



# Development Control Committee

Agenda and Reports

For consideration on

## Tuesday, 15th January 2013

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.

07 January 2013

Dear Councillor

## **DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 15TH JANUARY 2013**

You are invited to attend a meeting of the Development Control Committee to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 15th January 2013 at 6.30 pm.

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

### **A G E N D A**

1. **Apologies for absence**

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

To confirm the minutes of the Development Control Committee held on 11 December 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 pecuniary interest in respect of matters contained in this agenda.

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

4. **Planning applications to be determined**

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

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

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

- (a) 12/01012/FUL - Garages 10m west of 313 Greenside, Euxton (report to follow)

**Proposal**

Demolition of existing garages on the site and new build 4 Self Access Apartments with associated landscaping and car parking.

**Recommendation**

Permit full planning permission

- (b) 12/01056/FUL - Land 40m south of Euxton Youth Club, Laurel Avenue, Euxton (Pages 5 - 12)

**Proposal**

Erection of 4 semi-detached dwellings

**Recommendation**

Permit full planning permission

- (c) 12/01063/FUL - The Brook House, Barmskin Lane, Heskin, Chorley (Pages 13 - 26)

**Proposal**

Change of use of former public house to dwelling with side and rear extensions, front porch and erection of detached garage with open store below (resubmission of withdrawn application ref: 12/00802/FUL).

**Recommendation**

Permit (subject to Legal Agreement)

- (d) 12/01011/FUL - Garage site 30m north east of 71 Hurst Green, Mawdesley (Pages 27 - 34)

**Proposal**

Demolition of existing garages on the site and new build 4 houses inclusive of car parking and associated landscaping. Also, provision of 4 car parking spaces for public use

**Recommendation**

Permit full planning permission

- (e) 12/01064/FUL - Land and garaged 20m south east of 32 Leeson Avenue, Charnock Richard (Pages 35 - 42)

**Proposal**

To demolish existing garages to construct 1 building to consist of 3 individual dwellings

**Recommendation**

Permit full planning permission

- (f) 12/01015/FULMAJ - Former Initial Textile Services, bounded by Botany Brow and Willow Road, Chorley (Pages 43 - 50)

**Proposal**

Proposed residential development for 14, two storey dwellings

**Recommendation**

Permit (subject to Legal Agreement)

- (g) 12/01001/REMMAJ - Southern Commercial Quarter Central Core, Ordnance Road, Buckshaw Village (Pages 51 - 60)

**Proposal**

Reserved matters application for the erection of 22 dwellings at the Southern Commercial Area, Buckshaw Village (pursuant to outline permissions 97/00509/OUT and 02/00748/OUTMAJ).

**Recommendation**

Permit full planning permission

- (h) 12/01005/FULMAJ - Land south west of Bishopton Crescent and at the junction of Buckshaw Avenue and Ordnance Road, Buckshaw Village (Pages 61 - 70)

**Proposal**

Erection of 23, two, three and four bedroom dwellings, together with associated landscaping, pocket park and car parking at the southern commercial area, Buckshaw village (including 6 no. affordable units).

**Recommendation**

Permit (subject to Legal Agreement)

- (i) 12/01078/FULMAJ - Group 4 North Redrow, Old Worden Avenue, Buckshaw Village (Pages 71 - 78)

**Proposal**

Substitution of house types on plots 59-63, 65-66, 79, 82-93 and 97 with associated works

**Recommendation**

Permit (subject to Legal Agreement)

- (j) 12/01118/FUL - Golden Acres Ltd, Plocks Farm, Liverpool Road, Bretherton, Leyland (Pages 79 - 84)

**Proposal**

Construction of a new Energy Centre and Fan House, part retrospective application for amendment to previously approved plans (under permission ref: 09/00738/FULMAJ), to allow the building to be higher than the detail approved by the Masterplan to allow the filter bags (which remove airborne dust) to be removed from within the building, and to accommodate acoustic protection. The Fan House part of the building was required to comply with condition 14 of the 2009 permission

**Recommendation**

Permit full planning permission

5. **Tree Preservation Order number 6 (Heath Charnock) 2012** (Pages 85 - 88)

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

6. **Planning Appeals and Decisions** (Pages 89 - 90)

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

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

Yours sincerely



Gary Hall  
Chief Executive

Cathryn Filbin  
Democratic and Member Services Officer  
E-mail: cathryn.filbin@chorley.gov.uk  
Tel: (01257) 515123  
Fax: (01257) 515150

**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 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, 11 December 2012**

**Present:** Councillor Paul Walmsley (Chair), Councillor Dave Rogerson (Vice-Chair) and Councillors Jean Cronshaw, John Dalton, David Dickinson, Dennis Edgerley, Christopher France, Danny Gee, Harold Heaton and Greg Morgan

**Substitutes:** Councillor Mick Muncaster

**Also in attendance:**

**Councillor:** Paul Leadbetter

**Officers:** Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Paul Whittingham (Development Control Team Leader), Alex Jackson (Senior Lawyer), Caron Taylor (Planning Officer) and Cathryn Filbin (Democratic and Member Services Officer)

**12.DC.223 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Ken Ball, Henry Caunce, Steve Holgate, Roy Lees and Geoffrey Russell.

Councillor Mick Muncaster attended the meeting as substitute for Councillor Caunce.

**12.DC.224 MINUTES**

**RESOLVED – That the minutes of the Development Control Committee held on 20 November 2012, be confirmed as a correct record and signed by the Chair.**

**12.DC.225 DECLARATIONS OF ANY INTERESTS**

There were no declarations of interest received.

**12.DC.226 PLANNING APPLICATIONS TO BE DETERMINED**

The Director of Partnerships, Planning and Policy submitted five applications for planning permission and one for Conservation Area Consent.

In considering the applications, Members of the Development Control Committee took into account the agenda reports, the addendum and the verbal representations and submissions provided by officers and individuals.

- a) **Application:** 12/00910/FUL - **Proposal:** Conversion of existing shop with accommodation above (Class A1) to 4 studio apartments (Class C3), to include removal of the shop front, erection of a two storey rear/side extension, and pitched roof over the existing store.

**Speaker:** Objector - Mr Matt Denwood

**RESOLVED (6:5:0) – That planning permission be refused on the grounds that the Planning Authority’s parking standards had not been met.**

- b) **Application:** 12/00982/FUL - Land 50m north west Wrennalls House, Ridley Lane, Mawdesley **Proposal:** Change of use of an existing detached garage and store/games room to a residential dwelling

**Speaker:** Applicant’s agent

**RESOLVED (unanimously) – That full planning permission be granted subject to a Section 106 legal agreement, a separate Unilateral Undertaking in relation to the removal of permitted development rights for further outbuildings at the site, and the conditions detailed within the report in the agenda.**

- c) **Application:** 12/00886/FUL - 46 Moor Road, Chorley **Proposal:** Demolition of existing property and construction of 4 apartments

**RESOLVED (9:0:2) - That full planning permission be granted subject to the conditions detailed within the report in the agenda.**

The Chair announced that the following two items, (item 4d 12/00942/FUL and 4e 12/009453/CON) which related to 127A Station Road, Chorley would be heard jointly, but that the proposals and subsequent vote would be dealt with separately.

- d) **Application:** 12/00942/FUL - 127A Station Road, Croston **Proposal:** Application to demolish the existing dwelling (127a) and other out buildings situated on the site and to build a replacement dwelling fronting Station Road and also 4 further dwellings to form a small residential street on the rest of the application site, with associated access road, driveways, private gardens and communal landscaping (resubmission of withdrawn application ref: 12/00628/FUL)

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

- e) **Application:** 12/009453/CON - 127A Station Road, Croston **Proposal:** Application for Conservation Area Consent to demolish the existing dwelling (127a) and other out buildings situated on the site (development associated planning application 12/00942/FUL). Resubmission of withdrawn application 12/00629/CON

**RESOLVED (unanimously) – That Conservation Area Consent be granted subject to the conditions detailed within the report in the agenda.**



- f) **Application:** 12/00945/REMMAJ - **Parcel H3 Group 1, west of Central Avenue and south of Worden Brook, Euxton Lane, Euxton** - **Proposal:** Reserved matters application for the erection of 32 residential dwellings and associated landscaping treatment and highway works (pursuant to outline permission reference 08/00910/OUTMAJ)

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

**12.DC.227 ENFORCEMENT REPORT - 10 BLACKSMITH WALKS, BUCKSHAW VILLAGE, CHORLEY**

The Director of Partnerships, Planning and Policy submitted an enforcement report regarding 10 Blacksmith Walks, Buckshaw Village, Chorley, which sought Members instruction as to whether it was felt expedient to serve an enforcement notice to remedy the reduction in the level of amenity enjoyed by users of the communal car parking area with the reinstatement of the communal pedestrian access.

**RESOLVED (unanimously) – That it was expedient to issue an enforcement notice under Section 172 of the Town and Country Planning Act 1990 for the reinstatement of the pedestrian permeability previously enjoyed by the residents of Blacksmith Walks.**

**12.DC.228 PLANNING APPEALS AND DECISIONS**

The Director of Partnerships, Planning and Policy submitted a report which gave notice of one planning appeal that had been dismissed by the Planning Inspectorate.

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

**12.DC.229 ANY OTHER ITEM(S) THAT THE CHAIR DECIDES IS/ARE URGENT**

The Chair of Development Control Committee wished those present a happy Christmas.

Chair

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<b>Item 4b</b>	<b>12/01056/FUL</b>
<b>Case Officer</b>	<b>Hannah Roper</b>
<b>Ward</b>	<b>Euxton North</b>
<b>Proposal</b>	<b>Erection of 4 semi-detached dwellings</b>
<b>Location</b>	<b>Land 40m south of Euxton Youth Club, Laurel Avenue, Euxton Lancashire</b>
<b>Applicant</b>	<b>Adactus Housing Association Ltd</b>
<b>Consultation expiry:</b>	<b>29 November 2012</b>
<b>Application expiry:</b>	<b>3 January 2013</b>

### **Proposal**

1. The proposal relates to the development of a site at the end of the cul-de-sac at Laurel Avenue, Euxton for the development of four, two bedroom properties. The site is currently undeveloped.
2. The properties will be 100% affordable units.
3. Each property will have two car parking spaces. Two of the four units will have these provided to the front of the property and two will have a driveway to the side with two spaces provided behind each other., Each property will also have private amenity space situated to the rear.
4. Due to the need to accommodate the drainage requirements on the site, it is proposed to raise the levels of the site.

### **Recommendation**

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

### **Main Issues**

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

### **Representations**

7. 5 letters of objection have been received outlining the following issues
- Increased flood risk due to the water table
  - Ecological impact due to loss greenfield site and trees
  - Increase in noise from motorway due to the loss of trees
  - It is next to the children's centre
  - The road is already too narrow for emergency services and waste collection
  - Upset to neighbouring residents
  - Site is too small
  - The Parish Council have objected
  - Noise due to more children in the area spoiling the enjoyment of existing residents
  - Already been a football pitch laid out without consultation nearby
  - Groups teenagers already in the area
  - Personal reasons – illness and have done a lot to house
  - Interferes with line of sight
  - No need for more housing
  - The Parish Council have objected to the proposal on the following grounds:
  - Loss of trees which form shelter for the properties on Runshaw Lane.
  - Laurel Avenue is a narrow and very busy avenue already and compounded by having a Nursery at the end of it.
  - The Nursery has no parking, turning, waiting or manoeuvring space on its site and relies on parents using the road and turning circle at the top. The ability to wait, turn or park will be taken away by the four new properties. For nearly every child dropped/picked up from the Nursery, a vehicle is parked for a period allowing the baby/toddler to be walked in/out or the nursery then the vehicle has to turn or manoeuvre back out of the road.
  - The parking layout of two of the properties allows for two cars, but one behind another (trapped). It is envisaged that this would lead to cars being parked in front of the properties (because one car would be trapped otherwise) and would add to the parking and vehicle movement problems off the housing site and in the whole avenue.
  - There is much concern over high occupancy properties (recommended for 4 persons) on such a tight space with minimal vehicle manoeuvring space only two parking spaces for each property two of the properties only have one space, and a trapped parking space
  - not even one, additional space for properties in the event that even one of the four properties has more than two vehicles not even one, additional space for even one visitor to visit any one of the four properties
  - The Council is very concerned that the above circumstances will further add to the tight road layout, lack of parking already present and high traffic numbers for the Nursery drop off, who obviously require to park to be able to taken their babies/toddlers into nursery, and who identifiable already do so.

### **Consultations**

8. **Lancashire County Council (Ecology) – no comments received to date**
9. **Director People and Places – no objection subject to appropriate conditions**
10. **United Utilities – no objection subject to appropriate conditions**
11. **Lancashire County Council (Highways) – no objection**
12. **Chorley's Waste & Contaminated Land Officer – no objection subject to appropriate condition**

13. **Chorley's Affordable Housing Manager** has provided information in support of the application as follows:
- To secure the funding for the affordable dwellings work must commence no later than March 2013.
  - The delivery of the new homes is required to help the Council deliver on its affordable housing target which is currently 50 affordable homes rising to 100 affordable from next financial year 2013/14.
  - On completion the properties will be advertised and let through the Select Move choice based lettings system. Prospective tenants will need to have a local connection Chorley in respect of the two Euxton sites.

## **Assessment**

### Principle of the development

14. The site is located within the defined settlement boundary of Euxton where there is a presumption in favour of appropriate development subject to the other policies and provisions of the development plan. Policy 1 of the Adopted Joint Central Lancashire Core Strategy part d also states that in Euxton some growth and investment will be encouraged to help meet local housing need.
15. Policy HS6, requires a number of criteria to be met where new housing is proposed, specifically part f requires that in the case of a previously developed site that the applicant can demonstrate that there are no suitable allocated or previously developed sites available in the settlement. In this instance the terms by which the site is being acquired make it the only viable option in terms of the affordability of providing social rented housing and as such it is considered that the proposal is in accordance with this part of the policy.

### Density

16. The site area is 0.0925ha. This leads to a density of 43 dwellings per hectare. This is considered to be acceptable in this settlement location and is in keeping with the surrounding residential area. It is therefore considered that in terms of density the proposal is acceptable.

### Impact on the neighbours

17. The only residential properties with which this property directly relates are numbers 102 and 104 Runshaw Lane. Both of these properties have rear facing habitable room windows and as such the impact on these windows need to be considered. The setting of these properties is unusual as to the west are open fields within the greenbelt. To the north east is an unusual arrangement where there is an area which has a dense tree covering that has been fenced and now forms part of the rear garden of properties further along Runshaw Lane. It is therefore considered due to the offset nature of the proposal to both properties (the side elevation of the end property does not interface of the whole rear elevation of either property) that the interface distances (14m from the rear of the properties on runshaw Lane to proposed side elevation) are acceptable.
18. Windows in the east facing elevation will overlook the wooded area to the rear of the properties fronting Runshaw Lane. The distance to the boundary is 6.5m at its nearest point. The Council's interface distance normally require a 10m distance between first floor habitable room windows and the boundaries of neighbouring amenity space. This location is somewhat unusual as these windows will overlook a large wooded area. This area has been fenced but it is difficult to determine the property to which it forms part due to its extent. The wooded area is not the intimate private amenity space of any dwelling and it is an additional area to the properties existing residential curtilage and the properties along Runshaw lane

have further amenity space directly to the rear of each property. It is therefore considered that in this instance the reduced interface relationship is considered acceptable.

19. Concerns regarding noise from the motorway have been raised by objectors due to the loss of trees on the site. I have consulted with our Environmental Health Officer who has confirmed that trees provide little in the way of an effective barrier in terms of noise unless they are especially densely planted. He considers that the presence of a property is likely to screen noise far more effectively than a tree belt.

#### Levels

20. In order to accommodate adequate drainage on the site it has been necessary to raise the levels across the site. Currently the site is flat with its surroundings, however it is proposed to gradually raise the ground level of the site from the north to the south by approximately 1m. The rear elevation of the properties along Runshaw Lane will be over 14m away from the side elevation of the proposed dwelling. The side elevation of the proposed end dwelling will be 1.5m higher than the properties on Runshaw Lane and only partially interface with the rear of property numbers 102 and 104 Runshaw Lane. Both of these properties, due to the nature of the surrounding area enjoy open aspect to the front or rear which will allow light to their properties. It is therefore considered that even taking into consideration the small rise in levels on the site, that the interface distance between the properties on Runshaw Lane and the side elevation of the proposed dwellings are acceptable.

#### Design

21. It is proposed to develop the site for two pairs of semi-detached properties. The houses will face down the length of Laurel Avenue and will be separated by the drives for the middle two properties. The most northerly pair of properties will be traditional style properties with a canopy across the frontages and brick feature to add interest.
22. The southernmost pair of properties will have an unusual arrangement whereby one projects forward of the other with the front door on the north facing elevation. This is to make the optimum use of the space within the site. It is considered that the design of the proposals is acceptable and is in keeping with the surrounding semi-detached properties.
23. The applicant has proposed boundary treatments of 1.8m and 2.1m high close boarded fence and gates. These are considered to be acceptable in this locality.

#### Open Space

24. Each property will have private amenity space to the rear backing onto the greenbelt land. A small lawned area will be provided to the front of the northerly properties that will be maintained by Adactus.

#### Trees and Landscape

25. The proposed development will result in the loss of a number of trees. These trees form part of two groups on the site, one adjacent to the boundary with the rear of Runshaw Lane and one tucked around the corner of the fence that has been erected to the rear of the trees along Runshaw Lane. Part of the hedgerow to the northern boundary of the site will also be lost, however this would be screened by the new development. The trees that are to be removed are not protected and due to their location on the site do not contribute significantly to the streetscene.

Ecology

26. The applicant has provided a phase 1 Habitat Survey in support of the application. This concludes that the site is not of high ecological value save for trees that may support nesting birds. A condition can be used to ensure that any felling takes place outside of bird nesting season. LCC Ecology have been consulted on the proposals, however no comments have been received. These will be reported on the Addendum Report.

Traffic and Transport

27. Each property will be provided with two spaces in accordance with RS Parking standards and an area of hard standing will be provided at the front of the properties for turning and manoeuvring. In terms of properties having more than two cars as raised by objectors, the applicant is providing parking in accordance with the relevant standards. It is not considered necessary or sustainable to ask for further spaces.
28. In terms of the traffic and parking situation in the area as existing, the use of the turning head at the front of the development for parking by nursery staff/parents and residents is a privilege that has been enjoyed to date, however it is not the intended use of the turning head as this is adopted highway.
29. Parents dropping off children will be able to park on the road for the short time in which they are dropping off children and will not exacerbate the existing situation. The properties along Laurel Avenue have their own driveways and as such residents are not likely to be inconvenienced in terms of finding parking spaces themselves.
30. The proposed properties are located at the end of the road and provide for their own parking needs, therefore they are unlikely to worsen the ability of waste collection and emergency services vehicles to access the road. Indeed the removal of parking from the turning head may make it easier for these vehicles to manoeuvre within the road.

Contamination and Coal Mines

31. The Council's Contaminated Land and Waste Officer has viewed the proposals and has no objection subject to the addition of appropriate conditions.

Drainage and Sewers

32. The applicant has submitted a drainage plan for consideration. United Utilities are satisfied with the proposals subject to the use of a suitable worded condition.

Section 106 Agreement

33. A public open space contribution would normally be required from a development of this nature in this location. However the applicant has submitted a viability assessment that demonstrates that the provision of such a contribution in this instance would render the proposals unviable. It is considered that the provision of affordable housing units that are much needed is a material consideration that outweighs the requirement to provide the open space contribution in this instance.
34. Liberata have been consulted in the viability assessment. To date no response has been received, however this will be reported on the Addendum Report.

**Overall Conclusion**

35. That the application be granted approval subject to appropriate conditions.

**Other Matters**

Sustainability

36. The proposed dwellings are to be constructed to Code Level 4 in accordance with Policy 27 of the Adopted Central Lancashire Core Strategy

Waste Collection and Storage

37. Each property will have sufficient in curtilage storage of bins and a direct access route to a suitable kerbside collection point. The Councils Waste Officer has viewed the proposals and has raised no objection.

**Planning Policies**

National Planning Policy Framework

Paragraph 6: Delivering a wide choice of high quality homes

Paragraph 7: Design

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN4, HS6, TR4

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Joint Core Strategy

Policy 1: Locating Growth

Policy 6: Housing Quality

Policy 7: Affordable Housing

Policy 17: Design of New Buildings

Planning History

**Recommendation: Permit Full Planning Permission Conditions**

1. This consent relates to the following plans:

Plan Ref:	Received On:	Title:
2588 100 A	20 December 2012	Location Plan
2588 118	20 December 2012	Site Plan
2588 101 A	20 December 2012	Site Plan
2588 106	20 December 2012	Unit Plan
2588 109	20 December 2012	Elevations
2588 116	20 December 2012	Timber Shed Details
2588 110	20 December 2012	Street Elevations
2588 112	20 December 2012	Boundary Treatments

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

2. 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.*

3. 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.*

4. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

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

5. Each dwelling hereby permitted shall be constructed to achieve a minimum of Code for Sustainable Homes Level 4.

*Reason: To ensure that the development is in accordance with the principles of sustainable development.*

6. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer.

*Reason: In the interest of the effective drainage of the site in accordance with Policy EP18 of the Adopted Chorley Local Plan Review*

7. 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.*

8. Given the close proximity of the motorway, acoustic double-glazed windows shall be provided in all habitable rooms with an unobstructed view of the carriageway of the motorway. The specification of these windows shall be submitted to and approved in writing by the local planning authority. The windows shall be installed in accordance with the approved details and maintained in perpetuity.

*Reason: To maintain the amenity of future residents in accordance with Policy 17 of the Adopted Joint Central Lancashire Core Strategy.*

9. Acoustically treated ventilation units shall to be provided for all habitable rooms, with an unobstructed view of the carriageway of the motorway. Specification of the units to be provided shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To maintain the amenity of future residents in accordance with Policy 17 of the Adopted Central Lancashire Core Strategy.*

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

The report should include an initial desk study, site walkover and risk assessment. 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: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use, in accordance with Paragraph 121 of the National Planning Policy Framework..*

<b>Item 4c</b>	<b>12/01063/FUL</b>
<b>Case Officer</b>	<b>Caron Taylor</b>
<b>Ward</b>	<b>Chisnall</b>
<b>Proposal</b>	<b>Change of use of former public house to dwelling with side and rear extensions, front porch and erection of detached garage with open store below (resubmission of withdrawn application ref: 12/00802/FUL).</b>
<b>Location</b>	<b>The Brook House, Barmskin Lane, Heskin, Chorley</b>
<b>Applicant</b>	<b>Mr Craig Ainscough</b>
<b>Consultation expiry:</b>	<b>18 December 2012</b>
<b>Application expiry:</b>	<b>11 January 2013</b>

### **Proposal**

1. Change of use of former public house to dwelling with side and rear extensions, front porch and erection of detached garage with open store below (resubmission of withdrawn application ref: 12/00802/FUL).

### **Recommendation**

2. It is recommended that this application is approved.

### **Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Background information
  - Principle of the development
  - Extensions
  - Outbuildings
  - Highways and Parking
  - Impact on the neighbours
  - Open Space
  - Trees and Landscape
  - Ecology
  - Flood Risk
  - Coal Mines

### **Representations**

4. This is a resubmission of a previously withdrawn application (to which 26 objections and eleven letters of support were received). Any one notified of, or who commented on the previous application has been notified of this application.
5. Councillor Paul Leadbetter, Ward Councillor for Heskin asks that the application be put before full committee for their deliberation and decision. He also states:
  - It would be ideal to maintain the property as a Public House and Policy 25 of the Core Strategy aims to ensure local communities have sufficient community facilities. The Central Lancashire Rural Development Supplementary Planning Document at paragraph 43 suggests that facilities in remote locations, such as the Brook House, are of lesser community value than those that are readily accessible, I suggest that a remote facility is of greater value to the immediate community, but accept that it is of lesser value to the wider community.
  - The application is different from the earlier application in that a unilateral undertaking has

been agreed by the applicant, removing permitted development rights and therefore restricting further development of the property without planning permission. Additionally a more detailed viability assessment has been provided. The value placed on this viability assessment is important, as paragraph 44 of the Rural Development SPD requires that "...any application for a proposed change from a community use in a rural area to be accompanied by a Statement of the Efforts and Proof of Marketing.", included in appendix 1 to that SPD. This Statement of Efforts and Proof of Marketing have not been provided, however the viability assessment is detailed providing detail of trading figures and statements that there are alternative, relatively local, facilities.

- Ideally, if at all possible, the property should be maintained as a community facility. However, based on evidence provided by the applicant, a Public House in that location is not economically viable and is unlikely to be successful in the longer term. The unilateral undertaking restricts future development of the site and having a sympathetic development must be preferable to the building being left with windows boarded, unoccupied and to begin to decay, as is the case with many public houses throughout the Borough of Chorley (and even within Chisnall Ward).

6. Three objections have been received on the following grounds:

- The pub has not been advertised as a going concern in the proper manner, there were other bidders prepared to buy the property and continue it as a public house but it was sold just to the highest bidder. The applicants have also listed an incorrect list of previous tenants citing that the pub was not viable. The correct list of tenants are prepared to demonstrate that the business was viable;
- They feel that the removal of the Brookhouse facility will be a major loss to the local community. It was widely used by many people for various functions. The local farmers met most nights in there. They personally dined there on many occasions. The campers from the caravan site across the road used it regularly. In summer the beer garden was packed with visitors enjoying a tea-time drink;
- Part of the proposed changes include building on green belt land which is not acceptable at all;
- All the other bidders other than Mr Ainscough bid on the assumption that it had to be a public house. Had the property been advertised as a private house in the first instance there would most likely have been more bidders and the price would have been higher. They think that by attempting to flout the planning laws they are trying to get a cheap property;
- It is a community public house that they have been dining and socialising in for 22 years. The variety of people who used to call in there was amazing. Everyone was made to feel welcome and join the local banter, but you could also go in, have a lovely meal, and also have a private evening if that is what you wished;
- Wakes have been held here of people lost from our community, including the wake of a local farmer whom we all loved dearly and was a special local from the Brook House - the pub was bursting at the seams, also the wake for a young member of the community who was killed in action in Afghanistan;
- Many others, are 'gutted' the Brook House could be turned into a residential dwelling as we truly believe the Brook House was the 'soul' of our community, and more so upset that the fact a few local people put bids in to buy the pub to run it as a pub. The family who have bought the Brook House could buy or build the house of their dreams anywhere and it's disgraceful that they could turn the Brook House into a residence (considering these people never came into the pub or saw the community spirit that could be found here).

7. Two letters of support have been received on the following grounds:

- It is obvious that it has not been profitable as a business for quite some time, otherwise why would it have closed down, and why would the brewery have sold it;
- For the past 2 years the pub has been virtually empty every time they have been in. Consequently it is highly unlikely that anyone is going to be interested in continuing to run it as a public house. As a local resident they are in full support of the application for conversion to a private dwelling. They have no desire to see a property of this quality become derelict and boarded up like many other unprofitable public houses are in the North West of England, particularly in such a beautiful rural area. Common sense must prevail with the planners in this case. Most people who are opposing this application are doing so

for the wrong reasons;

- Conversion to a house and maintained would be a positive contribution to the area;

8. West Lancashire Borough Council raises no objections to the proposal providing it complies with Chorley Councils relevant Local Plan Policies and relevant national planning policies.
9. Heskin Parish Council objects to the resubmitted application as they did to the first application.
10. The Council's recently adopted guidelines rightly require a proper and detailed procedure to be followed before a much valued Community asset can be removed. There is no evidence at all that this procedure has been followed, indeed the applicant's agent seems to dismiss the necessity for any procedure at all. If the Planning Authority is serious in its stated intentions the application should be refused.
11. Secondly the size of the proposed extensions is far in excess of the guidelines and again in the Parish Council's view the extension should be resisted.
12. Thirdly the existence of this facility adds much to the attraction of the rural area. Walkers, cyclists and others use the facility bringing in many visitors to Chorley with the consequential benefits to the local economy.
13. They note that some of the documents sent in support of the application are extremely tenuous e.g. the consultant who is employed by the applicant and not therefore very independent, lists several pubs in Coppull as being in competition which is plainly ridiculous and indeed one is closed. Similarly the "consultant seeks to support the application by including the costs of replacing the bar fittings, which were in fact ripped out by the applicant. In other words make the pub unviable by imposing additional costs and then claim it's unviable.
14. The Parish Council would like this application refused.

### **Consultations**

15. **Lancashire County Council (Ecology)**  
Have not commented on the resubmitted application, however it is the same in terms of ecology as the previous application. Their advice on the previous application is therefore still considered relevant and they recommended that planning conditions be applied to any permission.
16. **Lancashire County Council (Highways)**  
The application is a resubmission of application no 12/00802/FUL to which they state they previously raised no highway objection.
17. As such they again raise no highway objection to the proposed development in principle.
18. At the time of the previous application they stated that neither would there be any requirement for inclusion of any highway conditions as part of any grant of permission; access arrangements detailed on plan drawing no: 3019-12-15A are deemed acceptable.
19. **The Coal Authority**  
Confirm that the application site falls within the defined Coal Mining Development Referral Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.
20. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform a Coal Mining Risk Assessment. The Coal Mining Risk Assessment correctly identifies that the application site is located in an area where unrecorded coal mining activity may have taken place at shallow depth. It also correctly identifies that there is a recorded mine entry (an adit) within the site boundary. The Coal Mining Risk Assessment therefore recommends that further site investigation works be undertaken to confirm coal mining conditions and to enable the design

of any necessary mitigation measures prior to commencement of the development.

21. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority therefore recommends that the Council impose a Planning Condition, should planning permission be granted for the proposed development, to require the intrusive investigation works recommended within Section 6 of the Coal Mining Risk Assessment to be undertaken prior to commencement of development. The condition should also ensure that, in the event that the site investigations confirm the need for remedial works to treat the mine entry and any areas of shallow mine workings and/or any other mitigation measures (e.g. gas protection) to ensure the safety and stability of the proposed development, these works should also be undertaken prior to commencement of development.
22. The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of the above condition.

### **Applicant's Case**

23. The previous application attracted a number of representations, submitted both in support of and objecting to the proposals. The majority of the objections related to the loss of the public house and it is accepted that such a proposal is always likely to attract such a response. This re-submission takes account of the matters raised in the representations and also the issues identified in the committee report produced at that time.
24. The application is supported by a viability assessment produced by CBRE which has been produced following concerns expressed by the Council regarding the evidence submitted to demonstrate the non-viability of the public house.
25. There has been a public house (and formerly a hotel) on the site for many years, most recently called The Brook House. Given the location of the site in a relatively remote rural area with only a small number of nearby houses, it appears that the public house must have served a very wide catchment area, with users travelling in by car (in the past 80 or so years), rather than walking from nearby houses, as would be the case with a traditional 'village pub'.
26. In more recent years the public house on the site has struggled to attract sufficient trade to retain a viable business and the turnover of tenants in recent years has been high. The lack of trade has probably been the result of changing social habits, drink driving legislation, customer expectations and the availability of other, more attractive public houses and restaurants within the same or adjacent catchment areas.
27. A plan accompanying the application shows the location of 12 other public houses and restaurants surrounding the Brook House site, the furthest of which is just over two miles away (as the crow flies). At least six of these are on public transport routes and seven are within settlements and can therefore be easily reached on foot by local residents. Several of these are well respected restaurants which attract both local residents and customers from further afield. The Brook House public house therefore faced severe competition from other public houses and/or restaurants which were and are better located and which offer/offered a better quality, both in terms of the facilities and the available food and drink.
28. When the Applicant bought The Brook House, its premises license was surrendered. To obtain a new license, it would be necessary to bring the premises up to modern day standards in terms of the facilities it offers, including access to disabled people. The cost of doing this would be prohibitive, even if the premises were located in an area which did not have the level of competition which it does.
29. The loss of a viable community facility, such as a public house, is clearly contrary to existing

and emerging local policy and to NPPF policy and guidance. It is the applicant's case that The Brook House public house has not been a viable facility for many years and could not become a viable facility in the future due to its location and the existence of at least a dozen good quality public houses or restaurant facilities within a two mile radius.

30. The Brook House public house has struggled for many years to trade at a profit and it is understood that five tenants and lessees have attempted to effectively run the facility in the past three years and none have succeeded. Following the failure of the final tenants to run the premises at a profit earlier this year, the former owners, Punch Taverns, decided to sell the premises. The applicant, who lives in the area, became aware of the impending sale and bought the premises early in 2012.
31. A letter from Licensed Trade Associates (an independent consultancy with many years' experience in such matters) makes it very clear that The Brook House is not a viable business proposition due to its location and the existence of a very strong range of competing facilities within a two mile radius.
32. In considering the community role which The Brook House public house may have once served, it is firstly important to recognise that this is not and never has been a traditional village pub which sits at the heart of a rural community, primarily serving a village or settlement, with easy access on foot. There are only 11 dwellings within 250m of the premises and only a further handful within a further 250m.
33. Secondly, this was a public house which had an extremely small bar area, very poor facilities (toilets, kitchen etc.) and very limited access for wheelchair users. To bring such facilities up to modern day standards would have required a very significant investment. Such investment would inevitably have been funded by bank loans of some form and a business plan to demonstrate that the proposition was viable. For the reasons set out in this statement, and in the Licensed Trade Associates letter, it is highly unlikely that such a loan would have been forthcoming. This position is supported by the letter provided by Licensed Trade Associates.
34. The most relevant planning policy guidance on the retention of viable community facilities is, it is suggested, contained in paragraph 70 of the NPPF which states the following:  
*"70. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*
  - *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
  - *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
  - *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
  - *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."*
35. The first two bullet points are particularly relevant to this application. In respect of The Brook House, the former public house contributed very little to *"the sustainability of communities and residential environments"* given its location, its day to day function and the availability of a significant number of alternative, more convenient and better quality public house/restaurant facilities in the area.
36. The second bullet point specifically refers to *"the unnecessary loss of valued facilities and services"*. Clearly, The Brook House public house was not sufficiently valued by enough patrons to make it a viable business.
37. Part (c) of Policy 25 of the adopted Central Lancashire Core Strategy resists the loss of existing community facilities by requiring evidence that they are no longer viable or relevant to local needs. The Licensed Trades Associates letter very clearly states that the public house *"does not have any future as a viable public house business"* and the high turnover of tenants only

emphasises this lack of viability.

38. The fact that the premises no longer have a Premises Licence is crucial to the issue of viability. As noted in the Licensed Trade Associates letter, the expected cost to bring the premises back into a state which could be granted another Premises Licence is prohibitive.
39. It is therefore considered that it has been clearly demonstrated that a public house/ restaurant has not been and will not be a viable proposition and therefore its loss would not be contrary to adopted planning policy.

## **Assessment**

### Background Information

40. The site is located on the east side of Barmskin Lane, approximately 1.5 miles (2.4 km) south of Ecclestone and around 2.2 miles (3.8 km) north east of Parbold close to the boundary with the Borough of West Lancashire.
41. Immediately to the north west of the application site are nine residential properties. To the south east are the detached properties of Ridgemont and The Old Vicarage. Charity Farm is located to the south west in West Lancashire, a working farm but also a caravan and camping park with its own café and licensed bar.
42. The existing building Brook House public house has been extended over the years, with a side extension to the east side (which the Design and Access Statement suggests replaced a previous extension) and a series of unattractive single and two storey extensions to the rear.
43. The first floor of the building was formerly a manager's flat.
44. The former public house was served by a large tarmac car park at the front and a beer garden and concrete sitting out area to the side and rear. A pond is located to the side/rear of the building. The remainder of the site is mainly laid to lawns, which extend approximately 100m to the rear of the building, lining up with the adjoining gardens to the North West. The periphery of the site contains a number of trees and a tree survey accompanies the application.

### Principle of the development

45. As a former public house, The Brook House is considered to be a community facility. The National Planning Policy Framework (NPPF) states that planning decisions should plan positively for the provision and use of community facilities such as public houses to enhance the sustainability of communities and residential environments and to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
46. Policy 25 in the adopted Central Lancashire Core Strategy relates to community facilities and is in accordance with the NPPF. It aims to ensure that local communities have sufficient community facility provision by:
  - a) working with public, private and voluntary providers to meet demonstrable need;
  - b) encouraging and coordinating new provision at locations that are accessible by all modes of transport; and
  - c) resisting the loss of existing facilities by requiring evidence that they are no longer viable or relevant to local needs
47. Therefore, this policy aims to resist the loss of existing facilities, but does not rule out their re-use or redevelopment for other purposes, providing evidence is provided to show that they are no longer viable or relevant to local needs.
48. The Central Lancashire Supplementary Planning Document (SPD) on Rural Development was adopted in October 2012. Its purpose is to set out the approach of the Central Lancashire Councils to development in rural areas and to provide guidance on the implementation of relevant policies, including Core Strategy policy 25. The SPD aims to ensure that rural settlements retain an element of self-sufficiency and remain active communities. This proposal is not located within a designated rural settlement, but lies within a rural Green Belt location.



However, it will result in the loss of a community facility in a rural area.

49. The SPD on Rural Development states that when proposals are being considered to change the use of any local community facility the Council will need to be convinced that it is no longer required, or that adequate alternative arrangements can be made, or that the property is in an isolated location remote from public transport routes. It goes on to state that any application for planning permission for a proposed change from a community use in a rural area should be accompanied by the submission of a report demonstrating that the community facility is no longer financially viable, is surplus to local needs, is available elsewhere in the settlement, or where there is an amenity or environmental reason why a community use is not acceptable.
50. Policy DC10 and DC7A remain part of the adopted Local Plan, but these policies need to be read together with Policy 25 of the Core Strategy, which as a recently adopted policy carries full weight, and they also need to be considered in line with policy in the NPPF and guidance in its Annex 1 which provides advice on the weight that should be given to existing Local Plan policies.
51. In terms of Policy DC7A criteria a) to h) need to be considered on site, taking account of the updated Green Belt policy in the NPPF. It should also be noted that the NPPF allows housing development in rural areas which would re-use redundant or disused buildings that would lead to an enhancement of the immediate setting.
52. Policy HW6 on Community Facilities in the emerging Chorley Local Plan (Publication Site Allocations and Development Management Policies DPD) provides further policy on the loss of community facilities, but as an emerging document cannot yet be given full weight.
53. The applicant argues that the public house is no longer a viable facility and that it has not been for many years.
54. This resubmitted application is accompanied by a Viability Assessment. This concludes that the business could not generate sufficient levels of revenue and profitability and agrees with the decision of Punch Taverns to dispose of the property given its continued loss making position. The assessment does however consider the pubs ability to be viable and operational again and states that the business would be viable if there was no debt or acquisition cost attributed to it. This approach however does not consider either debt liability or a Return on Capital Employed.
55. The assessment states that there has been limited capital expenditure on the property in recent years and has been stripped prior to refurbishment.
56. The Viability Assessment states that if the pub was run as a freehouse, free of tie and chief rent, a purchaser would need £550,000 for the cost of acquisition and refurbishment (including £125,000 for complete refurbishment). By considering the availability of funding a simple capital and interest repayment over fifteen years on a principle sum of 60% of acquisition cost (£425,000) at 6.00% interest would result in annual repayments in the order of £25,000 per annum. This would exclude the additional funding required to bridge the gap between acquisition and refurbishment (a further £125,000). Alternate sources of funding such as Venture Capitalists may well provide lower percentages of funding together with significantly greater returns (in excess of 13.00%). Considering a Return on Capital Employed (of circa 10% based upon a capital outlay of £550,000 the business would need to generate an earnings (before interest, taxes, depreciation, and spreading payments over time) of circa £55,000 to meet return thresholds.
57. On the assumption that the Property has been competently run in the past by both Punch Taverns and their 'Partners' one way of generating improved profitability could be to increase the overall trading area and extend onto the patio / terraced area. However the creation of such an extension would appear to be completely unwarranted given that there are no driving forces to suggest that such a development should be considered. Furthermore it is believed that the increasing of the overall trading size would put pressure on parts of the Property which could be described as being under provisioned including parking, catering kitchen, bar server and

back of house facilities.

58. The Assessment considers that the argument for such a development is flawed in that it could equally be argued that turnover would improve by the development of a ten bedroom hotel block to the rear. Whilst this would no doubt increase turnover there is presently no demand or justification for such a speculative development. By considering the Return on Capital Employed comments above the development of an extension would not make economic sense.
59. The Assessment concludes that from the information provided, their own investigations together with their understanding of the trading environment, sector and marketplace it is considered that the Brook House does not have a viable future as a public house due to the following factors:
- The property is a remote destination public house with limited trading areas;
  - Parking is limited;
  - Trading areas are small with single bar server;
  - Fixtures and fittings need of refurbishment / replacement;
  - Punch do not dispose of profitable or successful businesses;
  - The property had been within the turnaround division although had failed to recover;
  - Levels of trade would appear to be poor;
  - The business was trading at less than one composite barrel per week;
  - In both its historic and existing guise the business would not be able to generate sufficient levels of both turnover and profitability to sustain a suitable return on investment;
  - The Property site in a highly competitive area with 10 other trading units within the postcode area.
60. In assessing the proposal the policy basis is that the Council will seek to resist the loss of existing facilities. The Council cannot retain all community facilities but before it allows them to be lost it must be convinced that The Brook House is no longer viable or it is no longer relevant to local needs, alternatives are available or there are issues that a community use is not acceptable.
61. Objectors to the previous application stated that the number of licensees has not been five in the last three years. This has been checked with the Council's licensing department. They state that it would appear that there have been 6 licensees since 1983; 1983 - Whalley, 1985 - Levenson, 1996- Johnson, 2000 - Rigby, 2005 - Highton, 2009- Kirk and a premises transfer to Punch Taverns.
62. The applicant acknowledges the inaccuracy of their original statement (in the previous application) and state that this is regretted but it was taken in good faith from the previous owners and it is now accepted that fewer tenants have attempted to run the premises than had originally been thought. However, even those people who objected to the original application appear to accept that the last two to three years of the public house's operation was problematic.
63. As noted above, CBRE have produced a comprehensive viability assessment of the premises. Current policy in the form of the NPPF, the Core Strategy and its associated SPD do not require marketing of community facilities proposed for alternative uses but they all seek to resist the loss of facilities backed up by evidence that they are no longer viable or required. It is considered that evidence has been put forward regarding the viability of the pub that was missing from the previous application. The report goes into detail on the turnover of the pub and the different options and investment that would be needed for it to continue as a pub. It is now considered that this information is sufficient to demonstrate that it is no longer financially viable and the application is therefore considered acceptable in principle.

#### Extensions

64. The proposal involves extending the building as part of the conversion to a dwelling. The site is in the Green Belt.

65. Policy DC7A of the Local Plan states that re-use of existing buildings in the Green Belt will be allowed subject to a number of criteria. These include that the re-use of the building must be capable of conversion without the need for additions which would change its form and character. It also states the proposal should not have a materially greater impact than the present use on the openness of the Green Belt. The Rural Development SPD also states that for a rural building to be appropriate for re-use, it must be permanent and substantial and should not require significant extension, rebuilding or extensive alteration to accommodate the proposal.
66. The extension proposed would result in approximately a 30% increase in volume over the existing. At the time of the previously withdrawn application this was considered a large increase in volume considering that policies on the conversion of buildings in the Green Belt support conversion without significant extension. Allowing conversion of the property to a dwelling would start a new chapter in the history of the building in planning terms and if extensions were permitted at the same time they would form part of the 'original dwelling' property (being in existence when the building became a dwelling). The Council would then find it difficult to resist further extensions to the property in the future.
67. The applicant has submitted a Unilateral Undertaking legal agreement in which the applicant agrees not to submit any applications for further extensions (or outbuildings) to the property in the future (which would be a covenant on the land which runs with the land rather than the applicant). This would therefore overcome the Council's concern that even further extensions could be added to the property in the future that it would be difficult to prevent. The property will therefore be extended in line with the increase that other existing dwellings in the Green Belt are permitted, which is considered acceptable.
68. The designs of the proposed extensions are considered acceptable. A two-storey side extension is proposed to the west elevation being in keeping with the property having matching proportions, roof pitch and materials. It will however have a ridge lower than the existing building which is looked on favourably as it allows the form of the original building to be seen still. A front porch and small side extension to the east elevation are also proposed and are also considered in keeping and appropriate.
69. The rear elevation will have a more contemporary lean-to extension, which will involve raising the ridge of the existing single storey side element on the east elevation and will incorporate a terrace with large areas of glazing. This is also considered acceptable and although more contemporary its design works well with the older original property.

#### Outbuildings

70. The site is unusual in that it is set within a former small quarry. The quarry wall encloses a large pond and garden area to the side and rear which is set at a lower level to The Brook House itself. Because of this the land drops away from the road and also from the existing patio area adjacent to the building. This unusual situation allows a proposed outbuilding to be positioned so that only the double garage will be readily visible from the road and from the access to the site. Underneath this will be a gym and garden store but this will only be visible from within the site from the north where the land has dropped away.
71. The Council normally permit the equivalent of a double garage, green house and store/shed in the greenbelt at existing properties in the Green Belt. However, the building is not currently in use as a dwelling and the proposal must therefore be considered under the policies for conversion of buildings in the Green Belt.
72. Policy DC7A of the Local Plan states that re-use of existing buildings in the Green Belt will be allowed subject to a number of criteria. These include that the re-use of the building must be capable of conversion without the need for additions or alterations which would change its existing form and character. It states particular attention will be given to curtilage formation and the requirement for outbuildings. The proposed outbuilding has been reduced in size by the removal of the store from the upper part of the building and its relocation in the lower part of the building, adjacent to the garden which it will serve and the removal of the gym proposals from the scheme.

73. The reduced size of the building is now considered acceptable and appropriate development in the Green Belt. In addition its unusual siting due to the topography of the land will mean that only the double garage is visible from public vantage points, so it is not considered the proposal will harm the openness of the Green Belt. The submitted unilateral undertaking also prevents further applications being submitted for more outbuildings in the future.

#### Highways and Parking

74. The frontage to the site is currently open and it is proposed to reduce this to a smaller access point to serve the dwelling by erecting a new stone wall across the frontage at a maximum height of 1m to match the existing wall with an area of grass in front of it and new planting inside it to the frontage. The wall will be set slightly further in than the current wall to allow for a visibility splay. Timber gates will be erected at the access point but set back by 5.5m from the edge of the highway to allow vehicles to park off the road while the gates are opened. The access proposed is considered acceptable and is likely to have fewer highway implications than if the building were in use as a public house.
75. The existing tarmac at the site will be overlaid with bonded gravel but overall there will be a reduction in hard surfacing at the site, however there will still be sufficient parking for several vehicles off road in excess of the Council's parking standards.
76. The proposal is considered acceptable in relation to Policy TR4 of the Local Plan.

#### Impact on the neighbours

77. The nearest property to the northwest is 6 Harrock View which is 60m from the existing building but its garden bounds with the site. Ridgmont is the nearest property to the southeast and is 70m away. It is considered that the property as a dwelling would have less impact on the neighbours in terms of amenity than if the building was in use as a public house as it would require less parking and the use is less likely to be noisy. Although a rear terrace is proposed on the rear of the building, the site is lower than 6 Harrock View and would not therefore overlook this property.

#### Open Space

78. The Council's Open Space Manager has not requested a commuted sum payment in relation to the application.

#### Trees and Landscape

79. There are a large number of trees on the site and a Tree Survey accompanies the application.
80. Eight trees in the survey are off-site on the other side of the watercourse that forms the eastern boundary of the site. Of the thirty trees on site nine of them are recommended for removal and their conditions and reason for removal are detailed in the report and agreed with. The proposal is therefore considered acceptable in relation to Local Plan Policy EP9. Looking specifically as some of these trees, trees numbered 21 and 22 are to be removed and are positioned where the proposed outbuilding will be situated. T21 is a single stem Sycamore with a 30% lean over the pond with extensive bark loss at its base, T22 is a single stem Ash, with extensive bark loss in the basal area and a fungus on its exposed roots. There is therefore no objection to their removal. Trees numbered 24 and 25 in the survey are the most prominent to be removed on the frontage closest to the site access, however it is evident from visiting the site that these are two sycamore trees in a poor condition having been topped in the past and there is no objection to their removal.

#### Ecology

81. It is considered that the application is acceptable in relation to ecology subject to conditions recommended by the County Ecologist.

#### Flood Risk

82. The site is not within a flood zone as identified by the Environment Agency, therefore a Flood Risk Assessment is not required.

Coal Mines

83. The building itself is within a Coal Referral Area. A Coal Mining Risk Assessment accompanies the application and has been sent to The Coal Authority. They do not object to the proposal subject to a condition.

**Overall Conclusion**

84. Although current planning policy in the form of the NPPF, the Core Strategy and its associated SPD do not require marketing of community facilities proposed for alternative uses, they all seek to resist the loss of facilities backed up by evidence that they are no longer viable or required. It is now considered, following receipt of a Viability Assessment for the pub that sufficient evidence has been put forward by the applicant to demonstrate that it is no longer financially viable. In such cases policy allows conversions to other uses.

85. In addition, the size of the proposed detached outbuilding has been reduced in size and a unilateral undertaking has been submitted with the application (which is a material consideration) sacrificing permitted development rights for further extensions and/or outbuildings as well as agreeing not to apply for planning permission for them in the future. Therefore even though the extensions proposed will result in them becoming part of the 'original dwelling' in terms of future extensions, the Council's precious concerns that it may not be able to prevent future extensions or outbuildings which would impact on the openness of the Green Belt have been overcome by the legal agreement submitted.

86. The application is therefore recommended for approval.

**Planning Policies**National Planning Policies:

NPPF

Adopted Chorley Borough Local Plan Review

Policies: DC7A, DC10, TR4

## Supplementary Planning Documents (SPD):

- Rural Development SPD

Joint Core Strategy

Policy 25

Site Allocations and Development Management Policies Development Plan Document PublicationVersion

Policy HW6

**Planning History**

**89/00637/FUL** - Kitchen utility room and lounge extension. Permitted 9<sup>th</sup> September 1986.

**12/00802/FUL** - Proposed change of use of former public house to dwelling with side and rear extensions and front porch and erection of garage/store/gym building. Withdrawn 29 October 2012

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

1. The dwelling hereby permitted shall be occupied until the parking and manoeuvring area 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.*

2. Due to the presence of Himalayan Balsam and Crocosmia (species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)) working methods shall be adopted to prevent the spread of these species.

*Reason: The ecology report notes the presence of species listed in Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended), including Himalayan balsam*

*(Impatiens glandulifera) and Crocosmia species. As it is an offence to allow these species to spread in the wild, the applicant will need to adopt appropriate working methods to prevent the spread of these species.*

3. The development hereby permitted shall not commence until samples of all external facing materials to the proposed extensions and outbuilding (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. This shall include details of the coursing of any stone to be used. The development shall only be carried out using the approved external facing materials.  
*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Core Strategy.*
4. The garage 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 and the open store beneath the garage shall not be enclosed or used as living accommodation.  
*Reason: In order to safeguard the residential amenity and character of the area and to prevent the need for other outbuildings in the Green Belt and in accordance with Policy Nos. DC1, and DC8A of the Adopted Chorley Borough Local Plan Review and the NPPF.*
5. Within three months of occupation of the dwelling the front boundary wall as shown on the approved plans shall be built in accordance with the approved plan(s).  
*Reason: In the interests of the character and amenity of the area and in accordance with Policy 17 of the Core Strategy.*
6. That part of the access extending from the kerb line/edge of carriageway for a minimum distance of 5 metres into the site shall be paved in permanent construction rather than loose material before the access is used for vehicular purposes connected with occupation of the dwelling.  
*Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.*
7. During the construction period, all trees to be retained shall be protected as specified BS 5837: 2012 Trees in Relation to Design, Demolition and Construction – Recommendations, at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk). No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.  
*Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*
8. Ponds and watercourses will be protected during construction in accordance with relevant Pollution Prevention Guidelines.
9. Any lighting scheme for the site shall avoid artificial illumination of bat roost entrances or key flight lines, and there shall be no additional light spill over the pond or watercourse.  
*Reason: In addition to maintaining bat roosting at this site, it will be important to ensure that bat roost entrances (and flight lines to the roost) are not artificially illuminated. NPPF paragraph 125 emphasises that planning decisions should limit the impact of pollution from artificial light on nature conservation and it will therefore be appropriate to address this by planning condition.*
10. Any scheme of landscaping for the site should incorporate the recommendations of paragraphs 5.6.1 – 5.6.6 of the report 'Brook House, Barmskin Lane, Heskin. Ecological Survey and Assessment (including a Licensed Bat Survey)' (ERAP Ltd, July 2012).

*Reason: Planning decisions should address the integration of new development into the natural environment (NPPF Para 61) and opportunities to incorporate biodiversity in and around developments should be encouraged (NPPF Para 118). In this case, the ecology report makes a number of recommendations for appropriate planting to enhance biodiversity (for invertebrates, birds and bats). These recommendations should be incorporated into any landscaping scheme for this site.*

11. The Development should not proceed without the prior acquisition of a licence from Natural England for the derogation of the protection of bats under the Habitats Directive.

*Reason: According to the results of surveys for bats (ERAP Ltd, July 2012. Brook House, Barmskin Lane, Heskin. Ecological Survey and Assessment (including a Licensed Bat Survey)), the building supports two bat roosts and the proposed work would result in a breach of The Conservation of Habitats and Species Regulations 2010, unless a Natural England licence is issued prior to commencement of works. In this case, the ecology survey has identified the status of the bat roosts and the species of bat affected, and has proposed mitigation which is appropriate and proportionate to the scale of the impact. The mitigation proposals may therefore be adequate to form the basis of a mitigation method statement to address the third test (the proposal will not be detrimental to the maintenance of the population of the species at a favourable conservation status) of the Habitats Regulation in a licence application.*

12. 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.*

13. Prior to commencement of the development hereby permitted the intrusive investigation works recommended within Section 6 of the Coal Mining Risk Assessment dated 23<sup>rd</sup> August by PSA Design Ltd shall be undertaken. In the event that these site investigations confirm the need for remedial works to treat the mine entry and any areas of shallow mine workings and/or any other mitigation measures (e.g. gas protection) to ensure the safety and stability of the proposed development, these works should also be undertaken prior to occupation of the dwelling hereby permitted.

*Reason: Coal mining legacy potentially poses a risk to the proposed development and intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site and in accordance with the NPPF to ensure that the application site is, or can be made, safe and stable for the proposed development.*

14. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections submitted to and approved in writing by the Local Planning Authority. If breeding birds are present, works must be delayed until such time as nesting is complete, i.e. the young have fledged and left the nest and the nest has been abandoned, and dependent young are absent.

*Reason: Habitats on the site, including existing buildings, have the potential to support nesting birds. It needs to be ensured that detrimental impacts on breeding birds are avoided. A planning condition is recommended above for the avoidance of impacts on nesting birds.*

15. The approved plans are:

Plan Ref.	Received On:	Title:
3019-12-12K	5 November 2012	Proposed Garage Plans & Elevations
3019-12-04G	5 November 2012	Proposed Plans
3019-12-05G	5 November 2012	Proposed Elevations
3019-12-15D	5 November 2012	Proposed Site Plan

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

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<b>Item 4d</b>	<b>12/01011/FUL</b>
<b>Case Officer</b>	<b>Hannah Roper</b>
<b>Ward</b>	<b>Eccleston and Mawdesley</b>
<b>Proposal</b>	<b>Demolition of existing garages on the site and new build 4 houses inclusive of car parking and associated landscaping. Also, provision of 4 car parking spaces for public use</b>
<b>Location</b>	<b>Garage site 20m north east of 71 Hurst Green, Mawdesley</b>
<b>Applicant</b>	<b>Adactus Housing Association Limited</b>
<b>Consultation expiry:</b>	<b>17 December 2012</b>
<b>Application expiry:</b>	<b>19 December 2012</b>

### **Proposal**

1. The application relates to a site on Hurst Green, Mawdesley located 20m north east of number 71. The site is currently occupied by a block of council owned garages and a row of car parking spaces which are utilised by the surrounding properties.
2. It is proposed that the existing garages are demolished and that four dwellings are constructed. The dwellings will be 100% affordable units, will be two storey and will be two bedroomed.
3. Each property will have two dedicated car parking spaces and an area of private garden space to the rear/side. The properties will be terraced and a gated alleyway to the rear of the properties will provide access for bin movement. Bin stores will be provided along this access route for storage to ensure that they do not encroach onto the highway.
4. The site extends to the east around the bend in Hurst Green. This area is grassed and already has a small turning head that is used for parking at one end. It is proposed to provide four public car parking spaces for public use to offset those lost on the garage site.

### **Recommendation**

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

### **Main Issues**

6. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Housing Development
  - Impact on the neighbours
  - Design
  - Trees and Landscape
  - Ecology
  - Traffic and Transport
  - Drainage and Sewers

**Representations**

7. One letter of objection have been received raising the following issues:
- The proposed four parking space will not be sufficient to replace the eight plus garages that are to be lost and will result in increased on road parking
  - The proposals will result in a threat to pedestrians and children
  - Emergency services will struggle to access the road which will be worsened due to on road parking
  - A second letter states that whilst there is no objection in principle to the proposal there are concerns regarding the impact on the flora and fauna due to the proposal. The concerns are as follows:
    - A number of bird, butterfly, mammal and bat species have been listed as being noted in the tree belt to the rear that will impacted.
    - There will be an impact on nesting birds
    - Light pollution to the hedge and the impact on species
    - The visual impact of the removal of trees on the respondent has also been raised and the block of flats would dominate the view.
    - The loss of trees would have an detrimental on noise to the property
    - The Parish Council have made the following objection to the proposal:
      - There is a constant need for emergency services due to the age of residents of the sheltered housing along Hurst green to access the site with the frontage of the garages used for vehicles to turn round
      - Parking issues in the area with a number of carers visiting the area. The parking survey is inadequate as it does not take this into consideration.
      - The ecological value of the area has been dismissed there are many mature trees that will be adversely effected by this development.

**Consultations**

8. **Lancashire County Council (Ecology)** – no objection subject to appropriate conditions.
9. **Director People and Places** – no objection.
10. **United Utilities** – no response to date.
11. **Lancashire County Council (Highways)** – no objection to the proposal.
12. **Chorley's Waste & Contaminated Land Officer** – no objection subject to appropriate condition.
13. **Chorley's Affordable Housing Manager** has provided information in support of the application as follows:
- To secure the funding for the affordable dwellings work must commence no later than March 2013.
  - The delivery of the new homes is required to help the Council deliver on its affordable housing target which is currently 50 affordable homes rising to 100 affordable from next financial year 2013/14.
  - On completion the properties will be advertised and let through the Select Move choice based lettings system. Prospective tenants will need to have a local connection to each of the rural areas in respect of Charnock Richard and Mawdesley and to Chorley in respect of the two Euxton sites.
  - In terms of current occupancy of the garages Liberata have reported that only 20% of the garages are occupied

**Assessment**Principle of the development

14. The site is located within the settlement boundary of Mawdesley. This is covered by part f) of the Adopted Central Lancashire Core Strategy which states that development should be small scale, limited to appropriate infilling and proposals to meet local need.
15. The site is small in nature and will utilise a brownfield site that is currently occupied by garages that have fallen into disrepair. Furthermore, the proposals will provide four affordable units that in an area where there is an identified need. Prospective tenants will be required to have a link with Mawdesley in order to qualify for consideration for tenancy.
16. It is therefore considered that the proposal is in accordance with Core Strategy Policy 1 and as such it is considered that the principle of the development is accepted.

Impact on the neighbours

17. The site is located on a bend on Hurst Green. The northern part of the site is a grassed area with a tree belt bounding the site. Beyond this tree belt are a number of car parks associated with a school and club in this area. To the east of the site are the garages and hard standing. Beyond these are a number of trees and residential properties. These properties are two storey flats.
18. The properties to the rear of the proposed dwellings are situated a minimum of 21.5m away and the two sets of properties are off set so there will be no issues of overlooking. The rear gardens of the proposed dwellings are over 10m and therefore the proposal complies with the Councils required interface distances. No side facing windows are proposed in the dwellings. To the south, the properties are located over 14m away at the nearest point and as such this dimension also complies with the required 12m from habitable room windows to the blank gable end of the property.
19. Properties on the opposite side of Hurst Green are offset from the proposed dwellings; however the separation distance are over 21m as required by the Council's interface standards. It is therefore considered that there will be no loss of amenity or overbearing impact on the neighbouring properties as a result of the proposal.

Design

20. The area is characterised by bungalows and two storey terraced properties. These are simple in style. The proposed properties are terraced in nature and two storey with small covered porch areas. It is considered that the proposed dwellings will not be incongruous in the street scene and will provide an enhancement to the streetscene compared to the existing garages that are falling into disrepair.
21. The applicant is proposing railings set on a low brick wall to the front of the property in terms of boundary treatment. It is considered that this is appropriate and will add interest and enhance the street scene, albeit further details of the railings will need to be conditioned. To the rear close boarded fencing is proposed. Again, this is considered to be acceptable.

Trees and Landscape

22. There are a number of trees on and around the area of the proposed dwellings, in particular along the boundary to the car parks to the rear, within the northern corner of the site and a number of isolated trees on the frontage. The applicant has submitted a Tree Survey in support of the application and this has been considered by the Council's Arboriculture Officer.

23. The proposed development will result in the loss of a number of these trees. The Councils Arboriculturist has viewed the trees in the area and whilst he has suggested trees that should be retained where possible, he is not proposing that any are worthy of a Tree Preservation Order.
24. It is not considered that the loss of these trees should outweigh the need for the affordable housing that is proposed and the applicant has worked with the Council to find a solution to the loss of the trees. The properties have been slightly repositioned to allow for the retention of the trees in the northeast corner of the site. These will now be located in between the boundaries of the proposed properties and the properties at 20-22 Hurst Green. The applicant has considered various root protection measures to protect the existing trees but no solution has been found that will result in the guaranteed retention of these trees. Therefore, to offset the loss the applicant has committed to providing 4 new trees of moderate standard on the site and has shown the location of these trees on the most recent site plan. The exact details of which will be secured through condition. It is considered that the provision of these trees is a suitable mitigation in terms of trees.

#### Ecology

25. LCC Ecology have viewed the plans and the specific objection relating to Ecological issues. They have accepted that a number of the trees will need to be lost as a result of the development. They have not raised any objection to the proposal subject to a condition restricting the removal of vegetation outside hibernation and nesting periods, that fencing is not flush with the ground in order to allow connectivity and that the mitigation measures within the Ecological Report are implemented. They have also requested that some boundary treatments are hedgerows, however the nature of the proposals as affordable housing, the budget constraints of the scheme and the maintenance considerations of the scheme, this is not achievable.

#### Traffic and Transport

26. The applicant is proposing that each property has two car parking spaces in accordance with RS car parking standards. The middle two properties will have these positioned to the front and the two end properties to the sides of the dwellings. The proposed development will therefore cater for itself in terms of parking and will not impact on the existing situation. In terms of the loss of the garages, only two of these are currently let and therefore the additional car parking requirement will be small.
27. There have been a number of objections raised by local residents in relation to the loss of the car parking spaces. Initially the applicant was proposing to provide four spaces for public use on the site towards the west. LCC's Highway Engineer initially raised some concerns regarding this number and the applicant has now increased this to 6 spaces. Having undertaken a thorough assessment of the proposals and the local area, LCC Highways now have no objection to the proposal.

#### Public Right of Way

28. There is an existing footpath across the site to the car parks to the north of the site. It is proposed that this will be maintained in its existing position and that the standard will be improved through its re-paving and the addition of tactile paving added where it meets Hurst Green in order to assist those walking through the area to cross the road.
29. An existing right of way to the rear of numbers 30 – 36 Hurst Green and its associated boundary treatment will be maintained in its existing form.

Drainage and Sewers

30. United Utilities have been consulted on the application; however no response has been received to date. Their response will be reported on the Addendum Report.

Section 106 Agreement

31. A public open space contribution has been requested from the applicant. The applicant has submitted a viability statement that seeks to demonstrate that a POS contribution would make the scheme unviable. It is considered that the provision of much needed affordable housing in this location is a significant material consideration that in this instance outweighs the need for the POS requirement.
32. Liberata have been consulted on the viability statement and their response will be reported on the Addendum Report.

**Overall Conclusion**

33. That the proposed development should be granted conditional planning approval.

**Other Matters**Sustainability

34. The applicant has committed to the achievement of Sustainable Homes Code Level 3. Policy 27 of the Adopted Core Strategy requires that all new properties achieve Code Level 3 and where economically viable Code Level 4. This minimum requirement increases to Code Level 4 from 2013. The applicant has provided a viability assessment that justifies that the achievement of Code Level 4 would make the scheme unviable. In this instance the provision of the affordable homes, which are in need in this area, is considered to outweigh the requirement for Code Level 4. A condition will be utilised to ensure that Code Level 3 is achieved.

Waste Collection and Storage

35. A gated access route will be provided to the rear of the three most southern properties to allow rubbish bins to manoeuvre easily from rear gardens to their kerbside collection point. Bin stores will be provided along the southern boundary of the development. The northern most property will have bin storage within the rear/side garden of the property. The Councils Waste Officer has raised no issues with regard to the proposed arrangement.

**Planning Policies**National Planning Policy Framework

Paragraph 6: Delivering a wide choice of high quality homes

Paragraph 7: Design

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN4 TR4

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Joint Core Strategy

Policy 1: Locating Growth

Policy 6: Housing Quality

Policy 7: Affordable Housing

Policy 17: Design of New Buildings

### Planning History

There is no relevant planning history on the site

### Recommendation: Permit Full Planning Permission Conditions

1. This consent relates to the following plans:

Plan Ref:	Received On:	Title:
2543f 100	20th December 2012	Location Plan
2543f 105 G	20th December 2012	Site Plan
2543f 106	20th December 2012	Unit Plan
2543f 108	20th December 2012	Elevations
2543f 116	20th December 2012	Timber Shed Details
2543f 110	20 <sup>th</sup> December 2012	Street Elevations

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

2. 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 trees to be retained, together with measures for their protection in the course of development; indicate the type and location of the four replacement trees and any other 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 landscaping scheme shall also include details of the how the proposals set out in Paragraph 6.2.3 of the *'Extended Phase 1 Habitat Survey with Bat Scoping Survey and Code for Sustainable Homes: Ecology Assessment'* received by the Council on the 13 November 2012 will be incorporated into the scheme, including the choice of shrubs and the location and detail of bat and bird boxes.

The landscaping scheme, including any ecological measures, shall be carried out as approved.

*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.*

3. 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.*

4. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

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

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

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

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

The report should include an initial desk study, site walkover and risk assessment. 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: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use, in accordance with Paragraph 121 of the National Planning Policy Framework..*

7. Each dwelling hereby permitted shall be constructed to achieve a minimum of Code for Sustainable Homes Level 3.

*Reason: To ensure that the development is in accordance with the principles of sustainable development.*

8. There shall be no felling of trees, vegetation clearance works, demolition works or other works that may affect nesting birds between March and July (inclusive), unless the absence of nesting birds has been confirmed by further written surveys or inspections.

*Reason: To ensure the protection of nesting birds during the construction period.*

9. Notwithstanding any details already submitted, the development hereby permitted shall not commence until details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved boundary treatments. Any solid boundary treatment approved shall not, when installed, run flush with the ground to allow for habitat connectivity.

*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.*

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**Item 4e:** 12/01064/FUL

**Case Officer:** Hannah Roper

**Ward:** Chisnall

**Proposal:** To demolish existing garages to construct 1 building to consist of 3 individual dwellings.

**Location:** Land and garages 20m south east of 32 Leeson Avenue, Charnock Richard Lancashire

**Applicant:** Adactus Housing Association Ltd

**Consultation expiry:** 13 December 2012

**Application expiry:** 2 January 2013

### **Proposal**

1. The application relates to a site located 20m south east of 32 Leeson Avenue. The site is currently occupied by two blocks of Council owned garages at the end of the cul-de-sac at the end of Leeson Avenue. The garages have their rears facing towards Leeson Avenue and an informal area of parking has evolved along their rear.
2. It is proposed to demolish the garages and to construct a single building that consists of two, one bedroom flats and a two bedroomed dwelling. The properties will be 100% affordable.
3. Car parking is proposed to the front of the properties to serve the flats and to the northeast to serve the dwelling. Each property will have private amenity space and bin storage provided.

### **Recommendation**

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

### **Main Issues**

5. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Impact on the neighbours
  - Design
  - Traffic and Transport
  - Contamination
  - Drainage and Sewers
  - S106
  - Waste Collection and Storage

### **Representations**

6. 3 letters of objection have been received raising the following issues:
  - Security at the rear of properties that back onto the proposal
  - The area is already congested
  - The area already has limited views
  - Threat to safety of children using the area

- The area is already too built up

### **Consultations**

7. **Director People and Places – no comments received**
8. **Ecology – no comments received**
9. **United Utilities – no comments received**
10. **Lancashire County Council (Highways) – no objection**
11. **Chorley's Waste & Contaminated Land Officer – no objection subject to appropriate conditions**
12. **Affordable Housing Manager has provided comments in support of the application as follows:**
  - To secure the funding for the garages work must commence no later than March 2013.
  - The delivery of the new homes is required to help the Council deliver on its affordable housing target which is currently 50 affordable homes rising to 100 affordable from next financial year 2013/14.
  - On completion the properties will be advertised and let through the Select Move choice based lettings system. Prospective tenants will need to have a local connection to Charnock Richard.
  - In terms of current occupancy of the garages Liberata have reported that only two garages are currently let (20%).

### **Assessment**

#### Principle of the development

13. The development proposed is located on Leeson Avenue. The site is located at the end of a residential cul de sac and is currently occupied by 15 garages and hard standing. The site would therefore be classed as Brownfield land.
14. Policy 1, part f of the Adopted Central Lancashire Core Strategy states that development in smaller villages will typically be small scale, limited to appropriate infilling and proposals to meet local need. Policy GN4 of the Adopted Chorley Local Plan states that development in Charnock Richard that provides affordable housing to meet a recognised local need is acceptable provided that it is in accordance with Policy HS8. This policy relates to greenfield land and as such is not relevant. It is therefore concluded that the principle of the development is acceptable.

#### Impact on the neighbours

15. The site is located at the end of a cul-de-sac but has residential properties to the north, south and west that back onto the proposed development. To the south is the side elevation of number 51 Leeson Avenue.
16. The proposed building will consist of a single block comprising one terraced property and two flats. Due to the shape and location of the plot the building has been designed to be of an unusual shape to allow the required interface distances to be met with the properties to the rear.

17. Windows are proposed in the front elevation of the building at ground and first floor. These will overlook the side elevation of 51 Leeson Avenue and will meet the required 10m interface distance
18. To the east windows are proposed at ground floor and at first floor level. The boundary with the garden at 54 Lichen Avenue is situated 7m away, therefore whilst the ground floor windows are acceptable, side facing windows at first floor level will be conditioned to be obscure glazing and non-opening as they do not meet the councils required separation distance of 10m between a habitable room window and the boundary of the neighbouring private amenity space.
19. To the rear, there is again only 8m separation distance between the rear building line and the boundary with the neighbouring property. The applicant has amended the initial plans to remove any windows that may result in overlooking and a secondary kitchen window to the first floor flats will be obscure glazing. In terms of layout of the house, a rear facing bedroom window was proposed at first floor level. The architects have considered the layout of the property and found that amending this was not feasible. Therefore a solution has been found that this room will have velux roof windows and a high level rear facing window. The velux windows will be opening to allow ventilation. This ensures the amenity of future residents of this property but also ensures that there will be no overlooking of the garden of the properties to the rear.
20. The western elevation of the proposed property is set at an angle to the properties to the east. Windows are proposed in this elevation. A distance between 9.8m and 11m will be maintained to the boundary depending on the window that is considered. This is slightly less than the minimum distance of 10m required by the Councils separation distances; however the angle of the properties means that not one specific property's garden will be subject to overlooking due to the offset and as such it is considered that the proposal is acceptable.
21. Whilst this is a constrained site, the careful orientation of the building and the use of conditions that restrict the type of glazing and the opening of windows where there is an unacceptable separation distance ensures that the amenity of neighbouring residents will not be compromised.

#### Design

22. The area is characterised by simple terraced bungalows and terraced dwellings. The property, despite being constructed as two flats and one house will have the appearance of a row of terraced properties from the Leeson Avenue Frontage as each dwelling will have its own front door. Concrete cills and feature brickwork will be utilised to add interest and a small open porch area will add further interest. It is therefore considered that the proposal will add amenity value to the surrounding area, especially when the nature and disrepair of the existing garages on the site are taken into consideration.
23. The applicant has submitted details of the boundary treatments proposed which are 1.8m high close boarded fencing and gates and 0.9m high galvanised steel railings. Further details have been requested regarding the location of boundary treatments and the appearance of the railings. A boundary treatment condition will be used if required to secure further details.

#### Open Space

24. Each property will have its own private amenity space, including the first floor flat. The amenity space for both flats will be accessed through separate gates to the side of the

property and the area will be split to allow each resident private space. This is an unusual arrangement, however Adactus are happy with this arrangement and overall the proposal accords with the requirement to provide adequate open space with new dwellings.

#### Trees and Landscape

25. There is a small group of trees locate along the eastern boundary of the garages within the site. Having viewed the site and the trees it is clear that these are poor specimens, are constricted by the location in which they are growing directly adjacent to the garages and offer little to the streetscene due to their secluded location. There are a number of other street trees in the locality of the proposal which offer greater amenity value and as such the loss of these trees is not considered harmful.

#### Traffic and Transport

26. The applicant is proposing to provide 5 car parking spaces for the proposal. Two for the proposed house will be located to the east of the building one behind the other. Three further spaces will be provided to the front of the property. These spaces will provide one space per flat and an extra visitor's space. This is above the car parking requirements as set out in the RS which would require only four spaces for the proposal; however the additional space will help to offset the loss of the informal parking area that exists to the front of the existing garages. The Highways engineer has viewed the proposals and has raised no objection. As the road is in private ownership he has also not requested any conditions.

#### Ecology

27. The applicant has submitted a Phase 1 Habitat Survey. This has concluded that there is no impact on any protected species, in particular bats that may utilise the garages for roosting. The report recommends that any trees on site are removed outside bird breeding season. LCC Ecology have been consulted on the proposals however no comments have been received to date.

#### Public Right of Way

28. An existing access route from Leeson Avenue to Lichen Avenue is accessed to the eastern corner of the proposed development. This will be unaffected by the proposals and the addition of properties in this locality will increase safety for those using this path.

29. Existing access to the rears of the properties to the west will be maintained via a gated walkway.

#### Contamination and Coal Mines

30. The applicant has submitted a Phase 1 Desk Study. Chorley's contaminated and Waste officer has viewed he documents and is satisfied subject to the use of appropriate condition.

#### Drainage and Sewers

31. The applicant has submitted drainage details in support of their application. United Utilities have been consulted on the proposal, however no response has yet been received this will be reported on the Addendum Report.

#### Section 106 Agreement

32. On a scheme of this nature a contribution towards public open space of £4,137 would normally be payable. The applicant has submitted a viability statement justifying why in this instance, given the scheme is for affordable housing, that such a contribution would render the scheme unviable. On balance it is considered that in this instance the provision of much needed affordable accommodation would outweigh the need or the contribution.

33. Liberata have been consulted on the proposal and their response will be reported on the Addendum Report.

### **Overall Conclusion**

34. That the application is approved subject to conditions.

### **Other Matters**

#### Public Consultation

35. The applicant has undertaken a leaflet drop to residents in the surrounding area to ensure that they are aware of the proposals.

#### Sustainability

36. From January 2013, Policy 7 of the Adopted Joint Central Lancashire Core Strategy states that all new properties should be constructed to achieve Code 3 of the Code for Sustainable Homes. It is proposed that the buildings are constructed to achieve Code Level 3. A viability assessment has been submitted to demonstrate that the achievement of Code Level 4 would render the scheme unviable. It is considered that in this instance the provision of the affordable dwellings, which are designed to meet current building regulations, outweighs the requirement to achieve Code Level 4.

#### Waste Collection and Storage

37. Each property will have sufficient private amenity space in which to store their bins and a direct route to a suitable kerbside collection point. The Council's Waste Officer has viewed the proposal and is satisfied with what is proposed.

### **Planning Policies**

#### National Planning Policy Framework

Paragraph 6: Delivering a wide choice of high quality homes

Paragraph 7: Design

#### Adopted Chorley Borough Local Plan Review

Policies: GN1, GN4 TR4

#### Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

#### Joint Core Strategy

Policy 1: Locating Growth

Policy 6: Housing Quality

Policy 7: Affordable Housing

Policy 17: Design of New Buildings

### **Planning History**

There is no relevant planning history on the site.

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

1. This consent relates to the following plans:

**Plan Ref:**  
2583 100

**Received On:**  
20 December 2012

**Title:**  
Location Plan

2583 105 C	20 December 2012	Site Plan
2583 107 B	20 December 2012	Unit Plan
2583 108 B	20 December 2012	Elevations
2583 116	20 December 2012	Timber Shed Details

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

2. 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.*
3. 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.*
4. 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.*
5. Each dwelling hereby permitted shall be constructed to achieve a minimum of Code for Sustainable Homes Level 3.  
*Reason: To ensure that the development is in accordance with the principles of sustainable development.*
6. Notwithstanding any details already submitted, the development hereby permitted shall not commence until details of all boundary treatments, including the access gate to the rear properties, have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved boundary treatments.  
*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. Due to the proposed sensitive end-use the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.

The report should include an initial desk study, site walkover and risk assessment. 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: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use, in accordance with Paragraph 121 of the National Planning Policy Framework..*

8. All windows labelled as obscure glazing on plan reference 2583 105 C: Site Plan, shall be obscure glazed and non-opening and shall be maintained as such in perpetuity.  
*Reason: To protect the amenity of neighbouring residents in accordance with Policy 17 of the Adopted Central Lancashire Core Strategy.*
  
9. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.  
*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4, of the Adopted Chorley Borough Local Plan Review.*

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<b>Item 4f</b>	<b>12/01015/FULMAJ</b>
<b>Case Officer</b>	<b>Hannah Roper</b>
<b>Ward</b>	<b>Chorley North East</b>
<b>Proposal</b>	<b>Proposed residential development for 14, two storey dwellings.</b>
<b>Location</b>	<b>Former Initial Textile Services bounded by Botany Brow and Willow Road, Chorley</b>
<b>Applicant</b>	<b>Elmwood Construction LLP</b>
<b>Consultation expiry:</b>	<b>2 January 2013</b>
<b>Application expiry:</b>	<b>24 January 2013</b>

### **Proposal**

1. The application relates to the erection of 14, two storey dwellings on the site of the former Initial Textile Services site bounded by Botany Brow and Willow Road, Chorley, Lancashire.
2. This development would be the first stage in the development of a wider site and will form a ribbon development along the frontage of the site along Willow Road and a small area of the site backing onto the properties at Larch Avenue.
3. The properties fronting onto Willow Road will be predominantly semi-detached properties and with three terraced properties fronting Willow Road and the three properties backing onto Larch Avenue will also be terraced properties.
4. The proposal will use the main, existing access point along Willow Road and will make provision for a new access road, turning head and parking areas.

### **Recommendation**

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

### **Main Issues**

6. The main issues for consideration in respect of this planning application are:
  - Principle of the development and background information
  - Density
  - Impact on the neighbours
  - Design
  - Open Space
  - Traffic and Transport
  - Contamination and Coal Mines
  - Drainage and Sewers

### **Representations**

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

### **Consultations**

9. **Director People and Places** – no objection

10. **United Utilities** – no comments received
11. **Lancashire County Council (Highways)** – no objection subject to the use of appropriate conditions
12. **Chorley's Waste & Contaminated Land Officer** – no objection subject to the use of appropriate conditions
13. **Lancashire County Council (Education)** – no objection subject to a request for contributions
14. Parks and Open Space – no objection subject to a request for contributions.

#### **Applicants Case (if required)**

15. The applicant has put forward a number of arguments in support of the application. These are outlined below:
  - This is a well-established company with a strong financial position and good track record in housing delivery
  - The scheme will deliver 14 family houses available to local people at competitive rents, in line with the Developer Management Policy
  - Elmwood are a Chorley based company who recruit staff locally. The scheme will deliver local employment if approved.
  - The development will make a positive impact on the local economy as Elmwood Construction holds accounts with many local businesses and where possible materials are sourced locally
  - The development will shield an unsightly, derelict building from view, providing better amenity for the residents on Willow Road
  - The scheme for 14 houses is better financially than the proposed 41 houses previously approved as there are no major infrastructure costs, less decontamination and no adverse ground conditions
  - A substantial amount of money will be invested in Chorley as a result of the development
  - The Council will benefit in terms of Council Tax and Central Government rebates for new homes
  - The development reuses a brownfield site and will assist in meeting the target of 70% housing on Greenfield sites.

#### **Assessment**

##### Principle of the development

16. In 2010 an application for 41 properties on this site and the extended site to the east was approved, subject to the signing of a Section 106 agreement. It is therefore considered that the principal of residential development on the site has been established and that the loss of the site for employment use has been accepted.
17. The allocation of the site, including the wider part to the east, has been carried forward into the publication version of the Chorley Local Plan which sees it identified for 41 dwellings to be brought forward in phase 1 (2012 – 2016).

##### Background Information

18. In 2010 an application (reference 10/00834/FULMAJ) for 50 dwellings on the extended site was submitted. This application was withdrawn.
19. A resubmission application (11/00871/FULMAJ) for 41 dwellings on the extended site was submitted in 2011. This application was approved, subject to the signing of the s106. The s106 made provisions for the delivery of 20% affordable housing, education and public open space contributions at the site.
20. To date the s106 associated with this application remains unsigned and the permission has still to be issued. Elmwood were keen to manage the affordable units themselves, however this does not fall within the Councils definition for affordable housing. The applicant also

considers that the request for education and open space contributions would render the development of the site unviable.

21. The current application seeks to develop the frontage of the site along Willow Road for 14 dwellings. This falls under the threshold for affordable housing requirements. The applicant is requesting that no other contributions be requested due to the viability of developing the site. This is discussed in further detail below.

#### Density

22. The site area is 0.38hectares. If 14 properties are proposed this would result in a density of 37 dwellings per hectare. Policy 5 of the Joint Central Lancashire Core Strategy states that densities of development that are in keeping with local areas should be sought. The property is located in an area characterised by a mixture of semi-detached and terraced properties and as such it is considered that the density of the development is in keeping with the local area.

#### Impact on the neighbours

23. The main impacts on neighbours fall to the properties on Larch Avenue, Willow Road and those at 143- 149 Harpers Lane.
24. The properties on Willow Road will front onto the proposed dwellings. A distance 20.4-21m will be maintained between facing habitable room windows of the proposed properties and those on the opposite side of Willow Road. The Council requires a distance of 21m to be maintained between habitable room windows. Whilst this distance falls slightly towards the Harpers Lane end of the proposal, the proposed dwellings will bring significant environmental and aesthetic benefits to these properties on Willow Road that currently overlook a derelict site. It is considered that in this instance that the slight reduction in separation distance is acceptable, especially given the separation across a road. It should also be noted that no residents of Willow Road have objected to the proposal.
25. On Larch Avenue, the rear of numbers 2 and 4 will face onto the terraced properties number 12, 13 and 14. A distance of 21m will be maintained between facing habitable room windows and a distance of 9.8m will be maintained between first floor habitable room windows and the boundary with the rear gardens of these properties. This is slightly reduced from the Councils required 10m standard, however again the benefits of environmentally improving the site need to be considered against the 0.2m shortfall in garden length. Again, no residents of Larch Avenue have objected to the proposals.
26. The proposed property at number 1 will be side on to the rear of the properties along Harpers Lane. The Councils required interface distance of 12m from the rear elevation to the side elevation of a property is achieved.
27. All side facing windows will be conditioned to be obscure glazing and non-opening to ensure the amenity of the existing surrounding properties.
28. In terms of the interface between the proposed dwellings and the undeveloped part of the site, the rear gardens of properties 1-9 are 9.6m, this falls short of the 10m required by the Councils interface distance. However, the land to the rear is in the applicants control and as such future development can assure that overall separation distances are acceptable. No details have been provided of how the land to the rear will be developed.

#### Design

29. The properties proposed are basic in nature, albeit some interest has been added to the frontage of all properties through the introduction of large windows and a basic canopy on the frontage of the semi-detached properties. The properties in the surrounding area vary in nature, albeit a large proportion of the properties are simple 1960s terraced properties, and there is not one specific style that can be emulated. It is considered that the proposed dwellings will be in keeping with the surrounding area.

30. The applicant has proposed grey slate tiles for the proposed rooves, red facing brick and white up windows. Notwithstanding this, materials samples will be conditioned should the application be approved.

#### Open Space

31. Local Plan Policy HS21 sets a standard of 0.45 hectares per 1,000 population. There is currently a deficit of provision in the Chorley North East ward in relation to this standard; a contribution towards new provision is therefore required from this development. The amount required is £85 per dwelling.
32. Local Plan Policy HS21 sets a standard of 0.25 hectares per 1,000 population. There is currently a deficit of provision in the Chorley North East ward in relation to this standard, a contribution towards new provision is therefore required from this development. The amount required is £426 per dwelling.
33. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The financial contribution required is £868 per dwelling.
34. The total financial contribution required from this development towards open space and playing pitches is therefore £19,306.
35. The applicant has requested that no contributions be sought on this application due to the impact on the viability of developing the site that this will have and the reasons set out within the Applicants Case above.

#### Traffic and Transport

36. The County Highways Engineer has viewed the plans and has requested a number of amendments to the scheme that have been made and he is now happy with what is proposed subject to a number of conditions.
37. Each property will have access to two dedicated car parking spaces, for properties 1-11 9 these will be in curtilage and a garage will be provided. For plots 10 and 11, parking spaces will be provided to the rear and for plots 12 – 14, car parking will be provided in a parking court directly adjacent to the properties and the site entrance. Properties 1-10 will also benefit from a single garage. Each garage will measure 6m by 3m which will provide an extra car parking space for each dwelling.

#### Contamination and Coal Mines

38. The Council's Waste and Contamination Officer has viewed the plans and has no objections subject to a detailed Site Investigation condition be applied to any approval.

#### Drainage and Sewers

39. United Utilities have not commented on this application, albeit they have commented on previous applications stating that they have no objection to the proposals subject to the site being drained on a separate system. Any response from United Utilities relating to the current application will be reported on the Addendum Report.

#### Affordable Housing

40. Policy 7 of the Core Strategy specifies that the minimum site size threshold for affordable housing is 15 dwellings (0.5 hectares or part thereof). This proposal is for 14 units and is on a section of the Initial Textile Services site that is approximately 0.38 hectares in size. However, this proposal is on part of a larger site, which is of a size where affordable housing should be provided. The proposal could therefore be deemed to be considered piecemeal development due to the allocation of the site (HS1.16) as a whole within the emerging Chorley Local Plan and that 30% affordable housing should be requested.

41. The applicant has provided further supporting information in relation the proposed development that seeks to justify the development of 14 dwellings initially on the site. The applicant states that due to the high incidental costs of the development on a site of this nature, the provision of affordable housing, which is now required at 30% rather than the 20% on the previous application, would render the site unviable to develop. They anticipate that the development of the initial 14 dwellings would stimulate the development of the rest of the site.
42. The applicant has also provided justification based on a number of other factors as to why the development should be permitted without the affordable housing which are outlined in the Applicants Case section above. Some details have also been provided as to the applicant's attempts to resell the site on the open market. It is considered that the development of this part of the site for 14 dwellings is viable as there are no major underlying barriers to this part due its previous use for car parking and the proximity of services.
43. It should be noted that should 14 dwellings be accepted on this site without the provision of 30% affordable housing in a bid to stimulate the development of the remainder of the site, it is considered that this would be classed as being a very special circumstance to stimulate the development and would not preclude further developing on the remainder of the site from the requirement for 30% affordable housing.

#### Section 106 Agreement

44. In a development of this nature, the following would normally be secured through the use of a s106 Agreement:
  - Public Open Space Contribution - £19,306
  - Education Contribution - £59,406
  - 30% Affordable Units
45. The applicant has requested that all of the above requirements are waived in this instance as the requirement to provide them would render the development of the site unviable. The applicant has provided a viability assessment in response to the request for these contributions that is being considered by Liberata on behalf of the Council. The response from Liberata will be reported on the Addendum Report.
46. The applicant has provided further justification as to why these contributions should not be sought, namely the creation of jobs in the local area, the screening of the remainder of the site by the properties which will bring forward amenity benefits to local residents, stimulation of the economy in the local area and in particular this site.

#### **Overall Conclusion**

47. That the application be approved.

#### **Other Matters**

##### Sustainability

48. A condition will be attached to any approval that ensures that any development will be carried out to the relevant Code for Sustainable Homes Level in accordance with the requirements of Policy 27 of the Adopted Joint Central Lancashire Core Strategy.

##### Waste Collection and Storage

49. Each property will have suitable storage and access arrangements for the use and movement of wheelie bins. The Councils Waste Officer has viewed the plans and is satisfied with the proposals.

##### Non- material planning considerations

50. An issue that has been raised with regard to this application is the potential to improve the overall appearance of the site through the removal of the partially demolished and derelict building on the site and whether this can be secured through this application. The building

falls outside of the red edge but within the blue edge that denotes adjacent land owned by the applicant.

51. The questions as to the removal of the building has been put to the developer however they cannot provide a definitive answer with regard to if or when this will occur. They have, however stated that the development of these 14 units would provide screening of this building and the rest of the site from the properties on Willow Road.

### **Planning Policies**

#### National Planning Policy Framework

Section 6, Section 7

#### Adopted Chorley Borough Local Plan Review

GN1, HS4, EM9, TR4

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

#### Joint Core Strategy

Policy 1: Locating Growth

Policy 5: Housing Density

Policy 7: Affordable Housing

Policy 10: Employment Premises and Sites

Policy 17: Design of New Buildings

#### Emerging Chorley Local Plan (Publication Version), 2012

HS1: Housing Site Allocations

### **Planning History**

Ref: 06/00835/FUL                      Decision: PRRRTF      Decision Date: 12 February 2007

Description:    Retrospective application for two duct flues and locker to side elevation

Ref: 09/00635/DEMCON      Decision: PERDEM      Decision Date: 4 September 2009

Description:    Application for prior determination in respect of the proposed demolition of the former 'Initial Washroom Solutions' Site

Ref: 10/00834/FULMAJ              Decision: WDN              Decision Date: 2 December 2010

Description:    Proposal residential development for 50 two-storey houses (20% affordable houses)

Ref: 11/00871/FULMAJ              Decision: PDE              Decision Date:

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

Ref: 11/00892/FUL                      Decision: PERFPP      Decision Date: 19 January 2012

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

Ref: 12/01015/FULMAJ              Decision: PCO              Decision Date:

Description:    .Proposed residential development for 14 No 2 storey dwellings.

Ref: 91/00027/FUL                      Decision: REFFPP      Decision Date: 21 May 1991

Description:    Replacement loading dock and offices

Ref: 90/00474/FUL                      Decision: PERFPP      Decision Date: 12 June 1990

Description:    Realignment of vehicle workshop roof to provide increased storage area

Ref: 87/00095/FUL                      Decision: PERFPP      Decision Date: 17 March 1987

Description:    Recladding of roof and wall to laundry

Ref: 86/00504/FUL                      Decision: REFFPP      Decision Date:4 November 1986  
Description: Alterations to the yard new vehicular access to willow road and demolition of existing canteen

Ref: 81/00497/FUL                      Decision: PERFPP      Decision Date:8 September 1981  
Description: Replacement of branch works area building and alterations to office areas

Ref: 80/01089/FUL                      Decision: PERFPP      Decision Date:1 December 1980  
Description: Hard standing and Fuel Point with small enclosure and canopy over, Vehicle and Pedestrian Gates

Ref: 79/00501/FUL                      Decision: PERFPP      Decision Date:11 June 1979  
Description: Erection of 28.95 metre high replacement chimney

Ref: 79/00935/FUL                      Decision: PERFPP      Decision Date:1 October 1979  
Description: Extension of loading facilities by formation of hard standing and 2 No. openings in existing wall

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

Conditions will be submitted on the Committee Addendum

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<b>Item 4g</b>	<b>12/01001/REMMAJ</b>
<b>Case Officer</b>	<b>Caron Taylor</b>
<b>Ward</b>	<b>Astley and Buckshaw</b>
<b>Proposal</b>	<b>Reserved matters application for the erection of 22 dwellings at the Southern Commercial Area, Buckshaw Village (pursuant to outline permissions 97/00509/OUT and 02/00748/OUTMAJ).</b>
<b>Location</b>	<b>Southern Commercial Quarter Central Core Ordnance Road Buckshaw Village Lancashire</b>
<b>Applicant</b>	<b>Mr Neal Dale</b>
<b>Consultation expiry:</b>	<b>28 November 2012</b>
<b>Application expiry:</b>	<b>17 January 2013</b>

### **Proposal**

1. Reserved matters application for the erection of 22 dwellings at the Southern Commercial Area, Buckshaw Village (pursuant to outline permissions 97/00509/OUT and 02/00748/OUTMAJ).

### **Recommendation**

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

### **Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Background information
  - Principle of the development
  - Density
  - Levels
  - Impact on the neighbours
  - Design
  - Open Space
  - Trees, Landscape and Ecology
  - Flood Risk
  - Traffic and Transport
  - Contamination and Coal Mines
  - Drainage and Sewers
  - S106 Legal Agreement
  - Sustainability

### **Representations**

4. No representations have been received.

### **Consultations**

5. **The Environment Agency**  
Have no objection in principle to the proposed development subject to conditions.
6. **The Architectural Design and Crime Reduction Advisor**  
State they have conducted a crime search of the location and during the period 24/10/2011 to 24/10/2012 there have been recorded crimes within the immediate vicinity of this location including burglary in a building other than a dwelling and criminal damage to vehicles.

7. They support how the opportunity for crime will be designed out at the development such as defining the difference between public and private space with 1m railings at the front of dwellings.
8. They do have concerns in respect of the rear parking courts indicated in the Design and Access Statement. Rear parking courts should be avoided in developments where possible, and if necessary they should be gated to restrict unauthorised access and well lit. They do however support the visibility panels that have been incorporated into the fencing design to provide surveillance over the parking areas if there is not an alternative e.g. parking within the curtilage of the dwelling boundary.
9. **United Utilities**  
Has no objection to the proposal subject to conditions.

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

##### Area B

The parking level for units B1 to B16 is sub-standard. The 6 units are 4 bedroom dwellings and in accord with the preferred car parking standards they should each support 3no parking spaces giving a total of 18 spaces. In this instance the applicant has only proposed 12no spaces which is a short fall of 6no spaces. In addition, on paper the car park access and layout offers poor accessibility for waste collection and large delivery vehicles. As such the layout will need to support a 3 axle waste vehicle of 10m length; the plan drawing is only showing a small 2 axle vehicle.

11. The Units have front door access onto the access/main road and this arrangement is most likely to lead to occasional and possibly even regular and long term on-street parking at the location including across the footway. The occurrence of on-street parking is already happening and is evident on other parts of Buckshaw Village (e.g. Main Street area). As such it is likely that mechanisms or measures will need to be put in place to stop the parking from happening.

##### Area C

12. The proposed level of car parking provision is sub-standard for units C1 to C11. The applicant has proposed to provide 2no space per dwelling. However as 5no of the units are 4 bedroom they should each provide for 3no spaces in accord with the recommendations of the preferred car parking standards. As such there is a short fall of 5no parking spaces on the site. As there is little scope for on-street parking in the area, the shortfall will lead to indiscriminate parking causing nuisance and obstruction on the highway.
13. The car park access and layout does not offers accessibility and turning space for waste collection and large delivery vehicles. As such the layout will need to support a 3 axle waste vehicle of 10m length; the plan drawing is only showing a small 2 axle vehicle.
14. The Units have front door access onto the access/main road and this arrangement is most likely to lead to occasional and possibly even regular and long term on-street parking at the location including across the footway. The occurrence of on-street parking is already happening and is evident on other parts of Buckshaw Village. As such it is likely that mechanisms or measures will need to be put in place to stop the parking from happening.

##### Area D

15. The proposed level of car parking provision is sub-standard for units Units D1 to D5. The applicant has proposed a total of 11no spaces allowing 2no spaces per dwelling with 1no visitor space. As 3 units are 4 bedroom they should each support 3no spaces in accord with the preferred parking standards therefore there is an overall short fall of 2no spaces on the site.
16. Technically there is little scope for long term on-street parking at the location without causing nuisance and obstruction on the highway. The end two number spaces (3 and 4) are tight up against the path and have insufficient manoeuvring space. The Units have front door access onto the main road and this arrangement is most likely to lead to occasional and possibly even

regular and long term on-street parking at the location including across the footway. The occurrence of on-street parking is already happening and is evident on other parts of Buckshaw Village. As such it is likely that mechanisms or measures will need to be put in place to stop the parking from happening

17. Therefore, in light of the above comments, they ask that the Planning Authority take the above concerns/notes into consideration before making any recommendation to grant permission.
18. **Chorley's Waste & Contaminated Land Officer**  
Have no objections.

### **Applicants Case**

19. The sites that comprise this application were arguably intended in the outline planning permission for commercial use. However, despite numerous marketing exercises and expenditure by the developer (Eden Park), the current economic slump and predicted slow recovery have meant that these sites are unlikely to be developed for commercial use for many years. The developer has been advised by property agents and community representatives that what Buckshaw Village really needs now is more family housing, and therefore the proposal is for sites to change their intended commercial use to family housing. Despite this change, a considerable amount of commercial/retail space including a large supermarket will still remain within Southern Commercial and it is believed that this will be sufficient to serve the needs of the local community in a sustainable manner. As housing already borders the commercial centre to both the north and west it is considered that the proposal should be seen as being annexed to these existing housing areas – an adjustment of boundaries rather than radical change.

### **Assessment**

#### Background Information

20. The site, along with the majority of Buckshaw Village was given planning permission by outline applications 97/00509/OUT and 02/00748/OUTMAJ (the latter being a modification of conditions). A reserved matter application was then approved (ref: 08/01100/REMAJ) for Tesco and the surrounding commercial area which included the three sites that make up the current application (referred to as Plots B, C and D in this report).
21. Plot B has been approved as a children's nursery, Plot C as offices and Plot D as apartments. These permissions could still be implemented as they were part of a larger application that included Tesco that has been built. The application now proposes for all three plots to have houses on them.

#### Principle of the development

22. All three sites are in the mixed use core as shown in the Southern Commercial Masterplan, which is part of the Design Code for this part of Buckshaw Village, which was a requirement of the outline permission. All three plots are within the 'Station Road' area where the character theme is a traditional main street of a small country town incorporating shops, offices, commercial and leisure facilities with living accommodation above.
23. As a mixed use area, the outline permission allows for commercial or housing uses on the plots applied for. Although it may have been envisaged that this may have been in the form of housing over commercial uses, it is not considered that a change to just housing on these parcels is completely at odds with the vision of the Masterplan for this area. The development is therefore considered acceptable in principle. The specific details of each plot will be discussed individually below.

#### Density

24. The density of the three sites are as follows:  
Plot B – 50 dwellings per hectare  
Plot C – 45 dwellings per hectare  
Plot D – 55 dwellings per hectare  
All three of these are considered acceptable in terms of density. They are located in the southern commercial area around the main commercial core where the character of the area is

higher density to create streets where the dwellings are close to the road/pedestrian frontage to create an enclosed more traditional space.

#### Levels

25. The site has been remediated under previous permissions and is therefore relatively flat. It is therefore that the approval of finished floor levels of the dwellings can be controlled through condition.

#### Impact on the neighbours

##### Plot B

26. The properties on this plot will back onto a parking area at the rear. To the side are the Barratt properties recently approved under reference 12/00787/REMMAJ. The nearest property (The Barwick house type on plot 62) will only have non-habitable and secondary windows in its side elevation so the relationship with the proposed property on plot B1 is considered acceptable.
27. The properties opposite the site are the subject of a separate application (ref:12/01005/FULMAJ) also on this agenda. If these properties were to be approved in the layout proposed there would be 18m between first floor habitable room windows of these properties and the properties proposed on Plot B. This is less than the Council's interface guideline of 21m but is considered an acceptable relationship as this part of the Southern Commercial area is intended to reflect a high street/commercial centre where traditionally properties would be closer together. The relationship between facing houses would be greater than the interface between the apartments above the commercial properties approved to the south and is considered an acceptable relationship as the aims of the approved Design Code are considered to carry sufficient weight to outweigh the normal interface distances used by the Council.

##### Plot C

28. Plot C will back onto its parking court at the rear and far exceeds the interface distance guideline with the properties approved on Parcel N, the nearest properties to the west that Redrow are currently constructing. To the front the properties will face the side of the Tesco building. This plot is therefore considered acceptable in terms of neighbour amenity.

##### Plot D

29. Plot D has been previously approved as apartments which were set the same distance back from the road as the properties now proposed, which is a material consideration that is given significant weight. Again, the properties will overlook their own parking area to the rear. One of the properties on this parcel (plot D-05) is set back further than the other ones. It is therefore considered necessary to remove permitted development rights for extensions from this property as extension could have an unacceptable impact on the amenity of plot D-04. Subject to this condition Plot D is considered acceptable in terms of neighbour amenity.

#### Design

30. The Design Code states that the style of the buildings in the Station Road area will be eclectic from the late 19<sup>th</sup> Century to present day, with building heights of 2 to 4 storeys with residents parking to the rear in garage or parking courts.
31. The proposed houses are all arranged in perimeter terraces with more prominent properties at the head of vistas and are either two or two and a half storeys in height.
32. Each property will have a small enclosed area in front of it separating it from the immediate street by railings and a rear garden overlooking a rear car parking court. Rear gardens will be fenced, however, the fencing at the rear of the garden is proposed to be lower than normal with decorative trellis or similar above to allow natural surveillance of the car parking areas.
33. The design and layout of the properties is considered acceptable. Their design and height will form a transition from the taller commercial units with apartments above to the lower density housing outside the commercial core.

Plot B

34. Plot B continues the development down from the Barratt development north of the site (Parcel M) recently approved under permission reference 12/00787/REMAAJ with six townhouses to meet the commercial units with apartments above to the south. Although semi-detached properties have been approved to the north they are close together and the terraced properties proposed on this plot will form an acceptable transition from these to the higher commercial area to the south. The properties will have room in the roof with a ridge height of approximately 11m with the commercial properties rising to 16.5m immediately to the south. This is therefore considered an appropriate design solution between the previously approved sites on either side.

Plot C

35. Plot C forms a prominent corner location adjacent to Tesco and within the main central core of the commercial area.
36. There are eleven properties of three different house types proposed on the plot. The largest will be in the form of a pair of semis that will be sited on the prominent corner designed so they have a 45 degree arrangement and 'turn the corner'. These will be two and a half storeys high with front gables at second floor and balconies. It is considered these are suitable properties to be on a prominent corner, creating a feature property at the head of a vista. The adjacent properties will be a mixture of three other house types of varying styles that will all be sited close to the road with small frontage gardens and railings, some with small balconies and others with front gables or small flat roof dormer windows. All the properties will in the form of a terrace in an overall L-shape.

Plot D

37. Plot D is situated to the east of Station Road around the corner from the commercial units to the north of Tesco. This was originally approved a twelve two-bed apartments, three storeys high, with parking to the rear. The proposal is for five dwellings of two house types that will be separated from the commercial units with apartments above to the west by a gap. House type E will be sited adjacent to the commercial units and will be a two-storey dwelling but with a two and a half storey front gable, with Type F a two-storey property with steep pitch next to it, in a row of mews. Again, this mix of house types will create a transition down from the higher commercial units and is considered acceptable. The house on plot D5 will be set back on the site to respond to the corner of the site.

Open Space

38. There is no open space proposed within the development. As the site already benefits from outline permission for mixed use residential/commercial, it is not considered that a commuted sum payment could be justified in this instance.

Trees, Landscape and Ecology

39. The site has been remediated and cleared for development. There are therefore no issues in this respect.

Flood Risk

40. The site is not in a flood risk area as identified by the Environment Agency. A flood risk assessment was submitted as part of the outline for the site as a while. The proposal is therefore considered acceptable in this respect subject to conditions.

Traffic and Transport

41. The parking for all the properties in the form of rear parking courts as is envisaged in the Design Code for the area. The comments of the Police Liaison Officer are noted, but the layout and character of the area does not lend itself to in curtilage parking. The Liaison Officer does however support the visibility panels if rear parking courts are used and these will be conditioned to ensure they are implemented and retained.

Plot B Parking

42. Parking for the six properties will be shared with the adjacent mixed-use development already approved to the rear/south of the properties. The scheme has also allowed an additional two parking spaces to be created overall and is similar to the layout previously approved, but alters the access point to be between the last house and commercial units rather than between the houses.
43. The nursery originally proposed had parking to the rear which also served the apartments above the shops to the south and commercial uses. Altogether (nursery, apartments and commercial units below) had 48 parking spaces, a cycle store and bin store. The layout now proposed provides for 50 parking spaces to serve just the apartments and commercial units (including cycle store and bin store), therefore 2 more than previous approved and without them also being used for the nursery. The houses proposed on the site of the nursery are four bedroom dwellings, which the Council's parking standards state should have 3 spaces each – therefore 14 spaces in total. The proposed layout shows 12 spaces for these dwellings i.e. 2 spaces each. However, the parking now proposed needs to be compared to the parking layout previously approved. There are now 62 parking spaces on the site for the three uses: apartments, commercial and housing as opposed to the 48 spaces previously approved for three uses: apartments, commercial and nursery. It is considered that a children's nursery would attract similar levels of parking to the six houses now proposed when staff and people dropping children off are considered. Therefore although lower than the Council's normal standards the parking provision now proposed is considered an improvement on the previously approved layout and therefore is considered acceptable.
44. The applicant has been made aware of the issues raised by LCC Highways in relation to large vehicles and has been asked to show that it is suitable for larger vehicles. This will be reported on the addendum.

Plot C Parking

45. The office development previously approved had 52 parking spaces. 11 townhouses are now proposed on this plot with a mixture of two, three and four bed properties. In accordance with the parking standards there should be 27 spaces (allowing three spaces for a four bed property). The layout proposes 22 spaces in a communal parking court. This is below the Council's normal standards, but again the previous approval for offices must be taken into account and the location of the site, very close to amenities and Buckshaw Parkway Station. For these reasons it is not considered the Council could refuse the application on parking standards.
46. The applicant has been made aware of the issues raised by LCC Highways in relation to large vehicles and has been asked to show that it is suitable for larger vehicles. This will be reported on the addendum.

Plot D Parking

47. This plot was previously approved as 12, two bedroom apartments, with 11 spaces i.e. one space each. The current layout is now for 5 townhouses with 11 spaces, The parking standards set out 13 spaces would be required for properties of the size proposed but the layout now proposed incorporates more parking for the number of dwellings than previous approved and is therefore an improvement on the parking numbers. The number of spaces for the adjacent apartments and commercial units remains as per the previous approval, so the scheme does not result in a reduction elsewhere on this part of the site.
48. The parking for Plot D is already under construction as part of the commercial development with apartments approved in 2008.

Contamination and Coal Mines

49. The site has been remediated for development, although as is normal practice a precautionary condition will be added if unexpected contamination is discovered in the course of development. It is not within a Coal Mining Referral or Standing Advice Area.

Drainage and Sewers

50. Drainage and sewers have been planned for the site as a whole. The proposal is considered acceptable in relation to this subject to the conditions requested by Untied Utilities.

Section 106 Agreement

51. A Section 106 is not required in relation to the application, which is submitted pursuant to outline permissions 97/00509/OUT and 02/00748/OUTMAJ that has an associated Section 106 agreement.

Sustainability

52. The site is a reserved matters application pursuant to an outline permission. At that time there was no requirement in terms of sustainable resources in new developments. As such the Council could not impose such requirements on this reserved matters application.

**Overall Conclusion**

53. The application is considered to comply with the Design Code for the Southern Commercial Area. Although some previously approved commercial units will be replaced with residential it is still considered that there are sufficient commercial units on this part of Buckshaw to retain the vision of a commercial centre. The application is therefore recommended for approval subject to conditions and the parking and layout issues being overcome which will be reported on the addendum.

**Planning Policies**National Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: GN2, GN5

Joint Core Strategy

Policy 17: Design

**Planning History**

**97/00509/OUT:** Outline application for mixed use development (housing, employment, shopping, leisure & commercial uses, open spaces, roads, sewers, community facilities & rail station) & indication of junction improvements on surrounding road network. Permitted 1999.

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

**08/01100/REMAJ:** Reserved Matters Application for the Southern Commercial Area, Buckshaw Village. Including retail uses, residential, car parking, related infrastructure and landscaping. Permitted January 2009

**Recommendation: Permit Full Planning Permission Conditions**

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

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

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

Plan Ref.	Title:	Received:
8430-002 P008 Rev A	Site Sections – Street Elevations (B, C, D)	17 October 2012
8430-002 P010 Rev B	House Type A	17 October 2012
8430-002 P011 Rev B	House Type B	17 October 2012

8430-002 P013 Rev B	House Type E	17 October 2012
8430-002 P014 Rev B	House Type F	17 October 2012
8430-02 P015 Rev B	House Type G	17 October 2012
8430-002 P003 Rev B	Site Plan Plot B	17 October 2012
8430-002 P004 Rev A	Site Plan Plot C	17 October 2012
8430-002 P005 Rev A	Site Plan Plot D	17 October 2012
8430-002 P006 Rev A	Site Plan – Overall Sites B, C, D	17 October 2012

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

3. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.  
*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN4 of the Adopted Chorley Borough Local Plan Review.*
4. During the development, if contamination which has not previously been identified, is found to be present at the site no further development shall be carried out until a Method Statement has been submitted to and approved in writing by the Local Planning Authority detailing how this unsuspected contamination will be dealt with. The development shall then only be carried out in accordance with the Method Statement.  
*Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in the National Planning Policy Framework.*
5. Before the properties hereby permitted are first occupied, the car parking areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan to serve that property. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.  
*Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*
6. No development shall take place until details of the proposed foul and 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 to ensure that the surface water runoff, at the developers proposed discharge rate, has been accounted for when the original surface water infrastructure was designed and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review and the NPPF*
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 of the Adopted Chorley Borough Local Plan Review.*
8. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.



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

- 9. 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.***
- 10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.**  
***Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.***
- 11. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all 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. This shall include full details of the rear boundary fencing with the parking courts and the include details of fencing that will allows natural surveillance of the parking courts as well as rear pedestrian gates. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.**  
***Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.***

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<b>Item 4h</b>	<b>12/01005/FULMAJ</b>
<b>Case Officer</b>	<b>Caron Taylor</b>
<b>Ward</b>	<b>Astley and Buckshaw</b>
<b>Proposal</b>	<b>Erection of 23 two, three and four bedroom dwellings, together with associated landscaping, pocket park and car parking at the southern commercial area, Buckshaw village (including 6 no. affordable units).</b>
<b>Location</b>	<b>Land south west of Bishopton Crescent, and at the Junction of Buckshaw Avenue and Ordnance Road, Buckshaw Village</b>
<b>Applicant</b>	<b>Mr Neal Dale, Eden Park Developments Ltd.</b>
<b>Consultation expiry:</b>	<b>28 November 2012</b>
<b>Application expiry:</b>	<b>18 January 2013</b>

### **Proposal**

1. Full application for the erection of 23 no. two, three and four bedroom dwellings (including 6 no. affordable dwellings), together with associated landscaping, pocket park and car parking at the southern commercial area, Buckshaw village.
2. Although Buckshaw Village benefits from outline permission (97/00509/OUT and 02/00748/OUTMAJ) for mixed use development, the reserved matters for which can be submitted until 14<sup>th</sup> August 2014, condition 19 of the 2002 permission requires development to be in compliance with a land use plan and associated schedule. The area is also the subject of a Design Code with an associated Masterplan that was required by the outline permission. This shows part of the site the subject of this application as a commercial parcel rather than residential, with the west part within the mixed use core shops and offices with residential over. As the current proposal does not comply with this as it proposes residential on a commercial parcel, the application has been submitted as a full planning application.

### **Recommendation**

3. It is recommended that this application is approved subject to conditions and a Section 106 legal agreement.

### **Main Issues**

4. The main issues for consideration in respect of this planning application are:
  - Background information
  - Principle of the development
  - Density
  - Levels
  - Impact on the neighbours
  - Design and Layout
  - Open Space
  - Trees, Landscape and Ecology
  - Flood Risk
  - Contamination and Coal Mines
  - Drainage and Sewers
  - Traffic and Transport
  - Section 106 Agreement
  - Sustainability

**Representations**

5. No representations have been received.

**Consultations****The Environment Agency**

6. Have no objection in principle subject to conditions.

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

The Design and Access Statement details some aspects of how the opportunity for crime will be designed out at the development such as defining the difference between public and private space with 1m railings at the front of dwellings. This is supported.

8. They have concerns in respect of the rear parking courts indicated in the Design and Access Statement. Rear parking courts should be avoided in developments where possible, and if necessary they should be gated to restrict unauthorised access and well lit. They do however support the visibility panels that have been incorporated into the fencing design to provide surveillance over the parking areas if there is not an alternative e.g. parking within the curtilage of the dwelling boundary.
9. They state they have concerns with some elements of the communal green space indicated in the Design and Access statement such as the location of street furniture. Public green spaces can become areas for anti-social behaviour and nuisance. Landscaping must be given careful consideration e.g. not above 1m and street furniture such as benches should be located where the opportunity for natural surveillance is maximised by passers-by and from active rooms within the dwellings and the area should be well lit.

**10. United Utilities**

Have no objections subject to conditions.

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

The overall number of car parking spaces is generally in accordance with the preferred car parking standards. It is however evident the applicant has proposed 2no spaces to support each dwelling with 5no spaces for visitor parking whereas each 4 bedroom dwelling should support 3no spaces. Whilst there are 4no 4 bedroom dwellings and technically there is under provision of parking to the individual dwellings, the overall provision is acceptable and they therefore accept the proposed parking arrangement in this instance as the 5no visitor spaces will accommodate the demand for additional parking and also provide for occasional parking by visitors on the site. They however, note that there is little scope for on-street parking in the area without causing nuisance or obstruction on the highway.

12. On paper the car park access and layout offers poor accessibility for waste collection and large delivery vehicles. As such the geometrical layout will require to be proved to support a 3 axle waste vehicle of 10m length; the plan drawing is only showing a small 2 axle vehicle. The existing layout is of insufficient space to accommodate turning movement by large vehicles and therefore likely to lead to vehicular conflict at the location. As such the design of the junction will be a requirement.
13. The Units have front door access onto the access/main road and this arrangement is most likely to lead to occasional and possibly even regular and long term on-street parking at the location including across the footway. The occurrence of on-street parking is already happening and is evident on other parts of Buckshaw Village (e.g. Main Street area). As such it is likely that mechanisms or measures will need to be put in place to stop the parking from happening.
14. Unfortunately with this type of planning layout with front door access and rear car parking arrangements, the Units will invariably come to rely on on-street parking for short term visitor and servicing arrangements. In this instance the site is in the commercial area of the Village and will see a significant level of pedestrian and vehicle movements.

15. Units A-05 – A-12 have direct walkways leading onto Buckshaw Ave. This is against the principle of design as part of the master planning for the Village, and there is no other separate provision for private walkways with direct links onto Buckshaw Av and Central Av which are main distributor roads with a 40mph speed limit, however they are minded not to raise any strong highway objection to the proposal in this instance.
16. **Chorley's Waste & Contaminated Land Officer**  
Have no objections to the application.
17. **Lancashire County Council (Education)**  
Based upon the latest assessment, LCC would be seeking a contribution for 8 primary school places. This would result in a claim of £95,044.
18. Failure to secure the contributions sought would mean that the County Council cannot guarantee that children living on this development would be able to access a school place within a reasonable distance from their homes.
19. LCC is unable to specify the school(s) which would have additional places provided at this stage; this is due to the statutory processes surrounding school expansion and the need for consultation.
20. This response is based on the latest information available at the time of writing. Circumstances may change over time, as other applications come forward. Consequently this response may require re-evaluation if the determination of the application is delayed significantly.
21. **Chorley Council Strategic Housing**  
As regards affordable provision on site there is a requirement for 30% which equates to 6.9 units. In accordance with the recently adopted Affordable Housing SPD we should round up this figure to 7 dwellings, split 70/30% Social rent and Intermediate sale (shared ownership) respectively.
22. In terms of house types the preference is for 2 bed houses for Social Rent and 2 and 3 bed houses for Intermediate sale i.e. shared ownership. This would equate to 5 x 2bed houses for Social rent and 2 x 2 or 3 bed houses for shared ownership. The plan attached to the Planning application shows the location of 6 x 2 bed houses (type H) as affordable units – these are acceptable although a further dwelling is needed to comply with the 30 % requirement.
23. All of the affordable dwellings should be owned and managed by an Affordable Housing Provider (Registered Provider) with stock / management preference in the area and who are members of the Select Move choice based letting scheme, such as New Progress or Adactus/CCH.

#### **Applicant's Case**

24. Outline planning permission was granted in August 1999 (97/00509/OUT) and modified in 2002 (02/00748/OUTMAJ) for the redevelopment of what had been the Royal Ordnance Factory.
25. Condition 19 of the 2002 permission cross references what was described as a Land Use Plan No. 1 (CTP/MP1) and the 'associated land use schedule' on it. The condition required compliance with the schedule unless otherwise agreed in writing with the Council.
26. Subsequent applications have 'fine-tuned' the wider development. However, it is the 2002 permission which remains relevant to this application, together with the subsequent design guidance which was approved for the Southern Commercial Area of Buckshaw (June 2006). This permission allows (under condition 2) for an application for approval of reserved matters to be submitted at any time up until the 24th August 2014. Condition 2 also requires that the development carried out in pursuant of any reserved matter shall be begun within two years of the date of the approval.

27. Within the Southern Commercial Area a number of major planning applications were submitted in October 2008. These were as follows:
  - 08/01100/REMMAJ- Reserved Matters Application for the Southern Commercial Area, Buckshaw Village. This application included retail uses (including Tesco food store, residential, car parking, related infrastructure and landscaping).
  - 08/01098/REMMAJ- Reserved matters application for the erection of 84 apartments and 24 dwelling houses at the Southern Commercial Area, Buckshaw Village.
  - 08/01099/FUL- Erection of a Petrol Filling Station and associated infrastructure at the Southern Commercial Area, Buckshaw Village.
28. All these applications were considered and approved at planning committee on 13th January 2009 and the decision notices were issued on 15th January 2009.
29. The Tesco food store and the PFS were completed in October 2010. However, the economic conditions were only suitable to start the mixed use retail and apartment development in June 2012. This mixed use development will form the centre of Buckshaw Village, alongside the Tesco store. Eden Park Developments has not been able to bring forward the other elements that were granted planning permission due to the recession and economic conditions that have persisted over a number of years.
30. The site of the proposed development is identified as being partly within the Mixed use Core and within the Business (B1, B2 and B8) or Commercial Uses (A1, A2, A3, A4, A5, C1, C2, D1 and D2), within the Buckshaw Village Land Use Plan (Plan No. CTP/MP1/I Nov 06).
31. Within the Southern Commercial Area Master Plan (2006) the site is identified as being within the mixed use core area and partly within plot 4500 (a hotel/leisure use) alongside a Key Frontage which runs along the northern boundary and a Landscape Framework along the northern boundaries.
32. Planning permission was granted in March 2012 (11/01080/FULMAJ) on the remaining part of plot 4500 for a proposed warehouse, office and trade counter building and associated infrastructure. The car parking for this building and a landscape buffer will form the boundary to this proposed site.
33. The plot being considered as part of this application has no formal planning history. There has been no commercial interest for the site and instead of applying speculatively for a hotel or leisure development than may not meet an operator's requirements, a residential scheme which may have a greater chance of being implemented (and may have greater interest from developers) is considered appropriate to bring this vacant site forward. If planning permission is granted there is still an opportunity under the outline permission to apply for other commercial uses if sufficient developer interest is identified.

## **Assessment**

### Background Information

34. The site, along with the majority of Buckshaw Village was given planning permission by outline applications 97/00509/OUT and 02/00748/OUTMAJ (the latter being a modification of conditions). A reserved matter application was then approved (ref: 08/01100/REMMAJ) for Tesco and the surrounding commercial area which included the three sites that make up the current application (referred to as Plots B, C and D in this report).

### Principle of the development

35. The site, along with the majority of Buckshaw Village was given planning permission by outline applications 97/00509/OUT and 02/00748/OUTMAJ (the latter being a modification of conditions).
36. Although Buckshaw Village benefits from outline permission for mixed use development (the reserved matters for which can be submitted until 14<sup>th</sup> August 2014), condition 19 of the 2002 permission requires development to be in compliance with a land use plan and associated schedule. The area is also the subject of a Design Code with an associated Masterplan that

was required by the outline permission. This shows part of the site the subject of this application as a commercial parcel rather than residential, with the west part within the mixed use core shops and offices with residential over.

37. The site to the east of the application parcel has full planning permission for a warehouse, office and trade counter building (ref: 11/01080/FULMAJ). This site takes up 1.07 hectares covering the majority of the site that was envisaged for commercial use. It leaves a strip of land of approximately 0.35 hectares in area between this approved commercial site and the mixed use area in the Design Code that forms part of this application site. The size of the remaining strip of land is not considered a significant commercial site and since the site has had outline permission for commercial there has been a significant downturn in the economic climate. The site has been advertised for a number of years for commercial use without success. It is therefore considered that the position of the site on the Southern Commercial area close to other housing is appropriate for residential use and this along with the fact that that it will occupy a unique small remaining strip of land that has been unsuccessfully marketed for commercial use are material considerations carrying significant weight and that on balance the application is acceptable in principle.
38. The site would still benefit from outline permission for commercial use (for which reserved matters could be submitted until August 2014) if planning permission was granted on the site for housing, if a commercial developer came forward.

#### Density

39. Based upon a site area of 0.54 ha the development density will therefore be 42 dwellings per hectare which is appropriate for the location of the site.

#### Levels

40. The site has been remediated under previous permissions and is therefore relatively flat. It is therefore that the approval of finished floor levels of the dwellings can be controlled through condition.

#### Impact on the neighbours

41. All the properties, apart from Plot A-01 back onto the rear parking court so there are no interface issues to the rear. Plot A-01 is sited so it faces the access to the parking area. This results in its rear elevation facing towards the rear garden of plot A-02. There are three windows in its first floor rear elevation, two serve non-habitable windows (a dressing room and landing) so can be conditioned to be non-opening and obscure glazed. The other is a bedroom and there is only 4.8m to the boundary which is far short of the Council's 10m interface distance. Amended plans have been requested from the agent repositioning this window on the east elevation so will overlook the parking court rather than the garden of the adjacent plot. An update on this will be posted on the addendum.
42. To the south the properties will face towards the dwellings proposed on Plot D (part of application 12/01001/REMMAJ also on this agenda). There will be 12.5m between the facing windows of the properties. To the west the properties will face the Barratt properties approved under permission 12/00787/REMMAJ in November 2012. There will be approximately 13m between these properties.
43. Both these relationships are less than the Council's normal interface guideline of 21m but are considered an acceptable relationship as the character for this part of the Southern Commercial area set out in the Design Code states it is intended to default a traditional main street of a small country town. In such examples properties would be closer together to create a more intimate space and in this instance the aims of the approved Design Code are considered to carry sufficient weight to outweigh the normal interface distances used by the Council.
44. Bounding with the site to the east a warehouse, office and trade counter building has approval under permission 11/01080/FULMAJ. Two of the proposed properties and the parking area bound with this site, the nearest part of which is also a car park. The application layout also proposes to leave a buffer strip of 3m between the nearest properties and the

adjacent site to allow a landscaping strip to be implemented. This can be controlled by condition.

45. Overall the layout is considered acceptable in relation to neighbour amenity.

#### Design and Layout

46. The Design Code for the Southern Commercial Area states that the style of the buildings in the Station Road area will be eclectic from the late 19th Century to present day, with building heights of 2 to 4 storeys with residents parking to the rear in garage or parking courts.
47. The proposed housing on the parcel will all be sited on the perimeter of the site facing outwards, to continue and reflect the street fronting housing and commercial buildings on adjacent parcels which is considered the best design solution for the site. The properties are either two or two and a half storeys in height.
48. Feature properties are proposed on the two corners to the northwest and southwest of the site in the form of a pair of semis designed so they have a 45 degree arrangement and 'turn the corner'. These will be two and a half storeys high with front gables at second floor and balconies. They will reflect the house types proposed on plot C (the subject of a separate application ref: 11/01001/REMMAJ also on this agenda).
49. Parking will be to the rear of the properties in two rear parking courts broken up by a small area of open space.
50. The affordable units are to be located on the southern boundary of the parcel and will be of a design that results in them being indivisible from the market housing in design terms.
51. Each property will have a small enclosed area in front of it separating it from the immediate street by railings and a rear garden overlooking a rear car parking court. Rear gardens will be fenced, however, the fencing at the rear of the garden is proposed to be lower than normal with decorative trellis or similar above to allow natural surveillance of the car parking areas.
52. The design and layout of the properties is considered acceptable and in accordance with the approved Design Code.

#### Trees, Landscape and Ecology

53. The site has been remediated and cleared for development. There are therefore no issues in this respect. It is considered a suitable landscaping scheme can be secured by a condition.

#### Flood Risk

54. The site is not in a flood risk area as identified by the Environment Agency. A flood risk assessment was submitted as part of the outline for the site as a whole. The proposal is therefore considered acceptable in this respect subject to conditions.

#### Contamination and Coal Mines

55. The site has been remediated for development, although as is normal practice a precautionary condition will be added if unexpected contamination is discovered in the course of development. It is not within a Coal Mining Referral or Standing Advice Area.

#### Drainage and Sewers

56. Drainage and sewers have been planned for the site as a whole. The proposal is considered acceptable in relation to this subject to the conditions requested by Untied Utilities.

#### Traffic and Transport

57. This parcel does not benefit from previous permissions that can be taken into account in assessing the parking provision. The Council's parking standards require two parking spaces for two or three bed properties and three spaces for four or more bed properties. Given the house types and bedroom numbers 50 spaces are required to serve the site using these standards. The layout exceeds the Council's parking standards as it provides for 51 spaces to serve the site. Each of the properties is allocated two parking spaces with the extra parking



spaces for visitors. Although the Council would normally require four bed properties to have three spaces allocated to them, in this instance there are enough spaces overall and as the parking is provided in a parking court, the third space for the four bed properties can either be used by these properties or visitors to the site. This is considered a more efficient use of spaces that is less likely to result in on street parking as the four bed properties may not all have three cars.

58. The parking for all the properties in the form of rear parking courts as is envisaged in the Design Code for the area. The comments of the Police Liaison Officer are noted, but the layout and character of the area does not lend itself to in curtilage parking. The Liaison Officer does however support the visibility panels if rear parking courts are used and these will be conditioned to ensure they are implemented and retained.
59. Responding to the Police Liaison Officer's concerns regarding the communal green space, the proposed layout does not show street furniture such as seating or show a detailed landscaping proposal. Full details can be required to be submitted by a condition and discussed with the Liaison Officer at that time.
60. The applicant has been made aware of the issues raised by LCC Highways in relation to large vehicles and has been asked to show that it is suitable for larger vehicles. This will be reported on the addendum.

#### Section 106 Agreement

61. Although this site has outline permission it was envisaged in the land use plan as to be used for employment and there was a condition that the site be developed in accordance with this plan (condition 19 of the 2002). This application is therefore submitted as a full application rather than as a Reserved Matters application. Therefore, any necessary infrastructure contributions for housing were not sought at the time of the outline permission.

#### Affordable Housing

62. As the application is not made pursuant to an outline application which secured affordable housing provision, the site is required to provide affordable housing in accordance with the Council's Core Strategy that requires a 30% provision. This equates to 6.9 dwellings. The scheme only proposes 6 affordable units, however as the frontage of the site (the housing on the west perimeter) are within the mixed use core of the land use Masterplan (rather than the employment area) it is considered that 6 affordable units would meet the policy of the Core Strategy.

#### Open Space

63. The need for amenity open space and equipped play areas are done on a ward/parish basis whereas playing pitch provision is assessed on a Borough wide basis.
64. A small area of informal open space is proposed within the development between the two parking court areas to break up the amount of hard standing, therefore it is not considered that there is justification to require a separate commuted sum contribution towards this.
65. Buckshaw village itself will be well served by play areas either constructed or that will be constructed. As such there is not a deficit within the village so it is not considered there is justification for an equipped play space contribution.
66. However, pitches are planned on a Borough wide basis and there is a deficiency in the Borough. The payment of £868 is the Council's adopted tariff on pitches per dwelling and will be secured via a Section 106 agreement.

#### Education

67. Lancashire County Council as the Education Authority for the area has requested a contribution for 8 primary school places resulting in a claim of £95,044. They advise that failure to secure the contributions sought would mean that the County Council cannot guarantee that children living on the development would be able to access a school place within a reasonable distance from their homes.

68. The original permission for Buckshaw required the developer to provide land for a primary school and pay phased commuted sum payments, however this was not based on this land being developed for housing. It is therefore considered justified to require a commuted sum payment towards education and this will form part of a Section 106 agreement.

Sustainability

69. The Council’s adopted Core Strategy policy requires new developments to be built to Level 4 of the Code for Sustainable Homes from January 2013, rising to Code 6 from January 2016. It also requires the carbon dioxide emissions of predicted energy use are reduced by at least 15% through additional beguiling fabric insulation measures or appropriate decentralised, renewable or low carbon energy sources. A Code for Sustainable Homes Pre-Assessment has been submitted with the application to show the development will meet Code Level 4. It is therefore considered this policy can be met by the implementation of a condition.

**Overall Conclusion**

70. The application is recommended for approval subject to the highways matters being satisfied. This will be reported on the addendum.

**Planning Policies**

National Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: GN2, GN5, TR4.

Joint Core Strategy

Policy 17: Design of New Buildings

**Planning History**

**97/00509/OUT:** Outline application for mixed use development (housing, employment, shopping, leisure & commercial uses, open spaces, roads, sewers, community facilities & rail station) & indication of junction improvements on surrounding road network. Permitted 1999.

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

**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 development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Ref.	Title:	Received:
8430-002 P002 Rev B	Site Plan Plot A	17 October 2012
8430-002 P010 Rev B	House Type A	17 October 2012
8430-002 P011 Rev B	House Type B	17 October 2012
8430-002 P012 Rev B	House Type C	17 October 2012
8430-02 P016 Rev A	House Type H	17 October 2012
8430-002 P008 Rev A	Site Sections – Street Elevations (A)	17 October 2012
8430-002 P001 Rev C	Site Plan – Overall Sites A	17 October 2012

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

3. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) have been submitted to and approved in

writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN4 of the Adopted Chorley Borough Local Plan Review.*

4. During the development, if contamination which has not previously been identified, is found to be present at the site no further development shall be carried out until a Method Statement has been submitted to and approved in writing by the Local Planning Authority detailing how this unsuspected contamination will be dealt with. The development shall then only be carried out in accordance with the Method Statement.  
*Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in the National Planning Policy Framework.*
5. Before the properties hereby permitted are first occupied, the car parking areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan to serve that property. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.  
*Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*
6. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme for the provision and implementation of a surface water regulation system, shall restrict surface water discharge to 5 l/s or Greenfield runoff rate equivalent to  $Q_{bar}$  whichever is the greater, unless other details are found to be satisfactory and are approved by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.  
*Reason: To secure proper drainage and to reduce the risk of flooding and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review and the NPPF.*
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 of the Adopted Chorley Borough Local Plan Review.*
8. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.  
*Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

9. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. It shall also include full details of the landscaping of the 'Pocket Park' shown on drawing no. P002 Rev B including any street furniture to be provided and details of the landscaping to the east boundary of the site.  
*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.*
10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
*Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*
11. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all 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. This shall include full details of the rear boundary fencing with the parking courts and the include details of fencing that will allows natural surveillance of the parking courts as well as rear pedestrian gates. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.  
*Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*
12. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level and achieve a 15% reduction in carbon emissions of predicted energy use (4 for all dwellings commenced from 1<sup>st</sup> January 2013 and Level 6 for all dwellings commenced from 1<sup>st</sup> January 2016) as required by Policy 27 of the Core Strategy.  
*Reason: To ensure the development is in accordance with the NPPF and in accordance with Policy 27 of the adopted Core Strategy.*
13. No dwelling shall be occupied until a letter of assurance from an approved Code Assessor, confirming the dwelling in question has met the relevant Code Level and achieved a 15% reduction in carbon emissions of predicted energy use, has been issued to the Local Planning Authority. A Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority within 6 months of occupation of that dwelling.  
*Reason: To ensure the development is in accordance with Core Strategy Policy 27 and the NPPF*
14. Before the development hereby permitted is first occupied, provision for cycle parking provision, in accordance with details to be first agreed in writing with the Local Planning Authority, shall have been made.  
*Reason: To ensure adequate on site provision for cycle parking and in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review.*

<b>Item 4i</b>	<b>12/01078/FULMAJ</b>
<b>Case Officer</b>	<b>Adele Hayes</b>
<b>Ward</b>	<b>Clayton-le-Woods and Whittle-le-Woods</b>
<b>Proposal</b>	<b>Substitution of house types on plots 59-63, 65-66, 79, 82-93 and 97 with associated works</b>
<b>Location</b>	<b>Group 4 North Redrow, Old Worden Avenue, Buckshaw Village</b>
<b>Applicant</b>	<b>Redrow Homes Limited - Lancashire Division</b>
<b>Consultation expiry:</b>	<b>19 December 2012</b>
<b>Application expiry:</b>	<b>5 February 2013</b>

### **Proposal**

1. This application seeks planning permission for the substitution of house types on plots 59-63, 65-66, 79, 82-93 and 97 (21 houses in total) on land known as Group 4 North. These dwellings were previously approved as part of applications 10/00745/FULMAJ and 12/00185/FULMAJ.
2. Full planning permission was originally granted at the site in April 2010 for a total of 110 dwellings (09/00739/FULMAJ). In December 2010 a further full planning permission was granted for a re-plan of part of the approved scheme resulting in the addition of one extra dwelling house (10/00745/FULMAJ). In May 2012 full planning permission was granted to substitute the house types on 10no. of the approved plots (12/00185/FULMAJ). Work to construct the dwelling houses on the wider site has commenced.

### **Recommendation**

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

### **Main Issues**

4. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Design and appearance
  - Impact on the neighbours
  - Density
  - Traffic and Transport
  - Section 106 Agreement

### **Consultations**

5. **Lancashire County Council (Highways)** – Comments that the proposal is principally only for the substitution of house plots on the site and will have no material highway impact. As such there is no highway objection
6. **Environment Agency** – do not wish to comment.
7. **Whittle le Woods Parish Council** – have no comments to make.

**Assessment**Principle of the development

8. The principle of redeveloping the site with housing was originally established as being acceptable by the grant of outline planning permission in 2008 and by the subsequent grant of full planning permission in April 2010. This application purely proposes amendments to the detail of the approval which is addressed below.
9. The acceptability of the principle of development has been established and this application is for the consideration of plot substitutions only.

Design and Appearance

10. Redrow Homes are proposing changes to the house types as follows:
  - Plot 59 - substituting a 5 bedroom Buckingham house type with a 5 bedroom Buckingham house type (from the 'new edition' Series D range) both of which are 2 storey properties. Decreasing FFL from 72.50 to 71.50
  - Plot 60 - substituting a 5 bedroom Blenheim house type with a 5 bedroom Marlborough house type both of which are 2 storey properties. Decreasing FFL from 71.50 to 70.30
  - Plot 61 - substituting a 5/6 bedroom Hampstead house type with a 4 bedroom Henley house type which is a 2 storey property. Decreasing the FFL from 71.50 to 70.30
  - Plot 62 - substituting a 5/6 bedroom Hampstead house type with a 4 bedroom Henley house type which is a 2 storey property. Increasing the FFL from 71.50 to 70.40
  - Plot 63 - substituting a 4 bedroom Balmoral house type with a 5 bedroom Marlborough house type both of which are 2 storey properties. Decreasing the FFL from 71.40 to 70.50
  - Plot 65 - substituting a 5 bedroom Marlborough house type with a 5 bedroom Buckingham house type both of which are 2 storey properties. Decreasing the FFL from 72.10 to 71.40
  - Plot 66 - substituting a 5 bedroom Buckingham house type with a 5 bedroom Sandringham house type both of which are 2 storey properties. Decreasing the FFL from 72.20 to 71.40
  - Plot 79 - substituting a 5/6 bedroom Hampstead house type with a 4 bedroom Balmoral house which is a 2 storey property. Decreasing the FFL from 69.25 to 68.15
  - Plot 82- substituting a 5 bedroom Sandringham house type with a 4 bedroom Balmoral house type both of which are 2 storey properties. Decreasing the FFL from 69.10 to 68.70
  - Plot 83 - substituting a 5/6 bedroom Hampstead house type with a 4 bedroom Henley house type which is a 2 storey property. Decreasing the FFL from 69.40 to 69.10
  - Plot 84 - substituting a 5 bedroom Blenheim house type with a 5 bedroom Sandringham house type both of which are 2 storey properties. Decreasing the FFL from 69.90 to 69.50
  - Plot 85 - substituting a 5 bedroom Sandringham house type with a 4 bedroom Henley house type both of which are 2 storey properties. Decreasing the FFL from 70.30 to 68.70
  - Plot 86 - substituting a 5/6 bedroom Hampstead house type with a 4 bedroom Balmoral which is a 2 storey property. Decreasing the FFL from 70.00 to 69.20
  - Plot 87- substituting a 5 bedroom Blenheim house type with a 5 bedroom Blenheim house type (from the 'new edition' Series D range) both of which are 2 storey properties. Decreasing the FFL from 70.30 to 69.50
  - Plot 88 - substituting a 4 bedroom Balmoral house type with a 4 bedroom Balmoral house type (from the 'new edition' Series D range) both of which are 2 storey properties. This plot is to be relocated on the opposite side of the 'T-junction and will have a FFL of 70.70.
  - Plot 89 - substituting a 5/6 bedroom Hampstead house type with a 4 bedroom Henley house which is a 2 storey property. Decreasing the FFL from 71.15 to 70.30
  - Plot 90 - substituting a 5/6 bedroom Hampstead house type with a 5 bedroom Marlborough house which is a 2 storey properties. Decreasing the FFL from 71.20 to 70.30
  - Plot 91 - substituting a 4 bedroom Westminster house type with a 4 bedroom Richmond house type both of which are 2 storey properties. Decreasing the FFL from 71.20 to 70.30
  - Plot 92 - substituting a 5/6 bedroom Hampstead house type with a 4 bedroom Balmoral house type which is a 2 storey property. Decreasing the FFL from 71.35 to 70.40
  - Plot 93 - substituting a 5/6 bedroom Hampstead house type with a 5 bedroom Marlborough house which is a 2 storey property. Increasing the FFL from 70.50 to 70.10

- Plot 97- substituting a 5 bedroom Buckingham house type with a 5 bedroom Marlborough house type both of which are 2 storey properties. Decreasing the FFL from 69.60 to 69.35
11. The fencing and landscaping proposals have been kept to the same standards as those previously approved with 1.8 metre high close boarded timber fencing to the side and rear boundaries of each property with brick boundary walls to corner locations.
  12. The elevational treatments will be in the 'arts and crafts' theme to be in keeping with the appearance and scale of the approved types within the development.
  13. The orientation and height of the proposed house types will remain the same with the only difference being the omission of the 2.5 storey Hampstead house type which is to be replaced with 2 storey properties.
  14. The scheme has been designed to ensure that the Council's minimum spacing standards are adhered to which ensures that the amenities of the future residents are protected.
  15. The scheme also respects the existing trees running along the boundaries of plots 65 and 66 which will be retained.

#### Impact on the Neighbours

16. It is considered that the relationship with the neighbouring properties would be acceptable and would not result in a reduction in the level of residential amenity expected to be enjoyed by the occupiers of other dwellings within the development or a greater degree of harm when assessed against the approved scheme. The proposed slab levels are also considered to be acceptable.

#### Density

17. The approved net density of the development (excluding the three areas of public open space and highway infrastructure) remains unchanged and is 14 dwellings per hectare.

#### Traffic and Transport

18. The Highway Engineer at Lancashire County Council has been consulted on the application and has no objections. The parking provision for all the plots will remain at 400%.

#### Section 106 Agreement

19. 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**

20. The total number of dwellings remains unchanged and the acceptability of the principle of residential development on this site was established with the previous grants of planning permission. The amendments to the layout and house type substitutions are considered to be acceptable and will still result in a low density, high quality development providing large detached dwellinghouses within Buckshaw Village.

#### **Planning Policies**

##### National Planning Policies:

National Planning Policy Framework

##### Adopted Chorley Borough Local Plan Review

Policies:

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

Supplementary Planning Guidance:

- Design Guide

##### Central Lancashire Core Strategy

Policy 1: Locating Growth

Policy 2: Infrastructure  
Policy 5: Housing Density  
Policy 7: Affordable Housing  
Policy 17: Design of New Buildings  
Policy 22: Biodiversity and Geodiversity  
Policy 26: Crime and Community Safety  
Policy 27: Sustainable Resources and New Developments  
Policy 28: Renewable and Low Carbon Energy Schemes  
Policy 29: Water Management  
Policy 30: Air Quality

### **Planning History**

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

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

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

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

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

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

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

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

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

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

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

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

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

**12/00185/FULMAJ:** Application for substitution of house types on plots 44, 51, 65, 80, 81, 91, 94, 100, 104 and 105 (10 houses in total) previously approved as part of application 10/00745/FULMAJ. Approved May 2012



The following planning history relates to the Buckshaw Village development:

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

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

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

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

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

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

2. The approved plans are:

Plan Ref.	Received On:	Title:
BVG4N-PLAN01 Rev Z.6	30 November 2012	Detail Site Layout
1172-G4N-WLW-MP01 Rev Q	30 November 2012	Materials Plan
BVG4N/ENG/001-2 Rev A	6 November 2012	Drainage Layout Sheet 2
	6 November 2012	Location Plan
The Balmoral D4H180 2012 Edition	6 November 2012	Floor Plans
The Balmoral D4H180 2012 Edition	6 November 2012	Elevations, brick
The Blenheim D5223 2012 Edition	6 November 2012	Floor Plans
The Blenheim D5223 2012 Edition	6 November 2012	Elevations, render
The Buckingham D5H261 2012 Edition	6 November 2012	Floor Plans
The Buckingham D5H261 2012 Edition	6 November 2012	Elevations, vertical tiling
The Marlborough D5H188 2012 Edition	6 November 2012	Floor Plans
The Marlborough D5H188 2012 Edition	6 November 2012	Elevations, brick
The Richmond D4H202 2012 Edition	6 November 2012	Floor Plans
The Richmond D4H202 2012 Edition	6 November 2012	Elevations, render
The Sandringham L4240SA Rev B	6 November 2012	Floor Plans
The Sandringham C5H248 Rev A	6 November 2012	Elevations, render
The Westminster D4H160 2012 Edition	6 November 2012	Floor Plans
The Westminster D4H160 2012 Edition	6 November 2012	Elevations, brick
The Henley D4H174 2013 Edition	30 November 2012	Floor Plans
The Henley D4H174 2013 Edition	30 November 2012	Elevations, brick
C-SD0806	6 November 2012	1.8m high free standing brick walls
C-SD0906	6 November 2012	1.8m high close boarded fencing
C-SD0902 Rev A	6 November 2012	Knee rail fencing
3804.01	6 November 2012	Tree Survey
MG/3804	6 November 2012	Tree Survey Report
3804.02	6 November 2012	Root Protection Areas
3804.03 Rev C	6 November 2012	Landscape & Habitat Creation Plan Sheet 1 of 4
3804.04 Rev D	6 November 2012	Landscape & Habitat Creation Plan Sheet 2 of 4
3804.05 Rev D	6 November 2012	Landscape & Habitat Creation Plan Sheet 3 of 4

3804.06 Rev E

6 November 2012

Landscape & Habitat  
Creation Plan Sheet 4 of  
4

2011 Release

6 November 2012

Double Garage 2

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

3. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.  
*Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No.HS4 of the Adopted Chorley Borough Local Plan Review.*
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
*Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*
5. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand.  
*Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*
6. The external facing materials detailed on the approved plans shall be used and no others substituted.  
*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
7. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.  
*Reason: To secure proper drainage and in accordance with Policy Nos. EP17 and EM2 of the Adopted Chorley Borough Local Plan Review.*
8. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.  
*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
9. The garages hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

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

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

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

11. The development hereby permitted shall be carried out in accordance with the Residential Travel Plan (dated July 2010 undertaken by Singleton Clamp & Partners). The measures in the agreed Travel Plan shall be complied with.

***Reason: To reduce the number of car borne trips and to encourage all modes of sustainable travel and to accord with Policies TR1 and TR4 of the Adopted Chorley Borough Local Plan Review***

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

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

13. The management and maintenance responsibilities of the development hereby permitted shall be carried out in accordance the submitted 'Management and Maintenance Arrangements for Open Space' dated April 2010.

***Reason: To ensure the satisfactory management of the unadopted highways and public open space and in accordance with Policies TR4 and HS21 of the Adopted Chorley Borough Local Plan Review.***

14. The development hereby approved shall be carried out in accordance with the approved surface water regulation system.

***Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained in the National Planning Policy Framework***

15. The development hereby approved shall be completed in accordance with the submitted Energy Efficiency Strategy received 17<sup>th</sup> April 2009 (planning reference 07/00953/OUTMAJ).

***Reason: To ensure the proper planning of the area. In accordance with Policy 27 of the Central Lancashire Adopted Core Strategy 2012.***

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2 Part 1, Class E), or any Order revoking or re-enacting the Order, no garage, shed or other outbuilding shall be erected (other than those expressly authorised by this permission) on plots 44 and 65.

***Reason: To protect the appearance of the locality, to ensure continued protection of the trees on site and in accordance with Policy Nos. HS4 and EP9 of the Adopted Chorley Borough Local Plan Review***

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**Item 4j**                    **12/01118/FUL**  
**Case Officer**           **Hannah Roper**  
**Ward**                      **Lostock**

**Proposal**                    **Construction of a new Energy Centre and Fan House, part retrospective application for amendment to previously approved plans (under permission ref: 09/00738/FULMAJ), to allow the building to be higher than the detail approved by the Masterplan to allow the filter bags (which remove airborne dust) to be removed from within the building, and to accommodate acoustic protection. The Fan House part of the building was required to comply with condition 14 of the 2009 permission.**

**Location**                    **Golden Acres Ltd Plocks Farm Liverpool Road Bretherton Leyland**

**Applicant**                    **Golden Acres Ltd**

**Consultation expiry:** **18 December 2012**

**Application expiry:** **15 January 2013**

#### **Proposal**

1. The application is in three parts and seeks to make amendments to the buildings approved under application 09/00738/FULMAJ. The applicant seeks permission for the construction of a new energy centre and fan house, amendments to the originally approved fan house and energy centre at the site (this building is partially constructed), retrospective permission for amendments to the Line C Intake building to accommodate amendments to the height of this building and retrospective permission for an acoustic enclosure that has been added to the approved Extraction Corridor.
2. The site is an existing pet food factory located at Plocks Farm, Liverpool Road, Bretherton which was granted permission for the following development in February 2010:

*'Extensions and alterations to pet food manufacturing facility including an automated finished product store (AFPS); upgraded and new extrusion process lines including a sunken mill; raw material storage; odour abatement (a roofed pine bark based biological filter system including venting chimneys, one 30 metres high); waste water treatment; additional capacity of waste recovery and recycling facilities; landscaping including earth excavation and mounding; related infrastructure.'*

#### **Recommendation**

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

#### **Main Issues**

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

#### **Representations**

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

7. West Lancashire Council – have objected to the proposal on the impact on the openness of the greenbelt

### **Consultations**

8. **Director People and Places – no objection and welcome the application**
9. **United Utilities – no comments received to date**
10. **Environment Agency – no objection**
11. **Lancashire County Council (Highways) – no comments received to date**
12. **Chorley's Waste & Contaminated Land Officer – no comments received to date**

### **Assessment**

#### Background information

13. In 2003 a Masterplan outlining the expansion plans for the proposed 10 year development of the Golden Acres Pet Food factory was submitted and approved under application reference. The Masterplan set out the strategy for the long term proposals for the site.
14. In 2010 significant expansion of the factory was granted conditional planning permission (subject to call in by the SoS) under application reference 09/00738/FULMAJ.
15. This application seeks retrospective permission to regularise amendments to a number of buildings that have occurred during the construction process as the applicant has attempted to reduce the noise and odour created by the factory. It also seeks to amend the design of the fan house and energy centre to take into consideration changing requirements in the 10 years since the Masterplan was approved and to achieve the requirements of conditions as they have been discharged.

#### Principle of the development

16. The application site lies within the greenbelt where development is by definition harmful. During the 2009/2010 it was accepted that that very special circumstances existed that justified the expansion of the factory within its greenbelt location. The principle of development in this location to support the operation of the pet food factory is therefore established.
17. The applicant states that the fan house is required to achieve the requirement of condition 14 of the 2009 permission that related to odour control from the site and that the insulated enclosure of the extraction corridor is required to achieve the requirements of condition 16 of the earlier permission

#### Openness of the greenbelt

18. The amendments to the fan house and energy centre have resulted in an increase in the size of the building. Originally a rectangular shaped building, the amendments result in a more L shaped building. The floor area of the overall building will be increased from 1,204.47 sqm to 1,405.92 sqm. The maximum height of the building will increase from 12.79m to 14.10m, an increase of 1.31m. The chimney associated with the building will not increase in height as a result of the proposal and this will remain at 25m in height. The building will be completed in brick work to match the adjacent farmhouse, roof slates to match the existing building originally approved and olive green sheet cladding.
19. The acoustic enclosure and wet scrubbers will enclose provide an enclosed space around the existing extraction corridor and will provide further built form between the extraction corridor, dispersal chimney and biobed. The acoustic enclosure will be 7.438m at its highest point and will be 6.1m at the nearest point to the River Douglas. The building will not exceed the height of the dispersal chimney which is 12m in height.

20. The proposed amendments will reduce assist in reducing the odours and noise associated with the operation of the factory to the improvement of the local area.
21. The Line C intake building has been constructed at 12.44m in height. The original approved drawings showed the building at 10.5m in height. Whilst this may appear a significant increase, the building itself is already tall in nature and the increased height will allow HGVs to enter the building to deposit their load rather than having to do this in the open, therefore reducing the release of airborne particles, again to the improvement of the local area.
22. Overall, it is considered that whilst the revisions individually may seem large, when they are considered in the overall context of the development at the factory then they are relatively minor in nature. The proposals do not extend the built form of the site and as such they are considered to be acceptable in this location within the greenbelt.

#### Impact on the neighbours

23. The amendments to the fan house, energy centre and extraction corridor are proposed to reduce the odour from the factory and the increase in height of the line c intake building allows vehicles to access the building to tip their loads, thus removing noise and airborne particles from the surrounding area. It is therefore considered that the proposed and retrospective parts of this application will result in a net improvement in amenity for those in the surrounding area.

#### Design

24. The Line C intake building has been completed in green as agreed within the original application to enable it to blend as far as possible into the surroundings.
25. The Energy centre has been completed in the materials originally proposed for the building, olive green cladding with a slate grey roof.
26. The enclosure for the extraction corridor has also been finished in similar brick materials and green cladding and is considered to be acceptable.

#### **Overall Conclusion**

27. That the proposals be granted full, conditional planning approval.

#### **Other Matters**

##### **Planning Policies**

##### National Planning Policy Framework

NPPF – paragraph 9

##### Adopted Chorley Borough Local Plan Review

Policies: DC1

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

##### Chorley's Local Development Framework

##### Joint Core Strategy

Policy 13 – Rural Economy

Policy 17 – Design of New Buildings

#### **Planning History**

Ref: 03/00390/SCREEN

Decision: SCREEN

Decision Date: 8 May 2003

Description: Screening report into whether an Environmental Impact Assessment (EIA) is required for a proposed development,

- Ref: 94/00968/FUL Decision: PERFPP Decision Date: 15 March 1995  
Description: Erection of General Purpose Agricultural Building,
- Ref: 94/00969/FUL Decision: PERFPP Decision Date: 15 March 1995  
Description: Extension to existing building housing Extrusion Plant to accommodate Bio Filter Plant,
- Ref: 95/00279/FUL Decision: PERFPP Decision Date: 6 June 1995  
Description: Alteration of existing roofline to accommodate mixing bin,
- Ref: 96/00044/FUL Decision: PERFPP Decision Date: 1 May 1996  
Description: Widening of the existing driveway and improvements to the access,
- Ref: 96/00320/FUL Decision: PERFPP Decision Date: 28 August 1996  
Description: Extension of existing mill building over existing yard area incorporating rising of roof height,
- Ref: 99/00132/FUL Decision: PERFPP Decision Date: 7 July 1999  
Description: Demolition of outbuildings, construction of bin storage building together with canteen shower block, garage, stables and stores,
- Ref: 03/00528/FULMAJ Decision: PERFPP Decision Date: 26 September 2003  
Description: Extension to buildings to form produce store, tractor store, administrative and staff accommodation, raw materials store, new entrance control, landscaping and waste water treatment area,
- Ref: 05/01170/FUL Decision: INSFEE Decision Date: 6 January 2006  
Description: Construction of effluent treatment plant, including sedimentation pit, water balance tank, biological filters, reed beds and recycling lagoons, to treat the waste arising from the extrusion of agricultural produce for the purposes of animal and pet food production and the recycling of water back into the process (Site Area 0.65ha),
- Ref: 07/00843/FUL Decision: PERFPP Decision Date: 5 October 2007  
Description: Proposed installation of a sprinkler tank and associated pump house
- Ref: 08/00364/FUL Decision: PERFPP Decision Date: 15 August 2008  
Description: Installation of fan house, three activated carbon filters and flue to control odour emissions at Plocks Farm
- Ref: 09/00078/SCE Decision: RESCEZ Decision Date: 23 February 2009  
Description: EIA Screening Opinion for Plocks Farm, Liverpool Road, Bretherton
- Ref: 09/00236/SCOPE Decision: PESCOZ Decision Date: 23 April 2009  
Description: Scoping Opinion for the Environmental Impact Assessment at Plock farm, Liverpool Road, Bretherton.
- Ref: 09/00738/FULMAJ Decision: PERFPP Decision Date: 25 March 2010  
Description: Extensions and alterations to pet food manufacturing facility including an automated finished product store (AFPS); upgraded and new extrusion process lines including a sunken mill; raw material storage; odour abatement (a roofed pine bark based biological filter system including venting chimneys, one 30 metres high); waste water treatment; additional capacity of waste recovery and recycling facilities; landscaping including earth excavation and mounding; related infrastructure.
- Ref: 10/00572/DIS Decision: PDE Decision Date:  
Description: Extensions and alterations to pet food manufacturing facility including an automated finished product store (AFPS); upgraded and new extrusion process lines including a sunken mill; raw material storage; odour abatement (a roofed pine bark based biological filter system including venting chimneys, one 30m high); waste water treatment; additional capacity of waste recovery and recycling facilities; landscaping including earth excavation and mounding; related infrastructure.



- Ref: 10/00647/FUL Decision: PERFPP Decision Date: 13 October 2010  
Description: Relocation of plant to treat waste water from dry pet food production process
- Ref: 10/01054/DIS Decision: PEDISZ Decision Date: 12 January 2011  
Description: Application to discharge conditions no. 5 and 6 of planning permission 10/00647/FUL
- Ref: 10/01080/MNMA Decision: PEMMAZ Decision Date: 6 January 2011  
Description: Application for minor Non Amendment to planning application 10/00647/FUL for the relocation of plant to treat waste water (Effluent Treatment Plant)
- Ref: 12/00032/FUL Decision: PERFPP Decision Date: 12 March 2012  
Description: Change of use from residential (C3) use to mixed residential (C3) use and office (B1) use
- Ref: 12/00450/DIS Decision: PEDISZ Decision Date: 21 June 2012  
Description: Application to discharge condition 14 of planning approval 09/00738/FULMAJ (odour assessment)
- Ref: 12/00644/FUL Decision: WDN Decision Date: 20 November 2012  
Description: Substitute revised drawings for those noted as 'Approved Plans', to reflect changes made to the buildings to address operational requirements. For summary details please refer also to Supporting Statement (dated 22 June 2012) attached. - N/a
- Ref: 12/01118/FUL Decision: PCO Decision Date:  
Description: Construction of a new Energy Centre and Fan House, part retrospective application for amendment to previously approved plans (under permission ref: 09/00738/FULMAJ), to allow the building to be higher than the detail approved by the Masterplan to allow the filter bags (which remove airborne dust) to be removed from within the building, and to accommodate acoustic protection. The Fan House part of the building was required to comply with condition 14 of the 2009 permission.
- Ref: 94/00503/FUL Decision: PERFPP Decision Date: 27 September 1994  
Description: Ground floor and first floor extension to farm office and weigh room
- Ref: 93/00729/FUL Decision: PERFPP Decision Date: 6 December 1993  
Description: Construction of two elevator towers
- Ref: 93/00699/FUL Decision: PERFPP Decision Date: 9 November 1993  
Description: Extension to farm office and weigh office
- Ref: 93/00368/AGR Decision: PAAGR Decision Date: 18 June 1993  
Description: Agricultural determination for agricultural machinery storage building
- Ref: 93/00025/COU Decision: PERFPP Decision Date: 9 March 1993  
Description: Change of use of building to house extrusion plant with ancillary equipment
- Ref: 89/01190/FUL Decision: PERFPP Decision Date: 13 March 1990  
Description: Erection of farm building
- Ref: 80/00466/FUL Decision: PERFPP Decision Date: 9 June 1980  
Description: Farm office and weighbridge
- Ref: 77/00049/FUL Decision: PERFPP Decision Date: 29 March 1977  
Description: General Purpose Farm Building

**Recommendation: Permit Full Planning Permission  
Conditions**

Conditions will be submitted on the Committee addendum.



Report of	Meeting	Date
Director Partnerships, Planning and Policy	Development Control Committee	15 January 2013

**TREE PRESERVATION ORDER NUMBER 6 (HEATH CHARNOCK) 2012**

**PURPOSE OF REPORT**

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

**RECOMMENDATION(S)**

2. That Tree Preservation Order No.6 (Heath Charnock) 2012 be confirmed, but not including trees T10 (Beech), T11 (Oak) and T12 (Oak).

**EXECUTIVE SUMMARY OF REPORT**

3. It is considered removal of trees T10 (Beech), T11 (Oak) and T12 (Oak) would not result in significant detrimental harm to the character of the area and so the TPO should be confirmed without including trees T10, T11 or T12.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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**CORPORATE PRIORITIES**

4. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	<b>X</b>	A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

**BACKGROUND**

5. An application was received and approved to create a new vehicular access from Chorley Road to serve No. 97 The Asshaws, Heath Charnock (ref: 12/00866/FUL). A TPO was placed on some of the remaining trees in the rear garden to protect them in the future.

**ASSESSMENT**

6. The Council received comments requesting that trees T10 (Beech), T11 (Oak) and T12 (Oak) are not included within the TPO as they conflict with the position of a proposed driveway and hardstanding. This driveway is required to provide a useable route from the newly approved access (granted consent with the planning application 12/00866/FUL) to the rear of 97 The Asshaws. The driveway will provide a stable surface to allow a motorhome to be kept in the rear garden (rather than keeping it on the front driveway in view of neighbouring residents) and access to a new garage/workshop which the owner

intends to erect without planning permission using the properties permitted development rights.

7. The proposed amendment to the TPO would involve the removal of 3 trees. The reasons for removal of the trees (outlined above) is legitimate in this case and justified in respect of the case put forward by the land owner.
8. More importantly, removal of these trees would not undermine the character of the area to such a degree to result in significant harm. This is because tree T1 comprises a mature oak tree which is situated along the frontage of Chorley Road and is highly visible from within the streetscene. Trees T10, T11 and T12 are all positioned within the application site and are not as substantial as tree T1. As such, the loss of trees T10, T11 and T12 is not considered to undermine the character of the area, particularly as these trees are to some degree, already shielded from view by Tree T1. Additionally, there are a number of other trees to the immediate west of the site (not in the ownership of No. 97) which provide a substantial backdrop to this part of Heath Charnock reinforcing its sylvan character.
9. A new access from Chorley Road was approved by the Council on the 31<sup>st</sup> October 2012 which was applied for to provide an alternative access to the rear of No 97 The Asshaws. The rear garden of No. 97 includes a number of trees which makes constructing a usable driveway from the access to the house difficult. As such, it is considered that removal of these trees would not result in significant detrimental harm to the character of the area and has been justified on the basis of the information submitted by the landowner.
10. It is therefore recommended that the TPO be confirmed without including trees T10, T11 or T12.

**IMPLICATIONS OF REPORT**

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

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

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

12. None.

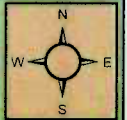
**COMMENTS OF THE MONITORING OFFICER**

13. None.

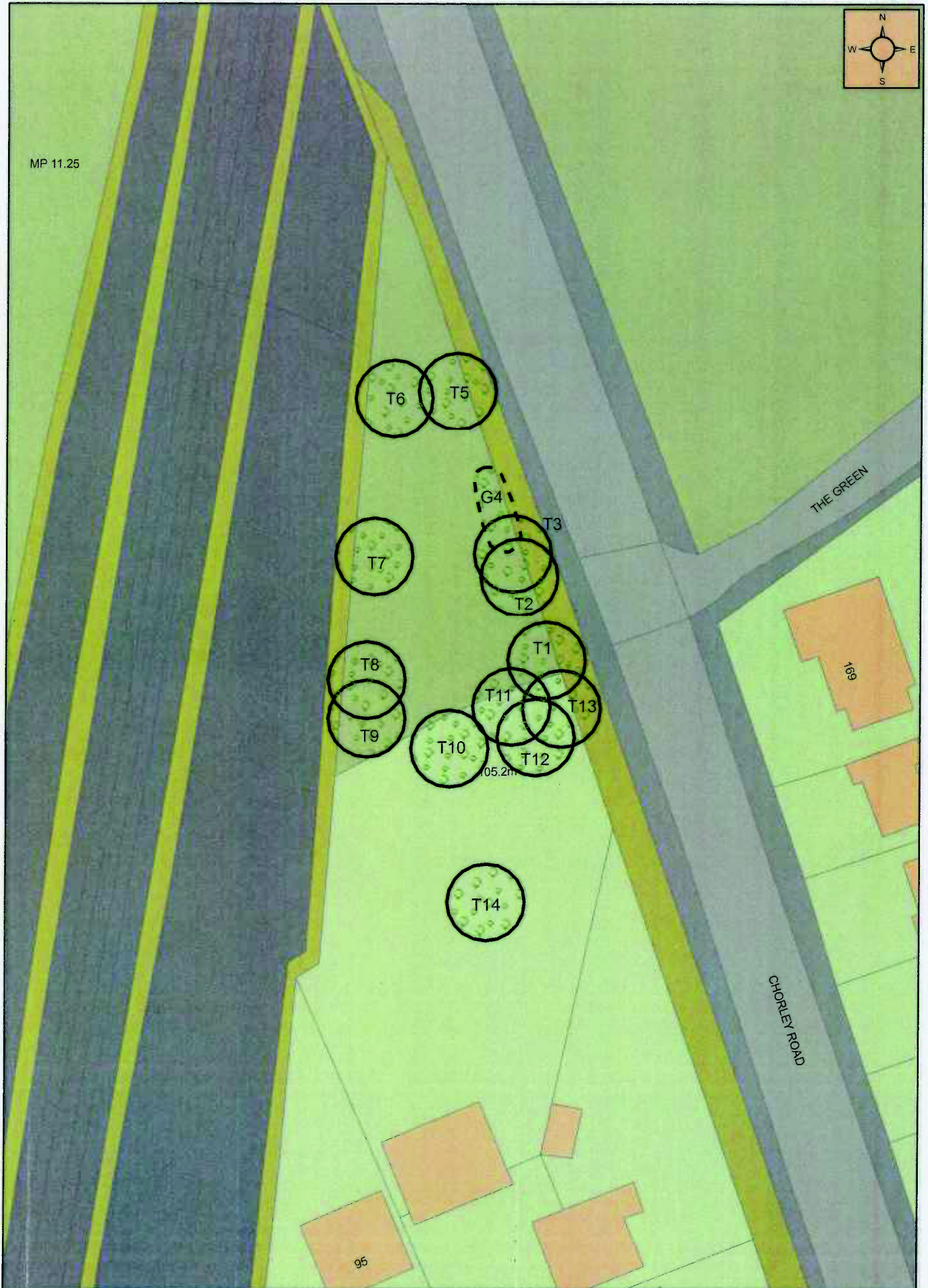
LESLEY-ANN FENTON  
 DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Matthew Banks	5230	10 <sup>th</sup> December 2012	***



MP 11.25



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Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	15 January 2013

**PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 1 DECEMBER 2012 AND 3 JANUARY 2013**

**PLANNING APPEALS LODGED**

1. None.

**PLANNING APPEALS DISMISSED**

2. Appeal by Mr David Gregson against the delegated refusal of Full Planning Permission for proposed conservatory to rear elevation on existing raised patio area at Pike Lowe Barn, Sandy Lane, Brinscall, PR6 8SS. (Planning Application: 12/00744/FUL Inspectorate Reference APP/D2320/A/12/2184209). The Appeal is dismissed Planning Inspectorate letter received 10 December 2012.
3. Appeal by Mr Graham Gallagher against the delegated refusal of Full Planning Permission for extension to existing front dormer and provision of a pitched roof over the adjacent flat roof dormer (resubmission of Application:11/00967/FUL) at 175B Blackburn Road, Wheelton, PR6 8EJ. (Planning Application: 12/00346/FUL Inspectorate Reference APP/D2320/D/12/2182676). The Appeal is dismissed Planning Inspectorate letter received 10 December 2012. An application for award of costs is refused.

**PLANNING APPEALS ALLOWED**

4. None.

**PLANNING APPEALS WITHDRAWN**

5. None.

**ENFORCEMENT APPEALS LODGED**

6. Appeal by Mr David Brown against Enforcement Notice EN644 – Without planning permission the erection of a detached dwelling house at 345 Blackburn Road, Higher Wheelton, PR6 8PH. (Planning Application: 12/00797/FUL, Enforcement Notice: EN644, Inspectorate Reference APP/D2320/C/12/2189258). Planning Inspectorate letter received 19 December 2012.

**ENFORCEMENT APPEALS DISMISSED**

7. None.

**ENFORCEMENT APPEALS ALLOWED**

8. None.

**ENFORCEMENT APPEALS WITHDRAWN**

9. None.

**LANCASHIRE COUNTY COUNCIL DECISIONS**

10. None

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

LESLEY-ANN FENTON  
DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

There are no background papers to this report.

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Robert Rimmer	5221	3 January 2013	***