



# Development Control Committee

Agenda and Reports

For consideration on

## Tuesday, 7th February 2012

In the Council Chamber, Town Hall, Chorley

At 6.30 pm

## **PROCEDURE FOR PUBLIC SPEAKING AT MEETINGS OF THE DEVELOPMENT CONTROL COMMITTEE**

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

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

### **ORDER OF SPEAKING AT THE MEETINGS**

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

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

30 January 2012

Dear Councillor

## **DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 7TH FEBRUARY 2012**

You are invited to attend a meeting of the Development Control Committee to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 7th February 2012 at 6.30 pm.

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

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

1. **Apologies for absence**
2. **Minutes of meeting Tuesday, 17 January 2012 of Development Control Committee (Pages 1 - 4)**

To confirm as a correct record the minutes of the last meeting of the Development Control Committee held on 17 January 2012 (enclosed).

3. **Declarations of Any Interests**

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

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

4. **Planning applications to be determined**

The Director of Partnerships, Planning and Policy has submitted nine report for planning applications to be determined (the reports for items 4a-4h are enclosed, the report for item 4i is to follow).

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.

- (a) 11/00989/FUL - Jumps Farm, 147 South Road, Bretherton, Leyland (Pages 5 - 14)

**Proposal**

Section 73 application to remove Conditions 2 (use of building) and 5 (personal permission) attached to planning approval 10/00563/COU.

**Recommendation**

Permit Full Planning Permission

- (b) 11/00919/FUL - Bluebell Cottage, Trigg Lane, Heapey, Chorley (Pages 15 - 26)

**Proposal**

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

**Recommendation**

Permit Full Planning Permission

- (c) 11/01024/REMAJ - Grove Farm, Railway Road, Adlington, Chorley (Pages 27 - 42)

**Proposal**

Reserved matters application for the erection of 67 dwellings and a park and ride car park

**Recommendation**

Approve Reserved Matters

- (d) 11/01060/CB3 - Land between Carr Road/Manor Road and south of 83 Manor Road, Clayton-le-Woods (Pages 43 - 50)

**Proposal**

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

**Recommendation**

Permit Full Planning Permission

- (e) 11/01021/FULMAJ - Land between Southlands High School and Grundys Farm, Clover Road, Chorley (Pages 51 - 66)

**Proposal**

Change of use from farmland to a residential Dwelling Houses (C3 Use Class), to accommodate twenty five new build dwellings and associated infrastructure.

**Recommendation**

Permit Full Planning Permission

- (f) 11/01070/FUL - Chorley Motor Auction. Cottam Street, Chorley (Pages 67 - 74)

**Proposal**

Proposed residential development of 9 dwellings (7 houses and 2 bungalows) following the demolition of the existing commercial premises (on the same site where 8 dwellings have been previously applied for ref: 10/00502/FUL).

**Recommendation**

Permit (Subject to Legal Agreement)

- (g) 11/00999/FULMAJ - Weldbank Plastic Co Ltd, Westhoughton Road, Heath Charnock, Chorley (Pages 75 - 84)

**Proposal**

Section 73 application to vary conditions 1 (approved plans) and 24 (list of approved plans) attached to planning approval 11/00168/FULMAJ

**Recommendation**

Permit (Subject to Legal Agreement)

- (h) 11/01019/REMAJ - Duxbury Park Myles Standish Way Chorley (Pages 85 - 94)

**Proposal**

Section 73 application to vary conditions 1 (approved plans) and 4 (approved plans) attached to planning approval 11/00453/REMAJ

**Recommendation**

Permit (Subject to Legal Agreement)

- (i) 11/01085/OUTMAJ - Land south of Cuerden Farm and Woodcocks Farm and land north of Caton Drive/Wigan Road, Clayton-le-Woods (report to follow)

**Proposal**

Section 73 application to amend condition 20 (Layout of Highway Improvements at Hayrick Junction) of Outline application 10/00414/OUTMAJ relating to the residential development of up to 300 dwellings (comprising 2, 2.5, & 3 storeys) with details of access and highway works and indicative proposals for open space, landscape and associated works.

**Recommendation**

Permit (Subject to Legal Agreement)

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

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

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

Yours sincerely



Gary Hall  
Chief Executive

Cathryn Filbin  
Democratic and Member Services Officer  
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 Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair) and Councillors Ken Ball, Henry Counce, David Dickinson, Dennis Edgerley, Christopher France, Marie Gray, Alison Hansford, Hasina Khan, Paul Leadbetter, Roy Lees, June Molyneaux, Mick Muncaster and Dave Rogerson) for attendance.
2. Agenda and reports to Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), Cathryn Filbin (Democratic and Member Services Officer) and Alex Jackson (Senior Lawyer) for attendance.
3. Agenda and reports to Development Control Committee reserves, (Councillor ) for information.

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

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

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

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## Development Control Committee

**Tuesday, 17 January 2012**

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

**Officers in attendance:** Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), Alex Jackson (Senior Lawyer), Caron Taylor (Planning Officer) and Dianne Scambler (Democratic and Member Services Officer)

**Also in attendance:** Councillors Steve Holgate, Keith Iddon, Adrian Lowe and Mark Perks

### 12.DC.127 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ken Ball and David Dickinson.

### 12.DC.128 MINUTES

**RESOLVED – That the minutes of the Development Control Committee meeting held on 13 December 2011 be confirmed as a correct record for signing by the Chair.**

### 12.DC.129 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

### 12.DC.130 PLANNING APPLICATIONS TO BE DETERMINED

The Director of Partnerships, Planning and Policy submitted reports on twelve applications for planning permission to be determined.

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

- a) **Application:** 11/00764/OUT - 11 Sutton Grove, Chorley **Proposal:** Outline application for the erection of two detached houses and a pair of semi-detached houses

**RESOLVED (Unanimously) – That planning permission be refused for the reasons set out in the report.**

- b) **Application:** 11/00875/FULMAJ - Land Formerly Talbot Mill, Froom Street, Chorley **Proposal:** Application to extend the time limit for implementation of extant planning permission 07/01426/FULMAJ at Talbot Mill for the erection of 149 residential dwellings including landscaping and access off Froom Street

**RESOLVED (Unanimously) – That planning permission be granted subject to a Section 106 Agreement and the conditions detailed in the report.**

- c) **Application:** 11/00934/REMMAJ - **Proposal:** Erection of 53 dwellings including associated roads and footpaths at Parcel F, Buckshaw Village, Lancashire

**RESOLVED (Unanimously) – That planning permission is granted subject to the conditions detailed in the report and addendum**

- d) **Application:** 11/00837/FULMAJ - Site 7 and 9 Buckshaw Avenue, Buckshaw Village, Chorley **Proposal:** Erection of 2 no. distribution centre/industrial buildings (Use Class B1c, B2, B8) with ancillary office accommodation, service yard areas, car parking, access, internal circulation, areas and landscaping

The report for this item was withdrawn from the agenda for the reason detailed in the addendum.

- e) **Application:** 11/00871/FULMAJ - Former Initial Textile Services, Botany Brow and Willow Road, Chorley **Proposal:** Proposed residential development of 41 no. 2 storey dwellings (re submission of application no. 10/000834/FULMAJ)

**RESOLVED (Unanimously) – That planning permission be granted subject to the signing of a Section 106 Legal Agreement and the conditions detailed in the report and the addendum.**

- f) **Application:** 11/00892/FUL - Initial Textiles Services, Botany Brow Chorley **Proposal:** 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

**RESOLVED (12:0:1) – That planning permission be granted subject to the conditions detailed in the report and addendum.**

- g) **Application:** 11/01062/FUL - Land East of and adjacent to 99 Lakeland Gardens, Chorley **Proposal:** Erection of a single storey community centre on playing fields adjacent to Lakeland Gardens

**RESOLVED (Unanimously) – That planning permission be granted subject to the conditions detailed in the report and the addendum.**

- h) **Application:** 11/00894/FULMAJ - Burrows Ltd, Wigan Road, Clayton-le-Woods, Leyland **Proposal:** Demolition of Burrows Grass Machinery and removal of car sales forecourt and demolition of The New Bungalow and erection of 14 no. detached two-storey dwellings and associated garaging and infrastructure (changes to access point and layout of the previously approved permission 11/00480/FULMAJ and an additional house)

**RESOLVED (11:2:0) – That planning permission be granted subject to the signing of a Section 106 Agreement and the conditions detailed in the report.**



- i) **Application:** 11/00977/FUL - Barratt Development, Pilling Lane, Chorley **Proposal:** Substitution of house type on 5 plots previously approved under permission reference 07/01226/REMMAJ (substitute 5 x Patterdale with 5 x Kingsville houses) and associated works.

**RESOLVED (Unanimously) – That planning permission be granted subject to the conditions detailed in the report and addendum.**

- j) **Application:** 11/00974/REMMAJ - Land South of Buckshaw Avenue, Buckshaw Village, Chorley **Proposal:** Section 73 application to vary condition 1 (approved plans) of reserved matters approval 06/00786/REMMAJ involving altering the location of junctions

**RESOLVED (Unanimously) – That the reserved matters be granted subject to the conditions detailed in the report and addendum.**

- k) **Application:** 11/00874/FUL - 41 Wigan Road, Euxton, Chorley **Proposal:** Proposed residential development of 4 No. detached houses on plots 5, 6, 7 and 12 (amendment to planning approval 10/000573/FUL)

**RESOLVED (Unanimously) – That planning permission be granted subject to the signing of a supplemental Section 106 Agreement and the conditions detailed in the report and addendum.**

- l) **Application:** 11/00989/FUL - Jumps Farm, 147 South Road, Bretherton **Proposal:** Section 73 application to remove Conditions 2 (use of building) and 5 (personal permission) attached to planning approval 10/00563/COU

**RESOLVED (Unanimously) – to defer the decision to allow for a site visit.**

#### **12.DC.131 TREE PRESERVATION ORDER NO.16 (MAWDESLEY) 2011**

Members of the Committee considered a report from the Head of Governance which sought instruction on whether to formally confirm Tree Preservation Order No. 16 (Mawdesley) 2011 without modification. No objections had been received in response to the making of the Order.

**RESOLVED (Unanimously) – That the Tree Preservation Order No. 16 (Mawdesley) 2011 be confirmed without modification.**

#### **12.DC.132 TREE PRESERVATION ORDER NO. 15 (EUXTON) 2011**

Members of the Committee considered a report from the Head of Governance which sought instruction on whether to formally confirm Tree Preservation Order No. 15 (Euxton) 2011 without modification. No objections had been received in response to the making of the Order.

**RESOLVED (Unanimously) – That the Tree Preservation Order No. 15 (Euxton) 2011 be confirmed without modification.**

#### **12.DC.133 PLANNING APPEALS AND DECISIONS REPORT 17 JANUARY 2012**

The Director of Partnerships, Planning and Policy submitted a report which gave notification of two appeals that had been lodged against the delegated decision to refuse planning permission, one enforcement appeal that had been lodged, and an enforcement appeal that had been withdrawn.

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

Chair

**Item 4a**                      **11/00989/FUL**

**Case Officer**            **Matthew Banks**

**Ward**                        **Lostock**

**Proposal**                  **Section 73 application to remove Conditions 2 (use of building) and 5 (personal permission) attached to planning approval 10/00563/COU.**

**Location**                 **Jumps Farm 147 South Road Bretherton Leyland Lancashire**

**Applicant**                **Mr SJ Wignall**

**Consultation expiry:** **28 December 2011**

**Application expiry:** **5 January 2012**

### **Proposal**

1. Section 73 application to remove Conditions 2 (use of building) and 5 (personal permission) attached to planning approval 10/00563/COU.

### **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;
  - Design and impact on the streetscene;
  - Impact on neighbour amenity;
  - Access and parking;
  - Impact on the Bretherton Conservation Area;

### **Representations**

4. To date (27 January 2012), a total of five neighbour objections have been received concerning this application. The points raised in these letters can be summarised as follows:
  - The recently authorised enforcement action at the Council's Development Control Planning Committee on the 13<sup>th</sup> December 2011 is relevant to the application and concerns the building subject of this application;
  - The development has arrived as a result of planning by stealth;
  - A holistic approach should be taken to regularise the use of the site;
  - If the Council is initiating enforcement action the application should not be determined and should be withdrawn;
  - Building A was re-built as a wood workshop but was never laid out in this way.
  - The wording of both conditions is defective and confused, however the reasons for the conditions are not.
  - If the application is approved, a number of conditions should be imposed to control development of the site, these include:
    - A condition restricting hours of operation and use of Building A;
    - A condition requiring the submission of car parking scheme and landscaping;
    - A condition requiring details of foul drainage;
    - A condition requiring the unity of occupation at Jumps Farm;
    - A condition restricting the use to that which meets the needs of a local business;
    - Neighbour nuisance has been present at the site for some time;
    - The site is within the Bretherton Conservation Area which should remain largely undisturbed;
    - The B5247 is the main route for many HGV's and is heavily trafficked at all times;

- Many properties on South Road have no off-road parking facilities;
- The latest application will result in an increase in commercial vehicles to and from the site;
- The access to Jumps Farm is not particularly wide and vehicles related to the landscaping business often have difficulty in entering and leaving the site, temporarily blocking the road;
- The access is directly opposite a thriving village primary school, with breakfast club and after-school facilities, operating from 08.00am until 18.00pm daily;
- The increase in traffic will be a real danger to both pupils and parents and the road safety hazard is most relevant to the proposed permission;
- The removal of the occupancy condition will result in a material change in the character of the use of the Jumps Farm planning unit;
- Unrestricted hours of operation at the site will generate vehicular movements which will cause material harm to the amenity of local residents;
- The application should be assessed as if it were an application for Change of Use of Building A for office use unconnected with other activity being conducted at Jumps Farm;
- Issues of traffic generation / highway safety and on-site car parking should be considered;
- The application should be refused or withdrawn until details of foul drainage, hours of operation and highways have been fully considered;
- An hours of operation condition is essential and meets all six tests for planning conditions as outlined in Circular 11/95;
- The banging of car doors will cause detrimental harm if allowed to occur at any time, day or night;
- Proposed foul drainage details are required to ensure a satisfactory mains drainage connection is in place prior to occupation of Building A;
- The removal of Conditions 2 and 5 removes any protection to neighbouring residents which have been applied to previous permissions;
- Building A has never been used for a workshop and it was never the intention of the applicant to use Building A solely for their own use;
- Currently up to 40 vehicles use this site which would increase further if these conditions are removed;
- The applicant's approach to development at this site has been inconsistent;
- Access and parking is of concern, particularly being sited within close proximity to the local school;
- The Parish Council did not provide comments on the application because they do not have a meeting in January.

### Consultations

5. **Parish Council** – None received.
6. **Lancashire County Council (LCC) Highways** – No objection. LCC (Highways) advise the existing access to the site is sub-standard in terms of visibility sightlines and therefore any significant intensification of vehicular movements at the site should be discouraged.
7. However, LCC advise it is unlikely that there will be a material change in traffic levels using the site access, in which case it would be difficult to sustain a highway objection.

### Assessment

#### Background information

8. The application site has a lengthy and varied planning history. The site originally comprised a poultry farm, but has evolved over time with many of the original buildings now demolished.
9. The application site now essentially comprises 3 buildings. These include: Building A (used by the applicant as an office for his landscaping business - but is predominately vacant), Building B (used by 'Norris Garden Buildings' as a wood workshop which also benefits from an extant planning permission to be re-built and used permanently as a wood workshop) and Building C (which is used as a workshop in connection with the applicant's landscaping and gardening business).

10. The only building subject of this application is Building A, however, given the nature of operations at the site, the use of the buildings are somewhat interdependent and connected.
11. Historically the development of this site has come about in an ad-hoc manner over a lengthy period, resulting in a detailed planning history and combination of permanent and temporary planning permissions. This uncoordinated approach has resulted in the Council authorising enforcement action concerning a number of issues at the Development Control Planning Committee on the 13<sup>th</sup> December 2011. However, it is important to note that none of the enforcement matters relate to Building A.
12. A neighbour objection has been received in relation to this application drawing attention to the above enforcement matters highlighting the development of the site is 'planning by stealth'. This neighbour also argues that given the detailed history at the site, a holistic approach should now be adopted to regularise all activity.
13. The Council has noted the above issues and discussed these in detail with the applicant and their agent. The applicant now proposes a coherent and structured approach to developing the site in a bid to appease neighbour tensions and ensure the site maximises its financial potential. The removal of Conditions 2 and 5 are the first stage in this process.
14. The Council is mindful of timescales concerning the above approach, however, the applicant has confirmed in writing that if the current application is approved, three planning applications will be submitted to the Council within 28 days of the decision notice. These would include: (1) an application to allow Building C to be used as a workshop by the current occupiers of Building B (The applicant will also continue to use Building C as a workshop); (2) an application to change the use of Building B back to a store to be used in connection with the applicant's landscape gardening business (which would allow the removal of the unlawful containers on site) and; (3) an application to regularise the existing 'bin stores' which currently contain loose material used in connection with the applicant's landscape gardening business.
15. The applicant is aware that if this deadline is not adhered to then the council will initiate enforcement action.

#### Principle of the development

16. This application seeks permission to remove Conditions 2 and 5 from planning approval 10/00563/COU.
17. The historic development of the site is one of primary concern for the Council, given how development of the site has evolved over recent years, particularly with discrepancies in information submitted before the Council in past supporting statements.
18. Condition 2 was imposed with planning permission 10/00563/COU in the interests of the amenity of the local residents and to ensure appropriate development of the site. The site has historically developed through an incremental and ad-hoc approach, where some planning permissions have been sought retrospectively and others determined at appeal.
19. Condition 2 reads:  
  
*"The use of building A hereby permitted as an office shall only be used in connection with the use of Building B (permitted as a permanent workshop) and shall not be used in connection with any other use(s) on or off site.*  
*Reason: In the interests of the amenities of local residents and to ensure appropriate development of the site."*

20. Firstly, it is considered that Condition 2 was partly imposed because of discrepancies in information intimated during the course of the application 10/00563/COU which confusingly suggested that Building A would be used in connection with Building B. However, this was not the case and Building A is in fact used in connection with the applicant's landscaping

business and Building B is used by separately by 'Norris Garden Buildings'. As such, it is not considered that Condition 2 should have been imposed with planning permission 10/00563/COU and therefore it is reasonable in this case, to allow its removal so that Building A can be occupied and used lawfully as originally intended.

21. With regard to Condition 5, this reads:
22. *"The permission hereby granted shall only endure for the benefit of Mr SJ Wignall only and whilst at resident at Jumps Farm, South Road, Bretherton.  
Reason: The application has been permitted to accommodate the needs of Mr Wignall's business only and the letting and or diversification of other businesses within building A could lead to an unacceptable proliferation of development for which the site was not intended."*
23. It is important to note at this point that the change of use of Building A to an office was (to some degree) permitted under the application 10/00563/COU because the applicant stated within their Design and Access Statement that Building A would *"be used solely for the business related to Jumps Farm"* as the admin activity (which was run out of the farmhouse) had outgrown the available space.
24. The Council has questioned this statement and the applicant has responded stating this was the intension at the time of submitting the application, but it was not always the intension that the arrangement would remain this way.
25. Notwithstanding the above, the applicant argues that circumstances have now progressed and if permission is granted to remove Condition 5, this will allow the building to maximise its potential without causing harm to the amenity or character of the area.
26. The applicant argues that the removal of Condition 5 would still allow them to occupy part of the building (to meet their current and future office needs for the landscaping business), but will also allow the remaining vacant portion to be used by a separate client.
27. Building A currently has permission to be used as an office (B1), and in removing Condition 5, it is not considered this will significantly change the nature of the activity within the building as it would remain in a B1 office use. Additionally, in looking at the principle of the development, the use of the building for shared purposes finds support in national and local planning policy.
28. In the case of this application, the application site is within the Green Belt, where Policy DC7A of the Adopted Chorley Borough Local Plan Review promotes the re-use of existing buildings within the Green Belt for commercial, business and employment uses. Also, the removal of Condition 5 will not result in any physical alterations to the building and so it is considered the principle of the development will remain acceptable and not impart any greater harm to the openness of the Green Belt than at present.
29. The use of the building also finds support under Policy EC12.1 in Planning Policy Statement 4 (PPS4) which states:
30. *"re-use of buildings in the countryside for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations and for some types of building. In determining planning applications for economic development in rural areas, local planning authorities should:*
31. *(d) approve planning applications for the conversion and re-use of existing buildings in the countryside for economic development, particularly those adjacent or closely related to towns or villages, where the benefits outweigh the harm of: (i) The potential impact on the countryside, landscape and wildlife; (ii) local economic and social needs and opportunities; (iii) settlement patterns and the level of accessibility to service centres, markets and housing; (iv) the need to conserve, or desirability of conserving, heritage assets and; (v) the suitability of the building(s), and of different scales, for re-use recognising that replacement of buildings should be favoured where this would result in a more acceptable and sustainable*

*development than might be achieved through conversion.”*

32. Additionally, the guidance stipulated within PPS4 is consistent with that covered in Planning Policy Statement 7 (PPS7) which supports sustainable development in rural areas.
33. Building A is not within the settlement of Bretherton, however is within close proximity to the settlement boundary. It is considered the building is within a relatively sustainable location within close proximity to the main arterial road running through Bretherton (South Road) which is served by a regular bus service. In addition, the applicant has also undertaken a sequential assessment of the Bretherton Settlement to establish that there are no available, more appropriately sited offices within the Bretherton area that would be suitable for occupation before Building A.
34. It has been acknowledged that an objection letter received from a neighbouring resident states that if Conditions 2 and 5 are removed, a number of new conditions should be imposed to protect the residential amenity of neighbours and to ensure the appropriate use and development of the Jumps Farm site. The suggested conditions include: (1) a restriction on the hours of operation; (2) a condition requiring the submission and approval of a scheme for car parking and landscaping; (3) a condition requiring the submission and approval of foul drainage; (4) a condition which requires the unity of occupation of the Jumps Farm Site and; (5) a condition restricting the use to that which meets the needs of a local business.
35. Firstly, it must be noted that the hours of operation of Building A were not restricted with the original application (10/00563/COU) as the use of Building A (for B1 purposes) was considered to be one which could be carried out within a residential area without causing detriment to the amenity of that area.
36. It has been acknowledged that removing Condition 5 will result in Building A being occupied by another business. However, it is not considered any significant detrimental harm would come to the amenity of the neighbouring residents by way of the activity within the building as Building A would: (1) have a use that fits comfortably in a residential area, (2) incorporate only two offices and (3) is well insulated being double glazed and re-built in brick.
37. With reference to the comments received by neighbouring residents, these appear to be more orientated around increased noise and disturbance through an intensification of vehicular movement at the site than operations within the building itself. It has been noted that the use of the building by other business (or businesses) will lead to some increase in vehicular movement, which with no restriction on hours of operation, could lead to car doors opening and closing at any time of the day or night. This would consequently cause a degree of noise and disturbance to neighbouring residential properties.
38. It has also been noted that hours of operation have been conditioned elsewhere at the Jumps Farm site. As such, on balance of the above, it is considered reasonable and necessary to impose a condition restricting the hours of operation of Building A.
39. Secondly, with regard to off-road parking provision, it has been acknowledged the site already has extensive levels of off-road parking space (although none are specifically marked out) and additionally, the applicant has submitted a location plan which shows a defined area of off-road parking to be retained for connection in use with Building A. As such, subject to the submitted plan being appropriately conditioned, it is not considered a refusal of the application could be sustained with regard to off-road parking (further detail concerning access / parking can be found in paragraphs 56 – 66)..
40. With regard to landscaping and maintaining privacy, it must first be noted that the Jumps Farm site (including the farmhouse and Buildings A, B and C) is all within the applicant's ownership.
41. If the scenario arose whereby the applicant chose to sell Building A to allow it to be wholly occupied by a separate business, it is considered the greatest impact would be on the farmhouse itself. As such, it is not considered a landscaping condition is required to protect

residential amenity of the farmhouse as it is considered reasonable to expect the applicant to carry out any alterations or planting to achieve an 'acceptable' neighbour relationship before selling the building. Furthermore, any prospective buyer would also be aware of the situation they were moving into.

42. It is not considered any other landscaping requirements are required to protect or maintain the amenity of the other surrounding neighbouring residents, particularly given the orientation of windows in the building and the nature of the use. It must also be noted that Building A has been the subject of an appeal (ref: 06/00035/FUL) where the Inspector also did not impose such a condition.
43. Thirdly, it has been noted that on the original permission, the applicant stated that foul drainage would be disposed of via the mains sewer. The applicant was contacted regarding the foul drainage arrangements prior to the application going before the Development Control Planning Committee on the 17<sup>th</sup> January 2012 and was advised that the implemented drainage arrangement had not yet been inspected or approved by Building Control.
44. The applicant then contacted the Council's Building Control Team who carried out a preliminary inspection of the foul drainage arrangements on the 17<sup>th</sup> January 2012. However, Building Control subsequently confirmed that further, more detailed inspections were required before the drainage arrangement could be comprehensively approved.
45. As such, it is considered that whilst the issue of foul drainage will be ultimately dealt with through Building Control, the drainage arrangements are yet to be approved. Therefore, it is considered that a Condition requiring the submission of details of foul water drainage details before Building A is occupied by third parties is necessary in this case. This is even more relevant in this case because (1) unlike the applicant, third parties will not have the option of using toilet facilities in the adjacent farmhouse (should there be issues with drainage) and (2) because the existing drainage arrangement has not been approved by building control.
46. Therefore, subject to a pre-commencement condition requiring details of foul drainage, it is considered the above issue would be overcome.
47. Lastly, although the historic development of the site is one of primary concern for the Council, it is not considered reasonable to impose conditions which require the unity of occupation of the Jumps Farm Site or a condition restricting the use to that which meets the needs of a local business. This is particularly important in more recent times given the current economic climate and the encouragement within PPS4 to promote diversifying business uses.
48. As such, on balance of the above, it is considered that removing conditions 2 and 5 will not significantly affect the principle of the development (which is supported in national and local planning policy). The development therefore still remains in compliance with PPG2, PPS4, PPS7 and Policies DC1 and DC7A of the Adopted Chorley Borough Local Plan Review.

#### Design and impact on the streetscene

49. The proposed removal of Conditions 2 and 5 will not result in any external alterations to Building A and so it is not considered the development will have any greater impact on the streetscene than is experienced at present.
50. As such, it is not considered the removal of conditions 2 and 5 will result in any significant detrimental harm to the design and impact on the streetscene.

#### Impact on neighbour amenity

51. Building A has a lawful use as an office to be used only in connection with the applicant's landscaping business. If conditions 2 and 5 are removed then other parties could occupy the building as well as the applicant.
52. It is therefore appropriate to assess whether that removing conditions 2 and 5 would result in any greater significant detrimental harm to the amenity of the neighbouring residents than is experienced at present.



53. The layout of the building would only reasonably accommodate 2.no tenants, one of which would be the applicant. As such, given the nature of the permitted use (i.e. B1 offices), it is not considered the increased activity at the site, in such a well insulated building would amount to an increase in noise, disturbance or activity that would result in greater significant detrimental harm to the amenity of the neighbouring occupiers.
54. The Council has noted the reason why conditions 2 and 5 were imposed with the original planning permission which related to protecting the amenity of the neighbouring residents and to prevent proliferation of development at the site. However, it is considered that partially letting Building A will not result in greater significant detrimental harm to the amenity of the neighbouring residents than is currently experienced on site. Furthermore the applicant has agreed to a restriction on the hours of operation of the building and confirmed they will retain sufficient office space within the building to satisfy their current and future office needs thereby not resulting in an additional building at the site in the future.
55. Additionally, it must also be noted that the nature of a B1 use is as such that it can be carried out in a residential area without causing detriment to the amenity of the area. As such, it is not considered there will be any significant detrimental harm to the amenity of the neighbouring residents should conditions 2 and 5 be removed.

#### Access and parking

56. The removal of Condition 5 will allow third parties to occupy Building A and so this could lead to an increase in vehicular activity and demand for off-road parking at the site.
57. However, the area surrounding the existing buildings already comprises extensive hardstanding which provides sufficient off-road parking provision to accommodate the likely increase in demand. It has been acknowledged that parking space has not been specifically laid out, however, space is available which is sited far enough from neighbouring residents to ensure no undue increase in noise or disturbance will occur.
58. LCC Highways acknowledge that the existing access to the site is sub-standard in terms of visibility sightlines and therefore any significant intensification of vehicular movements at the site should be discouraged.
59. However, in determining this application with respect to highway related matters, it is considered a number of issues should be taken into account. Firstly, Building A is currently laid out to incorporate only two office rooms and currently benefits from planning permission to be used as an office for the applicant only. Secondly, the current application is for the removal of Conditions 2 and 5, which will still retain the building in a B1 office use.
60. It is considered that if Conditions 2 and 5 are removed, this will enable other office based businesses to occupy the building. However, given the restrictive size of Building A, it is considered that the vehicular activity at the site will be similar to that which could already take place if the personal permission were to remain in effect.
61. It is therefore considered unlikely that there will be a material change in traffic levels using the site access, in which case it would be difficult to sustain a highway objection.
62. With regard to parking, the applicant has submitted an amended site location plan which aims to address the proposed condition concerning allocated off-road parking provision to be used and retained in connection with Building A.
63. The amended site location plan was received by the Council on the 25<sup>th</sup> January 2012 and now shows the proposed parking area associated with Building A (hatched red) re-located approximately 10m from the site boundary with the adjacent property 149 South Road. This parking area would be retained for the parking of vehicles to be used only in connection with Building A and comprises an area of hardstanding which is considered sufficient given the size of Building A. It is not considered necessary to require the applicant to mark out the parking area, provided the area remains for use in connection with Building A only.

64. It must also be considered that the proposed parking area could currently be used to park cars on and is situated over 60m from the adjacent residential property No. 149 South Road, screened by a high hedge which is greater than 2m in height.
65. As such, on balance of the above, it is not considered a refusal of the application could be sustained concerning highway related matters.
66. The development is therefore considered to be in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

#### Impact on the Bretherton Conservation Area

67. The removal of Conditions 2 and 5 will not result in any external alterations to building A and so it is not considered the development will have any greater impact on the Designated Heritage Asset that is the Bretherton Conservation Area than is experienced at present.
68. Therefore it is not considered the removal of conditions 2 and 5 will result in any significant detrimental harm to the character of the Bretherton Conservation Area and so the development remains in compliance with Planning Policy Statement 5 (PPS5).

#### **Overall Conclusion**

69. On balance of the above, the Section 73 application to remove conditions 2 and 5 is accordingly recommended for approval subject to conditions.

#### **Planning Policies**

##### National Planning Policy

Planning Policy Guidance 2: Green Belts (PPG2)

Planning Policy Statement 4: Economic Development (PPS4)

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)

##### Adopted Chorley Borough Local Plan Review

Policies: DC1, DC7A, EM2, EP17 and TR4.

#### **Planning History**

The site history of the property is as follows:

- |                     |   |                         |                                       |
|---------------------|---|-------------------------|---------------------------------------|
| <b>Ref:</b>         | 04/00303/COU  | <b>Decision:</b> WDN    | <b>Decision Date:</b> 14 May 2004     |
| <b>Description:</b> | Retrospective application for a change of use of a former poultry cabin (building 'B') to storage in connection with a landscape gardening business, and structural alterations,              |                         |                                       |
| <b>Ref:</b>         | 04/00304/COU  | <b>Decision:</b> WDN    | <b>Decision Date:</b> 14 May 2004     |
| <b>Description:</b> | Retrospective application for the change of use of a former poultry farm workshop (building 'C') to a workshop in connection with a landscape gardening business, and structural alterations, |                         |                                       |
| <b>Ref:</b>         | 04/00370/FUL  | <b>Decision:</b> PERFPP | <b>Decision Date:</b> 7 June 2004     |
| <b>Description:</b> | Retrospective application for excavation of pond and construction of banking,   |                         |                                       |
| <b>Ref:</b>         | 04/00371/FUL  | <b>Decision:</b> PERFPP | <b>Decision Date:</b> 8 June 2004     |
| <b>Description:</b> | Erection of single storey extension to rear,  |                         |                                       |
| <b>Ref:</b>         | 04/00752/COU  | <b>Decision:</b> PERFPP | <b>Decision Date:</b> 27 October 2004 |
| <b>Description:</b> | Retrospective application for a change of use of a former poultry cabin (building 'B') to storage in connection with a landscape gardening business, and structural alterations,              |                         |                                       |
| <b>Ref:</b>         | 04/00753/COU  | <b>Decision:</b> PERFPP | <b>Decision Date:</b> 27 October 2004 |
| <b>Description:</b> | Retrospective application for the change of use of a former poultry farm workshop   |                         |                                       |

(building 'C') to a workshop in connection with a landscape gardening business, and structural alterations,

**Ref:** 05/00603/FUL **Decision:** REFFPP **Decision Date:** 1 August 2005  
**Description:** Relocation of joiners workshop to Building C, (to include a variation of condition No 3 on planning permission 9/95/00760/COU to permit the manufacture of other wood products), and the demolition and rebuilding of Building A for domestic use ancillary to the farm house

**Ref:** 06/00035/FUL **Decision:** REFFPP **Decision Date:** 7 March 2006  
**Description:** Demolition and rebuild of existing workshop,

**Ref:** 07/00874/COU **Decision:** PERFPP **Decision Date:** 10 September 2007  
**Description:** Temporary change of use of existing store as workshop during re-building of existing workshop,

**Ref:** 09/00530/COU **Decision:** WDN **Decision Date:** 3 March 2010  
**Description:** Application for permanent use of previous store to wood workshop (previously permitted on a temporary basis)

**Ref:** 11/00989/FUL **Decision:** PCO **Decision Date:**  
**Description:** Section 73 application to remove Conditions 2 (use of building) and 5 (personal permission) attached to planning approval 10/00563/COU.

**Application Number-** 11/00989/FUL

- Section 73 application to remove Conditions 2 (use of building) and 5 (personal permission) attached to planning approval 10/00563/COU.
- Approve subject to conditions.
- 5 January 2012.

**Recommendation: Permit Full Planning Permission Conditions**

1. The approved plans are:

Stamp-dated on:	DWG No:	Plan Ref:	Title
07/07/2010		411/12	-
07/07/2010		411/13	-
25/01/2012		-	1944-2
			Parking Area for Office Hatched in Red

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

2. The proposed parking area hatched red on the submitted location plan (received: 25 January 2012; Plan Ref: 1944-2) shall not be used for any other purpose other than for the parking and manoeuvring of vehicles in connection with Building A and shall be retained only for this purpose thereafter.

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

3. 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.*

4. All external facing materials shall match in colour, form and texture to those permitted with the application 06/00035/FUL for the permanent re-build of building A.

*Reason: In the interests of the visual amenity of the area in general and the existing building in particular and in accordance with Policy Nos. GN5 & HT7 of the Adopted*

***Chorley Borough Local Plan Review.***

5. Before Building A is first used by anyone other than the applicant (Mr S J Wignall), full details of the means of foul water drainage/disposal of Building A shall have been submitted to and approved in writing by the Local Planning Authority. Building A shall not be occupied other than by the applicant (Mr S J Wignall) until the works for foul water drainage/disposal have been completed in accordance with the approved details.

***Reason: To ensure proper drainage of the development (details of which have not yet been approved by Building Control) and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.***

6. The use of Building A hereby permitted shall be restricted to the hours between 08.00am and 18.00pm on weekdays, between 08.00am and 13.00pm on Saturdays and there shall be no operation on Sundays or Bank Holidays.

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

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

### **Proposal**

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

### **Recommendation**

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

### **Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Background information
  - Principle of the development;
  - Impact on surrounding landscape;
  - Impact on neighbour amenity;
  - Impact on highways/access;
  - Impact on the historic environment;
  - Impact on ecology;
  - Other considerations.

### **Representations**

4. To date, (25 January 2012), 2.no letter of objection have been received concerning this application. The points raised in these letters can be summarised as follows:

- The development will result in significant detrimental harm to the environment along one of the well-known footpaths of Heapey;
- The development will substantially affect wildlife;
- Concerns raised for future generations, children and ramblers who will never experience the beauty and tranquillity of a once peaceful meadow;
- Information should be submitted in relation to noise;
- Health issues to both humans and wildlife;
- The structures will appear as a great intrusion;
- Local residents need more time to consider the application because of the complexity of the application and the precedent it will set;
- The turbines will have a massive visual affect on the local landscape;
- The turbines are totally out of proportion to any existing natural feature or development in the area and will remain visible for many miles in all directions;
- Noise generated would impact grossly on health;
- Recent reports suggest such development should not be made within 2 ½ km of homes;
- Recent studies indicate that CO<sub>2</sub> emissions increase when turbines are running because gas and coal power stations run inefficiently on stand-by.

**Consultations**

5. **Ramblers Association – Object** – The proposed turbines would be within very close proximity to Footpath 15 (FP15). This proximity to the turbines would dominate the view from the footpath and together with the noise, would materially alter the nature and enjoyment of the footpath and surrounding countryside. For this reason the Ramblers Association (Chorley) oppose the proposed development.
6. **CBC Environmental Health Team (noise)** – Raise no objection.
7. **Parish Council** – None received.
8. **Civil Aviation Authority** – Have provided guidance which Planning Authorities should follow in determining such an application. Raise no indication of an objection.
9. **Ministry of Defence** – Raise no objection to the proposal, however, if permission is granted they must be notified of (1) the date construction starts and ends; (2) the maximum height of construction equipment and; (3) the latitude and longitude of every turbine.
10. **OFCOM** – State it is not their policy to advise or get involved with any planning applications, however, raise a number of bodies which should be consulted as part of the application.
11. **National Air Traffic Services** – raise no safeguarding objection to the proposal.
12. **The Coal Authority** - Standing advice informative.
13. **People & Places - Waste & Contaminated Land** – no comments to make.
14. **Lancashire County Council (LCC) Ecology Service** – raise no objections subject to a condition which states that works that may affect nesting birds (including ground nesting species) will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by surveys or inspections.
15. **Lancashire County Council Highways** – raise no overriding highway objection, but suggest a condition be added if the application is approved requiring a construction and traffic management plan for highway approval, prior to the development commencing.
16. **Conservation Officer** – Raise no objection to the impact on the nearby Listed Building.
17. **Economic Development Unit** – none received.
18. **Environment Agency** – No comments to make.
19. **Joint Radio Company (JRC)** – Raises no objection and does not foresee any potential problems on known interference scenarios based on the data that has been provided.

**Assessment**Background information

20. The application site comprises land to the north-east of Bluebell Cottage, Trigg Lane, Heapey and is owned by Mr Derek Bolton. The application has been made by “Kinetica Energy Ltd” with JDA Architects acting as consultant.
21. The applicant has occupied and owned the farm for a number of years, but because of the recession and rising costs, has looked at more financially viable ways to sustain its operation and use the associated land. The applicant is therefore looking to diversify and achieve long term stability.
22. The applicant intends to utilise the ‘windy nature’ of the site to generate electricity for both domestic and agricultural use by installing two “Evoco 10KW” wind turbines in a field to the

north-east of the existing farm complex. The applicant has indicated that any electric surplus generated would be exported to the National Grid for public distribution.

23. In summary, the applicant argues the application has been submitted to: (1) lower the farms carbon footprint; (2) break away from on-going rising energy costs; (3) achieve a steady, sustainable future for the holding; (4) to achieve savings in revenue which can be re-invested into the farm; (5) to assist in the “greening” of the farm and its local environment.
24. As an alternative, the applicant has looked at utilising Photovoltaic cells, however, argues that these are based on complex technology, requiring a large surface area and potentially could have a greater visual impact on the landscape than the proposed turbines.

#### Principle of the development

25. In terms of the principle of the development, the turbines would be situated to the north-east of the existing farm complex on a plateau type field which comprises short grass and is used for agricultural purposes. To the south and east of the turbines, the field extends to a cutting and brook which are both shielded from view by tree cover.
26. The farm itself carries out some agricultural activities, but is also involved in the keeping of horses. The site has a large block of stables as well as three sand paddocks which adjoin the field where the turbines would be sited (formally known as Bluebell livery stables).
27. The plateau itself is relatively flat, and spans a distance of approximately 200m in a north/south direction. The southerly section of the field is where the turbines would be sited and both turbines would face in a northerly direction. Whilst the land around the site of the turbines is relatively flat, the land to the east and west assumes a more undulating nature and renders the site somewhat enclosed by hedgerows and trees. The plateau itself is not considered to be a summit location given the higher, more undulating land to the east and west.
28. It has been noted that in the surrounding area, there are a scattering of isolated residential properties, many of which are positioned at a lower level to the development and are predominately sited to the east and north-east of the site.
29. The site itself is washed over by the Green Belt with an area of open countryside situated to the south. In terms of national and local planning policy concerning the control of development within the Green Belt, National Planning Policy Guidance 2: Green Belts (PPG2) and Policy DC1 of the Adopted Chorley Borough Local Plan Review state that planning permission will not be granted, except in very special circumstances for development other than those falling within certain limited categories.
30. Paragraph 3.4 of PPG2 indicates that the construction of new buildings within the Green Belt is inappropriate unless the buildings are for certain limited purposes. Paragraph 3.12 states that the carrying out of engineering and other operations is inappropriate if they do not maintain the openness of the Green Belt and conflict with the purposes of including land within the Green Belt.
31. With regard to PPG2 and Policy DC1, it is not considered the erection of the turbines falls within the ambit of appropriate development within the Green Belt and actually falls within the broad definition of engineering or other operations.
32. Therefore, the proposed turbines are considered inappropriate development within the Green Belt and should only be permitted where very special circumstances exist to clearly outweigh the harm that would come to the Green Belt by reason of inappropriateness.
33. As such, it is therefore appropriate to consider any factors in support of the application, which individually or cumulatively could amount to very special circumstances that would outweigh the harm to the Green Belt. Additionally, the impact on the openness of the Green Belt should also be considered.

34. Firstly, in terms of openness, it is acknowledged that the turbines represent an encroachment of development into the countryside (which is one of the purposes for including land within the Green Belt). However, it should also be noted that there often is a requirement for wind turbines to be located within open areas away from built development to function effectively.
35. It is considered that in this case, the area of land to be built on is small in size (relative to the vast undeveloped surrounding land) and is somewhat contained by tree cover which restricts views of the turbines from the south and east. It is considered that the impact on openness comes primarily in the form of the bases for the turbines and the structures themselves. However, the turbines are relatively modest in size, have a relatively slender design and would be well spaced. As such, taking into consideration the specification of the structures and the site specific circumstances, it is considered that the loss of openness in this case would be modest and in itself would not warrant refusal of the application.
36. Turning to the issue of very special circumstances, the applicant has submitted a case in support of the application which covers a number of issues in favour of the application.
37. Firstly, the applicant highlights that the proposed development finds support in national planning policy which was identified in 2006 through the Stern Report. This report demonstrated that climate change must be managed if we are to avoid catastrophic social and environmental effects. The Government's energy policy, including its policy on renewable energy, is set out in the Energy White Paper. This sets the challenging aim for the UK to cut its carbon dioxide emissions by some 60% by 2050, with real progress by 2020, and to maintain reliable and competitive energy supplies. The UK has a more tangible target to incorporate 10% renewable sources by 2010, and at least 20% by 2020. Planning Policy Statement 22 (PPS22) also highlights the importance of offshore and onshore wind energy in contribution to national targets. It is considered the bulk of these targets are expected to be delivered locally through the planning system.
38. The applicant draws attention to Planning Policy Statement 1: Delivering Sustainable Development (PPS1) which sets out the government's approach to delivering sustainable development and indicates that planning should facilitate and promote sustainable and inclusive patterns of urban and rural growth.
39. The applicant argues that PPS22 and the climate change supplement to PPS1 highlight the importance and urgency of slowing down the pace of climate change by reducing Carbon Dioxide emissions from the generation of energy through the burning of fossil fuels by producing energy from renewable sources. It is evident from the advice in PPS22 that Local Planning Authorities should plan positively for renewable developments and should afford substantial weight to the contribution such developments make to combating climate change.
40. The applicant highlights that it is important to realise that smaller scale projects (such as that proposed) can provide a limited but valuable contribution to the overall outputs of renewable energy and to meeting energy needs both locally and nationally. PPS22 states that planning authorities should not therefore reject planning applications simply because the level of output is small. Furthermore, it is also relevant to note that PPS22 states that Local Planning Authorities should not require applicant's for energy development to demonstrate neither the overall need for renewable energy and its distribution, nor question the energy justification for why a proposal for such development must be sited in a particular location.
41. In terms of energy production, the applicant states that the wind turbines will produce 21,100Kwh of renewable energy per turbine based upon the manufacturer's literature at a wind speed of 5m/s. This gives a potential annual total of 42,200Kwh which will have a direct impact on reducing carbon emissions.
42. The applicant argues that the wider environmental and economic benefits for all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.



43. The applicant also highlights that the application finds support in the draft National Planning Policy Framework which re-iterates much of the advice given in PPS1 and PPS22.
44. As such, in terms of assessing the supporting information, it is considered that in this case, the proposed turbines would make a modest, but valuable contribution to meeting the challenging target for the production of energy from renewable sources both locally and nationally and in doing so, the proposal would play a part in helping to offset the impact of climate change. Support is found in PPS1 which encourages sustainable patterns of development, and also in PPS22 which states that Local Planning Authorities should specifically encourage small scale renewable energy developments through positively expressed policies in local development documents.
45. Furthermore, it is considered that the proposed turbines would assist in the diversification of the farm and provide electricity to the existing residential unit and for the agricultural working of the site. The electricity produced will replace / reduce the existing mains electricity supplied to the farm and reduce running costs over time.
46. It is also considered that the proposed pair of turbines will generate an income from the sale of any surplus electricity which would be exported back to the National Grid for public distribution via the District Network Operator for the benefit of the community.
47. Additionally, indirect benefits of the scheme would include temporary job creation during construction and in the maintenance of the turbines, and that the turbines will provide an alternative source of electricity.
48. As such, it is considered that the arguments submitted by the applicant in favour of the application and the support for the development in national planning policy, cumulatively amount to very special circumstances required to outweigh the harm to the Green Belt by reason of inappropriateness.
49. The development is therefore considered in accordance with PPG2 and Policy DC1 of the Adopted Chorley Borough Local Plan Review.

#### Impact on surrounding landscape

50. In terms of the effect of the development on the surrounding landscape, Policy EP10 of the Adopted Chorley Borough Local Plan Review states that developers are required to demonstrate that the character and value of the existing landscape and its features have been taken into consideration during the design of a proposal. Policy EP24 states that proposals for wind farms will be supported provided they are not on ridge top or summit locations or where they would form prominent features against the skyline.
51. As addressed earlier in this report, it is considered the turbines would be situated on a plateau type field which is relatively flat and spans a distance of approximately 200m in a north/south direction. The proposed turbines would be situated in the southern portion of the field within relatively close proximity to the existing farm buildings and sand paddock, thereby retaining built development in a cluster rather than allowing it to encroach into an isolated location.
52. The land to which the turbines would be sited is relatively flat, whereas the topography of the surrounding land assumes a more undulating nature. To the south and east of the turbines is dense tree cover which will help to soften the visual impact of the development on the surrounding area. To the east and west of the site the land rises significantly to enclose the turbines in a shallow valley type arrangement. As a result, the turbines would not be situated on a ridge top and are not positioned to appear as prominent features against the skyline.
53. Paragraph 21 of PPS22 refers to the need to take account of the cumulative effect of any wind generation project. It is considered that in this case, the turbines are relatively modest in size and have a relatively slender design and would be well spaced. As such, it is not

considered views of the surrounding landscape would be blocked or seriously obscured to warrant refusal of the application.

54. To the immediate west of the development is the existing farm complex which comprises a number of low level buildings including Bluebell Livery Stables. It is acknowledged that the turbines may be partially visible from residential properties in the surrounding area, however, this visual impact would be softened by the existing built development in-between the turbines and the properties adjacent to Bluebell cottage, and the sparse tree cover and change in land levels in-between the turbines and the properties Mill Road.
55. The design of wind turbines means they are often inevitably visible from some neighbouring properties in a surrounding area. However, given the site specific circumstances in this case, it is not considered the appearance of the turbines would cause any significant detrimental harm to the amenity of the nearby residential properties that would warrant refusal of the application.
56. The proposed turbines would be constructed from a self-supporting galvanised steel structure and would be white in appearance to soften their appearance when viewed against the skyline.
57. As such, on balance of the above, it is considered the proposed development would not have an unacceptable impact on the character of the surrounding landscape that would warrant refusal of the application and the development is therefore in accordance with Policies EP10 and EP24 of the Adopted Chorley Borough Local Plan Review.

#### Impact on neighbour amenity

58. The visual impact of the proposed turbines has been addressed above and is not considered in itself to be a reason to refuse the application. It has also been acknowledged that there are a relatively small number of dwellings located in the vicinity of the site which could be affected by the proposed development.
59. Firstly, it must be noted that PPS22 Companion Guide states that well-specified wind farms should be located so that increases in ambient noise levels around noise-sensitive developments are kept to acceptable levels in relation to existing background noise.
60. The applicant states that prior to submitting the application, a site visit was made to identify the most suitable design and location for the turbines. This included maximising the exposure to the prevailing wind and minimising the risk of turbulence from trees or buildings in the vicinity. The applicant has submitted acoustic information in support of the application which has been assessed by the Council's Environmental Health Team.
61. The Council's Environmental Health Team has concluded that the submitted information satisfactorily demonstrates that there is unlikely to be any audible noise at the receptors from the proposed application.
62. As such, it is not considered a refusal of the application could be sustained with regard to the impact from noise.
63. Turning to the issue of shadow flicker, it is acknowledged that at certain times of the day the sun may shine through the moving blades thereby causing a shadow flicker effect which can be disturbing for some and deeply disturbing for others. However, local and national documents indicate that shadow flicker only occurs within ten rotor diameters of a turbine. The proposed rotor diameter of the blades is 9.6m and therefore, properties which are within 96m of the turbines could be affected by shadow flicker.
64. It has been noted the turbines would be within relatively close proximity to a number of properties including Bluebell Cottage, Pheasant House Farm, Lower House Fold Farm, Lower House Farm and Ardgaith. However, these properties would be situated over 150m from the turbines which is significantly greater than the required 96m.

65. Other residential properties within the area nearest the proposed development (namely Logwood Mill Stables and The Old Mill Race situated on Mill Lane) would be positioned over 200m from the turbines and so it is not considered shadow flicker in this case would cause significant detrimental harm to the amenity of the neighbouring residents that would warrant refusal of the application.
66. The predicted shadow flicker has been shown on the submitted location plan which shows only localised impacts from the proposed turbines, with any potential shadow flicker primarily restricted to the field to which the turbines would be sited.
67. As such, it is considered the proposed turbines would not adversely affect the amenity of the neighbouring occupiers by reason of noise and flicker and so the development is considered in accordance with Policies EP20 and EP24 of the Adopted Chorley Borough Local Plan Review 2003. There are no other known health effects in relation to wind turbines.

Impact on highways/access:

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

Impact on the historic environment:

74. The application site is within close proximity to Lower House Farm which comprises a Grade II Listed building. As such, the Council's Conservation Officer has been consulted and has provided the following comments.
75. Lower House Farm comprises an 18<sup>th</sup> Century vernacular farm house with an attached combination barn. It is relatively modest in scale and is set within a cluster of cottages, stables and associated structures. Lower House Farm itself is in a very poor condition and has now been added to the Council's Buildings at Risk Register.
76. The site of the proposed turbines is approximately 190m to the east of Lower House Farm and would be obscured from view by the development in between.

77. As such, it is considered that on balance of the above, the significance of the designated heritage asset that is the listed building will be sustained in accordance with Policy HE10 of Planning Policy Statement 5 (PPS5).
78. It is not considered there are any other features of historic interest within the vicinity of the application site.

#### Impact on ecology

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

#### Other considerations

86. There are public footpaths located within and near to the field where the turbines would be located, however, both turbines both would be situated over 80m from the footpath.
87. As part of the application the Ramblers Association were consulted because of the proximity of the turbines to the nearby public footpath. The Ramblers Association have objected to the application stating that the turbines would dominate the view from the footpath and together with the noise, would materially alter the nature and enjoyment of the footpath and surrounding countryside.
88. Firstly, in terms of safety, the companion guide to PPS22 states that the fall over distance for turbines should be the height of the turbine to the tip of the blade, plus 10%.

89. The footpath under question would be situated over 80m from the turbines which is significantly outside the required fall-over height of 35m for the proposed turbines. As such, it is considered in this case that reasonable steps have been taken to maintain the safety of the local residents and other members of the public wishing to use the public footpath.
90. With regard to the visual impact of the proposed turbines, it has already been established that the visual impact would be localised, aided by the surrounding topography and tree cover. However, it is acknowledged the turbines would be visible from the nearby footpath and from some vantage points in the surrounding area.
91. The visual appearance of wind turbines is considered to be somewhat subjective and often splits opinion, however, in assessing the overall impact, it is considered that the section of footpath to be most affected is modest in size (when viewed in the context of the wider area) and ramblers who use the footpath would only have to 'tolerate' the turbines for a short period whilst negotiating the field. As such, it is considered that the actual harm caused by the turbines would be limited in this case and is not considered sufficient to outweigh the benefits of the scheme with regard to local and national planning policy in tackling climate change.
92. The plans submitted with this application show that the shadow flicker potentially associated with the proposed turbines is expected to fall just short of the footpath and will only affect walkers at certain times of the day. It is acknowledged that some noise may be heard from the turbines when ramblers use the footpath, particularly given its proximity. However, it is not considered the turbines are likely to result in any significant detrimental harm with regard to noise and disturbance given the comments from the Council's Environmental Health Team. Furthermore, it is considered that any noise which is evident would only be audible whilst ramblers negotiate the section of field to which the turbines would be sited.
93. With regard to the above, it is not considered a refusal of the application could be sustained with regard to the impact on the nearby footpath.
94. It has been acknowledged that a neighbouring resident has made reference to recent studies and reports which raise issues concerning inefficiency of wind turbines. However, these claims have not been substantiated by further information and so are not considered to amount to factors which would form the basis of a refusal of the application. Additionally, it must also be noted that such studies/reports are not acknowledged within national planning policy guidance and therefore, such studies/reports should only be attributed very limited weight in determining the application compared to national policy which should be attributed significant weight.

### **Overall Conclusion**

95. In conclusion, it is considered that the national and development plan policies in favour of the application and the benefits in terms of reducing climate change clearly outweigh those policies with which the scheme conflicts and in this case, very special circumstances have been demonstrated to justify the development.
96. It is not considered any other material planning considerations of sufficient weight have been demonstrated or have arisen to indicate that the application should be determined other than in accordance with national planning policy and the development plan.
97. As such, on balance of the above, the application is accordingly recommended for approval subject to conditions.

### **Planning Policies**

#### National Planning Policy

Planning Policy Guidance 2: Green Belts (PPG2)

Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

Planning Policy Statement 5: Planning and the Historic Environment (PPS5)

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)

Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9)

Planning Policy Statement 22: Renewable Energy (PPS22)

Planning Policy Statement 22: Companion Guide

Adopted Chorley Borough Local Plan Review

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

## Planning History

The site history of the property is as follows:

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

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

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

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

## Recommendation: Permit Full Planning Permission Conditions

1. The proposed development must be begun not later than three years from the date of this permission.  
*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*
2. If either turbine hereby permitted ceases to operate for a continuous period of 6 months then, the wind turbine(s) and any other ancillary equipment and structures shall be dismantled and removed from the land and the land restored to its original state within 3 months of the cessation period.  
*Reason: To ensure that the rural landscape is not littered with structures that are no longer needed or have outlived their useful lives and in accordance with PPG2, PPS22 and Policies Nos. DC1, EP10 and EP24 of the Adopted Chorley Borough Local Plan Review.*
3. Before the development hereby approved is first commenced, a turbine construction and traffic management plan shall be submitted to and approved in writing by the local planning authority. The turbine construction and traffic management plan shall include:
  - A detailed methodology for the construction and maintenance of the turbines including details of any temporary hardstanding to be used during construction;
  - The timescale of operation for construction of the development;
  - The size and number of vehicle movements (including plant and wagons);
  - Any temporary signage / road warning signs advising other road users of the duration / schedule of the works;
  - Any other provisions required on construction / delivery days to safeguard other road users;
  - The date construction starts and ends;
  - The maximum height of construction equipment;
  - The latitude and Longitude of every turbine.

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

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

*is required so the data can be plotted on flying charts to make sure the military avoid this area.*

4. This permission shall expire no later than 25 years from the date that the first turbine is erected. Within 6 months of the expiration of the permission, all elements of the development shall be removed and the land restored to its former condition.  
*Reason: To ensure that the rural landscape is not littered with structures that are no longer needed or have outlived their useful lives and in accordance with PPG2, PPS22 and Policies Nos. DC1, EP10 and EP24 of the Adopted Chorley Borough Local Plan Review.*
5. No development shall commence between March and August inclusive, unless the absence of nesting birds has been first confirmed through appropriate surveys and/or inspections carried out by a suitably qualified ecologist which are submitted to an approved in writing by the Local Planning Authority.  
*Reason: To ensure nesting birds (including ground nesting birds) are not adversely affected by the development. In accordance with PPS9 and Policy EP4 of the Adopted Chorley Borough Local Plan Review 2003.*
6. The turbines and ancillary development hereby approved shall only be carried out in the materials and colours detailed in the design and access statement unless otherwise agreed to in writing by the Local Planning Authority.  
*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with PPG2, PPS22 and Policies Nos. DC1, EP10 and EP24 of the Adopted Chorley Borough Local Plan Review.*

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<b>Item 4c</b>	<b>11/01024/REMMAJ</b>
<b>Case Officer</b>	<b>Nicola Hopkins</b>
<b>Ward</b>	<b>Adlington &amp; Anderton</b>
<b>Proposal</b>	<b>Reserved matters application for the erection of 67 dwellings and a Park and Ride Car Park</b>
<b>Location</b>	<b>Grove Farm Railway Road Adlington ChorleyPR6 9RF</b>
<b>Applicant</b>	<b>Bellway Homes</b>
<b>Consultation expiry:</b>	<b>23 January 2012</b>
<b>Application expiry:</b>	<b>21 February 2012</b>

**Proposal**

1. This application is a reserved matters application for the erection of 67 dwellings and a Park and Ride Car Park at Grove Farm, Adlington.
2. Outline planning permission was granted, via appeal, at the site in June 2011. The outline approval reserved all matters save for access and this application seeks approval for the details of the site.

**Recommendation**

3. It is recommended that this application is granted conditional reserved matters planning approval.

**Main Issues**

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

**Representations**

5. 7 letters of objection have been received raising the following points:
  - Increase in traffic on Railway Road and impact on highway safety- the proposed junction would be unsafe due to poor visibility over the railway bridge.
  - Impact on wildlife- there are 4 deer on the land.
  - Previous applications have been denied no reason to grant permission now
  - Loss of mature trees
  - Park and Ride will put increased pressure on a train service
  - No requirements for 55 car parking spaces
  - Loss of privacy, reduced views and increased noise
  - Increase in crime
  - Proposed housing out of keeping with the character of the area

- Environmental impact of the development
- Impact on local services
- Will result in further unsold/ empty homes in a stagnant property market
- The only real beneficiary seems to be Bellway Homes.
- Road and pedestrian safety
- The existing watercourse and culvert may be affected by this development
- Too much development- no need for further houses
- The status of the outline application states “Refusal of Full Planning Permission” and the application claims that outline permission was granted on 10<sup>th</sup> June 2010 which was part way through the consultation period.
- Loss of light- 2 storey property close to garden boundaries
- The properties on Mayfield Avenue do not have lengthy gardens.

6. **Adlington Town Council** have made the following comments:

- The layout, design and construction of the residential development took into consideration the planning inspectors findings.
- Request that the issue of whether the garage on plot 4 is situated over a main sewer
- The access onto Railway Road could be problematic
- Request that planning permission is withheld pending confirmation that:
  - a. The car park is built to adoptable standards
  - b. That a fuel interceptor is fitted
  - c. CCTV cameras are provided
  - d. Procedures and funding for future maintenance are addressed
  - e. Lighting standards are fitted
  - f. Confirmation that the car park will be adopted- understand LCC are not willing to adopt
- Confirmation whether the provision of this car park would upgrade the status of Adlington to a Parkway Station and whether this would mean the provision of train services on par with Buckshaw, Horwich etc.
- Request that adequate drainage provision is built and agreed with United Utilities.

7. **Adlington and District Community Association** have made the following comments:

- The location of the proposed garage is directly over the main sewerage drain from the Community Centre and the cottages in Railway Road.
- To prevent the Community Nursery outside play area being put in permanent shade we ask that the proposed bushes are not permitted to grow higher than the existing fence.

### Consultations

8. **Chorley’s Housing Strategy Manager** has commented on the affordable housing elements of the scheme.
9. **The Environment Agency** have no objection subject to surface water drainage from the proposed car park passing through an oil interceptor
10. **The Architectural Design and Crime Reduction Advisor** has commented on the application which is addressed below
11. **Network Rail** have commented on the proposals.
12. **Director of People and Places** has no comments to make
13. **United Utilities** have commented on the associated discharge of condition application
14. **Lancashire County Council (Highways)** originally objected to the application.

### Assessment

#### Background Information

15. The site is a large area of predominantly open land which covers 2 hectares within the

settlement boundary of Adlington. There are currently two dwellings on the site, although only one is occupied.

16. After assessing the history of the site it is clear that there has been a dwelling on the site for over 50 years. When the owner of this property decided to move away from farming and move into business planning permission was granted for the erection of a bungalow on the site. It was intended for the land owner to occupy the bungalow and utilise the existing farmhouse for storage. Both of these buildings are still in situ with the bungalow still occupied. In 1977 planning permission was granted to A & F Suppliers for a storage shed on the site. A & F Suppliers occupied the farmhouse and various storage sheds/ buildings on the site for a number of years and the presence of this business on the site is still evident. A & F Suppliers business was expanded metal & wire goods manufacturers and it is understood from Council Tax that this business ceased being on site in March 2008.
17. Outline planning permission was applied for in 2009 (10/00439/OUTMAJ), all matters reserved save for access, for the erection of up to 75 dwellings and a park and ride parking area for Adlington Railway Station. The Council refused the application for the following reason:
  - The site is allocated under Policy EM1.2 for B1 (business uses, comprising offices (B1a), research and development (B1b) and light industry (B1c)). The proposal is for housing (C3) which does not fall within the allocated uses for this site and as such is contrary to Policy EM1 (Saved) of the Chorley Local Plan Review. 2) Policy EM9 is also of relevance as part of the site has previously been used for employment purposes where it states that the redevelopment of a site for employment use will be encouraged. It is for the applicant to demonstrate that there is no realistic prospect of an employment re-use of the land or premises for redevelopment for an employment use would be economic viable. The applicant has failed to demonstrate this as specified in Policy EM9 and the accompanying Supplementary Planning Guidance Document Proof of Marketing: Policy EM9.
18. The applicants appealed this decision and the Inspector allowed the appeal on 10<sup>th</sup> June 2011. As such the principle of developing the site for residential purposes has been established.

#### Principle of the development

19. This application will be determined in accordance with the development plan, unless material considerations indicate otherwise (s.38 (6) Planning and Compulsory Purchase Act (2004)).
20. The Development Plan for Chorley currently consists of the Adopted Chorley Borough Local Plan Review, the North West Regional Spatial Strategy (RSS) and the Sustainable Resources DPD. On 6th July 2010 the Secretary of State for the Department of Communities and Local Government revoked Regional Strategies, including the Regional Spatial Strategy for North West England (RSS). However, on 10th November 2010 the decision to revoke the RSS was found unlawful at the High Court.
21. It is however likely that Regional Strategies will be scrapped as part of the Government's proposed Localism Bill. Therefore at the present time the RSS remains part of the Development Plan although the intention to scrap the RSS is a material planning consideration.
22. The Council's Core Strategy, which has been produced jointly with South Ribble and Preston, was examined at EIP in June 2011. This examination is due to reopen in March 2012. The Policies within this Core Strategy are a material consideration as part of this application although the weight attached to them as a whole is limited.
23. As this site has the benefit of extant outline planning permission the principle of developing the site has been established. This reserved matters application is therefore purely addressing the specific details of the proposed scheme.

Housing Development

24. The outline planning approval for this site identified that the site could accommodate up to 75 dwellings although siting was reserved. This reserved matters applications incorporates the erection of 67 dwellinghouses which is within the range considered appropriate for this site.
25. The proposals incorporate the erection of 33 four bedroom dwellings, 29 three bedroom dwellings and 5 two bedroom dwellings. All the proposed dwellings are two storey although the 'Fairhaven Special' house type (plots 18 and 19) has a ridge height which reflects a 3 storey property however these properties are located within a central location within the site and not along the site boundaries and are an appropriate design solution positioned at the end of the access road.

Affordable Housing

26. When outline planning permission was granted for this site the associated S106 Agreement included an obligation towards affordable housing. The submitted scheme incorporates 5 discounted/ low cost dwellings (plots 48-50 and 38/39) and 8 socially rented dwellings (plots 40-47).
27. The Council's Housing Strategy Manager has assessed the scheme and confirmed in terms of mix we are looking for the following:
  - Social rent: 5 x 2 bed houses  
3 x 3 bed houses
  - Intermediate (discounted sale): 5 x 3 bed housesThe submitted proposals are in accordance with this split and as such are acceptable.
28. The Housing Manager considers that the location of the affordable homes is acceptable and confirmed that they should be transferred to an Affordable Housing Provider who is a member of the Select Move choice based lettings scheme and who has a management presence in the area, e.g. CCH/Adactus and New Progress.
29. These issues are secured within the S106 Agreement for the site.

Density

30. The site covers 2 hectares and the erection of 67 dwellings equates to approximately 33 dwellings per hectare which is considered to be appropriate for this urban location.

Levels

31. The site is reasonably flat with a gradual 3 metre fall north to south across the site. Condition 6 of the outline planning approval required full details of the building slab levels and this has been submitted as part of discharge of condition application 11/01025/DIS. The dwellings at the northern boundary of the site have a maximum finished floor level of 103.450 whereas the dwelling at the southern most corner of the site has a finished floor level of 99.700 which accommodates the land level fall across the site.
32. Internally within the site the variation in finished floor levels can be achieved whilst protecting the amenities of the future residents. The relationship with the existing adjacent residents is addressed below.

Impact on the neighbours

33. The immediate residential neighbours to the site are the two storey terraced properties along Railway Road adjacent to the site entrance, the two storey semi-detached properties and detached bungalow along Mayfield Avenue (to the east of the site), the bungalows along Abbey Grove (in the south east corner of the site) and the Conservative Club on Railway Road adjacent to the proposed Park and Ride facility. Adlington Community Centre is also adjacent to the application site.
34. There are properties on Meadow Street and Railway View to the west of the site however these are on the opposite side of the railway lines and will not be directly affected by the proposed development.

35. There is an existing mature tree belt along the boundary of the site with Railway Road which will be partly retained and replanted to compensate for the tree removal required to secure the approved vehicular access. Currently the access to the site is immediately adjacent to 14 Railway Road, this will be relocated further along Railway Road. The boundary of the site with 14 Railway Road will consist mainly of landscaping. The proposed double garage associated with plot 1 will be located to the south west of the boundary with 14 Railway Road however this will not impact on the neighbours amenities.
36. The properties on Mayfield Avenue have long back gardens with the nearest property being 38.5 metres from the site boundary. As such it is not considered that the proposed dwellings will adversely impact on the neighbours amenities when viewed from the dwellinghouses. Each proposed dwelling which backs onto this boundary retains a minimum 10 metres from first floor windows to ensure that the properties do not create overlooking to the existing neighbours private garden areas. Plot 13's side elevation is immediately adjacent to the boundary with 16/18 Mayfield Avenue and has a first floor side window. This window however serves a bathroom and will be obscurely glazed, as such this will not result in loss of privacy to the detriment of the neighbours amenities.
37. 32 Mayfield Avenue is a detached bungalow which is 48 metres from the application site boundary. The occupiers have raised concerns that there will be a Fairhaven Special house type (plot 16) at the end of their garden due to the fact that the ridge height reflects a 3 storey property. This property however will not be the Special house type and will be the standard Fairhaven house type. It is considered that the distance retained between the proposed and existing dwellings ensures that there will be no loss of amenity to the existing or future residents.
38. 42 and 55 Abbey Grove are bungalows immediately adjacent to the south east boundary of the application site. Due to the proximity of these dwellings to the boundary this is considered to be the most sensitive location of the application site. To demonstrate the relationship of the proposed dwellings and these existing dwellings the streetscenes submitted in support of this application incorporate these properties.
39. The proposed detached dwelling on plot 32 is approximately 5.5 metres from the side elevation of 55 Abbey Grove. There are two windows proposed in the side elevation of plot 32 which serve a bathroom and landing and as such will be obscurely glazed ensuring that they do not impact on the amenities of the existing residents. From a levels perspective the finished floor levels of the existing and proposed properties are similar with 55 Abbey Grove at a slightly higher level. As such there will be no loss of amenity through level differences.
40. Number 55 has 2 ground floor windows in the side elevation which serve the garage and kitchen although this is not the only source of light into this kitchen. As such it is not considered that the erection of a 2 storey dwelling 5.5 metres from the existing property will adversely impact on the neighbours amenities.
41. Plots 29 and 30 back onto the boundary with 42 Abbey Grove. These properties are a minimum 16 metres from the side elevation of 42 Abbey Grove and retain over 10 metres from the first floor windows to the boundary in accordance with the Council's spacing standards. From a levels perspective the finished floor levels of the existing and proposed properties are similar and as such there will be no loss of amenity through level differences.
42. There is a bedroom window and dining room window in the side elevation of 42 Abbey Grove. 18 metres is retained between the rear of plot 30 and the dining room window and 19.5 metres is retained between the rear of plot 29 and the bedroom window. As these windows are at ground floor level and the proposals incorporate the retention of the existing boundary treatment in this location it is not considered that there will be any loss of privacy created between the proposed and existing ground floor windows.
43. Plot 16s side elevation is approximately 2.5 metres from the garden boundary with 42 Abbey Grove however there are no windows proposed in the side elevation ensuring that there will be no loss of privacy to the existing residents.

44. The Conservative Club is located to the west of the approved site entrance. The proposed Park and Ride facility will be located along the eastern boundary of this property and the properties on plots 63-67 will face the southern boundary of this property, where the Bowling Green is sited. As this is not a residential property and the dwellings are sited over 10 metres from the boundary there is not considered to be any loss of amenity within this part of the site.
45. Adlington Community Centre is located adjacent to the site boundary. Plots 5 and 6 border the building and plot 1 borders the external space associated with this building, used by the children's nursery which operates from this site. Concerns have been raised by Adlington and District Community Association and the Town Council in respect of the location of a main sewerage drain and the proposed landscaping. Bellway Homes have investigated the sewer issue and have confirmed that they cannot find anything that points to either the existence of an existing sewer in this area or anything relating to any rights of drainage. Further clarification has been sought from the Community Association.
46. In respect of the proposed landscaping 2 Hazel, 1 Apple, 2 Ash and 2 Silver Birch trees are proposed to be planted along this boundary at a height of between 300-425cm. These trees will be located within the boundary of plots 1 and 5 and future maintenance responsibilities will be with the future occupiers. A query has been sent to Bellway Homes querying whether the height of these trees can be restricted via covenant on the houses.

#### Design

47. From a design perspective the proposed properties incorporate modern two storey residential development. The palette of materials includes red bricks and grey roof tiles which is considered to be appropriate within Adlington.
48. The scheme incorporates the erection of two storey dwellings. It is noted that there is a mixture of dwellings types and styles within the area including older terraced properties, more modern semi-detached dwellings and bungalows. Having assessed the relationship of the proposed dwellings and the neighbouring dwellings two storey properties can be accommodated on the site whilst protecting the neighbours' amenities and will introduce a modern development within Adlington reflecting the progression of the Town.

#### Trees and Landscape

49. The trees at the boundary of the site with Railway Road are protected by TPO 7 (Adlington) 2006. This TPO is a group TPO which includes Ash, Willow, Sycamore, Oak, Elm and Hawthorn Trees. The approved access and required access roads will result in the removal of quite a few of these trees.
50. Conditions 9 and 10 of the outline approval required full details of the trees to be felled/retained, details of the protective measures for the retained trees and details of the replacement planting. Bellway Homes formally applied to discharge these conditions (11/01025/DIS). The Council's Arboricultural Officer considered to the submitted details were sufficient to discharge these conditions.
51. Of the 276 trees identified on the site 193 are identified for removal of which 60 are protected by TPO 7 (Adlington) 2006. The replacement tree planting forms part of the submitted Arboricultural Method Statement (submitted as part of application 11/01025/DIS) and includes planting 86 individual trees and 300 trees within mixed groups.
52. The landscaping scheme includes planting within the southern corner of the site to replace fruit trees removed from the centre of the site. Two areas of native planting are proposed to the right of the vehicular entrance and around the edge of the southern corner of the site.
53. Although the scheme results in the loss of a significant number of trees the trees with the greatest amenity value have been protected by the TPO. Where these will be felled as a result of the scheme the replacement planting, which exceeds the number of trees currently on site, is considered to be suitable mitigation for the loss.

Ecology

54. The ecological impacts of the development were addressed at outline stage. The main impacts of the development were considered to be impacts on bats, habitat loss, impacts on breeding birds and the potential spread of Japanese Knotweed. However the Ecologist was satisfied that the issues could be adequately addressed via condition.
55. Conditions 14-17 deal with the impacts and require a scheme for the eradication of Japanese Knotweed, the submission of a habitat creation and management plan, mitigation measures in respect of protected species and a requirement for site clearance works to be outside the bird breeding season.
56. The applicants, Bellway Homes, formally applied to discharge conditions 14-16 as part of application 11/01025/DIS. The submitted information was forwarded to the Ecologist at Lancashire County Council who has confirmed that the conditions in respect of Japanese Knotweed and habitat creation can be discharged.
57. Following a high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
  - (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
  - (b) there must be no satisfactory alternative and
  - (c) favourable conservation status of the species must be maintained.
58. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.
59. At outline stage section 5.5 of the submitted ecology report included mitigation proposals (for impacts on bats/bat roosts) which addressed the third licensing test (favourable conservation status) set out in the Habitats Regulations 2010.
60. In this case demolition (and bat mitigation) will need to be carried out under Natural England licence. However, it is not clear whether or not the licence has as yet been applied for, or whether the proposed mitigation does include any amendments required by Natural England.
61. The mitigation measures in respect of protected species was deemed adequate at the outline stage to demonstrate that the requirements of legislation could be addressed and as such it is not considered that the proposals will adversely impact on protected species and as such the 3 derogation tests have been satisfied.

Park and Ride Facility

62. Approximately half the site is allocated under Policy TR13 of the Adopted Local Plan for Park and Ride Facility associated with Adlington Train Station. The proposed scheme incorporates a 55 space Park and Ride Facility.
63. Although the proposed car park does not accord with the allocated land within the Local Plan, the proposed land take is significantly smaller than the land take allocation within the Local Plan, LCC are satisfied with the proposed extent of the car park which will be sufficient for Adlington Train Station.
64. Adlington is served by 1 train an hour in each direction (xx07 towards Manchester and xx56 towards Preston) for most of the day, with additional trains at peak times.
65. Condition 11 of the outline planning approval required full details of the Park and Ride Facility and required, prior to the commencement of the construction of any of the dwellings, the

park-and-ride facility to be constructed in accordance to base course level for use as a temporary site compound and, prior to the commencement of the construction more than 26 of the dwellings, the park-and ride facility shall be completed. Full details were submitted as part of the discharge of condition application, Lancashire County Council consider that the information is sufficient.

66. Adlington Town Council have queried the specific details of the Park and Ride elements of the proposals. In response the car park will be constructed out of bitmac which is used on the proposed roads, Bellway have confirmed that an oil/ petrol interceptor will be incorporated into the design which can be addressed by condition. In respect of lighting the submitted car park plan details low level bollard lighting within the car park. In respect of CCTV further details are requested from Bellway Homes.
67. The S106 Agreement associated with the outline planning approval included the Park and Ride provision and requires the developers to transfer the freehold to the Council prior to occupation of the 26th Housing Unit in the Development. There are no provisions for future maintenance within the Agreement. During the outline application it was suggested that the developers provide LCC with a commuted sum for the County Council build the car park. This suggestion was rejected by LCC so it was agreed that the developer would bear the expense of building the car park and then pass it onto the Council.
68. Network Rail have been consulted on the proposals and in particular the queries raised by Adlington Town Council. They have confirmed *In relation to the questions asked, I think Network Rail would take an impartial view at this stage and both questions should be aimed at the current Station Facility Owner, Northern Rail who would lead on increasing the provision of train services and also I suspect in whether a station justified 'parkway' status.*
69. Northern Rail has been consulted in this regard and confirmed that the size of the proposed car park would need to be a comparable size to Buckshaw to upgrade the station, the car park at Buckshaw has 200 spaces and as such this car park is not a comparable size. In terms of the train service provision Northern Rail have confirmed that there would need to be a significant rise in footfall to warrant an increase however this is something they would give consideration to.

#### Traffic and Transport

70. The outline planning application reserved all matters save for access and as such the vehicular access junction off Railway Road has been approved and is not under consideration as part of this application. The internal road layout however was not approved at outline stage and the Highway Engineer comments relate to this element of the scheme.
71. The Highway Engineer at Lancashire County Council originally considered that the proposed layout was unacceptable from a highway viewpoint. He raised several concerns in respect of footway provision, dropped kerbs and access for refuse collection/ emergency vehicles. These concerns were passed onto the agent for the application. The Highway Engineer also confirmed that the access drives proposed to serve a number of dwellings (plots 1-4, 5-9, 11-14, 16-17, 28-29, 31-33, 54-57 & 63-67) will not be suitable for adoption and will remain in private ownership.
72. Following receipt of the concerns raised the plans were amended to introduce footways and central bin collection areas. These amended plans were forwarded to the highway engineer who still had concerns in respect of vehicle/ pedestrian conflict and manoeuvring space within the unadopted parts of the site.
73. To address these concerns an amended parking layout plan has been submitted. This has been forwarded to the Highway Engineer and his comments will be reported on the addendum.
74. The site to the south of the application site is incorporated with the Council's Preferred Option DPD for future site allocations. Although it has not yet been determined whether this site will be developed in the future the scheme incorporates a highway up to the site boundary in this



location to serve any future development if necessary.

75. In respect of parking the scheme includes a mixture of 2 and 3 bedroom dwellings which require 2 off road parking spaces and 4 bedroom dwellings which require 3 off road parking spaces. The application is supported by a parking layout which demonstrates that all of the 3 and 4 bedroom properties incorporate sufficient parking space. However the 5 two bedroom properties proposed accommodate 1.5 spaces per dwelling. This provision follows comments received from the highway engineer and to break up the car parking spaces by introducing landscaped strips between bays, reducing the impact of the car parking on the street scene. All of the two bedroom properties are the rented affordable dwellings where car ownership is generally low. To achieve a suitable scheme in terms of design in this situation 1.5 spaces for 5 of the proposed two bedroom dwellings is considered to be acceptable.

#### Contamination

76. Contamination was dealt with at outline stage and condition 12 of the outline approval required the submission of a site investigation. The applicants have submitted a Field Investigation Report as part of application 11/01025/DIS. The Council's Waste and Contaminated Land Officer has reviewed this document and confirmed that he has no objection to the development proceeding provided the remediation and risk management measures as detailed in section 14 of the report are followed and completed.
77. As such from a contamination perspective suitable remediation can be accommodated on the site.

#### Drainage and Flooding

78. Consideration of the drainage and flood risk at the site was considered at outline stage and condition 13, requiring surface water and foul water drainage schemes, deals with this element of the scheme. As part of application 11/01025/DIS the engineering layout along with a SUDs assessment have been submitted. This has been assessed by the Environment Agency and United Utilities.
79. United Utilities have confirmed that SUDS are not appropriate on this site due to the confirmed ground condition. United Utilities have previously agreed discharge rates which have been adhered to within the submitted drainage design. United Utilities have confirmed that, based on the information provided, condition 13 can be discharged.
80. The Environment Agency have confirmed that they have no objection to the proposed discharge of Condition 13 given that surface water discharges to the public sewer at an attenuated rate to cater for the 1 in 100 year plus climate change storm event and would prevent flows leaving the development site in accordance with PPS25.
81. As such it is considered that drainage has been dealt with adequately.

#### Crime and Safety

82. The proposals have been assessed by the Council's Architectural Liaison Officer who has made the following comments. There have been a number of recorded crimes in the area including theft from vehicles and burglary. Due to recorded crime in the area and the potential for increased criminal activity in respect of the proposed car park it is recommended that the site is developed to Secure by Design Standards.
83. Additionally it is recommended that Safer Parking Standards are adopted along with secure boundary treatment and access control arrangements including formal surveillance in terms of CCTV.
84. In respect of the housing parking should be sited to encourage natural surveillance. One vehicular access point is supported and the fencing details are considered to be acceptable. Pitched roof porch covering are advised for the Larch housetype and balconies should be located away from potential climbing aids.

#### Section 106 Agreement

85. The Section 106 Agreement for this site was agreed and competed at outline stage. As this is a reserved matters application which directly relates to the outline the obligations within this agreement will be borne by Bellway Homes.

### **Overall Conclusion**

86. The principle of erecting up to 75 dwellings on this site was established when the Appeal Inspector allowed the appeal. The erection of 67 dwellings and a Park and Ride Facility accords with the outline approval and as set out above the details are considered to be acceptable. As such the application is recommended for approval.

### **Other Matters**

#### Sustainability

87. Condition 8 of the outline planning approval required all of the dwellings to be built to the relevant Code for Sustainable Home level which is currently level 3. As part of the associated discharge of condition application a CSH Pre-Assessment has been submitted which shows that the design will achieve Code Level 3. However this condition cannot be formally discharged until the dwellings are completed and the final code certificate has been submitted to the Council. This will be reflected within the condition.
88. It is noted that Policy SR1 also requires a 15% reduction in carbon emissions through the use of renewable energy however as this issue was not considered necessary by the Inspector at the public inquiry this requirement cannot be introduced now.

#### Response to the neighbours concerns

89. As set out above a few of the neighbours have objected to the proposals. In response to their concerns:
90. Increase in traffic/ Road and pedestrian safety- the principle of developing the site for up to 75 dwellings has already been established and the traffic issues fully considered
91. Impact on wildlife and Environmental impact of the development- the ecological implications of the scheme were addressed at outline stage.
92. Previous applications have been denied no reason to grant permission now- the outline approval was granted by the Planning Inspector
93. Loss of mature trees- this issue was addressed at outline stage and adequate mitigation measures are incorporated into the detailed design
94. Park and Ride- this element is included in accordance with the Local Plan allocation.
95. Loss of privacy, loss of light, reduced views and increased noise- these concerns have been fully assessed as part of the impact on the neighbours' assessment above.
96. Increase in crime- the Council's Architectural Liaison Officer has been consulted on the scheme and these comments are addressed above.
97. Proposed housing out of keeping with the character of the area- this is addressed above.
98. Impact on local services- this issue was addressed at outline stage.
99. Will result in further unsold/ empty homes in a stagnant property market/ no need for further houses - this is not a material planning consideration.
100. The only real beneficiary seems to be Bellway Homes- this is not a material planning consideration.
101. The existing watercourse and culvert may be affected by this development- the Environment Agency were consulted at outline and reserved matters stage and have raised no objection.

102. The status of the outline application states “Refusal of Full Planning Permission” and the application claims that outline permission was granted on 10th June 2010 which was part way through the consultation period- the application was refused by the Council but allowed by the Appeal Inspector. A note explaining this has been made publically available on the website. The inclusion of 10th June 2010 within the submitted documentation was an error as the appeal was actually allowed on 10th June 2011.
103. The properties on Mayfield Avenue do not have lengthy gardens- this issue is addressed above.

### **Planning Policies**

#### National Planning Policies:

PPS1, PPS3, PPS9, PPS22, PPS23, PPS25, PPG4, (draft PPS4), PPG17

Circular 05/2005 Planning Obligations

Circular 01/2006 (Communities and Local Government): Guidance on Changes to the Development Control System

#### North West Regional Spatial Strategy:

Policy DP1, Policy DP2, Policy DP3, Policy DP4, Policy DP5, Policy DP6, Policy DP7, Policy DP9, Policy RDF1, Policy W3, Policy W4, Policy L4, Policy L5, Policy RT9, Policy EM5, Policy EM15, Policy EM16, Policy EM17.

#### Adopted Chorley Borough Local Plan Review

Policies:

GN1: Settlement Policy- Main Settlements

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

GN9: Transport Accessibility

EP4: Species Protection

EP9: Trees and Woodland

EP17: Water Resources and Quality

EP18: Surface Water Run Off

HS4: Design and Layout of Residential Developments

HS5: Affordable Housing

HS6: Housing Windfall Sites

EM1: Employment Land Allocations

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

HS21: Playing Space Requirements

TR4: Highway Development Control Criteria

TR18: Provision for pedestrians and cyclists in new developments

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

#### Chorley's Local Development Framework

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

#### Joint Core Strategy

Policy 1- Locating Growth

Policy 7- Affordable Housing

Policy 17- Design of New Buildings

Policy 22- Biodiversity and Geodiversity

Policy 27- Sustainable Resources and New Developments

Chorley Site Allocations & Development Management Policies – Preferred Option, September

2011

HS1.27- Grove Farm, Railway Road

### Planning History

**5/2/90-** Additions and alterations to cottage. Approved August 1953

**5/2/426-** Proposed Bungalow. Approved August 1966

**9/77/357-** Storage Shed for Steel Materials. Approved July 1977

**00/00467/MAS-** Siting of 15m lattice tower. Prior approval not required

**02/00323/OUT-** Outline application for one detached house and garage. Withdrawn

**09/00721/OUTMAJ-** Outline application for residential redevelopment (for at least 75 dwellings) and a 'park and ride' parking area for Adlington Railway Station. Withdrawn

**10/00439/OUTMAJ-** Application for outline planning permission (access only) for the erection of up to 75 dwellings and a park and ride parking area for Adlington Railway Station. Refused, Appeal allowed

**11/01025/DIS-** Application to discharge conditions 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 attached to outline planning approval 10/00439/OUTMAJ. Pending consideration

### Recommendation: Approve Reserved Matters Conditions

1. All windows in the ground and first floor of the building's north-east elevation (plots 13 and 32) shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter.  
*Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5, HS4 and HS9 of the Adopted Chorley Borough Local Plan Review.*
2. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained.  
*Reason: To prevent pollution of the water environment and in accordance with Policy Nos. EP17, EP18, EM2 and EM3 of the Adopted Chorley Borough Local Plan Review.*
3. The proposed development must be begun not later than two years from the date of this permission or not later than five years from the date of the outline planning permission (reference 10/00439/OUTMAJ)  
*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.*
4. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans (submitted as part of discharge of condition application 11/01025/DIS).  
*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
5. The external facing materials detailed on the approved plans shall be used.  
*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

6. No 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.*
7. The development hereby permitted shall be carried out in accordance with the submitted Code for Sustainable Homes Pre-Assessment dated 16<sup>th</sup> November 2011 (submitted as part of discharge of condition application 11/01025/DIS). No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that the required Code for Sustainable Home Level for each dwelling has been achieved.  
*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*
8. All planting, seeding or turfing comprised in the approved details of landscaping 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.*
9. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling (details submitted as part of discharge of condition application 11/01025/DIS).  
*Reason: To safeguard the visual amenity of the area and in accordance with Policy Nos.EP9 of the Adopted Chorley Borough Local Plan Review.*
10. Prior to the commencement of the construction of any of the dwellings hereby permitted the new access to the site from Railway Road shall be constructed in accordance with the approved plans.  
Prior to the commencement of the construction of any of the dwellings hereby permitted the park-and-ride facility shall be constructed in accordance with the approved plans to base course level for use as a temporary site compound.  
Prior to the commencement of the construction of any more than 26 of the dwellings hereby approved the park-and ride facility shall be completed in accordance with the approved details, made available for use as a park-and-ride facility and retained thereafter for that purpose.  
*Reason: in the interests of highway safety and the proper development of the site. In accordance with Policies TR4 and TR13 of the Adopted Chorley Borough Local Plan Review.*
11. The development hereby permitted shall be completed in accordance with the remediation and risk management measures detailed in section 14 of the Field Investigation Report for Grove Farm, Adlington, dated July 2011 (Report No. 11BEL013/GI- submitted as part of discharge of condition application 11/01025/DIS). Following the completion of the works a validation report, to confirm the placement of the 600mm clean cover system in all garden and landscaped area, to confirm the suitability of imported soil material and to provide the results of the additional leachate testing, shall be submitted to and approved in writing by the Local Planning Authority.  
*Reason: To protect the environment and prevent harm to human health by ensuring*

*that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control.*

12. The development hereby permitted shall be completed in accordance with the approved surface water and foul water drainage schemes (submitted as part of discharge of condition application 11/01025/DIS).  
*Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.*
13. The development hereby permitted shall be completed in accordance with the submitted Method Statement (undertaken by Pinnacle dated November 2011) in respect of the eradication of Japanese Knotweed (submitted as part of application 11/01025/DIS).  
*Reason: To ensure the eradication of Japanese Knotweed in accordance with the Wildlife and Countryside Act 1981 (as amended).*
14. The development hereby permitted shall be completed in accordance with the Habitat Creation and Management Plan (Pinnacle dated November 2011- submitted as part of application 11/01025/DIS) and the Ecologists comments in this regard.  
*Reason: To protect/conservate the habitat/amenity value of this site in accordance with Government advice contained in PPS9*
15. No development shall take place until a scheme to safeguard the interests of protected species, based on the mitigation measures set out within the ERAP Ltd. *Ecological Survey and Assessment (Revised report June 2010)* and incorporating any requirements of the licensing body, Natural England, has been submitted to and approved in writing by the local planning authority. The scheme shall include an implementation programme and shall be carried out as approved.  
*Reason: To protect/conservate the habitat/amenity value of this site in accordance with Government advice contained in PPS9*
16. Site clearance works, including tree felling, vegetation clearance, demolition and other works that may affect nesting birds shall not be undertaken between March and August inclusive.  
*Reason: To ensure the continued protection of nesting birds as part of the development. In accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review and The Conservation of Habitats and Species Regulations 2010*
17. The approved plans are:
- | Plan Ref.            | Received On:     | Title:                        |
|----------------------|------------------|-------------------------------|
| TDD/001 Rev C5       | 17 January 2012  | Engineering Layout            |
| LDS204-01A           | 13 January 2012  | Planting Plan 1 of 2          |
| LDS204-02A           | 13 January 2012  | Planting Plan 2 of 2          |
| 3PI073               | 12 January 2012  | Pilkington House Type         |
| BHWL091/01 Rev N     | 12 January 2012  | Planning Layout               |
| BHWL091/01 Rev A     | 12 January 2012  | Street Scenes                 |
| BHWL091/03 Rev A     | 12 January 2012  | Hard Surfacing Layout         |
| BHWL091/05           | 12 January 2012  | Parking Layout                |
| BHWL091/04           | 12 January 2012  | Fencing Layout                |
| BH/NW/SL/DG/01 Rev A | 12 January 2012  | Double Garage                 |
| BH/NW/SL/DG/04       | 12 January 2012  | Double Garage                 |
| BH/NW/SL/DG/05       | 12 January 2012  | Double Garage                 |
| BH/NW/SL/SG/01 Rev A | 12 January 2012  | Single Garage                 |
| BH/NW/SL/SG/04       | 12 January 2012  | Single Garage                 |
| BH/NW/SL/SG/05       | 12 January 2012  | Single Garage                 |
| BH/NW/gf/BR/01 Rev A | 12 January 2012  | Bat Roost Building            |
| TDD/011 Rev C2       | 21 November 2011 | Park and Ride Car Park Layout |
| 4LA129               | 21 November 2011 | Larch House Type              |
| 4KE133               | 21 November 2011 | Keats House Type              |

4KE131	21 November 2011	Keats House Type
4LA129	21 November 2011	Larch House Type
4FA124	21 November 2011	Fairhaven House Type
4FA124	21 November 2011	Fairhaven Special House Type
3WE103	21 November 2011	Weston House Type
3RU081	21 November 2011	Rufford House Type
3LA094	21 November 2011	Lansdown House Type
3CH073	21 November 2011	Chatsworth House Type
2ST062	21 November 2011	Studley House Type
LDS204-03	21 November 2011	Tree Pit Detail
101 Rev P1	24 January 2012	Drainage Layout

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

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings on plots 1, 6, 7, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 27, 28, 29, 30, 31, 56, 57, 58, 59, 60, 61 and 67 hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).  
*Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*

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

### **Proposal**

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

### **Recommendation**

2. It is recommended that the application be approved.

### **Main Issues**

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

### **Representations**

4. Parish Council – responded to say it had no comments

### Support

5. One comment supporting the application has been received from a resident of Manor Road.
6. The Head teacher of Manor Road Primary School commented that the she & the school governors support the proposal. They have no concerns with regard to traffic and consider that having allotments on what is now waste land would make a positive contribution to the local area around the school. The school has its own small allotment area and would welcome the opportunities to work with the local allotment tenants to develop the school's allotments further; allow children to develop links with local people and gain a better understanding of healthy living and eating and also sustainability.

Objections

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

## Drainage

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

## Highway / Traffic / Parking

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

## Security / Anti-social behaviour

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

## Amenity

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

#### Other points

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

#### Previous Public Consultation

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

#### Site Description

10. The site is located in the residential area of Clayton-le-Woods. It has an area of 0.35 hectares and presently consists of two small fields divided by mature hedgerow. Other hedgerows and individual trees run along its southern and eastern boundaries. Carr Road runs adjacent to its eastern boundary; residential gardens adjoin its northern boundary and to the west it is open to the pavement on Manor Road.
11. Access to the site is from Manor Road, which is a no-through road leading to Manor Road Primary School. The road is residential and houses along it have driveways. Traffic flow is not generally restricted.
12. The proposed site layout would consist of a hard standing car parking area with 21, approximately 100sq metre, plots accessed from 1.2 metre wide footpaths. There would be a central pond and land drains as required, which would essentially form a Sustainable Urban Drainage System (SUDs), and the site would be contoured to ensure that water would run towards the pond. Post & wire and metal palisade fencing and hedges would form the boundaries and separate the plots. Bird & bat boxes would be installed on appropriate trees.
13. The site would be designed to be accessible by all people.

#### Assessment

##### Principle of the development

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

15. The proposal also supports the objectives set down in the Council's Health & wellbeing; Climate Change and Community Cohesion Strategies.
16. Chorley Council has a duty under The Smallholdings & Allotments Act 1908 to provide sufficient allotments according to demand. Clayton-le-Woods, Adlington and Chorley have been identified as key areas for allotment creation. There are currently 34 people on the waiting list from the vicinity of the proposed site in Clayton-le-Woods. A recent survey also established that there is interest locally in Community Food Growing (CFG) as an alternative to traditional allotment plots.
17. Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation sets out various Planning Objectives that open spaces (including allotments) could help achieve. Some of these objectives that are particularly relevant to allotments include: -
  - **supporting an urban renaissance** – through forming part of local networks of green spaces that contribute to making attractive urban environments.
  - **promotion of social inclusion and community cohesion – through** bringing people together, providing opportunities for social interaction and potentially becoming focal points for community activities.
  - **health and well being** – through exercise and interaction with others.

#### Impact on the neighbours

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

Ecology

25. An independent Extended Phase 1 Habitat Survey & Assessment of the site was undertaken by Pennine Ecological in June 2010, to record species and habitats present; assess their ecological value and define any impacts that allotment use would be likely to generate. The main habitats present are improved grassland, dense Bramble scrub and Hawthorne hedge. No measurable negative impacts on biodiversity are forecast. Recommendations made in the survey that were intended to preserve existing features of value and to enhance biodiversity have been included in the design. The construction of the pond, additional planting and installation of bird boxes will provide opportunities for enhancing the site for wildlife.

Flood Risk

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

Traffic and Transport

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

Security

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

**Overall Conclusion**

32. Allotments provide an excellent opportunity for local people to grow fruit & vegetables, socialise and get exercise. As evidenced by the consultation response from the Head teacher of Manor Road Primary School, the proposed development will open up opportunities that would be likely to benefit community cohesion, education and health and wellbeing.

33. Allotments also offer environmental benefits in terms of biodiversity enrichment and carbon reduction through minimising the carbon footprint of food.
34. The concerns raised by objectors mainly relate to amenity, flooding, traffic and security issues. From the comments contained in the responses it is clear that the site in its present state already generates considerable flooding problems. There have also been issues with anti-social behaviour, including fire setting.
35. It is considered that there is no evidence that the proposed development would add to the any existing traffic problems as the plots would be allocated to local residents and adequate additional car parking provision would be provided. The present traffic problems raised appear to be mainly school-run generated.
36. Existing problems with flooding on, and immediately around, the site should be at least alleviated and potentially completely eradicated by the proposed drainage measures to be incorporated into the site, thereby resolving a major, and long-standing, matter of concern for local residents.
37. The site will inevitably be used for some form of public amenity space; it is allocated in the Local Plan for use as play space. Of all such potential uses, allotments are likely to be one of the least intrusive in terms of neighbourhood amenity. The site is presently open, unmanaged and neglected. The proposed allotments would transform the site into a managed, secured and, at least some of the time, occupied space which is likely to be beneficial in terms security and visual amenity.
38. The proposal, whilst contributing towards the satisfaction of the Council's legal responsibility to ensure adequate allotment provision, also offers an opportunity to progress towards the achievement of strategic objectives set down in several of the Council's strategies.

### **Planning Policies**

#### National Planning Policies:

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

#### Adopted Chorley Borough Local Plan Review

Policies:

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

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

HW1.26 continues the Local Plan Review allocation as playspace

### **Planning History**

The site history of the property is as follows:

- |                     |  |                         |  |
|---------------------|--|-------------------------|--|
| <b>Ref:</b>         | 01/00098/CTY   | <b>Decision:</b> PERLCC | <b>Decision Date:</b> 14 March 2001    |
| <b>Description:</b> | Demolish existing demountable two classroom block and construct classroom extension with shallow pitched felt roof to match school building, |                         |  |
| <b>Ref:</b>         | 02/00672/LCC   | <b>Decision:</b> PERMIT | <b>Decision Date:</b> 5 September 2002 |
| <b>Description:</b> | Extension to provide new staff room, enlarged entrance foyer and disabled access to first floor classrooms,                                  |                         |  |
| <b>Ref:</b>         | 98/00462/FUL   | <b>Decision:</b> PERFPF | <b>Decision Date:</b> 17 August 1998   |
| <b>Description:</b> | Single-storey rear store room extension,   |                         |  |

<b>Ref:</b>	06/00008/LCC	<b>Decision:</b> PERMIT	<b>Decision Date:</b> 14 February 2006
<b>Description:</b>	Extension to classroom		
<b>Ref:</b>	07/00259/FUL	<b>Decision:</b> WDN	<b>Decision Date:</b> 27 June 2007
<b>Description:</b>	Proposed erection of 2.4m high powder coated galvanised steel fence to school and adjacent boundary to front and side of school, erection of timber post and rail fence 1.2m high and formation of 2 metre wide tarmac footpath and access gates		
<b>Ref:</b>	07/00799/FUL	<b>Decision:</b> PERFP	<b>Decision Date:</b> 6 August 2007
<b>Description:</b>	Proposed erection of 2.4m high powder coated galvanised steel fence to school and adjacent boundary to front and side of school, erection of timber post and rail fence 1.2m high and formation of 1.7 metre wide tarmac footpath and access gates		
<b>Ref:</b>	10/00829/CTY	<b>Decision:</b> WDN	<b>Decision Date:</b> 14 October 2010
<b>Description:</b>	Replacement of existing fence with a 2.4m high weld security mesh fencing		
<b>Ref:</b>	10/01111/CTY	<b>Decision:</b> PERMIT	<b>Decision Date:</b> 19 January 2011
<b>Description:</b>	Installation of new 2.4 metre high security fencing to front and rear of school		
<b>Ref:</b>	11/01060/CB3	<b>Decision:</b> PCO	<b>Decision Date:</b>
<b>Description:</b>	The creation of a 21 plot allotment site with 5 car parking spaces and associated hard standing, drainage, fencing and pathways.		
<b>Ref:</b>	11/01060/CB3	<b>Decision:</b> PCO	<b>Decision Date:</b>
<b>Description:</b>	The creation of a 21 plot allotment site with 5 car parking spaces and associated hard standing, drainage, fencing and pathways.		

**Recommendation: Permit Full Planning Permission  
Conditions**

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

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<b>Item 4e</b>	<b>11/01021/FULMAJ</b>
<b>Case Officer</b>	<b>Nicola Hopkins</b>
<b>Ward</b>	<b>Chorley South West</b>
<b>Proposal</b>	<b>Change of use from farmland to a residential Dwelling Houses (C3 Use Class), to accommodate twenty five new build dwellings and associated infrastructure.</b>
<b>Location</b>	<b>Land between Southlands High School and Grundys Farm Clover Road Chorley Lancashire</b>
<b>Applicant</b>	<b>Adactus Housing Group Ltd</b>
<b>Consultation expiry:</b>	<b>12 January 2012</b>
<b>Application expiry:</b>	<b>24 February 2012</b>

### **Proposal**

1. The proposal incorporates the residential development of one of the parcels of land which make up the Gillibrand Housing Development (known as Parcel 10). The proposal relates to the erection of 25 dwellings all of which will be affordable rented housing units.
2. The site is approximately 0.77 hectares in size and forms part of the wider residential development of the area. The development will consist of 5 two bedroom houses, 14 three bedroom houses and 6 two bedroom flats. The development consists of semi-detached and terraced properties with a three storey detached block of 6 flats.
3. Outline planning permission was granted at the site in 1997 for housing, outdoor play space, education facilities, local shopping and community building (96/00727/CB4)

### **Recommendation**

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

### **Main Issues**

5. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Housing Development
  - Density
  - Levels
  - Design
  - Open Space
  - Trees and Landscape
  - Ecology
  - Traffic and Transport
  - Drainage and Sewers
  - Security
  - Noise

### **Representations**

6. 3 letters of objection have been received raising the following points:
  - Public consultation not wide enough

- Detrimental impact on the character and appearance of the locality
- Additional traffic along Clover Road
- Access for emergency vehicles?
- Create disruption during construction stage

7. **The Solicitors** who act on behalf of James Hart Chorley Ltd have made the following comments:

- Clover Road serves our client's business premises (which includes commercial vehicle repairs, MOT and servicing and sales and ancillary uses).
- On average there are 293 vehicles ranging in size from cars to 44 tonne articulated trucks incoming and outgoing from the Clover Road depot all day every day including weekend.
- Clover Road is insufficiently wide to cope with the current volumes of traffic and pedestrians and there are significant problems at the junction with Coppull Rd (B5251).
- This housing development with an additional circa 6-8 traffic movements per house per day onto Clover Road, would adversely affect our client's business and its ability to trade competitively. Indeed our client might have to consider relocating outside of the Borough.
- Our clients therefore object to the proposed application until the requirements of Policies GN5, GN9, TR1 and TR4 have been satisfactorily dealt with along with the health and safety issues
- In addition it is Our Client's clear recollection that its' objection to the original Gillibrands scheme in the 1990's was overcome in part by Chorley BC agreeing to place regular bollards and implement other traffic calming measures along Clover Road and as such Our Client requires these measures to be implemented now failing which it will consider whether the outline permission is valid.

8. **P Wilson and Company** have commented on behalf of the owner/ occupier of Grundy's Farm:

- The proposed development will require an agreement with our client concerning the realignment and variation of his fixed, legal right of way across the application site.
- Our client is concerned that the proposed junction will not be suitable for use by articulated and other heavy goods vehicles which need to access Grundy's Farm premises on virtually a daily basis; Messrs G Corner & Sons being haulage contractors operating from Grundy's Farm.

### Consultations

9. **Chorley Council Strategic Housing** have commented on the application which is addressed below:

10. **The Environment Agency** originally objected to the application due to the fact that the plans do not detail the route of the diverted culvert. However following the receipt of the highways and drainage layout they have withdrawn their objection subject to various conditions.

11. **The Architectural Design and Crime Reduction Advisor** have commented on the application which are addressed below

12. **Director People and Places** has no objection subject to various conditions relating to land contamination.

13. **Lancashire County Council (Highways)** initially had no objection to the proposals subject to the specific comments set out below. However following the receipt of the swept path analysis the highway engineer raised an objection which is addressed below.

### **Assessment**

#### Principle of the development

14. The application site incorporates one of the last remaining parcels of land which form part of the Gillibrand Housing Estate development. The principle of developing the site for housing was established with the grant of planning permission in 1997 (96/00727/CB4) and therefore the development, in principle, is considered to be acceptable.
15. The proposal incorporates the erection of 25 residential dwellinghouses all of which will be affordable and managed by Adactus Housing Group Ltd, who are the applicants for the scheme. It has always been the intention, since the original grant of planning permission, that this site would accommodate affordable housing units and this site will aid in achieving the Council's affordable housing targets.

#### Housing Development

16. The application proposes the erection of 25 residential dwelling units all of which will be affordable rent and accessed via Clover Road. The site is previously undeveloped Greenfield land which was identified within the Masterplan for the Gillibrands estate as one of the affordable housing parcels.
17. The immediate surrounding area is characterised by residential properties, with the residential properties on Clover Road to the west of the site, Wallets Wood Court to the north of the site and Kingsley Drive to the north-east of the application site. Southland High School is located to the south of the application site and James Hart Limited (a B2 business) accessed past the site via Clover Road.
18. Grundy's Farm is currently accessed via a private access road through the application site. These premises are currently operated as a haulage contractor.
19. The properties on plots 1-7 back onto the existing tree belt visible from Clover Road and properties proposed on plots 8-12 back onto Southland High School. As such there are no direct residential interface issues in respect of these properties.
20. The semi-detached properties proposed on plots 13 and 14 are located within a central position on the site with the rear garden of plot 13 bordering with the rear garden on plot 12. The originally submitted scheme only incorporated 6 metres from the proposed rear first floor bedroom window of plot 13 to the garden boundary of plot 12 however the plans have been amended removing the first floor rear bedroom window (resiting it within the side elevation which does not create any overlooking issues). The rear garden of plot 14 borders the parking court associated with the proposed apartment block and as such no overlooking issues are created.
21. The proposed 3 storey apartment block is sited along the eastern boundary of the site. To the rear of this apartment block is Kingsley Drive which is sited at a higher land level than the application site. To the rear of the apartment block the land raises upwards to the highway. There are no dwellings within this location on the western side of Kingsley Drive. The dwellings on the eastern side of Kingsley Drive immediately to the rear of the proposed apartment block are approximately 40 metres from the rear elevation of the proposed

apartment block and are sited at a higher land level. As such there will be no loss of amenity created.

22. The proposed apartment block will directly face the side elevation and part of the rear garden of plot 14, sited 15.4 metres away, and is 1.55 metres higher than plot 14. The Council's interface guidelines require 12 metres from window to gable however taking into consideration the level difference 16 metres should be retained. It is noted that this distance is not achieved by 0.6 metre however as the future residents will be aware of this relationship it is not considered that this slight reduction in spacing distances will adversely impact on the future residents amenities. In respect of the apartment block overlooking part of the rear garden on plot 14 the ground and first floor bay window proposed on the apartment block is located 13.4 metres from the boundary of the garden area. The Council's interface guidelines require 10 metres from window to garden boundary however taking into consideration the level difference 14 metres should be retained. It is noted that this distance is not achieved by 0.6 metres however this bay window only overlooks part of the rear garden area and it is not considered that this slight reduction in spacing distances will adversely impact on the future residents amenities.
23. The properties on plots 15-19 border the boundary with Grundys Farm with their rear elevations sited 8.4 metres from the site boundary. Grundys Farm is occupied by various outbuilding and a farmhouse and is currently occupied by a haulage contractor. The proposed dwellings back onto vacant land to the east of the existing farmhouse. The land at Grundys Farm is approximately 0.43 metres lower than the proposed slab levels of the dwellinghouses which will be addressed by the inclusion of a 0.45 metre high retaining structure in this location.
24. The Council's Spacing Standards usually require 10 metres from the rear elevation to the common boundary. However as this site is currently occupied by a haulage company and the fact that these houses back onto unused land, which is not private garden area, within the curtilage of Grundys Farm it is not considered that these dwellings will result in undue loss of privacy to the residents of Grundys Farm.

#### Affordable Housing

25. This parcel of land constitutes one of the last remaining affordable housing parcels identified within the Masterplan for the Gillibrands Housing Estate. As such all of the proposed dwellings will be affordable rented properties managed by Adactus Housing Group.
26. The Council's Housing Manager has assessed the scheme and confirmed that Adactus Housing Group have secured Affordable Housing Grant from the Homes and Communities Agency (HCA). Prior to submission of the planning application meetings have been held with Adactus and their architects to discuss and agree the property types and mix. As such the Housing Manager considers that the proposed mix is acceptable.
27. On completion the properties will be managed by Adactus Housing Group/CCH which meets the Council's requirements for the Affordable Housing provider to be a member of the Select Move choice based lettings system.

#### Density

28. The application site covers 0.77 hectares and the erection of 25 dwellings equates to 32 dwellings per hectare which is considered to be appropriate for this urban location.

Levels

29. The levels across the site fall from the north east to the south west by approximately 2.5 metres. Full details of the proposed finished floor levels are included on the submitted layout plan. The finished floor levels range from 60.550 within the south-west corner of the site to 62.800 within the north-east corner of the site. The apartment block is located on the highest part of the site with a finished floor level of 63.000.
30. The level changes and potential impacts on existing and future residents are addressed above within the Housing Development section. To address the various level changes across the site and with the adjacent pieces of land retaining structures are proposed as part of the scheme. To demonstrate how this will work on site sections have been submitted in support of the application.
31. The site will be lower than the adjacent school land requiring a 750mm retaining wall along the rear garden boundaries of plots 8-10 and a 600mm high retaining wall along the boundary with the apartment block. As set out earlier the application site is higher than the adjacent Grundys Farm site requiring a 450mm high retaining structure in this location.
32. Retaining structures are also required internally within the site to deal with the and level difference. An 800mm retaining structure is required to the rear of plots 3-7 between the proposed gardens and the retained open space. Additionally a 1200mm retaining structure is required between the garden area of plot 14 and the adjacent parking area for the apartment block.
33. The submitted details have been assessed by the Council's Building Control Section and their comments will be reported on the addendum.

Design

34. From a design perspective the proposed properties incorporate modern two and three storey residential development. The houses are faced predominantly in red brick (Wentworth Mixture) with interventions of cream render (colour buff) and roofed with grey concrete interlocking roof tiles (Grey Marley Modern). These materials are considered to be appropriate within this location.
35. All large dwellings have a recessed entrance, the smaller units having a monopitch porch arrangement. A boxed bay window to the ground floor living room / kitchen /dining room is proposed to the proposed apartments.
36. It is noted that there is a mixture of dwellings types and styles within the area including modern dwellings, larger detached dwellings and terraced properties constructed out of red brick with render a feature within the area. Having assessed the relationship of the proposed dwellings and the neighbouring dwellings the proposed properties can be accommodated on the site whilst protecting the neighbours' amenities and will introduce a modern development within the area.

Open Space

37. In accordance with Policy HS21 of the Adopted Local Plan proposals for new housing development will be required to include provision for outdoor play space. In appropriate developments of less than 1 hectare a commuted sum from the development may be secured for use in the provision or improvement of open space facilities in the locality.

38. This parcel however forms part of the development of the Gillibrands estate. The public open space and play space for this development all forms part of the Masterplan for the site and was secured via the S106 Agreement for the whole site. As such in this situation there is no justification to require further contributions to play space.

#### Trees and Landscape

39. There are mature trees sited across the site and in this regard the application is accompanied by a Tree Survey. Of the trees surveyed one group has been classified as having high quality and value and 11 have been classified as having moderate quality and value. The remainder are considered to be of low quality with little amenity value.
40. The proposals include retaining the moderate and high quality trees and to secure this protection a Tree Preservation Order has been placed on the trees (Tree Preservation Order No. 1 (Chorley) 2012).

#### Ecology

41. In respect of the Ecological impacts of the scheme the application is supported by an Ecological Assessment. The assessment confirms that the following habitats are present within, or adjoining, the site, grassland, scrub, species poor hedgerow, woodland, broadleaved trees and a stream.
42. The site is comprised almost entirely of species rich modified neutral grassland. A species-poor hedge runs along the southern boundary of the site, separating it from the School. A wet feature at the base of a slope with no banks, which has become over grown lies along the east-west axis. No signs of protected species were recorded on site. The site contained Himalayan balsam.
43. The report concludes that there are no overriding ecological factors present that would preclude future development at this site and incorporates the following recommendations:
- If tree removal is necessary a closer inspection of the mature sycamore tree located in the north of the site will be required. A licensed bat ecologist should be consulted prior to any works commencing.
  - The woodland plantation to the west of the site should be retained and appropriately protected from damage during the clearance and construction phase of works.
  - Any tree, hedge or scrub removal should take place outside of the breeding bird season which is between March – September inclusive. If this is not possible the section to be removed and including a buffer of 10m either side, should be netted by an ecologist before March. Alternatively with regard to the hedges, nesting bird inspections can be carried out by an ecologist to confirm the presence/absence of breeding birds.
  - The wet feature situated to the north of the site should be protected and enhanced.
  - Himalayan balsam should be removed.
  - Replacement planting should be incorporated into the landscape proposals in order to maintain and enhance the biodiversity of the site. Enhancement of the site proposals with regard to biodiversity could be achieved by:
    - The installation of bat roost units within the new buildings and/or on suitable trees
    - The use of bird boxes within the new buildings and/or on suitable trees.
    - Green trellising, utilising ivy, honeysuckle or berry producing climbers, could be installed on buildings to provide foraging and sheltering opportunities for insects and birds.

44. It is evident from the report that there are no overriding ecological issues in respect of this site and the above suggestions can be addressed by condition. However the report has been forwarded to the Ecologist at Lancashire County Council for comment. These comments will be reported on the addendum.
45. Following a high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
- (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
  - (b) there must be no satisfactory alternative and
  - (c) favourable conservation status of the species must be maintained.
46. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.
47. It is not considered that the proposals will adversely impact on protected species and as such the 3 derogation tests have been satisfied. Confirmation of this is sought for the Ecologist and will be reported on the addendum.

#### Traffic and Transport

48. The proposals have been assessed by the Highway Engineer at Lancashire County Council who originally confirmed that he had no overriding objection subject to specific comments which are addressed below. The Highway Engineer had sight of the objection letter received from James Hart when making his comments.
49. The Highway Engineer has made the following requests:
- The 80m section of the western footway of Clover Road (between the school tennis courts and the pumping station) - reinstated to provide a paved surface. (A commuted sum of £7,000 to be provided to reconstruct the soiled highway verge to provide a paved footway surface)
  - Construction works at the development site should be restricted until such time as when the school re-development works are complete.
50. It should be noted that the funding for this project is secured on the basis of a start on site in this quarter and completion prior to March 2013. The agent has confirmed that to not commence work until the school extension work is complete jeopardises the funding and delivery of this scheme. Also viability information has been submitted in support of this application and the applicant has confirmed that impact of an additional £7,000 on the costs of this scheme would threaten the viability of the project.
- In order to secure these requests conditions and planning obligations would be required which are required to meet certain tests. However it is not considered that these requests are directly related to the proposed development or necessary to make the development acceptable in planning terms and as such do not meet the tests for conditions or planning obligations.
51. The Highway Engineer acknowledges that there is traffic congestion along the road at school times along with traffic generated by the commercial business (James Hart). However the

Engineer considers that in terms of the number of vehicular movements the 25no dwelling units are likely to generate this increase in vehicle movements is unlikely to make a major difference given the existing level of traffic that is already experienced at school times.

52. During the course of the day, the development may reasonably generate up to 100-125 vehicle trips in total. The Engineer considers that the increase in vehicular trips will be within existing daily variations. The fact that there is presently significant on-street parking alongside the school, there should be no reason why this situation should continue long term as there is ample school staff parking on the campus and the construction workers should be away once the project is complete.
53. The construction phase will generate heavy goods vehicular movements but this will be temporary and it is possible, via condition, to make provision for the works to restrict vehicular movements outside of school hours. This can be addressed via condition and the applicant has already contacted the school to obtain information around Bramall's traffic management plan and delivery arrangements in order that these can be considered within the traffic management plan for development of this site.
54. The internal highway layout is considered to be acceptable. The Highway Engineer considers that in order for the new access road to be adopted for highway maintenance, this section of Clover Road at the access will require to be reconstructed to adoptable standards as part of the development.
55. Each dwelling has provision for 2 parking spaces which accords with current car parking standards and is therefore acceptable. However the Highway Engineer originally raised concerns in respect of the width of some of the spaces. He has requested that parking spaces adjacent to fence/building lines are increased width of 2.9m. Within the constraints of the site it is not possible to achieve this width although 2.5metres are provided which exceeds the standard 2.4 metres. Weighing up creating a suitable scheme from a streetscene perspective, the site constraints and the fact that this parking arrangement reflects that of Parcels 8 and 9 on the Gillibrands Estate in this case the parking is considered to be acceptable. It should also be noted that car ownership for affordable dwellings tends to be lower than market housing.
56. Swept path analyses were submitted in respect of access for vehicles utilising Grundys Farm. Following receipt of these plans the highway engineer raised concerns in respect of vehicle conflict. No concerns were raised in respect of car movements the concern related wholly to HGV access as the swept path analysis detailed the vehicles overrunning the northern footway and the potential highway concerns from cars meetings HGVs. This concern was also raised by the agents on behalf of Grundys Farm as set out above.
57. It is understood that Grundys Farm has an operators licence to operate 6 HGVs with trailers from the site but currently only uses two. The main concern is the articulated lorry which uses the site however the agent for the application has confirmed that it is possible to improve the situation by converting the unused footway on the west side of Clover Road and remove a tree.
58. The Highway Engineer requested further information to address his concerns which has been provided along with photomontages detailing an HGV at the access junction. The Highway Engineers final comments will be reported on the addendum.



Drainage and Sewers

59. The site is located within a Flood Zone 1 area with a low probability of flooding. There is however a surface water pond located at the northern boundary of the site and an existing foul sewer pipe along the eastern part of the site. There are a series of land drains and a piped watercourse within the eastern section of the site both of which combine within a manhole central to the site access road and discharge into the pond/ stream along the northern boundary.
60. The proposals incorporate the diversion of the existing piped watercourse and the construction of a new outfall to the pond/stream. This proposed diversion will be located within the footprint of the new road and front gardens of the proposed dwellings.
61. The Environment Agency originally objected to the application as the originally submitted plans did not detail the existing location of the culvert and the proposed diversion route and as such the Agency could not comment on the proposed diversion. Following receipt of these comments a Highways and Drainage Layout Plan was provided. The Environment Agency have withdrawn their objection subject to conditions in respect of surface water drainage and surface water regulation prior to commencement.
62. Surface water from the proposed development is to discharge to the pond/stream and attenuated back to greenfield discharge rates to ensure that the development does not increase the risk of flooding. The surface water attenuation will be in the form of an oversized pipe located within the proposed access road with discharge into the new pond/stream.
63. Below ground rain water harvesting will be provided for each of the houses to reduce surface water volume discharge and mains water demand. Drainage for the site will incorporate a pumping station and outfall to the existing combined public sewer systems in Kingsley Drive or to the top of Clover Road. The existing public surface water drain to the north-west boundary of Kingsley Drive this will be retained with an easement area for future maintenance.

Security

64. The proposals have been assessed by the Council's Architectural Liaison Officer who has made the following comments. There have been a number of recorded crimes in the area including damage to vehicles and burglary. The proposed site is being developed to Secured by Design Standards for full accreditation and crime reduction recommendations have already been designed into the plans.
65. The Liaison Officer has requested the following features within the scheme:
- Gated locked access to rear of plots 9 and 16
  - The passageway should be well lit
  - The car parking area and arrangements for bin stores should be well lit
66. This can be addressed by condition.

Noise

67. As the site is adjacent to an access to a commercial business, James Hart, and the access for haulage company goes through the site the application is accompanied by a Noise Assessment Report. The report concludes that on the basis of the measured noise levels it is estimated that an overall noise reduction of 15-20dB will be required in order to achieve

satisfactory conditions inside rooms in the development. The report provides recommendations in this regard which can be addressed via condition.

#### Section 106 Agreement

68. The planning obligations associated with the whole Gillibrands Estate were addressed at outline stage and as such a S106 Agreement is not required for this application.

#### **Overall Conclusion**

69. The principle of developing the site for housing was established in 1997 and this parcel was always proposed to accommodate affordable housing. The scheme will achieve additional affordable housing for the benefit of the Borough and as such the scheme is considered to be acceptable.

#### **Other Matters**

##### Sustainability

70. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted. The applicants have confirmed that all of the dwellings will meet Level 3 of the Code for Sustainable Homes in accordance with Policy SR1 of the Sustainable Resources DPD.

71. This Policy also requires a 15% reduction in carbon emissions through the use of renewable energy. In this situation however the applicant, Adactus, have submitted a viability assessment in this regard. The costs involved in this scheme include the necessity of a pumping station, works relating to an existing culvert on site and the impact of changing levels on site requiring retaining structures. These factors also constrain the area of the site which is developable. This assessment demonstrates that any further costs would render the scheme financially unviable.

72. In this case it is considered that this scheme will assist in delivering the Council's Corporate Strategies in respect of affordable housing and although the full requirements of Policy SR1 will not be met following the enactment of the relevant section of the Localism Act (Section 143) funding is now a material planning consideration. As further requirements on the scheme would render it financially unviable it is considered suitable in this case to allow the scheme to proceed without the renewable energy requirement.

#### **Planning Policies**

##### National Planning Policies:

PPS1, PPS3, PPS9, PPS22, PPS23, PPS25, PPG4, (draft PPS4), PPG17

Circular 05/2005 Planning Obligations

Circular 01/2006 (Communities and Local Government): Guidance on Changes to the Development Control System

##### North West Regional Spatial Strategy:

Policy DP1, Policy DP2, Policy DP3, Policy DP4, Policy DP5, Policy DP6, Policy DP7, Policy DP9, Policy RDF1, Policy W3, Policy W4, Policy L4, Policy L5, Policy RT9, Policy EM5, Policy EM15, Policy EM16, Policy EM17.

##### Adopted Chorley Borough Local Plan Review

Policies:

GN1: Settlement Policy- Main Settlements

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

GN9: Transport Accessibility

EP4: Species Protection  
 EP9: Trees and Woodland  
 EP17: Water Resources and Quality  
 EP18: Surface Water Run Off  
 HS4: Design and Layout of Residential Developments  
 HS5: Affordable Housing  
 HS6: Housing Windfall Sites  
 HS21: Playing Space Requirements  
 TR4: Highway Development Control Criteria

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Chorley's Local Development Framework

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

Joint Core Strategy

Policy 1- Locating Growth  
 Policy 7- Affordable Housing  
 Policy 17- Design of New Buildings  
 Policy 22- Biodiversity and Geodiversity  
 Policy 27- Sustainable Resources and New Developments

Chorley Site Allocations & Development Management Policies – Preferred Option, September 2011

HS1.13- Gillibrand

**Planning History**

**96/00727/CB4-** Regulation 4 outline application for housing, outdoor play space, education facilities, local shopping and community building. Approved November 1997

**98/00301/REM-** Reserved matters application for site reclamation & erection of 505 houses; incl. garages, roads, sewers, public open space, play areas, landscaping, community centre & shop(s). Amend condition 8 of outline planning permission. Approved February 1999

There have been numerous applications relating to the parcels across the whole of the site and in particular other affordable housing parcels:

**03/01380/FULMAJ-** Erection of 13 houses (Phase 12). Approved February 2004

**03/01381/FULMAJ-** Erection of 18 houses (Phase 11). Approved February 2004

**07/00999/FULMAJ-** Proposed 14 No Dwellings. (Parcel 8) Approved October 2007

**07/00998/FULMAJ-** Proposed 24 No dwellings. (Parcel 9) Refused October 2007

**07/01332/FULMAJ-** Erection of 24 No Dwellings. (Parcel 9) Approved February 2008

**Recommendation: Permit Full Planning Permission  
Conditions**

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

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

2. The approved plans are:

Plan Ref.	Received On:	Title:
P3072-006 Rev C	19 January 2012	Elevation Sheet 2
4078.02 Rev B	17 January 2012	Landscape Proposal
FIG 1 Rev C	3 January 2012	Tree Protection Plan
P3072-001	25 November 2011	Site Location Plan
P3072-008	19 January 2012	Site Sections
D01	4 January 2012	Highways and Drainage Layout
D03-2	4 January 2012	Longitudinal Sections
P3072-002 Rev D	9 December 2011	Site Layout Plan
P3072-007 Rev A	25 November 2011	Elevation Sheet 3
P3072-005 Rev A	25 November 2011	Elevation Sheet 1
SSL-8071E-200-2-2	25 November 2011	Topographical Survey
4078.01	22 November 2011	Tree Survey and Tree Root Protection
P3072-003 Rev A	22 November 2011	Floor Plans Sheet 1
P3072-004 Rev D	25 January 2012	Floor Plans Sheet 2

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

3. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

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

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

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

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

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

6. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the 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.*
7. The external facing materials detailed on the approved plans shall be used.  
*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
8. Prior to the commencement of the construction phase of the development (excluding the site enabling works) a construction management plan shall be submitted to and approved by the Local Planning Authority. The scheme and programme shall cover:
  - a. Details of the provisions made to restrict vehicular movements outside of school hours.
  - b. Site compound and contractor parking and management of contractors parking to ensure parking does not overspill onto surrounding roads.
  - c. Construction operating hours including deliveries and site construction staff.The approved scheme and programme shall be implemented.  
*Reason: In the interests of highway safety and to ensure that noise and disturbance resulting from hours of operation and delivery does not adversely impact on the amenity of existing residents.*
9. Himalayan Balsam is present within the application area. Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to cause Himalayan Balsam to grow in the wild. Himalayan Balsam shall be controlled/treated in accordance with the Environment Agency Guidelines. *Reason: To ensure the eradication of Himalayan Balsam in accordance with the Wildlife and Countryside Act 1981 (as amended).*
10. The development hereby submitted shall incorporate the following features to ensure full Secured by Design accreditation:
  - a. Gated, locked and illuminated access to rear of plots 9 and 16
  - b. Illuminated car parking area and bin stores *Reason: In the interests of Crime and Safety within the site.*
11. The dwellings hereby approved shall be constructed in accordance with the mitigations measures set out within the submitted Noise Assessment.  
*Reason: To protect the amenities of the future residents and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review.*
12. Prior to the commencement of the development a scheme for the provision of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details.

***Reason: To reduce the risk of increased flooding by ensuring the provision of a satisfactory means of surface water disposal. In accordance with Government advice contained in PPS24: Development and Flood Risk***

13. Prior to the commencement of the development a scheme for the provision and implementation of a surface water regulation system shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details.

***Reason: To reduce the risk of increased flooding in accordance with Government advice contained in PPS24: Development and Flood Risk***

14. 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 PPS23: Planning and Pollution Control***

15. Prior to the commencement of the construction phase of the development a scheme for the construction of the site access shall be submitted to and approved in writing by the Local Planning Authority.

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

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

***Reason: To prevent the tracking of mud and/or the deposit of loose material upon the highway, in the interests of public safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.***

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings on plots 13-19 (inclusive) hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

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

18. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by the *Chorley into 2016: Sustainable Resources Development Plan Document, March 2008*. No dwelling shall be occupied until a final

Code Certificate has been issued for it certifying that the required Code Level has been achieved.

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

19. No site clearance, site preparation or development work shall take place until a method statement for the conservation of Bird's-foot (*Ornithopus perpusillus*) has been submitted to and approved in writing by Chorley Borough Council. The approved method statement shall be implemented in full.

*Reason: To ensure the continued protection of Bird's-foot (Ornithopus perpusillus) which is listed as 'vulnerable' in the Provisional Lancashire Red Data List of Vascular Plants. In accordance with Government advice contained in PPS9.*

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

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

21. No development shall take place (including site clearance, site preparation or development work) until a scheme of landscaping (incorporating habitat creation, enhancement and management plan) 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. Additionally the scheme shall demonstrate conservation of Bird's-foot; retention/replacement of bird and bat foraging habitat; retention and enhancement of features of existing biodiversity value including the 'wet feature' in the north of the site.

*Reason: In the interests of the amenity of the area and in the interests of the ecological value of the site. In accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS9.*

22. Further details of replacement nesting and roosting opportunities, as outlined in Appendix 4 of the report '*Gillibrands Parcel Chorley. Ecological Assessment*' (TEP report ref. 3095.002, November 2011), shall be submitted to and approved in writing by Chorley Borough Council prior to the commencement of the construction phase of the development. The approved details shall be implemented in full.

*Reason: To provide adequate replacement nesting and foraging habitat within the development in order to ensure that protected species and their habitat are protected from the adverse impacts of development. In accordance with Government advice contained in PPS9.*

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<b>Item 4f</b>	<b>11/01070/FUL</b>
<b>Case Officer</b>	<b>Caron Taylor</b>
<b>Ward</b>	<b>Chorley South West</b>
<b>Proposal</b>	<b>Proposed residential development of 9 dwellings (7 houses and 2 bungalows) following the demolition of the existing commercial premises (on the same site where 8 dwellings have been previously applied for ref: 10/00502/FUL).</b>
<b>Location</b>	<b>Chorley Motor Auction Cottam Street Chorley PR7 2DT</b>
<b>Applicant</b>	<b>J.B.Loughlin (Contractors) Ltd</b>
<b>Consultation expiry:</b>	<b>16 January 2012</b>
<b>Application expiry:</b>	<b>2 February 2012</b>

### **Proposal**

1. The application is a full application for a proposed residential development of 9 dwellings (7 houses and 2 bungalows) following the demolition of the existing commercial premises (on the same site where 8 dwellings have been previously applied for ref: 10/00502/FUL).
2. An application was originally approved on the site in May 2010 (ref: 09/00985/OUTMAJ) this year. This was outline permission for 15 affordable dwellings and covered a larger site area than the current application as it included the site currently occupied by Prontaprint. Prontaprint had a number of years left on their lease and so to progress the site the applicants then applied to develop only one part of the site with 8 dwellings (6 houses and 2 bungalows), under planning application ref: 10/00502/FUL). This was approved subject to a s106 agreement for public open space. However, the legal agreement has not been signed to date and therefore the permission has not been issued. The applicant advises the remainder of the site occupied by Prontaprint will be developed in its own right once it becomes available. Although the previously approved application for the whole site (ref: 09/00985/OUTMAJ) was outline it approved the access, layout and the principle of redeveloping the site for housing and is still extant.
3. The site occupies 0.151hectares.

### **Recommendation**

4. It is recommended that this application is granted planning permission, subject to conditions and a Section 106 legal agreement.

### **Main Issues**

4. The main issues for consideration in respect of this planning application are:
  - Principle of Proposed Residential Development
  - Impact on the Neighbours' amenities
  - Highway Safety and Traffic
  - Section 106 Agreement
  - Ecology

### **Representations**

5. Two letters of objection were initially received.
6. One letter is on the grounds that there are three bin storage points close to their property (5 Lichfield Road). At the end of their house they also have a patio area where they sit out, which is on the other side of the wall from the bins. They ask that this is relocated away from this spot due to smells if the bins are not emptied and the attraction of vermin. Amended

plans have been received moving this bin store and this neighbour states they now have no objection to the proposal

7. One letter has been received from a neighbour (10 Lichfield Road) stating that they have no objection to the proposed building plan, but any cars parked on the road across from their drive will make it impossible to get in or out of their garage.

### **Consultations**

8. **Director of People and Places** has no objection subject to suitable conditions.
9. **United Utilities** have no objection subject to various conditions/ informatives
10. **The Architectural Design and Crime Reduction Advisor**  
Recommend the houses are built to Secured by Design standard. A parking court is situated by plots 6 and 7. Parking courts should be situated where there is good natural surveillance. The perimeter of the properties should be secured to the side and rear and defensible space at the front formed by a 1.2m front boundary. The porches are shown to be flat but would be better pitched or placed away from walls to prevent climbing aids.
11. **Lancashire County Council (Highways)**  
Have no highway objection to the proposed development in principle. The site has extant planning permission ref: 09/00985/OUT for 15 dwelling units, however the present application is for part of the site only (approximately half).
12. The proposed residential development is consistent with the extant permission, the only difference being that all of the dwelling units are now 2 bed whereas previously a number of the units were 3 bed, and in this way the applicant has managed to squeeze 1 extra unit in. The outline application provided for 8no units over this portion of the site.
13. The car parking provision is also consistent with the extant permission. The proposed level of parking is falling slightly short of current improved standards (intended 6no units will share 2no visitor spaces for the second car space requirement) however the level of car ownership will be low as the units are clearly intended for low income families and there is sufficient on-street parking space for occasional visitor parking. The level of car parking provision is therefore acceptable.
14. Vehicular access to the parking spaces and court area will require alterations to the existing footway. Therefore, the following Note A is required to be included in the decision notice:
15. **Coal Authority**  
Require Standing Advice to be attached as an informative note to any planning permission.

### **Assessment**

#### Proposed Residential Development

16. The principle of residential development on this site has already been established by the extant outline permission on the wider site and to some extent (although the decision notice has not been issued as the application is awaiting signing of a s106 agreement) the full permission for eight dwellings on the site that has been agreed in principle.
17. Although the applicants indicate the proposal is for affordable housing, as it was previously, the number of dwellings proposed is below the threshold for the requirement of affordable housing. The Council cannot therefore insist that all or some of the dwellings are provided as affordable and there is no requirement for a s106 agreement to control this.
18. This report therefore concentrates on the change from the previous application 10/00502/FUL that an additional house.

#### Design and Appearance

19. The area surrounding the application is predominantly residential with a mixture of terraced, semi-detached and detached dwellings including two-storey properties and bungalows.

20. The previously submitted proposals incorporated the erection of six dwellings along the frontage with Lichfield Road accommodated in a single row of terraced properties (of two different house types) and the erection of a single pair of semi-detached bungalows at the rear of the site accessed between the side of the row of terraces and the existing Prontaprint building.
21. The layout is now the same but the dwellings are all now two-bedroom (as opposed to 2 and 3 bed in the previous scheme) dwellings and are therefore smaller and an additional dwelling can be fit on in the row of terraces.
22. All properties fronting Lichfield Road will be two-storey (with an approximate eaves height of 4.9m and an approximate ridge height of 7.8m). There will be two bungalows to the rear (with an eaves height of 2.3m and a ridge height of 4.9m). There are a range of properties in the immediate area including bungalows at nos. 5 and 10 Lichfield Road, however the majority of properties are two-storey. Although the two-storey properties on Lichfield Road are mainly semi-detached, the site will be viewed in the context of Coventry Street which runs down to Pall Mall which is a street of terraced properties, as are the other streets that lead to Pall Mall to the east of the site. The proposed scheme of a mix of two-storey terraced properties with a pair of semi-detached bungalows to the rear is therefore considered acceptable and in keeping with the area.
23. A condition is proposed regarding materials.

#### Impact on the Neighbours' amenities

24. The proposed layout is similar to that approved by application 09/00985/OUTMAJ in May 2010 and the permission granted subject to a s106 agreement 10/00502/FUL apart from the individual terraces properties are narrower allowing another one to be added to the row with the associated change to the parking. In addition the two bungalows to the rear are positioned further back on the site and are an alternative house type also resulting in an alternative parking layout. It is not considered that the proposed dwellings will adversely impact on the amenities of the existing or future residents. The properties to the rear of the site are bungalows and therefore there will not be overlooking from first floor windows into neighbouring gardens including no. 5 Lichfield Road and the properties to the rear on Devonshire Road. There will be over 21m to the properties facing the site on Lichfield Road which complies with the interface guidelines.
25. The proposal is therefore considered acceptable in relation to neighbour amenity and policy HS4 of the Local Plan.

#### Highway Safety and Traffic

26. The access to the site also remains as per approved by the previous application with a 4m wide shared access drive between the row of proposed properties and the existing Prontaprint building leading to small parting court for the rear properties. The row or terraces will have frontage parking along Lichfield Road. The parking provision for the extant outline scheme proposed six properties along the frontage with 8 parking spaces provided for them. Four of those properties were 3-bed and two were 2-bed. The seven proposed properties would have 8 parking spaces available to them. Although this is one less than the extant outline approval, all the properties are two bed and therefore it is considered that the parking level can be justified on this basis. Overall on the site there are 14 parking spaces for 9 dwellings. The previous approval accepted that the level of parking is less than the two per dwelling normally requires for dwellings of this size but that the site is located within a very sustainable location close to Chorley Town Centre and alternative modes of transport. The level of parking proposed is considered to be acceptable for this sustainable location. In addition there is some on road parking available as The Gospel Hall on Rydal Place is on the corner of Lichfield Road so there are no residential properties on this corner.
27. A resident who lives at no. 10 Lichfield Road has objected to the scheme on the grounds that people will park outside the proposed properties. When people park there they cannot get their car into their garage. This resident made the same objection to the previous scheme.

However, there are no double yellow lines on this part of Lichfield Road so people can park there now. In addition, the development of the site would only continue the existing housing development on the northwest side of Lichfield Road down further on this side of the road and result in a similar arrangement between facing properties as there is between existing properties. It is not considered the resulting relationship with no. 10 is an unusual or unacceptable relationship in a residential area.

#### Section 106 Agreement

28. A Section 106 Agreement is required to secure £12,411 for the provision of equipped play space within the Borough.

#### Ecology

29. The proposal involves the demolition of existing buildings on site. Conditions are proposed in relation to ecology to ensure the application complies with PPS9.

#### **Overall Conclusion**

30. The site is a brownfield, sustainable location. There is already an extant permission approving the same access and a similar layout as now proposed for this part of the site that is a material consideration in determining this application. The additional dwelling is considered acceptable subject to appropriate conditions.

#### **Other Matters**

##### Sustainability

31. The first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), the new style Local Plan, was adopted in September 2008. As such the scheme will be required to achieve a minimum 15% reduction in energy consumption and accord with Code for Sustainable Homes. Conditions are proposed to secure this.

#### **Planning Policies**

##### National Planning Policies:

PPS1, PPS3, PPS9, PPS22, PPS23

##### Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, GN9, EP17, EP18, HS4, HS7.3, TR1, TR4

##### Supplementary Planning Guidance:

- Design Guide

##### Chorley's Local Development Framework

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

#### **Planning History**

**9/78/913-** New Roof to Existing Garage. Approved October 1978

**9/82/604-** Change of Use of Tyre Depot to Health Club. Approved November 1982

**03/01327/ADV-** Display of internally illuminated fascia sign, two flat signs and sign on yard entry. Approved March 2004

**09/00985/OUTMAJ-** Outline application for the erection of 15 affordable dwellings, following the demolition of the existing commercial premises. Approved May 2010.

**10/00502/FUL** - Proposed residential development of 8 dwellings following the demolition of the existing commercial premises (redevelopment of part site only - amendment to previous approval 09/00985/FULMAJ). Approved subject to signing of s106 agreement for POS. Decision notice not issued.

**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.	Date received:	Title:
09/120/P02 Rev B	20 January 2012	Proposed Site and Location Plan
09/120/P03 Rev A	8 December 2011	House Type Plans & Street Scenes
09/120/P04	8 December 2011	House Type F – 2BG44 Plans and Elevations
10/120/F02	8 December 2011	Plot Division Fence

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

3. The development hereby permitted shall only be carried out in conformity with the proposed ground and finished floor levels shown on the approved plan(s).

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

4. The position, height and appearance of all fences and wall to be erected shall only be carried out in conformity with the details shown on approved plans 09/120/P02 Rev B and 10/120/F02.

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

5. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

*Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.*

6. All planting, seeding or turfing comprised in the approved details of landscaping shown on approved plan 09/120/P02 Rev B shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

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 development hereby permitted shall be carried out in accordance with the bat mitigation proposals set out within Section 5 of the Bat Survey undertaken by ERAP Consultant Ecologists dated 30 January 2010.  
*Reason: To ensure the continued protection and enhancement of bats. In accordance with Government advice contained in PPS9 and Policy EP4 of the Adopted Chorley Borough Local Plan Review.*
10. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.  
*Reason: To secure proper drainage and to prevent flooding and in accordance with Government advice contained in PPS25: Development and Flood Risk*
11. Prior to the commencement of the development a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures, shall be submitted to and approved in writing by the Local Planning Authority. The report should include an initial desk study, site walkover and risk assessment. 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 including details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.  
*Reason: In the interests of safety and in accordance with Government advice contained in PPS23: Planning and Pollution Control*
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 PPS23: Planning and Pollution Control.*
13. Before the development hereby permitted is commenced a scheme and programme for the site enabling and construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme and programme shall cover: 1) Site/construction access points for each part of development. 2) Site compound and contractor parking and management of contractors parking. 3) Construction operating hours including deliveries and site construction staff. The approved scheme and programme shall be implemented in accordance with the approved details.  
*Reason: To ensure the access used for construction traffic is appropriate in highway safety terms and to ensure that noise and disturbance resulting from hours of operation and delivery does not adversely impact on the amenity of existing residents.*
14. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1 January 2010, Level 4 for all dwellings commenced from 1 January 2013 and Level 6 for all dwellings commenced from 1

January 2016) and achieve 2 credits within Issue Ene7: Low or Zero Carbon Technologies.

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

15. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.

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

16. No dwelling shall be occupied until a letter of assurance, detailing how the dwelling in question meets the necessary code level and 2 credits under Issue Ene7, has been issued to the Local Planning Authority, by an approved code assessor. Within 6 months of completion of that dwelling a Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority.

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

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<b>Item 4g</b>	<b>11/00999/FULMAJ</b>
<b>Case Officer</b>	<b>Adrian Morgan</b>
<b>Ward</b>	<b>Heath Charnock And Rivington</b>
<b>Proposal</b>	<b>Section 73 application to vary conditions 1 (approved plans) and 24 (list of approved plans) attached to planning approval 11/00168/FULMAJ</b>
<b>Location</b>	<b>Weldbank Plastic Co Ltd Westhoughton Road Heath Charnock Chorley Lancashire</b>
<b>Applicant</b>	<b>Arley Homes North West</b>
<b>Consultation expiry:</b>	<b>21 December 2011</b>
<b>Application expiry:</b>	<b>14 February 2012</b>

### **Proposal**

1. This application is a Section 73 application to vary conditions 1 (Approved Plans) and 24 (List of Approved Plans) attached to the previous planning permission, reference 11/00168/FULMAJ.
2. The proposed scheme, which incorporate 16 detached 4 and 5 bedroomed dwellings and a row of four 2 bedroomed terraced properties, was approved in 2011 (planning permission reference 11/00168/FULMAJ) and this applications seeks a new permission incorporating amendments that are mainly related to adapting the scheme to take account of the position of a mine shaft that exists on the south-eastern part of the site.
3. The site is occupied by Weldbank Plastics and the business is still operating from the premises. It is intended that the business will relocate.

### **Recommendation**

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

### **Main Issues**

5. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Condition 1 Approved Plans
  - Condition 24 list of Approved Plans

### **Representations**

6. 1 letter of objection has been received, objecting on the basis that Eller Brook, which runs to the south of the site, is already overloaded during heavy rainfall.
7. **Heath Charnock Parish Council** responded to say it had no objections to the proposal but nevertheless questioning the wisdom of allowing more surface water to drain into Eller Brook.

### **Consultations**

8. **Lancashire County Council (Highways)** – no highway objections  
**Assessment**

Principle of the development

9. The development of the site for housing has already been approved under the previously planning permission reference 11/00168/FULMAJ. This application seeks only to make changes to the approved scheme necessitated mainly by the discovery that the position of a mine shaft on the site is different than previously expected.

The changes proposed consist of: -

- a change of orientation and house type on plot 10 in order to locate a garage adjoining the previously approved garage on plot 9 and, thereby, provide a wider driveway and avoid any building over the mine shaft. This reorientation on plot 10 will result in the house facing directly side-on to the driveway and frontage of the house on the neighbouring plot 9, though not it's front elevation or windows. This arrangement is not ideal but as neither any existing houses or the main garden on plot 9 will be affected, it is considered acceptable given the special circumstances with respect to needing to avoid the mine shaft.
- changes of house types on plots 2, 3, 12 & 19. On plot 2 from a 2.5 storey to a 2 storey dwelling with a single storey rear outrigger; on plot 3 to one with the addition of a single storey rear outrigger, on plots 12 and 19 to ones with the addition of accommodation in the roof space. Externally, from the street, the revised house types appear almost identical to the previously approved types.
- the plans now indicate the position of the entrance gates to the development. They have been located so as to allow vehicles to stop in front of the gates without intruding onto the public highway at Danesway.

Affordable Housing

10. The four affordable housing units included in the previously approved permission will remain unchanged.

Impact on the neighbours

11. The proposed changes from the approved scheme should have no material impact upon neighbouring residents.

Drainage & Flood Risk

12. Two representations have been received expressing concerns about Eller Brook, however, the changes proposed in this application will have no materially different impact with relation to surface water or flooding than the previously approved scheme for the site.

Traffic and Parking

13. The proposed changes from the approved scheme do not include additional dwellings and should have no material impact upon traffic generation. The proposals comply with car parking policy requirements; requiring no additional parking provision than the approved scheme.

Section 106 Agreement

14. A supplemental legal agreement will tie any planning permission to the provisions of the S106 agreement associated with the previously approved scheme.

**Overall Conclusion**

15. It is considered that the proposed changes to the previously approved scheme are relatively minor and will have no material impact on neighbouring residents. The main change would be the repositioning of the house on plot 10. This repositioning would result in a slightly

uncomfortable solution, however, the only potentially negative impact would be overlooking of the front garden and driveway of the house on plot 9 of the development. There would be no impact on existing properties. Given the special circumstances with respect to needing to avoid the mine shaft, the proposed change is considered acceptable.

### **Planning Policies**

#### National Planning Policies:

Policies: PPS1, PPS3, PPS4, PPS9, PPG13

#### Regional Spatial Strategy:

DP1, DP2, DP3, DP4, DP5, DP7, DP9, L4

#### Adopted Chorley Borough Local Plan Review

GN1, EP4, EM9, HS4, HS21, TR4

#### Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

#### Chorley's Local Development Framework

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

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

CH0157- Weldbank Plastics

### **Planning History**

No recent planning history.

#### **Adjacent sites:**

##### **Danesway:**

**89/00914/OUT-** Outline application for 1.7 acres of land for residential purposes. Approved June 1990

**93/00316/OUT-** Renewal of outline planning permission no 9/89/914 for residential development of 1.7 acres of land. Approved September 1993

**93/00835/REM-** Erection of 23 dwellings. Approved February 1994

**95/00523/FUL-** Erection of 9 detached houses. Approved October 1995

##### **Mercer Court:**

**09/00106/FUL-** Resubmission of application 07/01270/FUL for erection of two detached dormer bungalows (revision of house types). Approved April 2009

##### **Kings Lea:**

**87/00255-** Outline application for erection of 19 dwellings on 1.07 ha of land. Approved June 1987

**87/00638-** Erection of 19 dwellings inc garages roads and sewers. Approved October 1987

**88/00466/FUL-** Substitution of house types plot 2 and 6. Approved August 1988

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

#### **Conditions**

1. **The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission.**  
*Reason: To define the permission and in the interests of the proper development of the site.*
2. **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.***

3. No dwelling on plots 10, 11, 13, 14 and 18 hereby permitted shall be occupied until garden sheds have been provided in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority. The garden sheds shall be retained in perpetuity thereafter.  
***Reason: The garages are smaller than would normally be provided and therefore to ensure sufficient storage/cycle storage is provided at the properties in accordance with Manual for Streets***
4. Notwithstanding the submitted details prior to the occupation of the dwellings hereby permitted the planting and fence on the highway frontage of the site to Westhoughton Road and within a visibility splay, which is drawn from a point 4.5m measured along the centre line of Danesway from the continuation of the nearer edge of the carriageway of Westhoughton Road to a point measured 70m in the south eastern direction along the nearer edge of the carriageway of Westhoughton Road from the centre line of Danesway, shall be permanently maintained at a height not greater than 1m above the crown level of the carriageway of Westhoughton Road.  
***Reason: To ensure adequate visibility at the junction and adequate visibility is maintained for the neighbouring property. In accordance with Policy TR4 and advice contained in Manual for Streets.***
5. Prior to the occupation of the dwellings hereby permitted the existing vehicular access on Westhoughton Road (Plot1) shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads.  
***Reason: To maintain the proper construction of the highway and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review***
6. No development shall take place until:
  - a. a methodology for investigation and assessment of ground contamination has been submitted to and approved in writing by the Local Planning Authority. The investigation and assessment shall be carried out in accordance with current best practice including British Standard 10175:2001 "Investigation of potentially contaminated sites – Code of Practice". The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
  - b. all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
  - c. the Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works, a validation report containing any validation sampling results have been submitted to and approved in writing by the Local Planning Authority.***Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Policy No. EP16 of the Adopted Chorley Borough Local Plan Review.***
7. Notwithstanding the submitted details prior to the commencement of the development full details of the boundary treatment adjacent to the watercourse (plots 5-9) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the boundary treatments will be implemented in accordance with the approved details

*Reason: To protect/conservate the habitat/amenity value of this watercourse in accordance with Government advice contained in PPS9.*

8. Himalayan balsam is present within the application area. Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to cause Himalayan balsam to grow in the wild. Therefore a programme of control/eradication of these species shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The programme shall accord with Environment Agency Guidelines and shall include proposed measures to prevent the spread of Himalayan balsam during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved programme.

*Reason: To ensure the eradication of Himalayan balsam in accordance with the Wildlife and Countryside Act 1981 (as amended).*

9. During the construction period temporary fencing shall be erected along the bank top of the brook to protect the river corridor and prevent debris and construction material from encroaching into this area. Prior to the commencement of the development full details of the temporary fencing shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall thereafter be retained during the construction period in accordance with the approved details.

*Reason: to ensure the protection of Eller Brook during the construction period.*

10. 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. The scheme shall also demonstrate maintenance and enhancement of biodiversity, incorporating recommendations of paragraphs 5.8.4 – 5.8.8 of the report 'Land at Weldbank Plastic Co Ltd, Westhoughton Road, Heath Charnock. Ecological Survey and Assessment (including a licensed bat survey)' (ERAP, January 2011).

*Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS9.*

11. Prior to the commencement of the development full details of bat roosting opportunities to be incorporated into the new development shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details.

*Reason: To mitigate the loss of potential bat roosting opportunities in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS9.*

12. Prior to the commencement of the development full details of the communal bin collection points to serve plots 5, 6, 7, 8, 9, 10 and 11 and 14, 15, 16 and 17 shall be submitted to and approved in writing by the Local Planning Authority. The details shall include their location and the proposed hardsurfacing materials/ details of the enclosure. The collection points shall only be utilised for the storage of bins on bin collection days and shall be free of bins at all other times. The collection points shall thereafter be retained in perpetuity.

*Reason: To ensure adequate refuse collection facilities are provided on site and in the interests of the visual amenities of the area. In accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*

13. Prior to the commencement of the development full details of the Management Company and arrangements for the future management and maintenance of the site, including the private highway, parking areas and bin collection points, shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company in accordance with the approved arrangements.  
*Reason: To ensure the satisfactory management of the private highways, parking areas and the storage of bins at the collection points at the site. In accordance with Policies GN5 and TR4 of the Adopted Chorley Borough Local Plan Review.*
14. Prior to the commencement of the development a scheme and programme for the site enabling and construction phase of the development shall be submitted to and approved by the Local Planning Authority. The scheme and programme shall cover:  
a. Site compound and contractor parking and management of contractors parking to ensure parking does not overspill onto surrounding roads.  
b. Construction operating hours including deliveries and site construction staff.  
The approved scheme and programme shall be implemented.  
*Reason: To ensure that noise and disturbance resulting from hours of operation and delivery does not adversely impact on the amenity of existing residents.*
15. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1st January 2010, Level 4 for all dwellings commenced from 1st January 2013 and Level 6 for all dwellings commenced from 1st January 2016).  
*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*
16. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.  
*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*
17. No dwelling shall be occupied until a letter of assurance, detailing how each plot will meet the necessary code level, has been issued by an approved code assessor and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved measures for achieving the required code level. Prior to the completion of the development a Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority.  
*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document*
18. Prior to the commencement of the development full details of the on site measures to reduce the carbon emissions of the development, through the use of renewable or low carbon energy sources/ technologies, by 15% shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details.  
*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to*

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

19. The integral and detached garages hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.  
*Reason: In order to safeguard the residential amenity and character of the area and to ensure adequate off street parking is retained. In accordance with Policies HS4 and TR4 of the Adopted Chorley Borough Local Plan Review*
20. 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 PPS23: Planning and Pollution Control*
21. The development hereby permitted shall be carried out in accordance with the precautionary measures for tree works outlined in paragraphs 5.5.3 – 5.5.6 of the report 'Land at Weldbank Plastic Co Ltd, Westhoughton Road, Heath Charnock. Ecological Survey and Assessment (including a licensed bat survey)' (ERAP, January 2011).  
*Reason: To ensure the continued protection of bats as part of the development. In accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review and The Conservation of Habitats and Species Regulations 2010*
22. The development hereby permitted shall be carried out in accordance with the mitigation measures for bats in buildings during demolition as recommended in paragraphs 5.5.9 – 5.5.13 of the report 'Land at Weldbank Plastic Co Ltd, Westhoughton Road, Heath Charnock. Ecological Survey and Assessment (including a licensed bat survey)' (ERAP, January 2011).  
*Reason: To ensure the continued protection of bats as part of the development. In accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review and The Conservation of Habitats and Species Regulations 2010*
23. The development hereby permitted shall be carried out in accordance with the measures for the protection of retained trees, other vegetation and Eller Brook, as recommended in section 5.3 the report 'Land at Weldbank Plastic Co Ltd, Westhoughton Road, Heath Charnock. Ecological Survey and Assessment (including a licensed bat survey)' (ERAP, January 2011).  
*Reason: To protect/conservate the habitat/amenity value of this watercourse and trees in accordance with Government advice contained in PPS9*
24. The approved plans are:  
The approved plans are:
- | Plan Ref.             | Received On:     | Title:                         |
|-----------------------|------------------|--------------------------------|
| 317-101               | 15 November 2011 | Location Plan                  |
| 317-102 Rev M         | 15 November 2011 | Planning Layout                |
| 317-103 Rev F         | 15 November 2011 | Streetscenes                   |
| 1055-901 Rev E        | 15 November 2011 | General Arrangements           |
| 317-104 Rev B         | 15 November 2011 | Planning Site Sections         |
| 5896/01               | 15 November 2011 | Topographical Survey           |
| 317-H736-2/101 Rev A  | 15 November 2011 | Aspull 2 Bed House             |
| 317-H1207-4/101       | 15 November 2011 | Hale 4 Bed House               |
| 317-H1540-4S/101      | 15 November 2011 | Appleton Side Garage (Plot 16) |
| 317-H1589-5/103 Rev A | 15 November 2011 | Bowden 5 Bed House (Plot 15)   |

317-H1672-5/101 Rev A	15 November 2011	Newbury B (Plots 11, 14 & 18)
317-H1672-5/102 Rev A	15 November 2011	Newbury B (Plots 10 & 13)
317-H1836-5/101 Rev A	15 November 2011	Waverton (Plot 1)
317-H1836-5/102 Rev A	15 November 2011	Waverton (Plots 17 & 20)
317-H1843-5/101 Rev A	15 November 2011	Portland (Plot 4)
317-H1207-4/102	15 November 2011	Hale (Plot 10)
317-H1384-4/101	15 November 2011	Hale+ (Plot 2)
317-H1782-5/101	15 November 2011	Westminster (Plot 3)
317-H2174-5/101	15 November 2011	Harbury (Plot 19)
317-H2174-5/102	15 November 2011	Harbury (Plot 12)
317-TG/DETAIL/101	15 November 2011	Twin Garage (Plots 9 & 10)
317-DG/DETAIL/101	15 November 2011	Double Garage (Plots 1, 2, 3, 4, 17 & 20)
STD DETAILS- SD-??	15 November 2011	1800 High Closeboard Fence
STD DETAILS- SD-??	15 November 2011	1500 High Closeboard Fence with 300mm trellis
STD DETAILS-SD-15-W01	15 November 2011	1800 High Brick Wall with Tile Crease
<i>Reason: To define the permission and in the interests of the proper development of the site</i>		

25. 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.*
26. 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.*
27. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.  
*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
28. The external facing materials detailed within the submitted Design and Access Statement shall be used and no others substituted. Namely Ibstock Old English, Ibstock Beamish Blend and Ibstock Ravenhead Red Smooth bricks and Russell Grampian roof slates, colour slate grey.  
*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.*
29. The ground surfacing 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.*



30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings on plots 1, 2, 3, 4, 5, 16, 17 and 20 hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).  
*Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*
31. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.  
*Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.*
32. The two bathroom windows in the first floor of plot 15's rear elevation shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter.  
*Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
33. Prior to the commencement of the development full details of the proposed retaining wall within the north east corner of the site, including levels and sections, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.  
*Reason: In the interests of the visual amenities of the area and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*

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<b>Item 4h</b>	<b>11/01019/REMMAJ</b>
<b>Case Officer</b>	<b>Adrian Morgan</b>
<b>Ward</b>	<b>Chorley South East</b>
<b>Proposal</b>	<b>Section 73 application to vary conditions 1 and 4 (approved plans) and 25 and 27 (plot references) attached to planning approval 11/00453/REMMAJ</b>
<b>Location</b>	<b>Duxbury Park Myles Standish Way Chorley Lancashire</b>
<b>Applicant</b>	<b>Arley Homes</b>
<b>Consultation expiry:</b>	<b>28 December 2011</b>
<b>Application expiry:</b>	<b>20 February 2012</b>

### **Proposal**

1. This application is a Section 73 application to vary conditions 1 and 4 (approved plans) and 25 and 27 (plot references) attached to planning permission reference 11/00453/REMMAJ, which relates to a residential development consisting of 134 dwellings on a parcel of land at the former Vertex training site, Myles Standish Way, which is being developed by Arley Homes.
2. The proposed amendments to the previous permission relate purely to the re-allocation of 6 of the plots to be used for affordable housing. No physical difference would be made to the scheme that was previously granted permission.

### **Background**

3. Outline planning permission was originally granted to United Utilities in December 2008 to construct up to 200 dwellings and 10,800 square metres of B1 office space on the site. This outline approval was subsequently amended by virtue of a S73 application in January 2011 and Arley Homes were granted reserved matters approval for the erection of 135 dwellings on the residential part of the site in February 2011.
4. In July 2011 a further S73 application (reference 11/00453/REMMAJ) resulted in permission being granted for amendments that resulted in the loss of 1 housing unit on the site, creating an overall residential development of 134 dwellings.

### **Recommendation**

5. It is recommended that this application is granted subject to a associated Section 106 Agreement.

### **Main Issues**

6. The only issue for consideration with this application is the principle of the proposed change to the previously approved development.

### **Representations**

7. 1 objection to the proposals has been received, which states; "too large, too close, reduces light, loss of privacy, loss of character of the area".

**Assessment**

8. The conditions in question identify the various plans approved under the previous planning permission, including which units will be affordable.
9. The proposed changes to the approved scheme involve reallocating the houses on plots 42 to 47 from affordable housing to private housing and the houses on plots 114 and 115 and 17 to 20 from private housing to affordable housing. This change would result in a single central grouping containing all 27 of the affordable housing units on the site, as opposed to two separate smaller groupings, one of 6 units and one of 21 units.
10. No physical changes to the previously approved houses or site layout would be made.
11. The reason for the proposed change to plot allocations is that the affordable housing must be delivered by April 2012 in order to comply with funding requirements. By grouping the 6 additional units together with the remaining 21 affordable units the construction of all can be completed sooner in the construction programme. The various stakeholders involved, including Adactus, also consider that management of these units could be undertaken more efficiently if they were all located together.

**Overall Conclusion**

12. The reallocation of the 6 units in question is necessary in order that all 27 affordable units within the scheme can be handed over to Adactus by April as required for funding purposes.
13. As the proposal involves no physical change to the approved scheme, it would have no physical impacts, for example, on design, car parking, traffic or neighbour amenity.
14. Whilst it could be argued that there are generally advantages in interspersing affordable housing amongst private housing, it is considered that in this case, where the development is relatively small and the proposed layout would effectively prevent the residents of the affordable and private housing from being isolated from each other, the advantages in terms of funding achievement, speed of delivery and ease of management, adequately offset any potential disadvantages.
15. The one objection received to the proposal seems to be based on a false assumption about the content of the proposal as there would be no physical impacts such as light reduction or loss of privacy and no impact on the character of the area. The concern reflects previous concern about elements of the development that have already been approved.

**Planning Policies**National Planning Policies:

PPS1, PPS3, PPS9, PPS22, PPS23, PPS25, PPG17

North West Regional Spatial Strategy:

Policies DP1, DP4, DP7, RDF1, L4, L5, RT9, EM1, EM5, EM15, EM16, EM17

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, GN9, EP4, EP9, EP17, EP18, HS4, HS5, HS6, HS21, EM1, EM2, TR1, TR4, TR18

## Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Chorley's Local Development Framework

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

Joint Core Strategy

Policy 1: Locating Growth

Policy 2: Infrastructure

Policy 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

Sites for Chorley- Issues and Options Discussion Paper December 2010

CH0174 Chorley Training and Conference Centre, Little Carr Lane

**Planning History**

**06/00850/CB3-** Creation of an access junction off the proposed Eaves Green Link Road (site area 0.31ha). Approved November 2006

**08/01044/OUTMAJ-** Outline application for the erection of a mixed use development incorporating residential and B1 employment use following the demolition of the existing buildings (7.2 hectares). Approved December 2008

**10/00004/DIS-** Application to discharge condition 29 of planning approval 08/01044/OUTMAJ. Discharged January 2010

**10/00240/DIS-** Application to discharge condition 14 of planning approval 08/01044/OUTMAJ. Discharged April 2010

**10/00888/FULMAJ-** Application to vary conditions 11, 12 (ground remediation), 19 (surface water attenuation) and 21 (archaeology) of outline planning permission ref: 08/01044/OUTMAJ to enable the site to be developed in phases. Approved 11<sup>th</sup> January 2011

**10/00946/REMAJ-** Reserved Matters application, pursuant to Section 73 planning permission 10/00888/OUTMAJ, proposing full details for the siting, layout, appearance and landscaping for a residential development comprising 135 dwellings at Duxbury Park, Myles Standish Way, Chorley. Approved February 2011

**11/00190/DIS-** Application to discharge conditions 6, 8, 9, 12, 13, 14, 19, 21, 22, 24, 26, 27, 28, 29, & 30 attached to planning approval 10/00946/REMAJ. Discharged May 2011

**11/00263/FUL-** Construction of a temporary junction and access road for use during the construction period. Approved May 2011

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

**Conditions**

1. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters or unless otherwise first agreed to in writing by the Local Planning Authority.

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

2. The proposed development must be begun not later than two years from the date of planning approval reference 10/00946/REMMAJ (9th February 2011) or not later than six years from the date of the outline planning permission (reference 08/01044/OUTMAJ)

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

3. All windows in the first floor of the rear elevation on plots 77 and 78 shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter.

*Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5, HS4 and HS9 of the Adopted Chorley Borough Local Plan Review.*

4. The approved plans are:

Plan Ref.	Received On:	Title:
502-102 Rev Y	21 November 2011	Planning Layout
502	24 November 2010	Proposed Drainage Connections
1237-903 Rev L	9 August 2011	General Arrangements (Sheet 1 of 3)
1237-903 Rev L	9 August 2011	General Arrangements (Sheet 2 of 3)
1237-903 Rev L	9 August 2011	General Arrangements (Sheet 3 of 3)
115	25 November 2010	Footpath Diversion Plan
P.130.10.01	22 October 2010	Existing Site and Tree Survey
P.130.10.02 Rev B	22 October 2010	Tree Protection Arrangements
6010/01 Rev A	22 October 2010	Topographical Survey
502-103 Rev E	14 July 2011	Street Scenes
502-101	21 November 2011	Location Plan
502-111 Rev C	6 July 2011	Site Section Sheet 2
ASPUL-2/101 Rev B	6 July 2011	Aspull
EUXTON-3/101 Rev B	6 July 2011	Euxton
OXFORD-3/102 Rev C	6 July 2011	Oxford (Tile hanging details)
H119-4/101 Rev C	6 July 2011	Prestbury
ALDGATE A-3FL/101	6 July 2011	Aldgate A
ALDGATE A-3RL/101	6 July 2011	Aldgate A
LANGLEY-4FL/101	6 July 2011	Langley C
LANGLEY-4RL/101	6 July 2011	Langley C
LANGLEY-4FL/102	6 July 2011	Langley C
LANGLEY-4RL/102	6 July 2011	Langley C
THORNBURY-4/101 Rev B	6 July 2011	Thornbury
SOMERTON-4/101 Rev B	6 July 2011	Somerton
APPLETON-4S/102 Rev B	6 July 2011	Appleton (side entry garage)
APPLETON-4F/101 Rev C	6 July 2011	Appleton (front entry garage)
GRANTHAM-5FA/101 Rev C	6 July 2011	Grantham (front aspect)
GRANTHAM- 5FA/102 Rev B	6 July 2011	Grantham (front aspect)
GRANTHAM-5SA/103Rev C	6 July 2011	Grantham (front aspect)
GRANTHAM-5SA/101 Rev B	6 July 2011	Grantham (side aspect)
NEWBURY-5/101 Rev C	6 July 2011	Newbury (Tudor gable)
NEWBURY-5/102 Rev C	6 July 2011	Newbury (Tile hanging detail)
WAVERTON-5/101 Rev B	6 July 2011	Waverton (Tudor gable)
WAVERTON-5/102 Rev B	6 July 2011	Waverton

PORTLAND-5/101 Rev C	6 July 2011	Portland (Tudor gable)
HARBURY-5/101 Rev C	6 July 2011	Harbury (Tudor details)
SGL/DETAIL/101 Rev A	19 January 2011	Single Garage
DGL/DETAIL/101 Rev A	19 January 2011	Double Garage
D-SGL/DETAIL/101 Rev A	19 January 2011	Double & Single Garage
SD-??	22 October 2010	1800 High Closeboard Fence with 300mm Trellis
SD-??	22 October 2010	1800 High Closeboard Fence
SD-15-W01	22 October 2010	1800 High Brick Wall with Tile Crease
1237.904	1 February 2011	Vegetated Linear Features.
Ashbourne-4/101 Rev B	6 July 2011	Ashbourne
Ashbourne-4/102 Rev B	6 July 2011	Ashbourne
Richmond-4/101 Rev A	6 July 2011	Richmond
Hale-4/101 Rev A	6 July 2011	Hale
502-122 Rev B	6 July 2011	Site Sections Location Plan
502-110 Rev E	6 July 2011	Site Sections Sheet 1
502-111 Rev C	6 July 2011	Site Sections Sheet 2
502-112 Rev D	6 July 2011	Site Sections Sheet 3
502-113 Rev C	6 July 2011	Site Sections Sheet 4
502-114 Rev C	6 July 2011	Site Sections Sheet 5
502-115 Rev B	6 July 2011	Site Sections Sheet 6
502-116 Rev C	6 July 2011	Site Sections Sheet 7
H119-4/102 Rev A	6 July 2011	Prestbury (Tile Hanging)
Portland-S/102 Rev A	6 July 2011	Portland
Harbury-S/103 Rev A	6 July 2011	Harbury (Tile Hanging)
Grantham+-5/FA101	6 July 2011	Grantham +
Grantham+-5/FA102	6 July 2011	Grantham +
Grantham+-5/FA103	6 July 2011	Grantham +
CAMBRIDGE-3/101	6 July 2011	Cambridge
DURHAM-4/101	6 July 2011	DURHAM
MML01	22 July 2011	Master Materials Layout
02/03 Rev H	9 August 2011	Adoptable Drainage Layout
02-04/01 Rev F	9 August 2011	Longitudinal Sections Sheet 1 of 5
02-04/02 Rev G	9 August 2011	Longitudinal Sections Sheet 2 of 5
02-04/03 Rev E	9 August 2011	Longitudinal Sections Sheet 3 of 5
02-04/04 Rev C	9 August 2011	Longitudinal Sections Sheet 4 of 5
02-04/05 Rev F	9 August 2011	Longitudinal Sections Sheet 5 of 5

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

5. Within one year of or within the first planting and seeding season following the completion of the access junction (whichever is the sooner) the structure planting along the access road and boundary of the site with Myles Standish Way shall be completed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

6. The development hereby permitted shall be carried out in accordance with the approved remedial measures (Section 7 of the updated ground investigation and risk assessment, dated 28th May 2010, Ref: CL1301-03 submitted as part of discharge of condition application 11/00190/DIS.) and in accordance with the conclusions of the Shallow Mining & Mineshaft Investigation, (dated 16th June 2010, Ref: CL1207-02-R1 submitted as part of discharge of condition application 11/00190/DIS).

*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 PPS23: Planning and Pollution Control.*

7. Upon completion of the remediation works for each phase (as identified by LK Consult Limited Figure 1 Drawn August 2010) a validation report for that phase containing any validation sampling results shall be submitted to and approved in writing by the Local Planning Authority.  
*Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control*
8. The development hereby permitted shall be carried out in accordance with the approved Arboricultural Method Statement (submitted as part of discharge of condition application 11/00190/DIS) and the Ecologists suggestions (set out in the letter to Arley Home dated 17th May 2011).  
*Reason: In the interests of the continued protection of the Biological Heritage Site. In accordance with Policy EP2 of the Adopted Chorley Borough Local Plan Review.*
9. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.  
*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
10. The access link from Little Carr Lane shall cease to be used prior to the commencement of the development hereby permitted (including the construction and site clearance stage). Full details of the measures to be implemented to prevent vehicular access except in emergencies shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of proposed signage, details of the pedestrian/cycle route and samples of the proposed hard surfacing materials. The development thereafter shall be carried out in accordance with the approved scheme.  
*Reason: To ensure the acceptable development of the site and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*
11. The development hereby permitted shall be completed in accordance with the approved surface water drainage scheme (Longitudinal Sections reference 02-04/01 Rev F, 02-04/02 Rev G, 02-04/03 Rev E, 02-04/04 Rev C, 02-04/05 Rev F, and the drainage layout reference 02-03 Rev H submitted 9th August 2011)  
*Reason: To reduce the risk of flooding at the site and in accordance with Government advice contained in PPS25: Development and Flood Risk*
12. The development hereby permitted shall be carried out in accordance with the approved programme of archaeological work (undertaken by John Trippier Archaeological and Surveying Consultancy/Bluestone Archaeology submitted as part of discharge of condition application 11/00190/DIS). On completion of the archaeological work the final report shall be submitted to and approved in writing by the Local Planning Authority.  
*Reason: The site is situated within an area of known archaeological interest and, as such, the site should be appropriately excavated and the remains recorded and in accordance with Policy Nos. HT11 and HT12 of the Adopted Chorley Borough Local Plan Review.*
13. During the construction period, all trees to be retained shall be protected in accordance with the approved Tree Protection Arrangements Plan (reference P.130.10.02 Rev B) submitted as part of discharge of condition application 11/00190/DIS. 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.*



14. 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.*
15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.  
*Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control.*
16. No dwelling hereby permitted shall be occupied until the highway alterations to the site access with Myles Standish Way, to include access roads into the two employment areas located to the east and west of the access junction, as set out on plan reference B3141 P017A, dated 21st November 2008, or any other such works which have been submitted to and approved in writing by the Local Planning Authority, have been completed to the satisfaction of the Local Planning Authority.  
*Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.*
17. No dwelling hereby permitted shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority.  
*Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.*
18. The approved Neighbourhood Consultation Document (undertaken by Arley Homes submitted as part of discharge of condition application 11/00190/DIS) shall be implemented and completed in accordance with the approved procedure. Copies of the update letters shall be sent to the Local Authority to keep a record on the file.  
*Reason: To ensure that the existing residents are fully aware of the progress of the development.*
19. The external facing materials detailed on the approved plans shall be used and no others substituted without the prior written approval of the Local Planning Authority.  
*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
20. The development hereby permitted shall only be carried out in conformity with the approved hard ground- surfacing materials (General arrangements plan- reference 1237-903 Rev L, submitted 9th August 2011 (sheets 1-3)).  
*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.*
21. All planting, seeding or turfing comprised in the approved details of landscaping (General arrangements plan- reference 1237-903 Rev L, submitted 9th August 2011 (sheets 1-3)) 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.***

22. No dwelling on plots 2, 6, 9, 10, 12, 14, 16, 31, 32, 35, 36, 37, 40, 49, 50, 53, 56, 60, 61, 62, 63, 64, 65, 67, 70, 71, 74, 77, 78, 81, 82, 83, 84, 85, 86, 90, 119, 120, 121, 122, 123, 124, 129, 131 and 133 shall be occupied until a garden shed has been provided in accordance with the approved details (submitted as part of discharge of condition application 11/00190/DIS). The garden sheds shall be retained in perpetuity thereafter.  
***Reason: The garages are smaller than would normally be provided and therefore to ensure sufficient storage/cycle storage is provided at the properties in accordance with Manual for Streets***
23. 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 and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review***
24. The open market dwellings hereby approved shall be constructed in accordance with and incorporate the approved on-site low/ zero carbon technology set out in Appendix A of the Renewable Energy Options Appraisal (submitted as part of discharge of condition application 11/00190/DIS). The approved measures shall be retained in perpetuity.  
***Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD***
25. Within 3 months of this planning approval full details of the on-site measures, in respect of the affordable dwellings hereby approved (plots 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27,28, 29, 102, 103, 104,105, 106, 107, 108, 109, 110, 111, 112, 113, 114 and 115), to reduce the carbon emissions of the development by 6% (related to predicted energy use using the 2006 Building Regulations as the base figure) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained in perpetuity.  
***Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD***
26. All of the open market dwellings hereby approved shall meet Code for Sustainable Homes Level 3, in accordance with the submitted Renewable Energy Options Appraisal (submitted as part of discharge of condition application 11/00190/DIS). The approved details shall be retained in perpetuity. Please note any dwellings commenced after 1st January 2013 will be required to meet Code for Sustainable Homes Level 4.  
***Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD***
27. Within 3 months of this planning approval full details of how all of the affordable dwellings (plots 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27,28, 29, 102, 103, 104,105, 106, 107, 108, 109, 110, 111, 112, 113, 114 and 115) hereby approved achieve a minimum of 21 credits in respect of Code for Sustainable Homes criteria shall be submitted to and approved in writing by the Local Planning Authority. The measures shall include details of the following and the credits awarded to each:
- Low energy lighting
  - All white goods fitted

- Any external lighting
- Fixtures and fittings designed to reduce water consumption
- Rainwater collection butts
- The construction specification (Green Guide rating)
- Composting facilities
- Details of the GWP of Insulants
- The construction heating specification
- The sound insulation
- Home User Guide
- Details of the Considerate Contractors scheme
- Details of the ecological enhancements and protection of ecological features

The approved details shall be retained in perpetuity.

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

28. The approved play area (reference 1237-905 Rev A received 21st April 2011 submitted as part of discharge of condition application 11/00190/DIS) shall be implemented and completed in accordance with the approved details prior to the occupation of the dwellinghouses on plots 30, 39-47, 101, 27-29 and 102.  
*Reason: To ensure adequate provision for public open space and play area within the development and in accordance with Policy Nos. HS20 and HS21 of the Adopted Chorley Borough Local Plan Review.*
29. The approved Habitat Creation, Enhancement & Management Plan (undertaken by TPM Landscape dated February 2011 submitted as part of discharge of condition application 11/00190/DIS) shall be implemented in full  
*Reason: To ensure that habitat connectivity is provided throughout the site and to ensure the protection and enhancement of the Biological Heritage Site. In accordance with Policy EM1 of the North West Regional Spatial Strategy.*
30. No dwelling shall be occupied until all fences and walls shown in the approved details (reference SD-24, SD-??, SD-15-W01 and SD-?? 1800 High Closeboard Fence read in conjunction with the General arrangements plan- reference 1237-903 Rev L, submitted 9th August 2011 (sheets 1-3)).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.*
31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings on plots 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 31, 32, 34, 35, 36, 37, 39, 40, 41, 68, 69, 70, 71, 72, 73, 74, 75, 76, 80, 81, 82, 84, 85, 87, 88, 89, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128 and 129 hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).  
*Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*

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Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	7 February 2012

**PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 6 JANUARY AND 25 JANUARY 2012**

**PLANNING APPEALS LODGED**

1. None.

**PLANNING APPEALS DISMISSED**

2. Appeal by Mr Barry Catterall against delegated decision to refuse planning permission for erection of a new detached dwelling at land to the rear of 29 Charter Fold at Land 30 Metres South Of Jade Oaks 2 Charter Fold Charnock Richard (Planning Application: 11/00456/FUL Inspectorate Reference: APP/D2320/A/11/2162860/NWF). Planning Inspectorate letter received 23 January 2012.

**PLANNING APPEALS ALLOWED**

3. None.

**PLANNING APPEALS WITHDRAWN**

4. None

**ENFORCEMENT APPEALS LODGED**

5. None.

**ENFORCEMENT APPEALS DISMISSED**

6. None.

**ENFORCEMENT APPEALS ALLOWED**

7. None.

**ENFORCEMENT APPEALS WITHDRAWN**

8. None.

**LANCASHIRE COUNTY COUNCIL DECISIONS**

9. 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).

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Robert Rimmer	5221	25.01.2012	***