close. These two properties, particularly number 4 Nursery Close are orientated towards the access rather than sit parallel to it. Although some planting is shown along the boundaries of the site with these properties adjacent to the access, there is a 'pinch point' at the end of their gardens with no room for planting. It is considered the Council's reason for refusal on the previous application at this site in relation to the impact on the amenity the access will have on these two properties from vehicles entering and exiting still remains.

#### Design

65. The proposed properties will be of six different house types, six detached properties, one pair of semi-detached properties and one pair of semi-detached bungalows. There are a wide range of properties in the area, including detached two-storey houses on Nursery Close and Chorley Lane and to the east, the new properties on Cherry Tree Close. There are also bungalows on Chorley Lane as well as semi-detached properties. The proposed properties are therefore considered acceptable in design terms.
66. The access point will however result in number 4 Nursery Close being isolated at the end of the existing cul-de-sac which was a reason for refusal of the previous application. It is considered this issue has not been overcome by the current application and is detrimental to the character of the area.



### Open Space

67. The Council's Parks and Open Spaces Manager states that there is a lack of quality play space within the village. If the application was found to be acceptable this could be secured through a Section 106 legal agreement.

### Trees and Landscape

68. A tree survey accompanies the application done in accordance with British Standard 5837:2005 *Trees in relation to construction*. There are a number of trees on or adjacent to the site, however they are along the boundaries. There is a group of protected trees (TPO 4 1991) categorised 'A' (high quality and value) including a mature Oak along the east boundary but outside the site and the proposed properties will be outside the root protection area for these trees. T15 (as marked on proposed site layout plan) is within the garden of no. 4 Nursery Close however the existing building (former nursery building) prevents root incursion into the site from this tree so it is considered the proposed garage on plot 1 will not have a detrimental impact on it.
69. There are a number of trees along the west boundary of the site. The largest of these is T14 an Oak tree that is outside the site and whose root protection area is only marginally inside the rear garden of plot 10. This relationship is considered acceptable. The other trees along this boundary are either categorised as 'B' (moderate quality and value) or 'C' (low quality and value). It is proposed to remove five trees along this boundary, all of which are categorised as low quality and value to allow adjacent trees more room to develop which is considered acceptable.
70. To the southern boundary adjacent plot 5 is a row of Leyland Cypress, and adjacent to the proposed parking spaces and plot 6 are two sections of hawthorn hedge. All these are categories as low quality and value but are to be retained in the scheme.
71. The proposal is considered acceptable in relation to trees subject to a condition requiring tree protection measures during construction.

### Flood Risk

72. The site is less than 1 hectare in size and is not within Flood Zone 2 or 3 as identified by the Environment Agency. The proposal is therefore considered acceptable in relation to flood risk.

### Traffic and Transport

73. The site would be accessed from Nursery Close off Meadowlands/Lichen Close. Lancashire Council as Highways Authority does not object to the principle of the development. The access has been amended from the previous application and it is not considered that the Council could substantiate a reason for refusal on highway grounds.
74. Representations have been made by objectors that vehicles will park in the turning head preventing large service vehicles from turning round. However, turning heads are a highways feature found across the Borough and in this instance the provision of parking bays accessed off it is a feature likely to prevent people parking within it as they would be blocking access to other residents parking spaces.
75. LCC do request some amendments to the width of driveways against building lines and the alteration of the height of the wall adjacent to the parking frontage but it is considered these could be amended to be made acceptable.

76. In terms of parking some of the double garages are of substandard size to be counted as two spaces, but can be counted as a single space. All the properties meet the Council's parking standards for the number of bedrooms apart from plots 2 and 9, this has also been raised with the applicant and will be updated on the addendum.

#### Public Right of Way

77. Public Footpath number 18 runs along the east boundary of the site. It is not considered that the proposal will have a detrimental impact on this footpath subject to appropriate boundary treatments as it will not affect its route and is likely to lead to greater overlooking of the public footpath than at present providing increased surveillance of it.

#### Contamination and Coal Mines

78. The site is not within a Coal Mining Referral Area. The Coal Authority only request an informative note is imposed on any permission.
79. A condition can be imposed in relation to any possible ground contamination as requested by the Council's Contaminated Land Officer.

#### Ecology

80. An ecology survey accompanies the application. No evidence of protected species was identified within the Site. The report sets out a number of recommendations and it is considered that providing any development is carried out in accordance with these then the proposal will not have a significant adverse effect on wildlife. The recommendations can be controlled by planning condition.

#### Sustainability

81. As the application is for more than five dwellings it is required to meet policy SR1 of the Council's adopted Development Plan Document on Sustainable Resources. This could be controlled by planning condition.

#### Section 106 Agreement

82. The Council's Parks and Open Space Manager states there is a lack of quality playspace in the village and therefore requests that the normal commuted sum is requested for the scheme. This could be secured through a legal agreement if the site proved acceptable.

#### **Overall Conclusion**

83. The application is considered unacceptable in principle on the grounds that it is a greenfield site that does not meet the criteria in policies GN4 and HS8 and it is not supported by emerging policy. The level of affordable housing proposed is not considered a material consideration that carries weight sufficient to justify permitting it. The proposal is also not considered acceptable in terms of the impact on the amenity of nos. 74 Lichen Close and no. 4 Nursery Close and in terms of the impact it will have on the streetscene and therefore character of the immediate area by isolating no. 4 Nursery Close.

#### **Planning Policies**

##### National Planning Policies:

NPPF

##### Adopted Chorley Borough Local Plan Review

Policies: GN4, HS4, HS6, HS8, TR4

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

#### Chorley's Local Development Framework

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

#### **Planning History**

**94/00944/OUT** - Outline application for residential development (Refused)

**95/00321/OUT** - Outline application for the erection of 1 no. detached dwelling using existing vehicular access between numbers 34 and 36 (Refused and dismissed at appeal)

**07/00713/OUTMAJ** – Outline application for the demolition of property and erection of 10 dwellings with associated garages, access roads and services.

#### **Recommendation: Refuse Full Planning Permission**

##### **Reasons**

- 1. The proposal does not provide a substantial number of affordable dwellings and other specialist types for which there is a proven local need, it is therefore contrary to policies GN4 and HS8 of the Adopted Chorley Borough Local Plan Review and it is not considered that emerging policy in the form of Core Strategy Policy 1 supports the proposal. The Viability Assessment submitted with the application is not considered a material consideration that outweighs the policy presumption against the proposal.**
- 2. The proposed vehicular and pedestrian access on the site of no. 2 Nursery Close serving the site would result in detrimental harm to the character and appearance of the streetscene by segregating no. 4 Nursery Close and interrupting the rhythm and prevailing character of the estate. The proposed development is therefore contrary to Policy Nos. GN5, HS4 and HS6 of the Adopted Chorley Borough Local Plan Review.**
- 3. The access to the site, by virtue of its position between no. 4 Nursery Close and no. 74 Lichen Close would result in detrimental harm to the living conditions the occupiers of these properties could reasonably expect to enjoy. In particular, the noise and disturbance generated by the vehicles use of the access by the occupiers of the proposed properties would be unacceptable. The proposal is therefore considered to be contrary to Policy Nos. HS4, HS6 and TR4.**

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**Item 4b**                      **12/00511/FUL**

**Case Officer**              **Caron Taylor**

**Ward**                         **Chisnall**

**Proposal**                    **Erection of 4 no. 15m high floodlight columns on main football pitch**

**Location**                   **Charnock Richard Football Club Charter Lane Charnock Richard Chorley PR7 5LZ**

**Applicant**                 **Mr Shaun Tootell**

**Consultation expiry:** **12 June 2012**

**Application expiry:** **16 July 2012**

### **Proposal**

1. The application is for the erection of 4 no. 15m high floodlight columns on the main football pitch at Charnock Richard Football Club.

### **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
  - Impact on the neighbours
  - Design
  - Ecology
  - Traffic and Transport
  - Public Right of Way

### **Representations**

4. 13 letters of objection have been received on the following grounds:
  - These floodlights will be an eyesore to our beautiful village;
  - They will ruin the gorgeous landscape that comprises Charnock Richard;
  - They don't understand the need for the local village to be in a higher league than other nearby villages, which is the primary reason for these lights to be installed. Our peaceful village will be ruined by noise and traffic congestion and there will be more light pollution;
  - These lights will create light pollution which they will be able to see from their home;
  - They are annoyed that a planning application has been made. It will not contribute to the village at all;
  - They are not in keeping with the village ethos. They would be an eyesore on the landscape when not lit and when lit would become an illuminated eyesore;
  - The reason for the application is to enable a team (not made up of Charnock Richard residents) to play football at higher level. This would bring with it all the problems

incumbent i.e. More traffic through Charter Lane, parking problems which I am sure would restrict ambulances trying to reach the field in the event of an emergency;

- Will encourage clubs from all over the Chorley area to want to use these facilities. The end results will be that Charter Lane will become for the residents of the village a nightmare to drive down or to avoid at all times when any match is being played at night. It's bad enough now at the weekends or when evening matches are being played;
- The club has already had a number of extensions and is a danger of overtaking the whole village, they do not think it necessary to enhance the facilities more;
- They do not think a small village with no real amenities needs a floodlight pitch;
- The proposal will look totally out of character and will ruin the landscape;
- The tall lights will be an eyesore and look out of place in a small village and visible throughout the area;
- Traffic will be worse if the club play in a higher league;
- There is not enough parking for the number of cars meaning people leaving their cars outside resident's properties. Parking is bad enough at weekends but it will be most evenings as well;
- Charnock Richard is a small village that is getting too ambitious;
- The lights will result in noise in the evenings when children are in bed and have to get up for school the next day and bright lights may shine into the bedroom windows affecting their sleep;
- Floodlights should be in town and cities not a very small village;
- Most of the people who support it do not live in the village;
- The site is in the Green Belt, which should remain free of structures, the proposal is surely contrary to protection of the Green Belt;
- More traffic would restrict ambulances trying to reach the field in an emergency.

5. 23 letters of support have been received on the following grounds:

- As a local resident it will improve local facilities to enable a higher standard of football;
- There are very few facilities left locally to play a high level of sport, they are pleased that the local club are looking to provide a high standard of facility and sport. The minimal light pollution and sight of pylon are far outweighed by the benefits of providing children and youths with the best sporting facilities and change to progress locally;
- As an ex player it is a positive move to enable the club to move forward yet again as it has been doing since it was formed in 1945;
- It is imperative that the club be allowed to improve the ground to FA standard for entry to the next level of football;
- They do not envisage an increase in traffic as there will be no local derby games;
- The teams provide a lot of support to youngsters who enjoy playing football. The proposal will give the first team the opportunity to play at an improved standard of football, which will encourage the aspiring young players;
- The club is an integral part of the village and should be encouraged;
- It will allow more people to enjoy sports at night as there is nothing else to do in the village at night;
- It is a family club and has done many things to help the community;
- For Charnock to progress into the next league is a great achievement and one the community should be proud of;
- Players have worked hard to move up to the next league;
- Attendances for higher leagues are mainly lower so a significant increase in traffic is very unlikely;
- The club keeps children of all ages occupied and off the streets;

- The lights will be used for a relatively short period of time;
- The flood lights would enhance what is on offer for many youngsters. It is far better for them to be outside playing sport 12 months for the year.

6. Charnock Richard Parish Council has no objection.

### **Consultations**

#### **7. Environmental Health Officer**

Their initial concern with this application was the potential for light overspill having a direct affect on domestic dwellings on Charter Lane, Charnock Richard with the potential for giving rise to a Statutory nuisance (with regard to light). However, they have reviewed the supplementary information submitted by the applicant, in particular the report submitted by their consultant (Surfacelux Ltd). The reports suggest that, due to the flood lamp design, position and angle of incidence that there will be no light overspill outside the boundary of the site. In essence it is suggested that nearby domestic dwellings would not suffer light nuisance due to the operation of these lights.

8. On this basis they would have no objection to the proposal but would suggest that the guidelines and recommendations outlined within the applications report to the application are closely followed to ensure no nuisance occurs to any nearby domestic dwellings.

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

In accordance with the planning statement the floodlighting has been proposed as part of the club's proposals to satisfy their compliance to meet conditional requirements for the upgrade of the football club from a Grade G to Grade H playing status. The football ground presently has provision for 120no car parking spaces.

10. The club have indicated in the statement that as part of their potential move into the next Grade/League, they do not envisage any increase in nuisance parking on Charter Lane.

11. From a traffic viewpoint, they would also tend to agree the proposals are unlikely to lead to any material increase in car parking demand at the football ground; the slight increase a higher league is unlikely to bring about any significant change to existing operational and parking arrangements and need.

12. As such they would have no overriding highway objection to the proposal in principle subject to the inclusion of a condition governing the screening of external lighting subject to a condition that any external source of lighting shall be effectively screened from the view of a driver on the adjoining public highway to avoid glare, dazzle or distraction to passing motorists.

### **Applicants Case**

13. The club purchased the land in 2001 and in 2006 received planning permission to enable the erection of changing facilities, spectator stands and fencing to enclose the existing main pitch. The development has now been completed to comply with the requirements of the Football Association National Ground Grading Category H Standard, which is a requirement for clubs playing at Step 7 Division (West Lancashire League Premier Division) of the non-league football structure.

14. The past decade has been a very successful period of the club playing in the West Lancashire Premier League, winning three league titles, four Lancashire Amateur Shield titles plus numerous other cup wins. With the development of the new football ground now completed, the club is seeking membership into the North West Counties Football League

(NWCFL) which is a Step 5-6 Division of the non-league football structure. Membership into the North West Counties League is conditional that the football ground must comply with the requirements of the Football Association National Ground Grading Category G standard which includes the need for pitch floodlighting to be installed on the ground.

## **Assessment**

### Principle of the development

15. The site is in the Green Belt. In 2005 an application was submitted (ref: 05/00688/FUL) for the erection of changing facilities, spectator stands and fence to enclose existing football pitch, resurfacing of car park and erection of floodlights. The application was approved but the floodlight element of the proposal was removed from the application.
16. It was advised by the case officer at the time that number of lights to be provided was considered excessive and the size and scale of the proposed lights considered too large. The proposed lighting scheme may have caused undue harm to the amenities of local residents and the character of the area, both in terms of the level of illumination and the appearance of the lights themselves due to the number and size of the lights proposed and possible light spillage.
17. The previous lighting proposal proposed 8no. height lighting columns 6m in height before they were removed from the application.
18. At the time of the previous application the relevant national policy in force at the time was PPG2: Green Belts. This stated that essential facilities for outdoor sport and recreation which preserve its openness and do not conflict with the purposes of including land within it are appropriate development in the Green Belt. This was reflected in Local Plan policy DC1.
19. PPG2 is no longer in force and has been replaced by the National Planning Policy Framework. Local Plan policy DC1 must also be read in the context of the newer NPPF and more weight given to the most up-to-date guidance. The NPPF has removed the requirement for facilities to be 'essential' but rather requires them to be 'appropriate' development in the Green Belt. It is not considered that this test is as stringent as the one in PPG2 and that floodlighting to an existing pitch in the Green Belt is considered appropriate in principle as the openness of the Green Belt will be maintained and will not conflict with the purposes of including land within it.
20. The NPPF also states that local planning authorities should take account of the health status and needs of the local population (such as for sports and recreation) to improve health and well-being. It also states that to support a prosperous rural economy they should promote the retention and development of local services and community facilities in villages such as sports venues.
21. The site is also covered by Local Plan policy LT14 which states ancillary development such as what is proposed will only be permitted where it will enhance the recreational value of the open space, its size and scale will not detract from the character of the open space, it will not have a detrimental effect on any site of nature conservation value and it will not result in the loss of the pitch or any other sporting/ancillary facility on the site.
22. It is considered that the lighting will enhance the recreational value of the pitch as it will allow it to be used more. The design/character aspect will be considered below. The site is not one



identified for its conservation value and the proposal will not result in the loss of a pitch or any other facility on the site.

23. The proposal is therefore considered acceptable in principle in line with planning policy.

#### Impact on the neighbours

24. One of the main issues with lighting is the impact it may have on neighbouring properties. The application is accompanied by a comprehensive report on the lighting and its spill. The light spill is provided mapped over the pitch and also on an aerial photograph showing it in the context of the surrounding properties. This shows that there will be no light spillage outside the site onto Charter Lane. In addition the report has been considered by the Council's Environmental Health Team and they do not object to the application as it will not result in light spillage to domestic properties. The lights will also have hoods to reflect light back onto the pitch rather than into the night sky. The application is therefore considered acceptable in this respect.

#### Design

25. The lighting will be erected on 4no. 15m high lighting columns. The lighting withdrawn from the previous application was in the form of 8no. 6m high columns.
26. The number and height of the columns are related to each other. The applicant states that a six column design was considered with fewer lights on each but it was considered more columns would have more impact. Lower columns were also considered but this requires shallower lighting angles and leads both to more light spillage outside the site and increased glare on the pitch.
27. The columns at 15m are taller than those removed from the previous application (at 6m) but this allows there to be fewer columns and the light to be more precisely directed on to the pitch. It is considered that minimising the impact of light spillage on neighbouring properties is an important consideration that justifies allowing higher columns, as their height also allows there to be fewer of them.

#### Traffic and Transport

28. One of the points raised by objectors is the impact the lighting will have on Charter Lane by attracting increased crowds to the ground as there are already problems and the lighting will allow them to play in a higher league which will attract more spectators and traffic which cannot fit in the car park and will block Charter Lane.
29. The Council must consider whether any increase in parking is likely to be so significant that will result in an unacceptable impact on highway safety or neighbouring properties. Whilst there may be some increase in traffic if the club team is in a higher league, it covers a larger area of the country and therefore for some matches it may result in fewer spectators travelling to watch due to the distance, or if they do attend are likely to travel in fewer vehicles than for more local matches.
30. Lancashire County Council Highways have not objected to the proposal and it is considered that the possible increase in traffic and parking attracted by attendances in a higher league is not sufficient to outweigh the support given to sports facilities by the NPPF. They have requested a condition requiring the lights to be effectively screened from passing motorists, however this condition is not considered precise enough to be enforceable by the Council. The application is accompanied by detailed information on the lighting and it is considered sufficient to be satisfied that the lighting will not result in glare, dazzle or distraction to

motorists. A condition requiring the lighting to be carried out in accordance with the submitted details is considered more appropriate.

#### Public Right of Way

31. Footpath 16 runs adjacent to the pitch to be lit to the south west. It is not considered that lighting will have an unacceptable impact on it as the lights will be used in low or no daylight when the footpath is unlikely to be in use.

#### Ecology

32. The football season and when the lights will be used is during the winter months when bats are hibernating or less active. It is not therefore considered the proposal will have a significant impact on bats.

#### **Overall Conclusion**

33. The application is recommended for approval. The NPPF has relaxed the test for facilities to be 'essential' and the lighting is considered appropriate in the Green Belt to enhance an existing pitch and allow increased use. The NPPF encourages sport and recreation.
34. The 4no. columns although 15m high are considered acceptable when balanced against the need to minimise light spillage and having more of them. It is not considered that a potential increase in traffic and demand for parking is sufficient to outweigh the benefits of the scheme.

#### **Other Matters**

##### Public Consultation

35. The Football Club state they held an open evening for nearby properties which included a short technical presentation and allowed local residents to view the proposed scheme.

#### **Planning Policies**

##### National Planning Policies:

NPPF

##### Adopted Chorley Borough Local Plan Review

Policies: DC1, LT10, LT14, TR4

##### **Planning History**

**05/00688/FUL** - Erection of changing facilities, spectator stands and fence to enclose existing football pitch. Permitted May 2006.

#### **Recommendation: Permit Full Planning Permission**

##### **Conditions**

1. **The proposed development must be begun not later than three years from the date of this permission.**  
*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*
2. **The lights shall only be erected so that the light spill is as shown in the floodlight design information by Surfacelux Ltd and the Exterior Lighting Light Spill by Philips shown on LB02\_Charnock Rich\_120208 Rev B and shall be maintained to this standard in perpetuity.**  
*Reason: To ensure that the lights are erected so that they do not result in unacceptable light spillage to neighbouring properties and in accordance with policy EP21A of the Adopted Chorley Borough Local Plan Review and the NPPF.*

3. The development hereby permitted shall be carried out in accordance with the following approved plans:
- Floodlight Design and Information by Surfacelux Ltd received 21 May 2012
  - Exterior Lighting Light Spill Drawing No. LB02\_Charnock Rich\_120208 Rev B received 21 May 2012
  - 15m M/HT OCT Mind0hinged UL made column heavy duty full height column Drawing no. CC4348 Rev. 00

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

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<b>Item 4c</b>	<b>12/00435/FULMAJ</b>
<b>Case Officer</b>	<b>Mr David Stirzaker</b>
<b>Ward</b>	<b>Chorley North East</b>
<b>Proposal</b>	<b>Erection of 20 affordable residential dwellings with associated infrastructure</b>
<b>Location</b>	<b>St Josephs Roman Catholic School, Railway Road, Chorley, Lancashire</b>
<b>Applicant</b>	<b>Edenfield Homes Ltd</b>

**Consultation expiry: 29 June 2012**

**Application expiry: 31 July 2012**

### **Proposal**

1. This application seeks planning permission for the erection of 20 affordable dwellings comprising a mix of two storey dwellings, apartments and bungalows on the former site of St Josephs Roman Catholic School, Railway Road, Chorley.
2. The school building that once stood on the site has been cleared and the majority of the site comprises overgrown grass and hardstanding areas. Most of the boundary trees became the subject of a Tree Preservation Order (TPO) (Chorley TPO No. 12 2009) in 2009.
3. The site is bounded by Railway Road to the west and an area of land housing individual garages and a builder's yard to the southwest. To the south is a tract of protected trees beyond which is a modern residential estate (St Josephs Close). St Pauls Church bounds the site to the east and a 'back alley' and a row of terraced properties fronting onto Harpers Lane bounds the northern part of the site. There is a fall in the level of the site from east to west. Access to the site would be from a new junction with Railway Road to the west.

### **Recommendation**

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

### **Main Issues**

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

### **Representations**

6. To date, 4 letters of objection have been received citing the following, summarised, grounds of objection: -

- Railway Road is already congested with vehicles and the entrance in and out of Railway Road is problematic even with the recent alterations that were undertaken.
- The houses being built would overlook adjacent properties on Harpers Lane and would impose on privacy to the rear.
- The proposed dwellings should not have a sight line with adjoining rear windows to ensure privacy is preserved and properties are not overlooked.
- The level of the development is considerably higher.
- The sycamore trees on the boundary of 21 St Josephs Place should be retained to further preserve privacy of adjoining dwellings.
- The proposed site access onto Railway Road will constitute a danger to pedestrians and vehicular traffic. Existing traffic and parking is already hazardous so the development will increase this whilst the new access is also very close to Harpers Lane
- There are too many houses planned for such a small site and the land was previously allocated as open space.
- There would be a loss of parking on Railway Road as many residents have to park on the school side of Railway Road.
- The development would cause the destruction of trees and the natural habitat for the many wild animals that use the ground.
- There would be noise and disturbance during construction works.
- There would be overlooking as the properties are too close to the boundary
- There will be considerable loss of light to the rear of adjoining properties.
- The 1.8m high fence will block out light.
- Bird populations will be lost with the hedge.

7. To date, no letters of support have been received.

#### **Consultations**

8. **Lancashire County Council (Ecology)** no comments received to date.
9. **The Environment Agency** do not raise any objections to the application.
10. **The Architectural Design and Crime Reduction Advisor** comments that the measures set out in the Design and Access Statement are supported from a designing out crime perspective. It is also recommended that the properties should seek to achieve Secured by Design accreditation.
11. **Chorley's Conservation Officer** advises that the application site is adjacent to the Grade II listed Church of St Peter, Harpers Lane. This building is a designated heritage asset as defined in Annex 2 to the National Planning Policy Framework (NPPF). Section 12 of the NPPF specifically refers to the 'Conservation of the historic environment'. The application is therefore judged in terms of the potential impact it may have upon the significance of the designated heritage asset.
12. In this case the application site level is set approximately three metres below the ground level of the designated heritage asset. Furthermore the principal elevation of that building, i.e. the front, will remain open and uncluttered as a result of the proposed works. The building is already 'framed' to the right by the houses on Harpers Lane and the proposed development will not alter this, most significant of views. The existence of the stone boundary wall will serve to retain the separation between the two sites. This, coupled with the difference in ground levels and the distances between the proposed development and the designated heritage asset are sufficient such that the significance of that designated heritage asset will be sustained.
13. **United Utilities** do not raise any objections subject to surface water not being allowed to discharge to the foul/combined sewer as stated in the planning application. This prevents foul flooding and pollution of the environment. A condition is therefore recommended requiring the applicant to confirm how surface water will be managed.

14. **Lancashire County Council (Highways)** raised a number of issues with the application which the applicant has sought to address by amending the layout. In particular, the first 10m of the access road has been widened from 4.5m to 5.5m and the dimensions of the parking spaces associated with plots 1, 3, 13, 16, 17, 18, 19 and 20 have been increased to provide adequate parking spaces for each property.
15. **Sport England** advise that they do not wish to make any comments on this particular application.
16. **Chorley's Waste & Contaminated Land Officer** recommends the imposition of a condition requiring the applicant to undertake an investigation of the site to establish if there is any contamination and if so, undertake appropriate mitigation measures. In terms of waste storage and collection, no objections are raised.
17. **Lancashire County Council (Education)** have requested a commuted sum for primary school places generated by the 6 no. additional dwellings on the site over the 14 no. dwellings already approved towards primary school places.
18. **The Coal Authority** no comments to date.

## Assessment

### Principle of the development

19. The acceptability of the principle of developing this site has been established by virtue of planning permission no. 10/00889/OUTMAJ which permitted the erection of 14 no. dwellings on the site. This permission remains extant.
20. Two parts of the site are identified by Policy LT14 of the Local Plan Review which seeks to protect recreational open space. This matter was considered during the determination of the 2010 outline application and Sport England were consulted who advised that the land did not constitute a playing field so Sport England considered the consultation to be a non-statutory one. In relation to this latest application, Sport England have not raised any objections.

### Density

21. The site area extends to 0.46 hectares so the 20 dwellings proposed equate to a density of 43 dwelling per hectare. The surrounding area is predominantly made up of traditional and more modern terraced and semi-detached properties generally of similar sizes to those proposed. The density of the development is therefore considered to be consistent with that of the surrounding area.

### Levels

22. The level of the site falls steadily from east to west by approximately 2.5m and the greatest difference in levels is between the southern end of the site and the properties on St Josephs Place. At this point, the difference in levels between the site and these existing properties is approximately 2m.

### Impact on the neighbours

23. The layout of the development, in terms of the relationship with the properties to the north and south of the site has been designed in such a way to address the Council's Spacing Standards and thus provide suitable levels of privacy for the occupiers of the proposed dwellings whilst ensuring that existing residents bounding the site do not experience a detrimental loss of residential amenity through overlooking, loss of light, overbearing impact or overshadowing. Also, the trees to the south of the site, which are protected, will act as a buffer between the new properties and those on St Josephs Place.
24. To the western side of the site, on the opposite side of Railway Road, there are existing residential terraced properties. The window to window distance between these existing properties and the dwellings that will front onto Railway Road will be just over 17m and the new dwellings will be slightly elevated above the level of the road. This 17m interface distance does fall short of the Council's normal 21m window to the window distance

guideline. However, this type of arrangement is typical of Railway Road wherein residential development fronts onto both sides of the road at a similar distance from each other as is evident with the existing properties just south of the application site. Furthermore the previously approved scheme had the same interface distances.

25. Amendments have been secured to ensure that the interface distances, in terms of plots 5 to 8 (the two storey dwellings), are at least 27m from the rear of nos. 20 and 21 St Josephs Place to the south. This is to accord with the Council's Spacing Standards where there is a level difference between existing and proposed dwellings. In addition the interface distance between the proposed dwellings on plots 17 and 18 and the existing dwellings to the north has been increased.

#### Design

26. The layout of the site in terms of the junction position on Railway Road and the road layout follows that previously approved by 10/00889/OUTMAJ with a courtyard at the end of the access road serving 5 no. dwellings.
27. As with the previous application, the proposed dwellings will front onto Railway Road with a block of 3 dwellings to the south of the junction and a pair of semi detached properties to the north of the junction.
28. The layout is considered appropriate and has been designed in response to the constraints presented by the site whilst the frontage to Railway Road will provide a positive contribution to the streetscene. On this basis, it is not considered that the development will cause detrimental harm to the character and appearance of the streetscene and the locality.

#### Trees and Landscape

29. As already stated, a TPO on the site provides protection for the boundary trees on the southern part of the site. This is in addition to an existing TPO covering the trees in the church yard to the east. The application is accompanied by a Tree Survey and a plan detailing Root Protection Zones. This demonstrates that the development is sited so as not to cause detrimental harm to the health of the trees. The Tree Survey does propose the felling of 5 trees on the site.

#### Ecology

30. The application includes an Ecological Survey and Assessment.

#### Traffic and Transport

31. Access to the site will be from Railway Road between plots 3 and 19. The first 10m of the access road is required to be 10m wide by LCC (Highways) after which the road width is reduced to 4.5m wide.
32. To the north of plot 12 is a turning head which will enable a refuse collection vehicle to enter and leave the site in a forward gear.
33. In terms of car parking, LCC (Highways) have not raised any objections to the reduced level of car parking associated with plots 5 to 8. These 2 bedroom properties will have one parking space each with an additional 2 no. visitor parking spaces shared between the properties. Throughout the rest of the site, all 2 or 3 bedroom properties benefit from 2 spaces whilst the 4 bedroom properties benefit from 3 parking spaces.

#### Contamination and Coal Mines

34. Part of the site falls within a Coal Authority referral area. The applicant has submitted a risk assessment with the application which has been sent to the Coal Authority for comments.

#### Drainage and Sewers

35. The Environment Agency and United Utilities have not raised any objections to the application. United Utilities do however request that a condition requiring details of surface water drainage to be submitted to the Council prior to the commencement of works on site so



as the Council, in liaison with United Utilities, can be satisfied that the development will not result in foul flooding and pollution of the environment.

### Section 106 Agreement

36. The legal agreement will secure a contribution towards the provision of off-site play areas comprising £1327 per dwelling. The agreement will specify that the contribution is used to improve Harpers Lane Recreation Ground which is in close proximity to the application site.
37. A contribution of £23271 will also be secured towards school places. However, given the fall back position of 14 no. dwellings on the site for which there is no requirement to make an education contribution, the education contribution can only relate to the additional 6 no. dwellings over the development approved in 2010.
38. Planning permission is sought for the erection of 20 affordable dwellings which will be secured through the S106 agreement. This is because the provision of affordable housing was a material consideration in the assessment and consideration of the planning application. The delivery of affordable housing is a corporate priority and it is important ensure that the site isn't subsequently acquired by another developer who may build market housing.

### **Overall Conclusion**

39. The acceptability of the principle of the development of this site for residential purposes was established when planning permission was granted for 14 dwellings. Working within the constraints of the site, a satisfactory layout has been achieved to accommodate the 20 dwellings now proposed and as with the previous application, the frontage to Railway Road will make a positive contribution to the streetscene subject to suitable materials.
40. The layout is therefore considered to be such that the development will not have a detrimental impact on the amenities of existing neighbours as the Council's interface distances are met to the north and south of the site. The level of parking associated with each dwelling will ensure the likelihood of on street parking and additional parking on Railway Road is minimised and the new access to the site from Railway Road has been confirmed as being suitable to serve the development whilst the layout is also considered to be satisfactory. The development has been designed in such a way that the existing protected trees will not suffer in terms of health thus ensuring these trees continue to make a positive contribution to the visual amenities of the locality whilst also serving as a screen to some parts of the development whilst also enhancing its setting.

### **Other Matters**

#### Sustainability

41. Policy SR1 requires new developments to be built to meet Level 3 of the Code for Sustainable Homes (CfSH) and from 2013, to meet Level 4 of the CfSH. Dwellings which are the subject of Homes and Communities Agency (HCA) funding, as is the case here, are required to be built to meet Level 3 by the HCA.

#### Waste Collection and Storage

42. The site plan details dedicated waste storage areas for each of the properties whilst bin collection points are also detailed. No objections have been raised by the Council's Waste and Contaminated Land Officer in relation to waste collection and storage.

### **Planning Policies**

#### National Planning Policies:

National Planning Policy Framework (NPPF)

#### Adopted Chorley Borough Local Plan Review

Policies: GN5 / DC1 / EP4 / EP9 / EP18 / EP19 / HS4 / HS6 / HS21 / TR4 / LT14

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Chorley's Local Development Framework

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

Joint Core StrategySites for Chorley- Issues and Options Discussion Paper December 2010**Planning History**

97/00624/FUL – Single storey extension (Permitted)

09/00884/OUTMAJ - Outline application for the erection of 14 dwellings and access road at former St Joseph's primary school (Withdrawn)

10/00889/OUTMAJ - Proposed residential development of 14 dwellings and access road on the site of the former St. Josephs Primary School (Permitted)

**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:
0001 Rev F	22 June 2012	Site Plan
S-S-01 Rev A	22 June 2012	Proposed Street Scenes
S-S-02 Rev A	22 June 2012	Proposed Site Sections

*Reason: To define the consent and to ensure all works are carried out in a satisfactory manner.*

3. Due to the proposed sensitive end-use (residential housing with gardens) and the proximity of the development site to land that is potentially affected by contamination (infilled ground; former mill; builders yard), 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. 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: It is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).*

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

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

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

5. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.  
*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the 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, including the existing retained trees and hedgerows detailed on the approved landscaping scheme as well as newly planted trees and plants which within a period of 5 years from the completion of the development or during the course of construction works die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of matching size, stature and species unless an alternative is approved in writing by the Local Planning Authority following the submission and consideration of an updated landscaping scheme.  
*Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*
7. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 positioned as set out on the approved Tree Protection Plan dated 12 April 2012 and all hedgerows shall also be protected by the same type of fencing. 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 Chorley Borough Local Plan Review.*
8. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground surfacing materials (notwithstanding any such detail shown on the approved plans) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved 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 HS5 of the Chorley Borough Local Plan Review.*
9. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding any such detail shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. 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 Nos. GN5 and HS4 of the Chorley Borough Local Plan Review.*
10. The existing soil levels around the base of the trees and hedgerows to be retained shall not be altered.

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

11. The development shall only be carried out in accordance with the recommendations contained in section 5 of the Environmental Research & Advisory Partnership Ecological Survey & Assessment dated March 2012.  
*Reasons: To ensure that the development does not result in significant ecological impacts and in accordance with Policy EP4 of the Chorley Borough Local Plan Review.*
12. The development hereby permitted shall not commence until full details of surface water drainage arrangements including a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first occupation of any dwelling on the site and retained and maintained as such at all times thereafter.  
*Reasons: To reduce the increased risk of flooding and in accordance with Policy No. EP18 of the Chorley Borough Local Plan Review.*
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).  
*Reason: To protect the appearance of the locality and in accordance with Policy Nos. GN5 and HS4 of the Chorley Borough Local Plan Review.*
14. Prior to the commencement of the development hereby permitted, a plan detailing the location of the site compound shall have been submitted to and approved in writing by the Local Planning Authority. The site compound shall include parking facilities for contractor's vehicles and visitors to the site and shall be located in a position on the site that remains available for use throughout the construction period. The site compound and parking facilities shall be provided prior to the commencement of development and shall be retained as such until the development has been completed.  
*Reasons: To minimise the amount of additional parking on Railway Road during the construction period and in accordance with Policy No. TR4 of the Chorley Borough Local Plan Review.*

<b>Item 4d</b>	<b>12/00498/FUL</b>
<b>Case Officer</b>	<b>Caron Taylor</b>
<b>Ward</b>	<b>Euxton South</b>
<b>Proposal</b>	<b>Erection of three detached dwellings</b>
<b>Location</b>	<b>Land rear of 31 to 39 Park Avenue and north of 173 Wigan Road, Euxton</b>
<b>Applicant</b>	<b>Mr &amp; Mrs Robert Green</b>
<b>Consultation expiry:</b>	<b>8 June 2012</b>
<b>Application expiry:</b>	<b>12 July 2012</b>

### **Proposal**

1. Erection of three detached dwellings.
2. The application is a full application for the erection of three detached dwellings with integral garages. The dwellings will have each have five bedrooms.

### **Recommendation**

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

### **Main Issues**

4. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Background information
  - Impact on Character of the Area
  - Highway Safety
  - Design And Appearance
  - Neighbour Amenity
  - Sewer
  - Ecology
  - Sustainable Resources
  - Flood Risk and Levels.

### **Representations**

5. One letter of objection has been received from the occupier of 33 Park Avenue on the following planning grounds:
  - Visual impact, the repositioned properties will have a more detrimental effect on them;
  - Noise and nuisance, because of the levels they will be looking at the roof of the properties;
  - Wildlife that has remained undisturbed on the site;
  - More traffic entering and leaving an already busy road and pedestrian safety passing the entrance.
6. A letter has been received from the occupier 31 Park Avenue stating their only concern is the windows in the two nearest dwellings shown facing south overlooking their garden as they fear they may be accused of looking into them. Otherwise they have no issues with the proposal.

Euxton Parish Council

7. Councillors said that in the past, site lines were refused in a previous application and believed this may be a problem, thought it could be that the site lines had been corrected in a later application and could this be looked at.
8. The Parish Council objects to the application to move from 2 to 3 properties on this site, because of the increased traffic entering Wigan Road from this entrance/exit which in the past was said to have poor site lines.

**Consultations****9. United Utilities**

Have no objection to the proposed development.

10. A public sewer crosses this site and they state they 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.

11. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with them.

12. This site must be drained on a separate system, with only foul drainage connected into the combined sewer. Surface water must discharge to the adjacent watercourse which may require the consent of the Local Authority.

13. They request that a condition is attached to any approval stating that no development shall be commenced until a scheme for the disposal of foul & surface water has been approved in writing by the Local Planning Authority.

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

The application is for the erection of 3 detached dwellings. The site already has extant planning permission for 2no detached dwellings.

15. The applicant has informed the reason for the revision is for smaller dwellings on the site to allow for present market conditions.

16. The proposed dwellings are however each 5 bedroom as per the existing permission. Therefore, in terms of the numbers of bedrooms there is no change and as such the development with the 1no additional dwelling will generate 50% additional traffic movements on the site.

17. The site together with access provision for No 173 will support 4no dwellings. It is served by an existing access.

18. A49 Wigan Road is a classified main distributor road with a 30mph speed limit. The existing access is located in a dip in the road with an incline on either side and speeds are subjectively much higher.

19. The existing access is approximately 4m wide and is sub-standard. Whilst the site has extant permission, they recommend the existing access is improved to 5.5m wide with 6m radii with the footway to be extended part way into the site on the one side.

20. The need for the improved access is so that vehicles can pull in/off the carriageway safely, and the footway will ensure pedestrians are not in the carriageway.
21. They state they would require the plan drawing amended incorporating the above improvement if they are to fully support the application.
22. **Chorley's Waste & Contaminated Land Officer**  
Recommends and informative note be placed on any permission regarding ground contamination.
23. **Environment Agency**  
Originally objected to the application but then state they have reviewed their response and confirm that Chapel Brook is not designated as a Main River adjacent to the proposal site and have withdrawn their objection to the proposed development.
24. Section 5 of the Supporting Statement considers Flood Risk. The proposed floor levels are significantly higher than the predicted flood levels (as obtained from the Environment Agency) and so the proposed development is not considered to be at an unacceptable risk of flooding.

### **Applicants Case**

25. The applicant advises that the change from two dwellings previously approved is for 3 smaller detached dwellings to make more efficient use of the site which is more sustainable and to reflect the changes in the housing market.

### **Assessment**

#### Background Information

26. The application site is situated in the valley bottom adjacent to Wigan Road, Euxton at the point in the road where it dips down to Chapel Brook. The site itself is relatively flat although starts to rise up to the south as the properties on Park Avenue are at a higher level than the application site, and drops down to the brook which runs east to west to the north of the site. To the east of the site is an elevated pipeline, pumping station and control building.

#### Principle of the development

27. There have been a number of applications for dwellings on this site in the past. The most significant of these being 02/00882/OUT - outline application for erection of 2 dwellings and construction of private drives, gates and associated landscaping, with approval sought for siting, the means of access and landscaping. The Local Planning Authority refused this application on 9<sup>th</sup> June 2003 on the grounds of highway safety and loss of amenity space. The applicant appealed against this decision.
28. Before the appeal was determined a further full application was submitted for a single dwelling on the site (03/00261/FUL). This was refused by the Authority on similar grounds to the previous application - loss of amenity space and in addition the Windfall Housing Supplementary Planning Guidance which was in force at the time.
29. Following this second refusal the appeal decision for the 2002 application for two dwellings was received (02/00882/OUT) and had been allowed. This outline permission granted at appeal established the acceptability of the principle of two dwellings on the site.
30. In 2007 a further permission for two dwellings was made (a change to the layout to that previously approved at appeal) and then in 2008 another change to the house types (08/00201/FUL) was permitted.

31. The latest application on the site was 11/00070/FUL and was an application for renewal of permission 08/00201/FUL, this applicaiton was approved and could still be implemented at the time of writing.
32. In determining the appeal for two dwellings on the site the inspector considered the main relevant issues were:
- Effect of the proposed development on the character and appearance of the this part of Euxton;
  - The effect of the proposed development on highway safety and the free flow of traffic on Wigan Road.
33. The current proposal is for three dwellings. Three dwellings on the site are considered acceptable in principle but the details must also be assessed on the above grounds.
34. Impact on Character and Appearance of the Area:  
The appeal Inspector stated in his decision report that the site is part of a break in the built form of Euxton. However, it is contained by the woodland, the railway embankment and the adjacent housing, and is not an extensive area of open land. The principal feature of the gap is the woodland in the vicinity of the site, which continues to the west of Wigan Road and it is this, rather than the appeal site, which provides a clear visual break between development to the north and south of the brook. Roadside tree cover augments this important contribution to the character of the area. The extent of the tree cover is such as to direct views from both the north and south along Wigan Road, and there are no long distance views into the site. In the valley bottom the grassed area to the south of the brook is clearly seen, but this is restricted to a short length of Wigan Road. Given the extent of tree cover in the area, the Inspector anticipated that views towards the site will still remain restricted after leaf fall and the appeal site does not make a significant contribution to the character of the area, either individually or as part of a wider network of open space. Consequently, the Inspector did not find that it is amenity open space of the type which Policy LT15 of the Local Plan seeks to protect.
35. He went on to say that the proposed houses would be sited back from the highway in line with the existing houses to the south on Park Avenue. As they would be set back into the site and the existing tree cover directs views along Wigan Road, the Inspector did not consider that they would be prominent or intrusive features along this stretch of road. He concluded that the appeal site does not make a significant contribution to the character of the area, and that the proposed development would not be damaging to the character and appearance of this part of Euxton.
36. The nearest of the previously approved two dwellings was set approximately 30m back from Wigan Road. The nearest of the three dwellings now proposed will be set back from Wigan Road by approximately 25m. Although this is less than the appeal proposal it is still considered a sufficient set back so that the properties will not directly front the road and the surrounding landscape and woodland will still form the dominant feature of the area from Wigan Road. Despite the scheme incorporating an additional dwelling over previous schemes it is still considered to have an acceptable impact of the character and appearance of the area.
37. Highway Safety  
Access to the site from Wigan Road has been established as being acceptable by the appeal decision. There is already an access in place serving the applicant's property to the south. With regards to highway safety and the free flow of traffic the Inspector also considered this aspect of the proposal at the appeal for two dwellings. Adequate visibility at the site onto the A49 had already been accepted by the Highways Authority, however they were concerned at appeal about the



prospect of parking on Wigan Road and the effect of this and the increased level of usage of the access on highway safety and the free flow of traffic. The Inspector noted there would be parking and turning space within the curtilages of both houses and he considered that it more likely that vehicles would be left in the proposed cul-de-sac than on the main road and that the modest level of traffic generated by the proposal would not increase the prospect of conflict on Wigan Road. He concluded that the proposed development would neither reduce highway safety nor impede the free flow of traffic on Wigan Road.

38. Each of the three dwellings now proposed will have sufficient parking for at least four cars as well as benefitting from garaging. This is in excess of the Council's parking guidelines of three spaces for properties with four or more bedrooms. It is also considered that in line with the Inspectors assessment visitors to the properties are likely to park in the small cul-de-sac serving the three properties rather than on Wigan Road itself (particularly as this is likely to be free for parking as the property owners have sufficient parking within their curtilages).
39. The issues raised by LCC Highways regarding the access point design from Wigan Road have been put to the applicant who is discussing the matter with the Highway Engineer to hopefully come up with an acceptable scheme. This issue will be updated on the addendum.
40. Design and Appearance  
As with the previous applications the proposed dwellings have been designed to pick up the theme of number 173 Wigan Road to south, which is accessed by the same access off Wigan Road, with chimneys, hipped roofs and gable features. This property is at a higher level than the current application site and the three proposed dwellings would not be viewed together directly with this property, however it is considered that the design of the dwellings is acceptable. There is a wide variety of housing types within Euxton and the dwellings will not be set within a traditional street setting. The properties on Park Avenue have their rear elevations facing the site and are at a significantly higher level, so the dwellings will not be viewed directly in the context of these properties. Samples of materials will be conditioned to be approved by officers.
41. Neighbour Amenity  
The nearest neighbours to the application site are the properties on Park Avenue to the south. The rear gardens of these properties back onto the application site but are at a significantly higher level than the site itself. The nearest of the proposed dwellings to these properties is that proposed on plot 3, which will have a roof hipped away from the nearest existing dwelling. In the side (south) elevation is a door at ground floor level and two windows at first floor. However, these windows will serve a bathroom and a secondary window to a master bedroom. It is considered reasonable to impose an obscure glazing condition to these two windows on plot 3 to prevent overlooking to the properties on Park Avenue addressing an issue raised in representations to the application. There is a master bedroom window on plot 2 but it will be at such an oblique angle and so far forward on the property it is not considered it will result in a loss of amenity to the rear garden of plots 3. The same window on plot 1 (also a secondary window serving a bedroom) looks on to the front garden of plot 2 which is considered an acceptable relationship. It is also considered necessary to require the side windows in the north elevations of plots 2 and 3 (serving sitting rooms at ground floor and a bathroom at first floor) to be obscure glazed due to their orientation and half a metre level difference between the properties as it is not considered 2m fencing between the plots would give adequate privacy between the windows and gardens.
42. Although the properties on Park Avenue will look onto the proposed dwellings, the

scheme will not result in direct overshadowing, as they will be due north of the properties on Park Avenue. In addition, the properties on Park Avenue are at a significantly higher level than the application site.

43. Sewer

A sewer crosses the site which UU state they will not allow building over and the applicant may need to change the layout if a diversion of it is not feasible. The applicant is aware of the sewer as they have been the applicant for previous applications on this site. UU have not objected to the scheme but the applicant may not be able to implement the permission if an agreement cannot be reached with UU. This is not a planning issue to be considered but an informative note will be placed on any permission for completeness.

44. Ecology

In the past there has been an old stable on the site and a bat survey carried out, however at the time of the site visit for this application this buildings was no longer on the site.

45. The appeal Inspector did not consider that the proposed development would prejudice the integrity of the wildlife corridor and the proposals would not conflict with Policy EP5. It is not considered that there has been a change in circumstances on the site in this respect since the appeal decision.

46. Sustainable Resources

The proposal is required to meet policy SR1 of the Sustainable Resources DPD and this can be controlled by planning condition.

47. Flood Risk and Levels

The site adjoins a watercourse (Chapel Brook) and one small part of the nearest dwelling to it is within Flood Zone 3. The application is accompanied by flooding information and proposed finished floor levels. The proposed finished floor level of the dwelling nearest to the brook will be set at 40.5m AOD. The Environment Agency state the proposal is acceptable in terms of flood risk. Subject to a condition in terms of levels this the application is considered acceptable in this respect.

**Overall Conclusion**

48. There is extant outline permission for two dwellings on this site, originally granted on appeal that has established the acceptability of the principle of developing the site. The design of the dwellings is considered acceptable, as they will not be viewed directly in the context of the properties on Park Avenue, which are at a higher level and whose rear gardens face the application site, in addition, there is a wide variety of house designs in the immediate area. In terms of neighbour amenity and proximity to the properties on Park Avenue, the nearest property on plot 3 is further back on the site than the previous layout but is set further away from the boundary and it is considered an obscure glazing condition to small secondary windows in the south elevation is sufficient to preserve neighbour amenity. In addition, the dwellings proposed will be to the north of the properties on Park Avenue and will be at a lower level. It is therefore considered that the proposals comply with policy HS4 and is recommended for approval.

**Planning Policies**

National Planning Policies:

NPPF

Adopted Chorley Borough Local Plan Review

Policies: GN1, HS4, TR4.

**Planning History**

02/00882/OUT Outline application for erection of 2 no. dwellings and construction of private drives, gates and associated landscaping. Refused July 2003. APPEAL ALLOWED

03/00261/FUL Erection of a detached dwelling (note: this application was determined by the Local Authority before the outcome of the above appeal was received). Refused September 2003.

03/01018/CTY Change of use of land to operational land & construction of control building with vent stack, new access, timber gate & local ground reprofiling (Lancashire County Council application) No objection.

05/00081/CTY County Council application to construct a pumping station, control building, hand railings, fencing, realignment of a section of pipe bridge, new access, local land reprofiling and associated fencing (Lancashire County Council application). No objection.

08/00201/FUL Application for erection of two dwellings (substitution of house types and position of dwellings as approved by previous permission 07/00497/FUL). Approved April 2008

11/00070/FUL Application for renewal of planning permission 08/00201/FUL for the erection of two dwellings. Approved April 2011

**Recommendation: Permit Full Planning Permission Conditions**

1. The proposed development must be begun not later than three years from the date of this permission.  
*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*
2. The garages hereby permitted shall only be used for purposes incidental to the enjoyment of the dwellinghouse, including the parking of cars. The garage shall not be used for any trade or business purposes.  
*Reason: In order to safeguard the residential amenity and character of the area and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*
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 Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, no extension to the dwellings, outbuildings, or other works permitted by Schedule 2, Part 1, Class A or D shall be constructed or erected without express planning permission first being obtained (other than those expressly authorized by this permission).  
*Reason: To ensure any extensions have sufficient flood protection measures incorporated and in accordance with the NPPF.*

5. The site shall be drained on separate systems for foul and surface water, and no surface water shall enter the foul water system.  
*Reason: To ensure a satisfactory means of drainage in accordance with Policy Nos. EP17 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 and to prevent flooding and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.*
7. The development shall only be carried out in accordance with the Finished Floor Levels shown on the approved plan. Ground levels should not be raised adjacent to the brook in order to ensure the flood flow path is retained.  
*Reason: To protect the appearance of the locality, in the interests of the amenities of local residents, to reduce the danger to intended occupants of the buildings from potential flooding and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and the NPPF.*
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 plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details.  
*Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*
9. The windows in the first floor south elevation of the dwelling on plot 3 (shown serving a bathroom and secondary window to the Master bedroom on the approved plans), shall be fitted with obscure glazing and obscure glazing shall be retained at all times thereafter.  
*Reason: In the interests of the privacy of occupiers of neighbouring properties on Park Avenue and in accordance with Policy Nos. GN5 and HS4 of the adopted Chorley Borough Local Plan Review.*
10. The windows in the ground and first floor north north-west elevations of the dwellings on plots 2 and 3 shall be fitted with obscure glazing and obscure glazing shall be retained at all times thereafter.  
*Reason: In the interests of the privacy of occupiers of the adjacent neighbouring property due to the orientation of the properties and the difference in levels and in accordance with Policy Nos. GN5 and HS4 of the adopted Chorley Borough Local Plan Review.*
11. Notwithstanding the provision 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 dwellings hereby permitted.  
*Reason: To protect the amenities and privacy of the properties on Park Avenue and the properties on adjacent plots due to their orientation and the difference in levels and in accordance with Policy Nos. GN5 and HS4 of the adopted Chorley Borough Local Plan Review.*
12. 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 No. GN5 of the Adopted Chorley Borough Local Plan Review.*

13. All planting, seeding or turfing comprised in the approved details of landscaping as shown on the submitted plans shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, 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.*

14. Neither of the dwellings hereby permitted shall be occupied until the site access has been altered in accordance with the approved plans.

*Reason: In the interests of highway safety and in accordance with Policy TR4 of the adopted Chorley Borough Local Plan Review.*

15. No chimney or flue shall be constructed or erected in the side, front or rear (south, east or west) elevations of the dwelling on plot 3 at any time in the future without the express grant of planning permission.

*Reason: In the interests of neighbour amenity and in accordance with Policy Nos. EP21 of the Adopted Chorley Borough Local Plan Review.*

16. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1 January 2010, Level 4 for all dwellings commenced from 1 January 2013 and Level 6 for all dwellings commenced from 1 January 2016).

*Reason: To ensure the development is in accordance with 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.*

17. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority to show how the development will meet the relevant Code Level. 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 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.*

18. No dwelling shall be occupied until a letter of assurance, detailing how the dwelling in question has met the necessary code level, has been issued to the Local Planning Authority, by an approved code assessor. The development thereafter shall be completed in accordance with the approved measures for achieving the required code level. Within 6 months of completion of that dwelling a Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure the development is in accordance with 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.***

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

<b>Ref:</b>	<b>Plan:</b>	<b>Date Received:</b>
A1558/PL01	Site Layout	17 May 2012
A1558/PL02	Floor Plans and Elevations	17 May 2012

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

<b>Item 4e</b>	<b>12/00392/FULMAJ</b>
<b>Case Officer</b>	<b>Adele Hayes</b>
<b>Ward</b>	<b>Chorley South East</b>
<b>Proposal</b>	<b>Application for amendments to previously approved reserved matters approval, ref: 07/01228/REMMAJ, incorporating substitution of plots R201-R280 (80 apartments) with 18 dwellinghouses and 34 apartments together with associated roads, sewers and landscaping (52 dwellings in total)</b>
<b>Location</b>	<b>Formerly Multipart Distribution Limited Pilling Lane Chorley Lancashire</b>
<b>Applicant</b>	<b>Redrow Homes (Lancashire) Ltd</b>
<b>Consultation expiry:</b>	<b>6 June 2012</b>
<b>Application expiry:</b>	<b>16 July 2012</b>

### **Proposal**

1. This application seeks consent for the substitution of house types on plots R201–R208 previously approved on the Redrow part of this site. The proposal involves substituting 80 apartments with 18 dwellinghouses and 34 apartments. The acceptability of the principle of redeveloping the site for residential development was established with the grant of outline planning permission in April 2005 and the subsequent grant of reserved matters (07/01228/REMMAJ) in January 2008. The proposal incorporates the redevelopment of a brownfield site within a sustainable location. The whole site is approximately 10.1 hectares in area and development is at an advanced stage.

### **Recommendation**

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

### **Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Background information
  - Design and appearance
  - Impact on the neighbours
  - Parking
  - Section 106 Agreement

### **Representations**

4. 1 letter has been received citing the following grounds of objection:
  - The secondary vehicular access is not suitable and will encourage a 'rat run'.

### **Consultations**

5. **Lancashire County Council (Highways)** have no objection

6. **Environmental Health** have no objection
7. **Environment Agency** have no objection
8. **United Utilities** have no objection

### **Assessment**

#### Principle of the development

9. Outline planning permission with all matters reserved, except for access, was approved in April 2005 for residential development. All reserved matters have been approved by way of subsequent reserved matters applications.
10. There has also been several previous applications on the site for various re-plans.
11. Therefore the acceptability of the principle of development has been established and this application is for the consideration of a further re-plan.

#### Background Information

12. Planning permission was originally granted to Redrow Homes to erect 200 dwellings on their part of the site and eighty apartments were approved (plots R201-R280) on this part of the site.
13. Redrow Homes have confirmed that they have responded to the housing market down turn by reviewing the product they build to best reflect market demand and also have proceeded with the design of a new house type range.
14. The frontage plots to Pilling Lane were originally approved to be apartment blocks. With the apartment market currently being subdued with the withdrawal from the market of many first time buyers and investors it is now proposed to change the mix of properties and to include dwellings.

#### Design and Appearance

15. The orientation arrangements have essentially been retained as per the previously approved design so that all four aspects of the site have a strong street scene. The size and number of the apartment blocks have been reduced significantly in response to market conditions and dwelling type demands. The revised design incorporates traditional 2 / 2.5 storey detached, semi detached and terraced dwellings comprising 3 and 4 bedroom house types. Fencing and landscaping have been kept to the same standards as those previously approved.

#### Impact on the Neighbours

16. The closest neighbouring properties are located on Pilling Lane, Lighthouse Lane and within the development itself. It is considered that the relationship with these properties would be acceptable and would not result in a reduction in the level of residential amenity currently enjoyed by the occupiers of any of these dwellings or a greater degree of harm when assessed against the approved apartment scheme. There is not a significant difference in levels across this part of the site and proposed slab levels are considered to be acceptable.

#### Parking

17. The County Council's Highway Engineer raised concerns about the level of visitor car park indicated on the originally submitted plans and consequently the applicant was requested to revise the proposed arrangements.
18. The level of visitor car parking to the 30 apartments has been improved from 6no. spaces to 12no. spaces which is considered to be acceptable.



19. The road layout is considered to be acceptable and the turning head is of adequate size. The level of car parking provision for the proposed dwellings is at 200% i.e. 2 spaces per dwelling which is acceptable and the garages are also suitably sized.

#### Section 106 Agreement

20. The original outline planning approval was subject to a Section 106 Obligation which dealt with financial contributions for off-site works, affordable housing and a plot overage payment for units constructed in excess of 400 units on the development. As reserved matters approval has been granted at the site and the date for submitting reserved matters has expired, this plot substitution 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.
21. In addition Lancashire County Council has requested a developer contribution towards education provision although this has not been raised previously.
22. Redrow have been asked to consider the request and have commented that the requested contribution is neither reasonable nor justified. In addition Redrow comment that their parcel of land on the former Lex site was originally planned to accommodate a total of 200 dwellings (07/01228/REM). Since that reserved matters approval, Redrow have re-planned various parts of the site in response to changing market demands, but to date the overall effect has been fairly neutral in terms of unit numbers (e.g. 09/00594/FUL and 10/01015/FUL). However, the current application seeks to re-plan an area originally proposed for 80 apartments with a mixture of houses and apartments, resulting in a net loss of 28 units.
23. Redrow contend that such a significant reduction in unit numbers has a huge negative impact on the viability of the scheme and Redrow would not be proposing such a drastic change had the market for apartments not dried-up. The current re-plan scheme would allow the Company to recoup only an element of its original investment in the land purchase. Against this background, Redrow consider that the request for a financial contribution towards education provision is unreasonable.
24. Redrow are committed to delivering the development in its entirety which is at an advance stage on the wider site. On balance, and in this instance, the Local Planning Authority does not consider it is reasonable to seek such a significant amendment to the Section 106 Obligation previously entered into at this stage of the development process. The Council considers that it is important to deliver this site to completion and to ensure delays are kept to a minimum which is supported by the National Planning Policy Framework and other national guidance.

#### Overall Conclusion

25. The acceptability of the principle of residential development on this site was established with the grant of outline planning permission and subsequent reserved matters approvals. The amendments to the layout and house type substitutions to the application site are considered to be acceptable.

#### **Other Matters**

##### Waste Collection and Storage

26. All of the properties subject to this application have kerb-side frontage and as such waste collection is not considered to be an issue.

#### **Planning Policies**

##### National Planning Policies:

National Planning Policy Framework

##### North West RSS:

Policy DP1, Policy DP3, Policy UR7, Policy ER5

Adopted Chorley Borough Local Plan Review

Policies: GN1, EP4, EP9, EP10, HS4, HS19

Supplementary Planning Guidance:

- Design Guide

**Planning History**

**04/00934/OUTMAJ** Residential development including roads, sewers, open space, landscaping and associated works. Approved April 2005.

**07/01227/REMAJ** Reserved matters application for the construction of access road, public open space, children’s play area and associated landscaping. Approved January 2008.

**07/01228/REMAJ** Reserved matters application for the erection of 200 houses, with associated roads, footpaths and works. Approved January 2008.

**09/00594/FULMAJ** Re-plan of part of the site including the construction of 42 dwellings, garages and associated works (amendment to reserved matters approval 07/01228/REMAJ), including arrangements to existing parking areas to serve Plots 343-351 and 371. Approved November 2009.

**10/00404/FULMAJ** Re-plan to plots R281 to R323/R351/R358 to R376/R388 to R400 (76 no. dwellings, garages and associated works). Approved July 2010.

**10/01015/FUL** Application for plot substitution of plots R319, R320, R321, R322 and R323 previously approved as part of planning application 07/01228/REMAJ. Approved 02/02/11.

**11/00071/FULMAJ:** Re-plan to plots R282 - R299 (18 No dwellings) and an additional 3 No dwellings (Plots R401 - R403). Approved April 2011.

**12/00094/FULMAJ** Substitution of house types on plots R281 and R302-306 (approved as part of applications 10/00404/FULMAJ and 11/00071/FULMAJ) and the addition of plot R404 (7 dwellings in total). Approved April 12

**12/00430/FUL** Substitution of house type on plot R304. Approved June 2012

**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:
4081-11-02-003 Rev J	16 April 2012	Location Plan
4081-11-02-001 Rev Z2	16 April 2012	Planning Site Layout
The Brecon	16 April 2012	D Series Brick DS3H098
The Brecon	16 April 2012	D Series Render DS3H098
The Kenilworth (ground / first floor)	16 April 2012	D Series DHSB11
The Kenilworth (second floor)	16 April 2012	D Series DHSB11
The Kenilworth (elevations)	16 April 2012	D Series Brick DHSB11
The Kenilworth (elevations)	16 April 2012	D Series Render DHSB11
The Broadway (ground / first floor)	16 April 2012	D Series DHSB03

The Broadway (elevations)	16 April 2012	D Series Brick DHSB03
The Broadway (elevations)	16 April 2012	D Series Render DHSB03
St Thomas Alton 2	16 April 2012	Ground and First Floor Plans
St Thomas Alton 2	16 April 2012	Elevations
L4081APT-901a Rev A	16 April 2012	Floor Plans
L4081APT-901a Rev A	16 April 2012	Elevations
C-SG01-1-001Rev E	16 April 2012	Single garage
n/a	16 April 2012	Double garage
Lex-11-02-003 Rev J	16 April 2012	Boundary Treatment Plan
C-SD0806	16 April 2012	Freestanding Brick Walls
C-SD0812	16 April 2012	Screen Wall / Fencing
C-SD0921	16 April 2012	Fixing Details and Typical Railing Panel
C-SD0900	16 April 2012	Post and Rail Fencing
C-SD0906	16 April 2012	Close Boarded Fencing

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

3. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.  
*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
4. 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. 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*

7. 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.*
8. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.  
*Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.*
9. 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 public open space and in accordance with Policies TR4 and HS21 of the Adopted Chorley Borough Local Plan Review.*
10. No dwelling hereby permitted shall be occupied until that part of the service road which provides access to it from the public highway 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.*
11. 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: In order to safeguard the residential amenity and character of the area and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review*

**Item 4f**                      **12/00475/FULMAJ**

**Case Officer**            **Mrs Hannah Roper**

**Ward**                        **Astley And Buckshaw**

**Proposal**                  **Section 73 application to vary condition 18 (southern boundary treatment) attached to planning approval 09/00095/FULMAJ**

**Location**                 **Group 1 Euxton Lane Euxton Lancashire**

**Applicant**                **BAE Systems (Property & Environmental Services)**

**Consultation expiry:** **21 June 2012**

**Application expiry:**    **9 August 2012**

#### **Proposal**

1. The application is a S73 application to vary condition 18 of planning approval 09/00095/FULMAJ. Full planning permission was granted in December 2009 for land reclamation and remediation earthworks to create a development platform at Group 1, Buckshaw Village.
2. Condition 18 related to the landscaping treatment along the boundary of the site with the railway line. This application seeks to vary this condition.

#### **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
  - Background information
  - Condition 18
  - S106 Agreement

#### **Representations**

5. 2 letters of objection have been received which raise the following issues:
  - The height, scale and appearance of what is proposed
  - The impact on residential properties in terms of light, loss of privacy, overlooking and disturbance
  - Damage relating to wind blowing across the site
  - Loss of value of properties
  - Impact on wildlife

**Assessment**Principle of the development

6. The site is located to the south west of Buckshaw Village and forms part of the former Royal Ordnance Site. The site is known as Group 1 and was formally a munitions factory occupying 54.34 hectares.
7. Planning permission was granted for land reclamation and remediation earthworks to create a development platform at Group 1, Buckshaw Village in December 2009. The site is the last remaining part of the Royal Ordnance Factory.
8. The principle of the development was established with the grant of planning permission in December 2009. This application purely relates to the specific details of the proposals.

Background Information

9. When the Royal Ordnance Factory was fully operational it occupied an area of 350 hectares. In 1997 following the progressive demise of the industrial industry a Masterplan for the whole site was developed. From this Masterplan a number of developments have occurred including Buckshaw Village which occupies the core of the factory site, over 170 hectares.
10. The redevelopment of Group 1 has always been envisaged however the site did not form part of the main Buckshaw Village Masterplan as it was, until recently, still operational. When the Chorley Local Plan was adopted in 2003 the whole of Buckshaw Village was allocated under Policy GN2. Policy GN2 states that that high quality and phased development will be permitted for purposes appropriate to the concept of an Urban Village.
11. This part of the Royal Ordnance Factory (Group 1) handled the most volatile explosives and is therefore the most contaminated high risk area. The approval at this site relates to the enabling works required to create development platforms across the site for future development projects. In accordance with Government advice the redevelopment of previously developed sites is central to achieving the Government's objective of ensuring sustainable development and minimises the need to develop Greenfield sites.

Condition 18

12. Condition 18 of planning approval 09/00095/FULMAJ stated:  
Prior to the commencement of the development hereby approved, notwithstanding the submitted details, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority for the following area of the site (demonstrated on plan reference 976/P/09 dated 9th February 2009):
  - Landscape Area 2The schemes shall indicate all existing trees and hedgerows on the land; detail any to be retained (in accordance with Condition 14 above), 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. The replacement trees shall include mainly semi-mature heavy standard trees. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. *Reason: In the interests of the amenity of the area and to provide adequate mitigation for the impacts on the Biological Heritage Sites and geological assets resulting from the remediation activities. In accordance with Government advice contained in PPS9: Biodiversity and Geological Conservation and Policy Nos. GN5, EP2 and EP9 of the Adopted Chorley Borough Local Plan Review.*

- 13.** An application to discharge this condition was submitted in February 2010 (10/00153/DIS) and the condition was formally discharged on 17 June 2010. The detailed design of landscape area 2 which was submitted to discharge the requirements of the above condition included a 3 metre high landscape mound with a 10 metre wide landscaping strip on top along the boundary of the site with the railway.
- 14.** The original committee report addressed the requirement for the screening mound feature as follows:  
There will be total habitat loss within the area of secondary woodland identified adjacent to the railway which requires a 1000mm confidence scrape. Concerns have been raised in respect of the loss of these trees mainly due to noise created by tree felling and the creation of loss of outlook and loss of privacy when the trees are removed. This area was used for rail sidings and is likely to have a risk of explosives being present. As such the removal of the trees is required to ensure that the area can be adequately remediated and to bring the site back to a suitable standard for redevelopment. The application for the redevelopment of the site proposes to create a 3 metre high earth mound with a 10 metre wide belt of planting on top to replace the existing woodland and will form part of the gardens of the future residential dwellings. The remediation of the site will be phased and undertaken over three seasons (April to September). In relation to tree removal and structure planting it is proposed that by phase of the site tree removal, remediation and earthworks and then structure planting will follow in sequence and that the structure planting will take place within the first planting season following the completion of remedial works in any one phase of the site. Along the southern boundary, the land owners have confirmed that they will endeavour to ensure that tree removal is quickly followed by remediation and the formation of the soil bund and that the associated structure planting will take place within one year of the trees being removed.
- 15.** The land owners, BAE Systems, now wish to amend this boundary mounding treatment and as this is considered to be a material change to the approved scheme it is being brought before Members for consideration.
- 16.** The agent for the application has confirmed that the proposed changes have been brought about by the detailed design of reclamation and earthworks along the southern boundary of Group 1. This design is based on additional survey information. It shows that, bearing in mind the distance from the rail tracks of the earthworks mounding and the fact that the depth of landscape treatment can be maintained, an effective edge to the development area can be created. This edge treatment will be consistent with the character of the area and will provide an appropriate transition from the housing area to the rail corridor.
- 17.** The proposed amendments include the creation of a 1.5 metre high mound with an early maturity of woodland edge buffer planting at 6-8 metres high. The mound will be 10 metres wide to the railtrack boundary with a further 5 metres to the rail tracks themselves.
- 18.** Sectional plans have been submitted with the application to demonstrate the effectiveness of the proposals. All of the woodland planting to development plot H1(a) is to be established in Autumn 2012 two years ahead of any planned development which will allow for time to establish an effective boundary screen.
- 19.** The sectional plans also demonstrate that the inclusion of a 3 metre high mound constrains the developability of the adjacent parcels due to the location of the sewer and how a 1.5 metre high mound embraces the originally aspirations for this part of the site whilst securing the development of the site.

Section 106 Agreement

- 20.** As the approval of this application results in the issuing of a new planning approval a short supplemental S106 Agreement is required tying this application into the original obligations.

**Overall Conclusion**

- 21.** Although the proposed changes are considered to be significant in respect of this scheme, as the proposed mound reduces in height from 3 metres to 1.5 metres, it is considered that the amendments will secure the development of the site whilst still securing an effective landscaping screen along the railway boundary to the benefit of both the future residents and the existing residents on the adjacent side of the railway. As such the variation of condition 18 is recommended for approval.

**Planning Policies****National Polices:**

National Planning Policy Framework

**North West Regional Spatial Strategy:**

**Policy DP1:** Spatial Principles

**Policy DP7:** Promote Environmental Quality

**Policy EM1:** Integrated Enhancement and Protection of the Region's Environmental Assets.

**Policy EM2:** Remediating Contaminated Land

**Policy EM5:** Integrated Water Management

**Adopted Chorley Borough Local Plan Review:**

**GN2:** Royal Ordnance Site, Euxton

**EP2:** County Heritage Sites and Local Nature Reserves

**EP3:** Nature and Geological Sites of Local Importance

**EP4:** Species Protection

**EP5:** Wildlife Corridors

**EP9:** Trees and Woodland

**EP17:** Water Resources and Quality

**EP18:** Surface Water Run Off

**EP20:** Noise

**EP21:** Air Pollution

**South Ribble Local Plan Policies:**

**D1:** New Development

**QD6:** Noise Sensitive Developments

**ENV3:** Protecting Other Sites and Features of Nature Conservation Interest

**ENV4:** Protection of the Habitats of Wildlife

**ENV6:** Wildlife Corridors

**ENV7:** Protection of Trees and Woodlands

**ENV9:** Unstable or Contaminated Land

**ENV20:** Flood Risk

**ENV22:** Pollution

**Interim Planning Policies:**

**H5R:** High Environmental Standards

Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development



- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

### Planning History

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

**97/00510/FUL:** Land remediation & earthworks including building demolition & removal of blast walls, building slabs & services; surface scraping; excavation & recycling of foundations & structures & formation of raised landforms as fill disposal areas. Approved February 1999

**97/00660/CTY:** Erection of a landfill containment facility for the storage of contaminated soils and demolition material and associated land forming. Approved

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

**05/00017/CTY-** Variation of conditions 1, 3 and 4 of planning permission 9/97/660 to allow the importation of hazardous waste and to amend the phasing of landfilling and restoration at the existing landfill containment facility. Approved April 2005

**07/01108/CTY:** Variation of condition 1 of planning permission 09/05/0017, extending the period of operations of the contained landfill facility by 3 years from 1/03/08 to 1/03/11. Approved

**08/00645/FUL:** Erection of a bat house at Group One, Buckshaw Village. Approved

**08/01002/FUL:** Erection of a bat house at group one Buckshaw Village. Approved

**09/00084/FUL:** Erection of a bat house at group one, Buckshaw Village. Approved

**08/00910/OUTMAJ:** Outline planning application for the redevelopment of land at Group One (Site Area 54.34 Hectares), Royal Ordnance Site, Chorley for mixed use development comprising housing and commercial uses (including uses A1, A2, A3, B1, B2, C1, C2 and C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2006) and associated landscape treatment and highway works. Approved

**09/00058/CTY:** Construction of a landscape mound for recreational and nature conservation use, utilising surplus excavation soils from the restoration of the site. Approved

**09/00095/FULMAJ:** Land reclamation and remediation earthworks to create a development platform at Group 1, Buckshaw Village (site area 54.34 hectares). Approved December 2009

**10/00153/DIS:** Application to discharge conditions 4, 9, 10, 11, 12, 14, 16, 17, & 18 attached to planning approval 09/00095/FULMAJ. Discharged April 2010

**10/00309/DIS:** Application to discharge condition 14 attached to planning approval 09/00095/FULMAJ (discharge of phase 1 only). Discharged July 2010

**10/00693/DIS:** Application to discharge condition 14 attached to planning approval 09/00095/FULMAJ (further phase relating to more information on tree removal/tree retention in the high and medium risk remediation zones). Discharged September 2010

**10/01062/DIS:** Application to discharge condition 13 attached to planning approval 09/00095/FULMAJ. Discharged January 2011

**11/00099/DIS:** Application to discharge condition 14 attached to planning approval 09/00095/FULMAJ. (phase 2 of the tree removal/tree retention and amendments to Phase 1 previously approved as part of 10/00309/DIS and 10/00693/DIS). Discharged February 2011

**12/00266/MNMA:** Application for minor non-material amendment to planning application 09/00095/FULMAJ to amend to the remediation phasing. Approved April 2012

**12/00448/DIS:** Application to discharge condition 17 attached to planning approval 09/00095/FULMAJ. Discharged May 2012

### Recommendation: Permit (Subject to Legal Agreement)

#### Conditions

1. The proposed development must be begun not later than three years from the date of planning permission 09/00095/FULMAJ.

*Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).*

2. This planning permission gives consent solely for the remediation and reclamation of the site as detailed in the planning application and does not give permission for the final use of the application site. The remediation and reclamation hereby approved shall be carried out in accordance with the submitted approved details, the approved phasing, approved pursuant to Condition 4 below, and in accordance with the submitted remediation strategy (Report Ref: B0031-02-R9-B).  
*Reason: In the interests of the proper development of the site. 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*
3. The phasing of the remediation and reclamation works hereby approved shall be carried out in accordance with the approved phasing plan.  
*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 National Planning Policy Framework*
4. If, during development, contamination not previously identified is found to be present at the site then development shall immediately cease and 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 which forms part of Report Ref: B0031-02-R9-B detailing how this unsuspected contamination shall be dealt with. The development thereafter shall be carried out in accordance with the approved method statement, unless otherwise agreed 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 and in accordance with Government advice contained in the National Planning Policy Framework*
5. No material arising from the remediation works shall be exported from the site other than to the adjacent landfill site unless otherwise agreed in writing by the Local Planning Authority.  
*Reason: In the interests of highway safety to prevent the transportation of waste materials which would result in additional traffic on local highways and detrimentally impact on the amenities of the neighbours.*
6. Prior to the commencement of each Phase of the development (as shown on the details to be approved pursuant to Condition 4), 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 details shall include the design, specification and locations. The wheel wash facilities shall be provided, in accordance with the approved details, before the commencement of the development of the relevant Phase and thereafter retained at all times during 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 No.TR4 of the Adopted Chorley Borough Local Plan Review.*

7. Prior to the commencement of each phase of the development, details of the routing of heavy goods vehicles within the site and access to the local highway network, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved routing plans unless otherwise agreed in writing by the Local Planning Authority.  
*Reason: In the interests of the neighbours amenities and highway safety. In accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*
8. The approved great crested newt method statement, submitted as part of discharge of condition application 10/00153/DIS, shall be fully implemented and completed as part of the development in accordance with the approved details.  
*Reason: To ensure the continued protection of protected species on the site. In accordance with Government guidance contained in the National Planning Policy Framework and Policy EP4 of the Adopted Chorley Borough Local Plan Review*
9. Prior to the felling of trees, identified within the submitted Ecological Statement dated February 2009, which have the potential to support roosting bats further bat surveys shall be undertaken to establish the presence of bats/ bat roosts. Prior to felling the trees the survey shall be submitted to and approved in writing by the Local Planning Authority. If any bats are present then the survey report shall include a mitigation method statement to demonstrate how detrimental impacts on the bat population will be avoided. The development thereafter shall be carried out in accordance with the approved mitigation measures unless otherwise agreed in writing by the Local Planning Authority.  
*Reason: To ensure the continued protection of protected species on the site. In accordance with Government guidance contained in the National Planning Policy Framework and Policy EP4 of the Adopted Chorley Borough Local Plan Review*
10. The development hereby permitted shall be carried out in accordance with the approved Protection of BAP Species During Remediation and Earthworks Report submitted as part of discharge of condition application 10/00153/DIS.  
*Reason: To ensure the continued protection of important species on the site. In accordance with Government guidance contained in the National Planning Policy Framework.*
11. Prior to the commencement of the development (including site clearance, site preparation and development work) a detailed mitigation/compensation scheme for ecological impacts shall be submitted to and approved in writing by the Local Planning Authority. The mitigation/compensation scheme shall include habitat re-establishment proposals to off-set all habitat losses, measures to protect and enhance the Biological Heritage Sites and other semi-natural habitats; the re-establishment of semi-natural habitats between the Biological Heritage Sites and the proposed development platform, mapped and quantified areas of habitat re-establishment and enhancement; and methods of vegetation translocation, habitat re-establishment, after care, long-term management and monitoring. The development thereafter shall be carried out in accordance with the approved details.  
*Reason: In the interests of the ecological value of the site and in accordance with Government advice contained in the National Planning Policy Framework and Policies EP2, EP3 and EP4 of the Adopted Chorley Borough Local Plan Review. To ensure enhanced quantity and quality of biodiversity and habitat as required by Policies EM1 and DP7 of The North West of England Regional Spatial Strategy. To mitigate /*

*compensate for short term and long-term impacts on Biological Heritage Sites and other habitats of ecological importance*

12. The Habitat Management Plan for the site shall be implemented in accordance with the approved details submitted as part of discharge of condition application 10/01062/DIS.  
*Reason: To ensure the satisfactory management, maintenance and retention of habitats. In accordance with Government advice contained in the National Planning Policy Framework, Policies EM1 and DP7 of the Regional Spatial Strategy and Policies EP2 and EP9 of the Adopted Chorley Borough Local Plan Review.*
  
13. Prior to the commencement of the development the scope of a tree survey of the entire site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the commencement of the development, the agreed tree survey shall be undertaken. The survey shall be carried out in accordance with British Standard BS5837:2005 and shall detail the type, size, maturity, health and required root protection areas of all the trees on site. This survey shall be submitted to the Local Planning Authority and the site shall be made available for the Local Planning Authority to assess the trees to ascertain which trees are both worthy and capable of retention. No development shall be commenced until the Local Planning Authority has provided written confirmation of which trees will be retained as part of the development and which can be removed. The development thereafter shall be carried out in accordance with the approved details and no tree which the Local Planning Authority has confirmed in writing should be retained as part of the development pursuant to this Condition shall be removed unless the Local Planning Authority agrees otherwise in writing.  
*Reason: In the interests of the visual amenities of the site and in accordance with policy EP9 of the Adopted Chorley Borough Local Plan Review.*
  
14. During the construction period, all trees to be retained which are directly adjacent to the remediation works, pursuant to Condition 14 above, 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.*
  
15. Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling, unless otherwise agreed in writing by the Local Planning Authority.  
*Reason: To safeguard the visual amenity of the area and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*
  
16. The development shall be carried out in accordance with the approved landscaping details for landscape areas 1, 3 and 4 submitted as part of discharge of condition applications 10/00153/DIS and 12/00448/DIS. Namely plans reference 976/P/10F, 976/P/12E and 976/P/21D.

***Reason: In the interests of the amenity of the area and to provide adequate mitigation for the impacts on the Biological Heritage Sites and geological assets resulting from the remediation activities. In accordance with Government advice contained in the National Planning Policy Framework and Policy Nos.GN5, EP2 and EP9 of the Adopted Chorley Borough Local Plan Review.***

17. The development shall be carried out in accordance with the approved landscape details for landscape area 2 set out within the South Boundary Sections Document (dated 3<sup>rd</sup> May 2012), plan reference 976/P/11 Rev E (submitted as part of discharge of condition application 10/00153/DIS excluding the reference to a 3 metre high mound) and plan reference 895-P-011 Rev A.

***Reason: In the interests of the amenity of the area and to provide adequate mitigation for the impacts on the Biological Heritage Sites and geological assets resulting from the remediation activities. In accordance with Government advice contained in the National Planning Policy Framework and Policy Nos.GN5, EP2 and EP9 of the Adopted Chorley Borough Local Plan Review.***

18. All planting, seeding or turfing comprised in the approved details of landscaping (conditions 17 and 18) shall be carried out in the first planting and seeding seasons following the completion of the remediation 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.***

19. The remediation and reclamation works hereby permitted shall not take place except between the hours of:

- 0800 hrs to 1800 hrs Monday to Friday
- 0800 hrs to 1300 hrs on Saturdays.

No remediation and reclamation activities shall take place on Sundays or Bank Holidays. These hours shall be adhered to during the development of the whole site unless otherwise agreed in writing by the Local Planning Authority.

***Reason: To safeguard the amenities of local residents, to protect nearby noise sensitive buildings and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.***

20. All vehicles, plant, equipment and other machinery used in connection with the remediation and reclamation of the site shall be equipped with effective silencing or soundproofing equipment to the standard of design set out in the manufacturers original specification and to a standard which has previously been agreed in writing by the Local Planning Authority. The vehicles, plant, equipment and other machinery shall be maintained in accordance with the approved details at all times.

***Reason: To safeguard the amenities of local residents, to protect nearby noise sensitive buildings and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.***

22. Prior to the importation or use of any recycled subsoil and/or topsoil material on the proposed development site, a report detailing the sampling regime and laboratory analysis results of the material shall be 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 and in accordance with Government advice contained in the National Planning Policy Framework***

23. Prior to the commencement of the development full details to measures to reduce dust and particulate matter resulting from the remediation activities shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall be in accordance with the Environmental statement (Pages 101 and 102), submitted as part of planning application 08/00910/OUTMAJ, which detail the mitigation measures to be employed at the site during demolition and remediation activities. The development thereafter shall be carried out in accordance with the approved details.

***Reason: To reduce the amount of dust and particulate matter created as a part of the remediation of the site, in order to minimise the air quality impacts and to provide adequate mitigation measures to reduce dust production. In accordance with Policy EP21 of the Adopted Chorley Borough Local Plan Review***

23. The approved plans are:

Plan Ref.	Received On:	Title:
895/P/22	9 February 2009	Area of Controlled Surface Excavation to mitigate explosive risk
976/P/08A	9 February 2009	Extent of Tree Removal
895/P07A	9 February 2009	Tree Assessment (outwith Biological Heritage Site)
976/P/06A	9 February 2009	Bulk Reclamation Earthworks
976/P/04A	9 February 2009	Existing Levels
976/P/05A	9 February 2009	Proposed Restoration Levels
976/P-03A	9 February 2009	Illustrative Masterplan
976/P/02A	9 February 2009	Planning Application Boundary
976/P/09A	9 February 2009	Location of Structural Landscape Areas
976/P/10Rev F	12 May 2010	Detailed Design of Landscape Area 1
976/P/11E	12 May 2010	Detailed Design of Landscape Area 2
976/P/12E	12 May 2010	Detailed Design of Landscape Area 3
976/P/21D	12 May 2010	Detailed Design of Landscape Area 4
895-9-011 Rev A	10 May 2012	South Boundary Key Plan
B0043/06/RP1	9 March 2012	Remediation Phasing

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

<b>Item 4g</b>	<b>12/00485/FUL</b>
<b>Case Officer</b>	<b>Mr Ian Heywood</b>
<b>Ward</b>	<b>Lostock</b>
<b>Proposal</b>	<b>Demolition of Existing Detached Cottage and Application for Retrospective Erection of New Build Detached Dwelling and Integral Garage</b>
<b>Location</b>	<b>The Cottage Back Lane Bretherton Leyland Lancashire</b>
<b>Applicant</b>	<b>Mr &amp; Mrs Neale Graham</b>
<b>Consultation expiry:</b>	<b>4 July 2012</b>
<b>Application expiry:</b>	<b>23 July 2012</b>

### **Proposal**

1. This is a retrospective application for the demolition of existing detached cottage and the erection of a detached dwelling with an integral garage.

### **Site Description**

2. The site is located on Back Lane, Bretherton on the edge of the Bretherton Conservation Area and within the Green Belt. Properties in the immediate area are set in large plots, many having previously been agricultural small holdings. The site is currently occupied by an unoccupied and semi-dilapidated cottage, which was formerly two cottages, which is located immediately at the edge of the highway. Behind this building is a new building that is not yet completed. It is the structure of a detached dwelling with an integral garage, however the construction is only complete as far as the shell is concerned. There are no ceilings in place, no plaster, no first fix electrics or plumbing, no staircase and no drainage connections for foul or surface water discharge. To the south of the buildings the land is open and the site is bordered by Back Lane and a substantial native hedge line that is for the most part in excess of 2 metres in height.

### **Background Information**

3. This application has been submitted following the submission of an earlier application, 12/00156/FUL, that proposed extensions to the new building. Upon investigation of previous records and by taking measurements on the site it transpired that the current new building was in fact unlawful.
4. This application is being brought to Committee because should Members be minded to refuse the application, the consequence would be that enforcement action would have to be taken which could require the complete demolition of the building.
5. An application was granted consent by the Council in 2003, 03/00258/FUL, for the demolition of the cottage and outbuildings and the erection of a new dwelling. Works on site were started but the development was never completed and the works of demolition were never undertaken – there was no condition requiring the demolition of the cottage.
6. In 2007 the site was acquired by a new owner, the current applicant, who employed the original agent to draw up a new application that proposed extensions to the new 'dwelling'. When the case officer checked the submission drawings and visited the site to take measurements he discovered that the building had not been built in accordance with the

approved plans. Not only was the building larger than that for which permission had been granted it was also located in the wrong position within the plot. The building was wider by 1.39 metres at the front, 1.6metres deeper, 1.1metres taller than the building that was approved and included a substantial two-storeyed porch instead of the approved single storey version. The building was located approximately 5 metres further north within the plot than it should have been. Furthermore as the building had not been completed it was not possible to determine an established use for it.

7. The current application has been submitted following advice obtained from the Council's legal department and passed on to the applicant by the case officer that this was his only option to regularise and legalise the situation. As the current building is unlawful it is not possible to determine an application for its extension.
8. The agent claimed that agreement for the changes was given verbally by the then Head of Planning. Whilst a Building Control Plan subsequent to the original, 2003, planning application showing the building as built does exist, there is no record within the planning system or held by the agent that confirms in writing that these changes were agreed by the Council. The former Head of Planning, when questioned on this, had no recollection of this agreement and in his view he thought such an agreement would have been unlikely.
9. In 2003 at the time the original consent was granted the policy position was that replacement dwellings could be up to 70% larger than the original. Taking the known information regarding the size of the original buildings that occupied the site (some outbuildings have been demolished) and the cottage, the new building as built equates to a 65% increase over the volume of the original buildings. It would therefore have been acceptable in terms of the 2003 policy position.

#### **Recommendation**

10. It is recommended that this application is granted full planning permission subject to conditions.

#### **Main Issues**

11. The main issues for consideration in respect of this planning application are:
12. Principle of the development The application site is located within the Green Belt. The NPPF, paragraphs 87 and 88, continue the previous national and local policy stance that inappropriate development is by definition harmful to the Green Belt. Local Planning Authorities are advised to ensure that substantial weight is given to any harm to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 89 suggests that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but that an exception to this is where the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. This policy stance is mirrored by that taken by DC1 and DC8A of the Adopted Chorley Borough Local Plan Review 2003 and also Policy HS12 of the emerging 'Sites for Chorley site allocations and development management policies DPD
13. Under the terms of accepted policy in 2003, as we have seen at paragraph 9, the development would have been considered acceptable as it fell within the then acceptable figure of a 70% increase in volume over that of the original buildings on the site. However the current accepted policy, listed in the previous paragraph, has reduced this figure to 30%. Whilst there is no wording in any current policy that expressly quotes this figure, it is that which is generally accepted and also that which has been accepted by the Planning Inspectorate. At 65% the current building when judged in terms of current policy is clearly not acceptable.
14. Impact on the neighbours The nearest neighbouring properties to either the north or south of the site are both in excess of 70 metres distant. In both cases the views from these properties to the application site are screened by trees, shrubs and hedges. The impact upon



the amenity of these neighbours is minimal, and quite probably nil. This is also evidenced by a lack of concern or objection being received from any neighbour to the development site.

15. Design and Impact upon the Conservation Area Section 12 of the NPPF, Policy 16 of the Central Lancashire Core Strategy and Policy BNE6 of the emerging Sites for Chorley Site Allocations and Development Management DPD refer to conserving and enhancing the historic environment and Section 7 of the NPPF together with Policy 17 of the Central Lancashire Core Strategy emphasise the importance of good design in new developments. The design of the building is considered to be sympathetic to the character of the Bretherton Conservation Area, which was designated by Chorley Council on 1<sup>st</sup> February 1990. The architect clearly has empathy with the needs of the location. The design imitates to some extent the form of traditional farmhouses and has used a brick that closely matches the hand made bricks used on vernacular buildings throughout the area together with the ubiquitous Welsh slate for roofs. At the same time there are contemporary touches to define this clearly as a modern building. As a result the building sits comfortably in its setting and has an acceptable relationship to its neighbours. It is considered therefore that the design is both appropriate and sympathetic to the location and that the significance of the conservation is sustained.
16. Ecology The applicant is required by condition, should permission be granted, to undertake appropriate ecological surveys prior to the demolition of the cottage and to implement any mitigation measures that may result from these, also before the works of demolition commence. These shall include surveys for bats, owls, newts or any other protected species. An informative advises the applicant of the statutory implications of this work.
17. Traffic and Transport The resultant development will not result in an unacceptable level of additional traffic and will have no material impact upon traffic generation in the area. A condition requiring the formation of an appropriate entrance and highway surface to be provided is to be attached to any permission that may be granted.
18. Drainage and Sewers The applicant is advised to liaise with the appropriate person at United Utilities as regards the formation and connection of sewers and surface water drainage. As regards the latter the applicant is advised to provide for independent surface water disposal.

### **Representations**

19. No letters of objection have been received
20. No letters of support have been received
21. Bretherton Parish Council have so far made no comment on the application.

### **Consultations**

22. **Lancashire County Council (Ecology)** No comments so far received – standard advice anticipated.
23. **Natural England** No comments received so far – likely to be as above.
24. **The Environment Agency** No objection
25. **United Utilities** No objection, advice given re connections to foul water sewer and surface water drainage.
26. **Lancashire County Council (Highways)** No objection.
27. **Chorley's Waste & Contaminated Land Officer** No comment.

**Overall Conclusion**

28. There are no 'in principle' objections received from any consultees and no complaints have been received from neighbours. This is despite the fact that the building on the site is slightly larger and located in the wrong position within the plot when compared to the original consent granted in 2003 by Chorley Borough Council.
29. Whilst in terms of current policies (DC1 and DC8A of the adopted Chorley Borough Local Plan Review 2003, HS12 and BNE6 of the Sites for Chorley emerging LDF DPD and Policies 16 and 17 Central Lancashire Joint Core Strategy DPD) the development would, at a 65% increase above the volume of the original buildings on the site – the cottage and an outbuilding – be considered unacceptable (current policy suggests 30%). However when viewed in the context of the prevailing policy at the time the original consent was granted, 2003, the development, even allowing for its slightly increased size, would have been considered acceptable.

**Planning Policies**National Planning Policies:

National Planning Policy Framework (NPPF)

Adopted Chorley Borough Local Plan Review Policies:

DCI, Development in the Green Belt

DC8A, Replacement Dwellings and Extensions in the Green Belt

## Supplementary Planning Guidance:

- Statement of Community Involvement
- Householder Design Guidance

Chorley's Local Development Framework – 'Sites for Chorley'

- Policy HS12, Rural Replacement Dwellings and Extensions
- Policy BNE6, Heritage Assets

Joint Core StrategySites for Chorley- Issues and Options Discussion Paper December 2010

- Policy 16, Heritage Assets
- Policy 17, Design of New Buildings

**Planning History****Ref:** 03/00258/FUL **Decision:** PERFPP **Decision Date:** 29 October 2003**Description:** Demolition of existing building and erection of detached dwelling with integral garage,**Ref:** 12/00156/FUL **Decision:** WDN **Decision Date:** 15 May 2012**Description:** Proposed Alterations & Extension to Existing Dwelling to form Conservatory and Construction of Detached Garage**Ref:** 12/00485/FUL **Decision:** PDE **Decision Date:****Description:** Demolition of Existing Detached Cottage and Application for Retrospective Erection of New Build Detached Dwelling and Integral Garage**Recommendation: Permit Full Planning Permission  
Conditions**

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

Plan Ref.	Received On:	Title:
14/05/2012	Site Plan	
28/05/2012	Proposed W & N Elevations	
28/05/2012	Proposed S & E Elevations	
28/05/2012	Proposed Ground Floor Plan	
28/05/2012	Proposed First Floor Plan	

*Reason: To define the permission and in the interests of the proper development of the site.*
  
3. 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.*
  
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. 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, DC8A, DC8B, HT2, HT3, HT7, HS4, HS9, EM3, EM4A and EM5 of the Adopted Chorley Borough Local Plan Review.*
  
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the 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.*
  
7. Before the development hereby permitted shall be occupied the works of demolition as specified in the application and specifically including the two cottages that are currently located facing Back Lane shall have been completed. *Reason to safeguard the permission in accordance with policy DC8A of the Adopted Chorley Borough Local Plan Review 2003.*
  
8. Before the development (demolition) hereby permitted commences the applicant shall have completed and submitted to the Local Planning Authority an Ecological Survey to include all protected species, for example Bats, Owls, Great Crested Newts,

NatterJack Toads etc. Any mitigation measures that may be required as a result of these surveys must be implemented before the development (demolition) commences.

*Reason: To ensure the safeguarding of nationally protected species in accordance with the Wildlife and Countryside Act*

9. The level of the driveway shall be constructed 0.150m above the crown level of the carriageway of Back Lane.

*Reason: To safeguard the future reconstruction of the highway*

10. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the carriageway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays shall be 45° to the centre line of the access. The gates shall open away from the highway. Should the access remain ungated 45° splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the carriageway.

*Reason: To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility.*

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

*Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.*

12. 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 2.0m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Back Lane to points measured 43m in each direction along the nearer edge of the carriageway of Back Lane, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

*Reason: To ensure adequate visibility at the street junction or site access.*

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

*Reason: To limit the number of access points to, and to maintain the proper construction of the highway.*

Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	10 July 2012

## **PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 31 MAY AND 29 JUNE 2012**

### **PLANNING APPEALS LODGED**

1. Appeal by Mrs K. Armstrong against the delegated refusal of an Outline application for the erection of a pair of semi-detached houses (Re-submission of application no. 10/00994/OUT)) at Land behind 199 Wigan Road, Euxton PR7 6JG (Planning Application: 11/00728/OUT Inspectorate Reference: APP/D2320/D/12/2175203/NWF). Planning Inspectorate letter received 14 June 2012.

### **PLANNING APPEALS DISMISSED**

2. Appeal by Mr Derek Stanton against the delegated decision to refuse an Outline application for the erection of one detached bungalow (all matters reserved apart from access) at 34 Thirlmere Drive, Withnell Fold, Chorley PR6 5AY (Planning Application: 11/00619/OUT Inspectorate Reference: APP/D2320/A/11/2166889). The Appeal is dismissed. Planning Inspectorate decision received 12 June 2012.
3. Appeal by Mr Nasim Shahid against the delegated decision to refuse Change of use from class A1 to class A5 hot food takeaway (ground floor only) at 104 Pall Mall, Chorley PR7 2LB (Planning Application: 11/00398/COU Inspectorate Reference: APP/D2320/A/11/2162124). The Appeal is dismissed. Planning Inspectorate decision received 21 June 2012.

### **PLANNING APPEALS ALLOWED**

4. None

### **ENFORCEMENT APPEALS LODGED**

5. Appeal by GPS (North West) Limited, GPS (North West) Limited and Mr Richard Prideaux against Enforcement Notice EN643 Operational Development at Orcherton House Farm, Wood Lane, Heskin PR7 5PA (Enforcement Notice EN643 Inspectorate Reference: APP/D2320/C/12/2177283 & APP/ D2320/C/12/2177284. Planning Inspectorate letter received 7 June 2012.

### **ENFORCEMENT APPEALS DISMISSED**

6. None.

### **ENFORCEMENT APPEALS ALLOWED**

7. None,

### **ENFORCEMENT APPEALS WITHDRAWN**

8. None.

### **LANCASHIRE COUNTY COUNCIL DECISIONS**

- 9. Planning Permission granted for the erection of single storey extension, realignment of security gate and 2.2m security fence at Lancaster Lane County Primary School, Hunters Road, Clayton-le-Woods PR25 5TT (Planning Application: 12/00501/CTY). Decision received 25 June 2012.
- 10. Planning Permission granted for the erection of a temporary building to provide classroom and resource area unit at Trinity C of E Methodist School, Unity Place, Buckshaw Village, Chorley PR7 7HZ (Planning Application: 12/00488/CTY). Decision received 27 June 2012.

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

Report Author	Ext	Date	Doc ID
Robert Rimmer	5221	02.07.2012	***

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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