



# Development Control Committee

Agenda and Reports

For consideration on

## Tuesday, 27th March 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.

16 March 2012

Dear Councillor

## **DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 27TH MARCH 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, 27th March 2012 at 6.30 pm.

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

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

1. **Apologies for absence**

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

TO confirm as a correct record the minutes of the Development Control Committee held on 6 March 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 three reports for planning applications to be determined (enclosed).

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

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

- (a) 12/00059/FUL - The Builders Yard, Froom Street, Chorley (Pages 5 - 12)

**Proposal**

Two pairs of semi-detached dwellings (four dwellings in total). Resubmission of withdrawn application 11/00612/FUL

**Recommendation**

Permit Full Planning Permission

- (b) 12/00045/FULMAJ - WM Lawrence and Sons, Lyons Lane, Chorley (Pages 13 - 26)

**Proposal**

Proposed mixed development consisting of 10 new starter industrial units, 3 refurbished existing units within an enclosed employment site together with 10 residential dwellings

**Recommendation**

Permit (Subject to Legal Agreement)

- (c) 12/00094/FUL - Formerly Multipart Distribution Ltd, Pilling Lane, Chorley (Pages 27 - 32)

**Proposal**

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

**Recommendation**

Permit (Subject to Legal Agreement)

5. **Proposed confirmation of the Tree Preservation Order no. 12 (Charnock Richard) 2011 without modification** (Pages 33 - 36)

Report of the Head of Governance (enclosed).

6. **Planning Appeals and Decisions** (Pages 37 - 38)

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

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

Yours sincerely



Gary Hall  
Chief Executive

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

### **Distribution**

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

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

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

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

01257 515823

کیجئے:

This page is intentionally left blank

**Development Control Committee****Tuesday, 6 March 2012**

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

**Substitutes:** Councillor Simon Moulton

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

**Also in attendance:** Councillor Steve Holgate

**12.DC.144 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor Harold Heaton who had been admitted into hospital recently. In Councillor Heaton's absence, Councillor Geoffrey Russell took the Chair.

On behalf of Members of the Development Control Committee, Councillor Geoff Russell expressed his best wishes to Councillor Heaton for a speedy recovery.

**12.DC.145 MINUTES**

**RESOLVED - That the minutes of the meeting held on 14 February 2012 be confirmed as a correct record and signed by the Chair.**

**12.DC.146 DECLARATIONS OF ANY INTERESTS**

There were no declarations of interest.

**12.DC.147 PLANNING APPLICATIONS TO BE DETERMINED**

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

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

- a) **Application:** 11/00919/FUL - **Proposal:** Erection of 2 no. wind turbines Bluebell Cottage, Trigg Lane, (hub height 15.545m/height to blade tip Heapey, Chorley 20.345m)

**RESOLVED (10:2:1) – That full planning permission be granted subject to the conditions detailed within the report in the agenda.**

- b) **Application:** 11/01060/CB3 - Land between Carr Road and Manor Road and south of 83 Manor Road, Clayton-le-Woods, Chorley **Proposal:** The creation of a 21 plot allotment site with 5 car parking spaces and associated hard standing, drainage, fencing and pathways

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

- c) **Application:** 11/01086/FUL - Ridgeway Arms, 176 Chorley Road, Adlington, Chorley **Proposal:** Alterations to the existing building including the erection of a single storey rear extension following the demolition of part of the existing building along with the creation of new entrance doors

**RESOLVED (12:0:1) – That full planning permission be granted subject to the conditions detailed within the report in the agenda and an additional condition delegated to the Vice Chair of Development Control Committee in consultation with the Director of Partnerships, Planning and Policy to include that the development be subject to a pre commencement condition regarding servicing arrangements.**

- d) **Application:** 11/01080/FULMAJ - Land south west of Bishopton Crescent and at the junction of Buckshaw Avenue and Ordnance Road, Buckshaw Village, Chorley **Proposal:** Proposed warehouse, office and trade counter building and associated infrastructure

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

- e) **Application:** 12/00043/OUT - Park Road Methodist Church, Park Road, Chorley **Proposal:** Outline application for demolition of the existing church building and redevelopment of the site for residential use

**The report was withdrawn from the agenda.**

- f) **Application:** 11/01104/COU - The Farm Depot, Bentley Lane, Heskin, Chorley **Proposal:** Change of use of buildings and yard from B2 use to B8 use

**RESOLVED (10:0:3) – That full planning permission be granted subject to the condition 1, 3 and 4 as detailed within the report in the agenda, and condition 2 to be amended as follows:**

- **The use hereby permitted shall be restricted to the hours between 08:00 and 18:00 on weekdays, between 09:00 and 13:00 on Saturdays and there shall be no operation on Sundays, Bank Holidays or Public Holidays.**



**Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. EM2 and EP7 of the Adopted Chorley Borough Local Plan Review.**

- g) Application:** 11/01105/REM - Land opposite junction of Regiment Drive and Old Worden Avenue (Parcel Q) Old Worden Avenue, Buckshaw Village, Chorley  
**Proposal:** Reserved matters application for the erection of 8 no. detached two storey dwellings and associated works (pursuant to outline permissions 97/00509/OUT and 02/00748/OUTMAJ)

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

- h) Application:** 11/01087/REMAJ - Parcel H8 Euxton Lane, Euxton, Chorley  
**Proposal:** Reserved matters application for the erection of 12 no. three storey dwellings (to south east side of square)

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

- i) Application:** 11/01094/FULMAJ - Site N1, Lower Burgh Way, Chorley  
**Proposal:** Proposed substitution of house types and re-plan of plots 1 to 15 Birkacre Park (previously approved as part of planning application reference 07/00993/REMAJ) including the erection of 4 additional dwellings

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

- j) Application:** 11/00994/FUL - Woodcock Barn, Runshaw Lane, Euxton, Chorley  
**Proposal:** Application for amendments to the pitch of the roof over the entrance and garage to the front of the property, and application for retrospective permission for the roof pitch over side extension (same plans as submitted for application 11/00262/FUL)

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

#### **12.DC.148 PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO.13 (WHITTLE-LE-WOODS) 2011 WITHOUT MODIFICATION**

The Head of Governance submitted a report for Member to consider a formal confirmation of the Tree Preservation Order No. 13 (Whittle-le-Woods) 2011 without modification. No objections has been received in response to the making of the order.

**RESOLVED – That the Tree Preservation Order No. 13 (Whittle-le-Woods) 2011 be confirmed without modifications.**

**12.DC.149 PLANNING APPEALS AND DECISIONS**

The Director of Partnerships, Planning and Policy submitted a report which gave notification of two appeals against planning permission being refused by the Planning Inspector, and one planning permission being granted by Lancashire County Council.

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

**12.DC.150 ANY OTHER ITEM(S) THAT THE CHAIR DECIDES IS/ARE URGENT**

Go Ape, Rivington

The Head of Planning informed Members of the Development Control Committee that the amended car park plan for Go Ape, Rivington, had been received. The application had been listed for determination at the Development Control Committee on 24 April 2012 to allow full consultation with interested parties.

Jumps Farm

The Development Control Team Leader provided an update on developments at Jumps Farm since enforcement action had been approved at the Development Control Committee on 13 December 2011. The Development Control Committee were informed that the static caravan had been removed from the site, and that there had been a commitment from the owner of Jumps Farm that a planning application would be submitted by the close of Wednesday, 7 March 2012.

Chair

<b>Item 4a</b>	<b>12/00059/FUL</b>
<b>Case Officer</b>	<b>Caron Taylor</b>
<b>Ward</b>	<b>Chorley East</b>
<b>Proposal</b>	<b>Two pairs of semi-detached dwellings (four dwellings in total). Resubmission of withdrawn application 11/00612/FUL.</b>
<b>Location</b>	<b>The Builders Yard Froom Street Chorley PR6 0AN</b>
<b>Applicant</b>	<b>Mr Peter Carter</b>
<b>Consultation expiry:</b>	<b>1 March 2012</b>
<b>Application expiry:</b>	<b>19 March 2012</b>

### **Proposal**

1. Two pairs of semi-detached dwellings (four dwellings in total). Resubmission of withdrawn application 11/00612/FUL.
2. The site is currently in use as a builder's yard.

### **Recommendation**

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

### **Main Issues**

4. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Background information
  - Density
  - Levels
  - Design
  - Impact on the neighbours
  - Open Space
  - Trees and Landscape
  - Flood Risk
  - Traffic and Transport
  - Contamination and Coal Mines
  - Sustainable Resources
  - Waste Collection

### **Representations**

5. One letter of objection has been received from a resident of Bracken Close on the following grounds:
  - The proposal will have a negative impact on their property on Bracken Close as the land is approximately 1m higher therefore the buildings would overlook and have a detrimental impact on their privacy;
  - They already have a lack of light due to trees that have tree preservation orders on them and the proposed properties would make this worse;
  - The proposal would have a detrimental effect on the whole area. The proposal was declined 6 months ago and they see no reason for this to be overturned when the circumstances remain the same.
6. One letter of support has been received from a resident of Bracken Close. They state having

seen the plans they support the application and have no objections to the resubmission of withdrawn application 11/00612/FUL.

### Consultations

#### 7. **The Environment Agency**

Have no comments to make on the application.

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

Froom Street is classified as a local access road subject to a 30mph speed limit. There is on-street parking available in the vicinity of the site, however there is an existing demand for on-street parking due to a number of terraced properties located along Froom Street.

9. Based on the Regional Spatial Strategy (RSS), they are of the opinion that inadequate off road parking has been provided for the type and size of the development. However, it is noted that the parking arrangements have been improved from those put forward within the previous application. The garage doors have been altered to roll doors and as such a driveway length of 5.5m is acceptable. However, the previous comments with regard to garage dimensions remain. The RSS advised that garages spaces are not included within space provision. However, if development provides them and their long term use for the storage of a vehicle is protected by appropriate planning conditions it may be possible to include them.

10. Manual for Streets recommends a minimum garage size of 6x3m, which is considered capable of accommodating two cycle spaces. The provision of alternative cycling storage does not mean the minimum size can be reduced as a smaller garage is not considered suitable for use as a parking space.

11. While they would recommend that parking provision should be provided in accordance with the RSS, it is appreciated that there are now some parking facilities provided for each dwelling. Due to this they do not consider that there would be sufficient grounds for refusal on highway grounds based solely on the parking provision associated with the site. They therefore consider that the provision of two pairs of semi-detached dwellings should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site. They recommend informative notes to be applied to any permission.

#### 12. **Chorley's Waste & Contaminated Land Officer**

Request a condition requiring a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures and an informative note be applied to any permission.

### Applicants Case

13. A development appraisal in support of this application details how a scheme for fewer than four dwellings is not financially viable. The scheme has been modified to address previous concerns without reducing the number of units.

14. The previously withdrawn application had a rear garden depth of between 7.8m and 7.4m which was considered to conflict with the Council's design guidance in that there should be 10m between a first floor window and the boundary with another property. To address this the house layout has been amended to avoid direct overlooking to the rear by use of a high level, cranked velux, which is partially located on the rear elevation and partially on the roof. The other two windows to the rear elevations are bathroom windows and will have obscure glazing to avoid visibility to and from neighbouring windows.

15. The proposed garage doors have now been changed to roller doors which will allow a parking space to be provided on the driveway whilst allowing the garage door to be opened without interference. Another parking space is provided in the garage. Although the space would be marginally smaller than requirements the garage could be used as an additional parking space if required for all but the very largest of vehicles. The standards require 2-3 bedroom properties to have two off road parking spaces, however the application site is considered to be in a sustainable location and well served by public transport therefore a

lower level of provision could be considered appropriate. The application site has a number of terraced houses to the west, however the majority of Froom Street comprises of detached bungalows with driveways and semi-detached residential dwellings with off-street parking. Therefore, although there is some demand for on-street parking there appears to be an adequate amount of off-street parking available on Froom Street if it is required, without leading to local parking congestion. As the proposed development can provide one parking space per residential dwelling on a driveway, plus one parking space within a garage and an adequate amount of on-street parking is available on Froom Street, it required, without causing parking congestion, the proposed development is considered acceptable in this respect.

## **Assessment**

### Background Information

16. An application for two pair's of semi-detached properties was withdrawn in August 2011 (ref: 11/00612/FUL) after the Council raised concerns regarding proximity of rear windows to the properties on Bracken Close and the proposed parking provision.

### Principle of the development

17. The site is in the general settlement of Chorley in both the Local Plan and Site Allocations and Development Management Policies DPD (Preferred Option stage) which forms part of the emerging Core Strategy.
18. All previous applications on the site have noted that the current builder's yard use is unsuitable for the residential area it is in. In 1991 (ref: 91/790) two detached properties and two semi-detached properties were permitted on the site but this permission was never implemented. In 1993 a storage building was permitted on the site but only on a temporary basis to ensure it did not prevent future redevelopment of the site. The site is previously developed land and the building of four dwellings is considered acceptable in principle.

### Density

19. The proposal would be at an equivalent density of 66 dwellings per hectare.

### Levels

20. The finished floor levels of the proposed properties have been requested from the agent for the application. As the first floor rear windows are either high level or obscure glazed there will not be overlooking to the rear, but further information on levels will be placed on the addendum.

### Design

21. The two pairs of semi-detached properties would have a main front elevation where the front door would be positioned with a small gable feature at first floor. A two-storey element would join the two half of each pair together set back from the main front elevation with a lowered ridge with a garage at ground floor level.
22. There are a wide range of properties in the area. To the west are terraced properties, opposite the site are bungalows and to the east (no. 32) is a two-storey house. The scale and design of the proposed properties is therefore considered acceptable in relation to policy HS4 of the Local Plan.

### Impact on the neighbours

23. One of the areas of concern raised in the previously withdrawn application was the relationship with the neighbouring properties to the rear (south) on Bracken Close. The Council's interface guidelines specify there should be 10m between a first floor window and the boundary with another property and 21m between facing windows, which in this case there is not. The current application has a distance of between 7.2m and 7.7m between the first floor windows of the properties and the boundaries with Bracken Close and between 20.6m and 21.5m between facing windows. Some of these fall short of the interface distance guidelines of 10m and 21m. However, the plans now propose that two of the windows on the rear will serve a bathroom and an en-suite and the other will be a high level window and roof light to prevent overlooking to the properties to the rear on Bracken Close. The normal

interface distances from habitable room windows do not therefore apply. The Council have received amended plans reducing the size of the bathroom window and ensuring they are only top hung (with obscure glass) to reduce the feeling of perceived overlooking from the windows. The relationship to these properties is therefore considered acceptable subject to conditions securing the above.

24. Opposite the site on the other side of Froom Street are bungalows. There would be 19.7m between the proposed properties and these bungalows which is below the interface guideline of 21m but this only applies to facing first floor windows. However the terraced properties immediately to the west of the site have only 14m between their facing first floor windows, whereas the properties to the east this increases to 22m and 21.5m. The proposal at 19.7m between the proposed properties and bungalows would therefore create a transition between the terraced properties to the west and the properties to the east that are set back further, which is considered favourably in design terms. An interface of 19.7m between ground floor windows is considered acceptable between facing properties as there are already views into the fronts from the street. No objection has been received from the properties opposite.
25. The application is therefore considered acceptable in relation to neighbour amenity. It is not considered necessary to remove the permitted development rights for extension of the properties as two-storey extensions could not be erected under permitted development rights as there would not be 7m to the rear boundary. It is not considered single storey extensions and outbuildings within permitted development rights would have an unacceptable impact on the amenities of neighbouring properties. A condition is proposed removing permitted development rights for the insertion of further windows on the rear elevation to prevent overlooking.

#### Open Space

26. A commuted sum is required in relation to play space and this application is therefore recommended subject to payment of this.

#### Trees and Landscape

27. There is a Tree Preservation Order to the rear of the site in the gardens of the properties on Bracken Close (TPO 5 Chorley 1995). The nearest tree to the site is in the rear garden of 8 Bracken Close to the rear of number 32, it is not considered the proposal will impact on this tree.

#### Flood Risk

28. The site is not within Flood Zones 2 or 3 as identified by the Environment Agency and it is less than 1 hectare in area, therefore a Flood Risk Assessment is not required.

#### Traffic and Transport

29. The Council's standards require 2-3 bedroom properties to have two off road parking spaces. Each of the properties will have one off road parking space to the front and an integral garage. The garage is smaller than the normal 6 x 3m standard at 5.7m x 2.5m however LCC Highways advise that they do not consider that the proposal could be refused on highway grounds. Considering the location of the site near the town centre and that the property does have a space to the front and a garage (although of a size smaller than normally required) the view of LCC is concurred with subject to a condition requiring the garage to be retained.

#### Contamination and Coal Mines

30. A condition is proposed as requested by the Council's Contaminated Land Officer.

#### Sustainable Resources

31. As the application is for more than three dwellings the proposal needs to comply with the Council's sustainable resources policy SR1 which will be secured by condition.

#### Waste Collection

32. The properties all have side access to allow bin storage in the rear gardens.

**Overall Conclusion**

33. The application is recommended for approval subject to conditions and a payment towards public open space.

**Planning Policies**National Planning Policies:

PPS1, PPS3, PPG13

Adopted Chorley Borough Local Plan Review

Policies: GN1, HS4

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**

**11/00612/FUL** Two pairs of semi-detached dwellings (four dwellings in total). Withdrawn August 2011.

**93/00783** Erection of temporary storage building. Permitted.

**91/00790** Construction of two detached and two semi-detached properties. Permitted not implemented.

**88/00231** Detached house. Permitted (now number 32)

**88/00230** Builders workshop to replace existing (not implemented)

**Recommendation: Permit Full Planning Permission Conditions**

1. The housing hereby permitted shall not commence until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.  
*Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.*
2. No dwelling shall be occupied until a letter of assurance, detailing how the dwelling in question has met the necessary code level, has been issued to the Local Planning Authority, by an approved code assessor. The development thereafter shall be completed in accordance with the approved measures for achieving the required code level. Within 6 months of completion of that dwelling a Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority.  
*Reason: To ensure the development is in accordance with 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.*
3. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

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

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

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

5. The 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.*

6. Before each dwelling hereby permitted is first occupied, its driveway shall be surfaced or paved, drained and marked out all in accordance with the approved details.

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

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

Plan Ref.	Received On:	Title:
1877-11 07	23 January 2012	Plans and Elevations
1877-11 03 Rev A	14 March 2012	Proposed Elevations
1877-11 08	14 March 2012	Landscape Plan
1877-11 05	23 January 2012	Plans and Elevations
1877-11 08	23 January 2012	Location Plan
1877-11 06 Rev A	14 March 2012	Plans and Elevations
1877-11 04	23 January 2012	Plans and Elevations
0877-11 09	14 March 2012	Proposed Street Elevations

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

8. 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.*

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

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



10. The integral/attached garage shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.  
*Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.*
11. The windows in the first floor of the southern elevations of the properties hereby permitted serving a bathroom and/or en-suite shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.  
*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.*
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows or dormer windows other than those expressly authorised by this permission shall be inserted or constructed at any time at first floor level or above in the southern elevations of any of the dwellings hereby permitted.  
*Reason: To protect the amenities and privacy of the properties on Bracken Close property and in accordance with policy HS9 of the Adopted Chorley Borough Local Plan Review.*
13. The garage doors of the properties shall be roller shutter types as detailed on the approved plan(s) and no others substituted.  
*Reason: To ensure that there is sufficient space in front of the garage to park a vehicle off the road and still allow the garage door to be opened, therefore ensuring that the off road parking at the property is maintained and in accordance with policy TR4 of the Adopted Chorley Borough Local Plan Review.*
14. Due to the size and sensitive end-use, the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.  
The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.  
The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.  
*Reason: In the interests of safety and in accordance with PPS23*
15. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.  
*Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and PPS25.*
16. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1<sup>st</sup> January 2010, Level 4 for all dwellings commenced from 1<sup>st</sup> January 2013 and Level 6 for all dwellings commenced from 1<sup>st</sup> January 2016).  
*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 phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority to show how the development will meet the relevant Code Level. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority otherwise approve in writing.

***Reason: To ensure the development is in accordance with 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. The proposal hereby permitted shall not commence until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.

***Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.***

<b>Item 4b</b>	<b>12/00045/FULMAJ</b>
<b>Case Officer</b>	<b>Caron Taylor</b>
<b>Ward</b>	<b>Chorley East</b>
<b>Proposal</b>	<b>Proposed mixed development consisting of 10 new starter industrial units, 3 refurbished existing units within an enclosed employment site together with 10 residential dwellings.</b>
<b>Location</b>	<b>W M Lawrence And Sons Lyons Lane Chorley PR6 0PJ</b>
<b>Applicant</b>	<b>Elmwood Construction LLP</b>
<b>Consultation expiry:</b>	<b>1 March 2012</b>
<b>Application expiry:</b>	<b>19 April 2012</b>

### **Proposal**

1. Proposed mixed development consisting of 10 new starter industrial units, 3 refurbished existing units within an enclosed employment site together with 10 residential dwellings.

### **Recommendation**

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

### **Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Density
  - Levels
  - Impact on the neighbours
  - Design
  - Trees, Landscape and Ecology
  - Flood Risk
  - Traffic and Transport
  - Contamination and Coal Mines
  - Drainage and Sewers
  - Planning Contributions
  - Sustainability
  - Waste Collection and Storage

### **Representations**

4. One letter of comment has been received from 3 Townley Street:  
They state they are okay for the development to go ahead as long as noise levels are kept to reasonable hours, as they have a 2 year old. Also when the industrial units are trading, they would prefer that evening shifts are prohibited due to noise levels, as their daughter sleeps in the front bedroom. Also the developers need to ensure that the road and paths are accessible for private cars accessing their home and the neighbour's houses (numbers 1 & 5) and that the paths are clear for access with a pram.

**Consultations****5. Chorley Council Planning Policy**

See body of report

**6. Police Architectural Design and Crime Reduction Advisor**

The proposed development of 10 new starter industrial units, 3 refurbished units and 10 residential dwellings is located on Lyons Lane in Chorley. During the last 12 months 09/02/2011 to 09/02/2012 there have been reported crimes within the immediate vicinity of this location including criminal damage and burglary.

7. Plans indicate that the employment area will be secured by metal double gates. These should be 2.4m high, maximise the opportunity for natural surveillance and be subject to an access control system. Spaces for vehicles in the industrial area e.g. blocks 12 to 21 and 22 to 27 etc. to be detailed on the lighting plan to reduce the fear of crime.

8. It is unclear if there will be access around the rear of the industrial units e.g. Units 1 and 2 in-between the shell of the building and the existing brick boundary wall. If there is this area should ideally be gated so that potential offenders cannot leave the site along the Lyons Lane boundary from the rear of these units.

9. In order to minimise the risk of burglary it is recommended that CCTV is installed on the units providing coverage of the openings e.g. doorways and windows. Units should be installed with intruder alarm systems that are monitored through an Alarm Receiving Centre.

10. The principles of Secured by Design should be implemented at the industrial site e.g. Windows should preferably have laminated glazing of 7.5mm and all windows and doors should be protected externally e.g. with roller shutters. Security lighting should be installed around the perimeter of the building. The dwellings would also benefit from applying the general principles of Secured by Design.

11. Should Secured by Design accreditation for the development be considered, further security advice and checklists can be provided by the Police Architectural Liaison Officer.

**12. Chorley's Economic Development**

Whilst retention of any employment site would usually be preferred, it would seem beneficial to take forward some employment use on this site within a mixed use context. From an economic development perspective, the proposal would respond to a shortfall in starter units, and would contribute to job creation and business start-up in Chorley, both of which are key Corporate Strategy objectives.

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

Whilst there would be highway concern regarding potential congestion on the highway network owing to large HGV vehicle movements associated with the proposed, the employment/industrial business on the site is already established via the previous use and as such they would not have any overriding highway objection to the development.

14. Vehicular access to the site is already established and is via Townley Street. The applicant has indicated on the plan drawing the vehicle swept path that large articulated HGVs (32T x 16mL) would take to demonstrate that operational vehicles will be able to access the site from Lyons Lane. The applicant has also proposed highway improvement works by providing a large corner radius to the North West corner of Townley Street.

15. Whilst the plan drawing would show that HGVs will be able to manoeuvre through the road junction (Lyons Ln Townley St), it is evident that the vehicles will still require the full width of the road, that is utilise both sides of the road on Townley St in order to complete the movement. This will result in a conflict of vehicle movement with vehicles waiting on Townley St and will lead to congestion on Lyons Lane whilst HGVs wait for vehicles on Townley St exit before proceeding to make the turning manoeuvre. Similarly, although not shown on the plan, it can be assumed that large vehicles exiting via Townley St will equally need to swing out over both lanes of Lyons Lane in order to join the main road, although in this case they may wait until there is a sufficient gap in traffic to enabling the manoeuvre. Also, whilst the Mill Complex will have generated the movement of large vehicle through the junction, the level of conflict with other vehicles would have been small as Townley St is a cul-de-sac and as such there would have been very little traffic exiting Townley St during the day apart from other vehicles from the Mill itself. In this instance, the proposed development will generate residential traffic and regular day time visitor traffic to the small starter units, and as such the potential for vehicular conflict at the road junction will be greater.
16. They would therefore have concern and reservations that the development will have potential to have adverse impact on the operation of the highway network however they are mindful the site has established business and access use and the applicant has also proposed to undertake minor highway improvement at the road junction to aid vehicle movement. As such they feel it would be difficult to sustain any strong highway objection, and do not therefore raise any highway objection.
17. In terms of parking the proposed number of spaces is acceptable. It is likely there will be a tendency for visitors to temporarily park outside the units for convenience. Based on the size of the yard area, they feel there should still be sufficient operational space available on the yard for most servicing vehicles therefore they would not have any immediate concern regarding this practice of parking, and it will also provide for overspill parking.
18. 4 cycle spaces and 2 motor cycle spaces should be provided and should be secured and sheltered.
19. It is proposed to provide a new and wider 9.5m wide main entrance into the site. The main entrance will be gated with the gates to be set approximately 8m back of the edge of the road. A 2m wide footpath has been provided at the side of the gate for pedestrian access.
20. The making good of the redundant vehicle crossing, construction of the new access, minor highway improvement works at the Lyons Land and Townley Street road junction and any upgrade needed to lighting, the western footway and making existing yellow lines good can be carried out under a s278 agreement.
21. **Chorley's Waste & Contaminated Land Officer**  
Due to past industrial processes and activities upon/adjacent to the above site, there is a potential for ground contamination. They therefore ask for a condition in relation to this.
22. **Chorley's Environmental Services**  
As the tenants of the proposed industrial units are unknown and subject to change, it is difficult to give specific comments on likely noise impacts as these will vary significantly from one business to another.
23. However due to the proximity of both the existing and proposed residential properties to the proposed industrial units, they suggest giving consideration to the following conditions in order to reduce the potential of noise nuisance occurring:

24. Restrict the opening hours for the industrial units from 8am until 6pm from Monday to Friday inclusive and from 9am until 1pm on Saturdays with no work to take place on Sundays or Bank Holidays.
25. Prohibit any work from taking place outside of the industrial units.
26. To consider removal of the option to change the planning usage from B1 to B8 (storage and distribution) due to the close proximity of residential properties to the industrial units and the increased likelihood of noise disturbance being caused should storage and distribution take place from this location.
27. **United Utilities**  
Have no objection to the proposal provided that the site is drained on a separate system, with only foul drainage connected into the combined sewer. Surface water should discharge to either soakaway or SUDS which may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system they may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. No development shall be commenced until a scheme for the disposal of foul and surface water has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

### **Applicants Case**

28. 60% of the site fronting onto Lyons Lane and Townley Street is proposed as a development opportunity retaining its continuation as an employment site. The proposal is to refurbish and redevelop the existing single storey industrial unit into three units to the west of a large service yard enabling vehicular movement within the site. To the east and south of the yard area smaller starter units will be located. It is proposed that the 10 new units will be placed some 650mm below the existing level of Townley Street having the immediate effect of lowering the eaves and ridge heights.
29. The housing development part of the site will take up 40% of the site. A single house type is envisaged to replicate the recently approved housing scheme on the east side of Townley Street. Each house will have 3 bedrooms and two parking spaces accessed from a new cul-de-sac off Townley Street.

### **Assessment**

#### Background Information

30. The site was formerly Lyons Lane Mill which housed Wm. Lawrence & Sons Ltd, a textile manufacturer. The building was demolished in 2010. The adjacent land (between Townley and Charnock Street) was given full planning permission (ref: 10/00950/FULMAJ) for the erection of 14 two-storey terraced properties in November 2011.
31. There are three employment units on the site that will be refurbished as part of the proposal that are in B2 (general industrial) use.

#### Principle of the development

32. The site is within the general settlement of Chorley in the Local Plan and as it was last used as an employment site it falls under Policy EM9. The site is proposed as an employment site in the Site Allocations and Development Management Policies DPD (Preferred Option Paper) and is proposed to be protected for employment use (B1 and B2 uses).

33. Policy EM9 of the Local Plan states that sites and premises currently or last used for employment purposes which are proposed for new development will be assessed to determine whether they are particularly suitable to be re-used for employment purposes. If a site is considered particularly suitable to be re-used for employment purposes it will be reserved for such use unless:
- i) there is no realistic prospect of an employment re-use of the land or premises, or
  - ii) redevelopment for an employment use would not be economically viable, or
  - iii) an employment re-use or redevelopment would no longer be appropriate for planning or environmental reasons.
34. The Council's Planning Policy team state that the site has been identified as 'Other Urban' in the Employment Land Review (ELR). The ELR defines 'Other Urban' sites as *'sites which score poorly against one or more qualitative factors but which (could) perform an important role in the employment hierarchy.'* It recommends that these sites should be protected for employment use and proposals for other uses such as housing that may come forward should only be permitted where certain criteria are met including details of active marketing and viability of employment development. This is in line with the requirements of Policy EM9. The site is therefore considered to be suitable for employment re-use and further information is required in relation to criteria i) to iii). The recommendations in the ELR have been taken into account in the Core Strategy. Publication Core Strategy Policy 10: Employment Premises and Sites proposes to protect all sites currently and last used for employment and any proposals for housing on employment sites will be required to prove evidence of a lack of demand through an active 12 month marketing period and an assessment of the viability of employment re-use or redevelopment.
35. The Policy team also state that where there is no deliverable five-year housing supply, national guidance states that authorities should consider favourably applications for housing, having regard to other planning policies. There is considered to be a five-year deliverable housing supply in Chorley and therefore no additional presumption in favour of this planning application. The former employment site off 5 Townley Lane, Chorley has recently been given planning permission for 14 dwellings (11/00566/FULMAJ). It is the view of Planning Policy that this permission resulting in a loss of employment land justifies the need to retain the full employment allocation and protection of the site subject to this planning application. If this application is to be permitted justification would be required in relation to at least one of the criteria i) to iii) of Policy EM9.
36. The application proposes to keep more than half of the site in employment use, but lose the rest to 10 houses. The housing part of the proposal is therefore contrary to policy, however this must be weighed against other material considerations.
37. Policy EM2 of the Local Plan covers development criteria for industrial/business development, it is considered the application meets the criteria of this policy.
38. PPS4 is the national policy relating to Planning for Sustainable Economic Growth and was published in December 2009 and is therefore more up-to-date than policy EM2. Policy EC10 of PPS4 states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably and all planning applications for economic development should be assessed against the following impact considerations:

- whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;
- whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;
- the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives;
- the impact on local employment.

39. The Council's Economic Development team whilst noting that retention of any employment site would usually be preferred state it would seem beneficial to take forward some employment use within a mixed use context. They note there is a shortfall in starter units that the the proposal would respond to and would contribute to job creation and business start-up in Chorley, both of which are key Corporate Strategy objectives.
40. In addition, to creating needed starter units, the southern end of the site where the housing is proposed is adjacent to Eldon House sheltered accommodation and Busy Bee's Day Nursery, therefore residential accommodation would be more appropriate adjacent to these uses. In addition 60% of the site will be retained for employment uses allowing the creation of needed business starter units. The site is currently an eyesore and its redevelopment along with the site adjacent, which already has planning permission for housing (the same house type as that now proposed), will dramatically improve the area visually and physically regenerate the site in accordance with PPS4. It is therefore considered that the benefits of permitting the application outweigh the local policy factors against the application.

#### Density

41. The housing part of the site is 0.25 hectares which is equivalent to 40 dwellings per hectare. This is considered appropriate to the surrounding area which is largely dominated by high density terraced properties.

#### Levels

42. Following the demolition of the mill in 2010 the site was levelled and graded. It is proposed that the 10 new employment units will be 650mm below the existing level of Townley Street which will have the effect of lowering the eaves and ridge heights of the units. The housing will be raised in comparison to the employment units area with a retaining wall between them, but will still be at a lower level than the site where Busy Bee's nursery is located and will be separated by a retaining wall. The levels of the proposal are considered acceptable.

#### Impact on the neighbours

43. The site is currently in a very poor condition due to the mill building having been demolished with only a limited amount of its former walls forming a boundary to the site. Eldon House is the nearest property in residential use (as sheltered accommodation) to the proposed houses. Parts of this building currently look towards the application site and have a very poor outlook. Eldon House will look towards the rear elevations and gardens of the proposed properties.
44. There will be 31m between the windows of Eldon House and the first floor windows of the proposed properties which exceeds the Council's interface guideline of 21m. There will be



11m between the first floor windows of the proposed properties and their rear boundaries which exceeds the interface guideline of 10m. Within the site the distance between the facing windows is 24m which also exceeds the guideline of 21m. It is considered the proposal will improve the outlook from Eldon House.

45. The properties will be side on to the Busy Bee's nursery site which is at a higher level and this is considered an acceptable relationship.
46. Numbers 3 and 5 Townley Street will face towards proposed employment units 4 and 5 which will have an outside wall forming a boundary treatment to the site that will be 4.2m high above the existing ground level which will slope away from these properties. This is considered an acceptable relationship.
47. Opposite the site on Lyons Lane the property is in commercial use with Chorley Youth and Community Centre next to it. It is not considered the proposal will impact on these uses.
48. The proposal is therefore considered acceptable in relation to neighbour amenity subject to conditions.

#### Design

49. The proposed new starter units will have a mono-pitched roof sloping into the site. They will have facing brickwork with powder coated aluminium wall cladding above and powder coated aluminium roof and fascias with roller shutter doors. This is considered acceptable subject to final finishes being secured by condition. Mesh fencing on Lyons Lane will allow views into the site, mitigating concerns over crime, with a small landscaping strip against the footpath which is looked on favourably.
50. The proposed houses will be of the same design to those previously approved on the adjacent site which is considered acceptable as it will draw the two sites together visually. They will take the form of five properties on each side of a cul-de-sac facing each other. The area is largely characterised by terraced properties and the proposed layout and design is considered in keeping with the surroundings with details such as chimneys.

#### Trees, Landscape and Ecology

51. The former mill on the site was demolished in 2010 and the remaining three units on the site will be refurbished as part of the proposal. The rest of the site is covered in demolition rubble and has no trees. The proposal will not therefore have an impact on trees or ecology.

#### Flood Risk

52. The site is not within flood zone 2 or 3 as identified by the Environment Agency and the size of the site is less than 1 hectare so it does not require a flood risk assessment.

#### Traffic and Transport

53. Highways state that whilst there would be highway concern regarding potential congestion on the highway network owing to large HGV vehicle movements associated with the proposal, employment/industrial business on the site is already established via the previous use and as such they therefore do not have any overriding highway objection to the development as improvements are proposed to create a large corner radius to the north west corner of Townley Street to aid turning. This and other necessary works can be secured through a s278 agreement with the County Council. Parking levels are acceptable for both the employment and residential uses (the three bedroom houses have two spaces each which is in line with the Council's standards).

54. Considering that the site has been in commercial use for many years and the adjacent former industrial site that has recently been given permission for housing was serviced 'on street' from Townley Street which has been removed by the housing permission. the application is considered acceptable in highways and traffic terms subject to a condition securing secure and sheltered cycle/motorcycle parking (which is indicated on the proposed layout).

#### Contamination and Coal Mines

55. Given the previous use of the site a condition is proposed in relation to ground contamination as advised by the Council's Contaminated Land Officer. Subject to this the application is considered acceptable in this respect.
56. The Coal Authority standing advice requires an informative note to be applied to any permission.

#### Drainage and Sewers

57. The proposal is considered acceptable in this respect subject to conditions as requested by United Utilities.

#### Planning Contributions

58. The County Council have requested £46,552 towards 4 primary school places and £4,800 towards waste management. The later is requested to help the County Council to comply with significant new requirements relating to the management of waste.
59. LCC Highway have also requested £2,000 to be set aside and retained for a period of 5 years for such purpose to use in the likely event that the new businesses will operate on Saturday and it is therefore highly likely that the existing waiting restrictions on Townley St will require amending via a Traffic Regulation Order on Townley Street.
60. It is not considered that the £4,800 request towards waste management meets the tests set of the Community Infrastructure Levy, in that it is not necessary to make the development acceptable in planning terms and is not directly related to the development. Although it is considered that the other requests (£46,552 and £2,000) would meet the tests, these requests were received over three weeks late from the County Council and if the Council were to require them it is likely that the application would go over its statutory target date as they could only be secured via a Section 106 agreement which the County Council would need to be party to.
61. If Members wish to approve the application and consider that these requests be sought then they can approve the application subject to the necessary s106 agreement.
62. A s106 agreement with just Chorley Council is proposed to secure a contribution to playspace provision in the area.

#### Sustainability

63. As the site is for more than five dwellings policy SR1 of the Council's adopted Development Plan Document on Sustainable Resources applies. This can be secured by condition.

#### Waste Collection and Storage

64. The properties all have access to the rear to allow bins to be stored in the rear gardens.

**Overall Conclusion**

65. The application is recommended for approval subject to conditions.
66. A phasing condition is proposed that prior to construction of the houses the retaining wall between the employment and residential part of the sites should be constructed, the existing units on the site should be refurbished and a boundary treatment and the landscaping to Townley Street should be implemented. This is to ensure that the employment part of the site is implemented and that if the employment site is constructed in phases this part of the site is left in a reasonable state so as not to have a detrimental impact on the residential properties.
67. A condition is also proposed that before occupation a scheme should be agreed with the Council as to which units will be used for B1, B2 or B8 uses. This is to ensure that uses that may be noisier are located away from residential properties. A condition will also prevent merging of the units without the grant of planning permission as the recommendation to allow part of the site to go for housing has been weighed positively as small starter units are being created of which there is a shortfall.
68. The application is recommended for approval subject to a s106 agreement towards a playspace contribution.
69. If Members wish to secure contributions towards education and waiting restrictions requested by LCC, as detailed in this report, then they need to make it clear that these need to be added to the s106 agreement.

**Planning Policies**National Planning Policies:

PPG1, PPG3, PPS4, PPG13, PPS22, PPS23

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, EM2

## Supplementary Planning Guidance:

- Design Guide

Chorley's Local Development Framework

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

Joint Core StrategySites for Chorley- Issues and Option Paper**Planning History**

**09/00690/DEMCON**- Application for prior determination in respect of the proposed demolition of the former Yarn Supplies Site. Prior Approval Not Required. 8 October 2009

**88/00613/FUL** - Erection of Weaving Shed. Approved 23 August 1988

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

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

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

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

Plan Ref:	Date Received:	Plan Title:
0922 18	20 January 2012	Proposed Roof Plan
0922 15	20 January 2012	Proposed Sectional Elevations
0922 19	20 January 2012	Site Location Plan
0922 16	20 January 2012	Site Topographical Survey Plan
0922 17	20 January 2012	Fence Construction Details
0922 13	20 January 2012	Proposed House Type – Terraced Arrangement
0922 14	20 January 2012	Proposed House Type – Semi Detached Arrangement
0922 12	20 January 2012	Proposed Detained Site Plan

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

3. Before occupation of each of the units 4-13 a scheme specifying the use class of that unit (either B1, B2 or B8) shall be submitted to and agreed in writing by the Local Planning Authority. For B2 uses a noise assessment and mitigation measures shall be submitted and agreed in writing. The development shall thereafter only be carried out in accordance with the approved details.

*Reason: To ensure that the units that may cause disturbance to residential properties are located furthest away from residential properties and/or have appropriate noise insulation installed and in accordance with Policies EM2 and EP20 of the Adopted Chorley Borough Local Plan Review.*

4. The existing units to be refurbished (marked units 1, 2, 2 on the approved plan) have a B2 use class.

*Reason: For the avoidance of doubt and to define the permission.*

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 8, Class A) or any Order revoking or re-enacting that Order, no internal alterations involving the removal of party walls between the individual units to result in the formation of combined larger units shall be carried out in respect of the buildings to which this permission relates.

*Reason: The site has been given permission for housing on part of the site as it will meet a need for small starter employment units and in accordance with Policies No. EM2 and EM9 of the Adopted Chorley Borough Local Plan Review.*

6. Due to past industrial processes and activities upon/adjacent to the above site, there is a potential for ground contamination. Therefore no development shall take place until:

- a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated 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;
- all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

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

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

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

7. No materials or equipment shall be stored on the employment site other than inside the buildings.

*Reason: In the interests of the visual amenity of nearby residential properties and to protect them from disturbance associated with outside storage, and also to keep the vehicle turning areas clear and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.*

8. Before the employment part of the development hereby permitted is first occupied, the covered cycle parking shall be provided in accordance with the approved plan. The cycle parking shall not thereafter be used for any purpose other than the parking of cycles and motorcycles.

*Reason: To ensure adequate on site provision of cycle parking and in accordance with Policy No. 7 of the Joint Lancashire Structure Plan.*

9. Before any part of the employment site hereby permitted is first occupied, the car parking, vehicle manoeuvring areas and central yard shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

*Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policies EM2 and TR4 of the Adopted Chorley Borough Local Plan Review.*

10. 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 EM2 of the Adopted Chorley Borough Local Plan Review.*

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

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.*

12. 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 Policies GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.*
13. Before the employment part of the site hereby permitted is first commenced full details of lighting proposals for the employment part of the site shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

*Reason: To protect the appearance of the locality, to prevent light pollution, in the interests of public safety and crime prevention and in accordance with Policy Nos. GN5, EM2 and EP21A of the Adopted Chorley Borough Local Plan Review.*
14. The employment units hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s). The ridge height shall not exceed 96.76.

*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.*
15. The housing hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s). The eaves height shall not exceed 99.605 and the ridge height shall not exceed 102.265.

*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.*
16. Before the occupation of the dwellings hereby permitted the driveways and parking spaces shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

*Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 and HS4 of the Adopted Chorley Borough Local Plan Review.*
17. 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<sup>st</sup> 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.*

18. 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.*
19. No dwelling shall be occupied until a letter of assurance, detailing how the dwelling in question has met the necessary code level and 2 credits under Issue Ene7, has been issued, to the Local Planning Authority, by an approved code assessor. The development thereafter shall be completed in accordance with the approved measures for achieving the required code level and 2 credits under Issue Ene7. 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.*
20. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries of the employment part of the site (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. This shall include details of fencing to any boundaries of the site that when complete the buildings shall be set back from the boundary but are not to be built immediately. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times unless permitted buildings are erected that will form the boundary.  
*Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.*
21. The new estate road/access between the site and Townley Street shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.  
*Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*
22. The existing access shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads.  
*Reason: To limit the number of access points to, and to maintain the proper construction of the highway and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*
23. The employment part of the development hereby approved shall not be opened for trading until the highway improvements detailed on the approved plans (the existing

access shall be physically and permanently closed and a large corner radius provided to the north west corner of Townley Street) have been constructed and completed in accordance with the scheme details.

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

24. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking / servicing areas on the employment site should 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 watercourse and in accordance with PPS23.*

25. The use of the employment units hereby permitted shall be restricted to the hours between 8am and 7pm on weekdays, between 9am and 1pm on Saturdays and there shall be no operation on Sundays, Bank Holidays or Public Holidays.

*Reason: To safeguard the amenities of nearby local residents and in accordance with Policy EM2 of the Chorley Borough Local Plan Review 2003 and PPG24.*

26. Prior to occupation of the housing hereby permitted, the retaining wall between the housing and employment parts of the site shall be constructed and the existing unit (1,2,2 as marked on the approved site plan) shall be refurbished and the yard area, parking, boundary treatment and landscaping to the employment site implemented.

*Reason: The housing has been considered to be justified within an employment site due to the creation of an appropriate mixed use of housing and employment units, the development of part of the site for housing has not been justified in isolation. Therefore to only implement the housing element without the employment element would be contrary to Policy EM9 of the Local Plan and the employment policies of the emerging Core Strategy.*



<b>Item 4c</b>	<b>12/00094/FUL</b>
<b>Case Officer</b>	<b>Mrs Nicola Hopkins</b>
<b>Ward</b>	<b>Chorley South East</b>
<b>Proposal</b>	<b>Substitution of house types on plots R281 and R302-306 (approved as part of applications 10/00404/FULMAJ and 11/00071/FULMAJ) and the addition of plot R404 (7 dwellings in total)</b>
<b>Location</b>	<b>Formerly Multipart Distribution Limited Pilling Lane Chorley Lancashire</b>
<b>Applicant</b>	<b>Redrow Homes Lancs</b>
<b>Consultation expiry:</b>	<b>15 March 2012</b>
<b>Application expiry:</b>	<b>12 April 2012</b>

**Proposal**

1. The application relates to substitution of house types on plots R281, R302-306 and R404 previously approved on the Redrow part of this site. The principle of redeveloping the site for residential development was established with the grant of outline planning permission in April 2005 and the subsequent grant of reserved matters (07/01228/REMMAJ) in January 2008. The proposal incorporates the redevelopment of a brownfield site within a sustainable location.
2. The whole site is approximately 10.1 hectares in area. 400 dwellings equates to approximately 40 dwellings pre hectare.

**Recommendation**

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

**Main Issues**

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

**Representations**

5. 2 letters of objection have been received raising the following points:
  - Cause more parking congestion on pathways and the blocking of driveways.
  - Originally the plans detailed 3 houses to the right hand side of plot 39: by cramping another house in this area the owners will park on pathways etc.

**Consultations**

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

**Assessment**Principle of the development

7. Outline planning permission with all matters reserved, except for access, was approved in April 2005 for residential development. Subsequently all reserved matters have been approved by way of three reserved matters applications.
8. There has also been a previous application on this part of the site for a replan which included a re-plan of 76 dwellings (10/00404/FULMAJ).
9. Therefore the principle of development has been established and this application is for the consideration of a further re-plan of 7 plots on this part of the site.

Background Information

10. Planning permission was originally granted to Redrow Homes to erect 200 dwellings on their part of the site in January 2008. At this time four detached dwellings were approved (plots R304-R307) and a pair of semi-detached dwellings (plots R285 and R286) on the part of the site subject to this application.
11. Since the original approval planning permission has been granted to amend part of this parcel and in particular planning permission was granted in July 2010 (10/00404/FULMAJ) to re-plan various plots. This included the plots subject to this application. This planning approval incorporated five detached York 2.5 storey house types on plots R302-R306 and a detached Tenby two storey house type on plot R281.
12. Redrow Homes have confirmed that the proposed amendments are due to amendments to their New Heritage Range house types and current market demand. Redrow consider that the changes create a better use for its surroundings and a key design aspect of the development forming a pleasant traditional street scene.
13. The proposed changes include:
  - Replacing the five detached dwellings on plots R302-R306 with a row of three terraced 2.5 storey dwellings and a pair of semi-detached 2 storey dwellings
  - The inclusion of an additional dwelling (plot R404)
  - Substituting the house type in plot R281 with a Brecon 2 storey three bedroom house type.

Design and Appearance

14. The proposed scheme incorporates the erection of 7 dwellings which are examples of Redrow's standard house types which has been utilised elsewhere on the site. As such the principle of these house types has already been established on this site.
15. Where 2.5 storey dwellings are proposed the dwelling appears as a two storey dwelling with accommodation in the roof space incorporating a front dormer.

Impact on the Neighbours

16. The immediate neighbours to this part of the site are 9 and 11 Kirkstall Close, 2 Lighthurst Lane and plots R286, R307, R296-R299 and R401-403.
17. The only immediate neighbour to plot R281 is only the opposite side of an access way. The only windows proposed in the elevation which faces this property serve a bathroom and a secondary window to the lounge. These windows do not directly face the private rear garden area of plot R281 and as such will not result in loss of privacy.
18. Number 2 Lighthurst Lane is immediately opposite plot R281 on the opposite side of Lighthurst Lane. The proposed dwelling however will be over 17 metres from the front garden boundary of the existing property and over 23 metres from the corner of the existing dwellinghouse. As such the proposed dwelling will not lead to any loss of privacy to the residents of this property.

19. The three 2.5 storey dwellings and the proposed detached dwelling back onto plots R296-R299 and R401-403 of the Redrow parcel. Plots R302, R303 and R404 retain the required spacing distances however when the scheme was originally submitted plot R304 was sited too close to plot R298. The applicant was advised of this and the scheme has been amended to incorporate the required 21 metres spacing distance.
20. Plots R305 and R306 back onto 9 and 11 Kirkstall Close however they retain in excess of 21 metres to the rear elevation and as such will not result in loss of privacy to the existing or future residents. The proposed levels of the dwellings are identical to those originally approved on this part of the site.
21. Plot R404 is adjacent to the garden area of plot R301 however no windows are proposed in the side elevation and as such there will be no loss of privacy.

#### Parking

22. The proposal incorporates the erection of 3 four bedroom dwellings and 4 three bedroom dwellings. In accordance with the Council's Parking Standards two off road parking spaces are required for three bedroom dwellings and three off road parking spaces are required for four bedroom dwellings.
23. Each of the dwellings incorporates garage accommodation and driveway space. The detached garages conform with the dimensions set out within Manual for Streets (6X3 metres) and as such can be counted as a parking space. The proposal incorporates sufficient parking and as such it considered to be acceptable.
24. It is noted that concerns have been raised about the lack of parking in the area however as the scheme accords with the required parking standards it is not considered that the scheme could be refused on these grounds.

#### Section 106 Agreement

25. The original outline planning approval incorporated a Section 106 Agreement which was directly related to that outline permission and subsequent reserved matters applications. As reserved matter approval has been granted at the site and the date for submitting reserved matters has expired this plot substitution application is dealt with as a full application. As such a supplemental S106 agreement is required to tie this application into the Section 106 obligations.

#### Overall Conclusion

26. The principle of residential development on this site was established with the grant of outline planning permission and reserved matters approval. The amendments to the layout and house type substitutions to the application site are considered to be minor and as such the scheme is considered to be acceptable

#### **Other Matters**

##### Waste Collection and Storage

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

#### **Planning Policies**

##### National Planning Policies:

PPS 1, PPS3, PPS23, PPG13.

##### North West RSS:

Policy DP1, Policy DP3, Policy UR7, Policy ER5

##### Adopted Chorley Borough Local Plan Review

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

Supplementary Planning Guidance:

- Design Guide

**Planning History**

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

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

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

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

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

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

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

1. The proposed development must be begun not later than two years from the date of this permission.  
*Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The approved plans are:

<b>Plan Ref.</b>	<b>Received On:</b>	<b>Title:</b>
4081-11-02-001 Rev Z1	2 March 2012	Planning Site Layout
L-4081-SG01-001	2 February 2012	Single Garage
L_TSG01-01	2 February 2012	Triple Garage
DHSB11	2 February 2012	The Kenilworth
DHSB11	2 February 2012	The Kenilworth (floor plans)
DHSB11	2 February 2012	The Kenilworth (second floor plans)
D3H099	2 February 2012	The Chesham
D3H095	2 February 2012	The Letchworth
D3H095	2 February 2012	The Letchworth (floor plans)
D3H098	2 March 2012	The Brecon
C-SD0812	2 February 2012	Screen Wall/ Fencing
C-SD0806	2 February 2012	Free Standing Brick Walls
C-SD0905	2 February 2012	1350mm Close Boarded/ 450mm Trellis Fencing
4081-11-001-001 Rev J	2 March 2012	Material Schedule
4081-11-02-003 Rev I	2 February 2012	Location Plan
553_201.04	2 March 2012	Landscape Structure

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

3. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.  
*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
4. The external facing materials detailed on the approved plans shall be used and no others substituted. (Namely Ibstock New Sandhurst Stock bricks, Ibstock Weston Red Multi Stock, Ibstock New Cavendish Stock and Redland Duoplain roof tiles colour rustic brown and charcoal 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.*
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
*Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*
6. The development hereby permitted shall not commence until 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*
7. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.  
*Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.*
8. No dwelling hereby permitted shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with the approved plans.  
*Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.*
9. The garages hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.  
*Reason: In order to safeguard the residential amenity and character of the area and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review*

10. The development hereby permitted shall be carried out in accordance with the measures set out within the action plan of the Residential Travel Plan dated April 2009 (submitted under application 09/00374/DIS).  
*Reason: To reduce the number of car borne trips and to encourage the use of public transport and to accord with Policies TR1 and TR4 of the Adopted Chorley Borough Local Plan Review.*
  
11. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.  
*Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*
  
12. The site shall be remediated in accordance with BAE Environmental Remediation Strategy Report (Reference:A0356-02-R1-1). Upon completion of the remediation works a verification/completion report containing any validation sample 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*
  
13. The development hereby permitted shall be carried out in accordance with the approved residents' consultation procedure (discharged as part of application 11/00360/DIS). The site managers are Steve Mason (David Wilson Homes), Gavin Flannery (Barratt Homes) and Paul Aaron (Redrow Homes). The residents shall be kept continually updated on the progress of the development in accordance with the procedures set out within the approved strategy.  
*Reason: To ensure that the existing residents are fully aware of the progress of the development.*



Report of	Meeting	Date
Head of Governance	Development Control Committee	27 March 2012

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

**PURPOSE OF REPORT**

1. To consider formal confirmation of the Tree Preservation Order No.12 (Charnock Richard) 2011 without modification.
2. That Tree Preservation Order No. 12 (Charnock Richard) 2011 be formally confirmed without modification to the location of the protected trees as described in paragraph 8 below.

**RECOMMENDATION(S)**

3. Formal confirmation of the Order affords permanent as opposed to provisional legal protection to the tree covered by the Order.

**EXECUTIVE SUMMARY OF REPORT**

4. Not to confirm the Order would mean allowing the Order, and thereby the protection conferred on the trees covered by the Order to lapse

<b>Confidential report</b> Please bold as appropriate	Yes	No
--	-----	----

**CORPORATE PRIORITIES**

5. This report relates to the following Strategic Objectives:

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

**BACKGROUND**

6. The Order was made on the 13 December 2011. The Order was made and served along with the statutory notice prescribed in Regulations on all those with an interest in the land on which the trees are situated on the 13 December 2011 and on the 31 January 2012. The same documents were also served on owners/occupiers of adjacent properties. The Order

was made because on the assessment of the Council’s Tree Officer the trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public.

- 7. No objection has been received in response to the making of the above Order. It is therefore, now open to the Council to confirm the above Order as unopposed. The effect of formally confirming the Order will be to give permanent legal force to the Order, as opposed to provisional force, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc, any of the trees covered by the Orders without first having obtained lawful permission.

**DETAILS OF PROPOSAL**

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

**IMPLICATIONS OF REPORT**

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

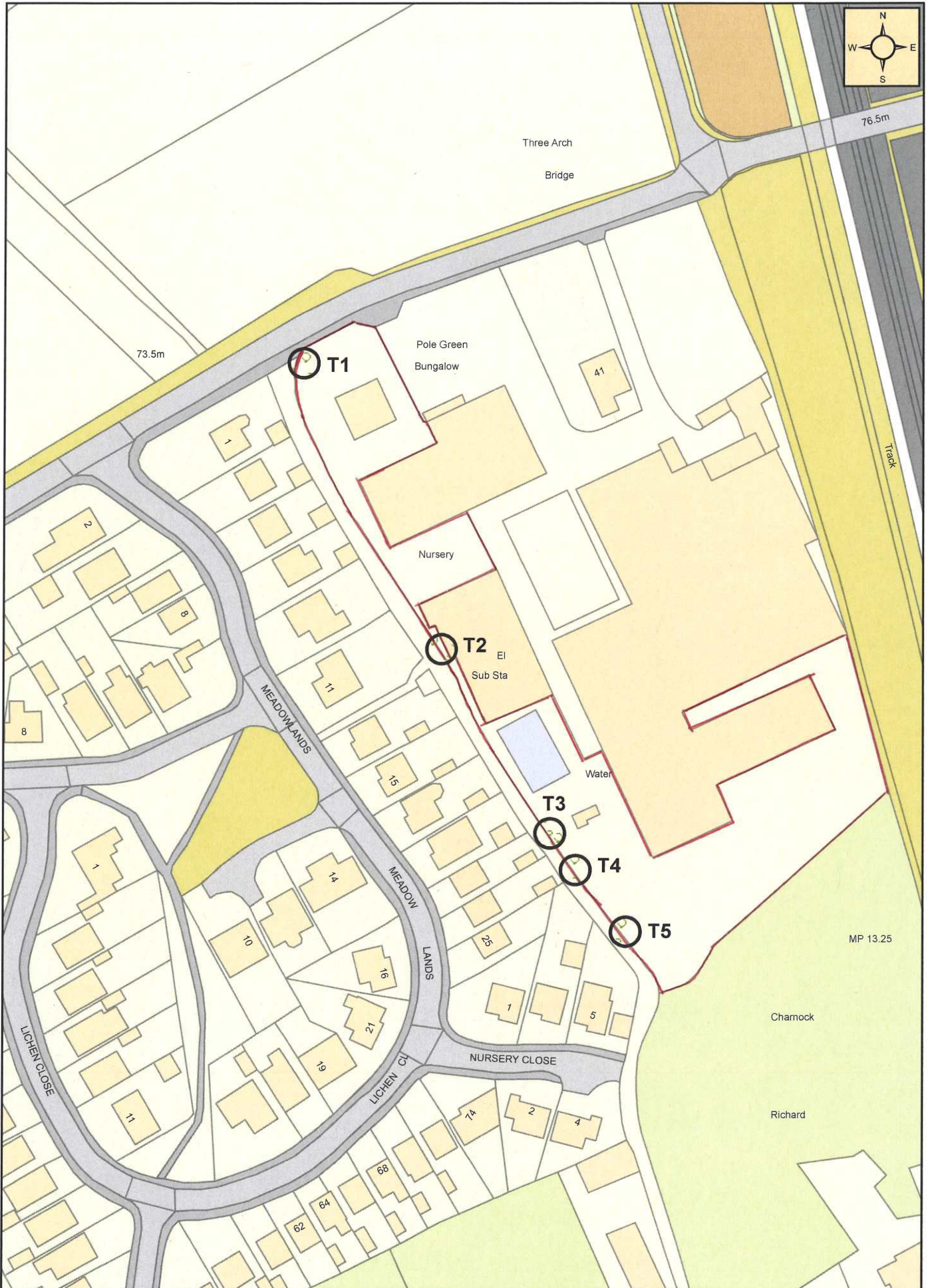
Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	x	Policy and Communications	

CHRIS MOISTER  
 HEAD OF GOVERNANCE

Attached to this report is a copy of the Plan where the Tree Preservation Order No.13 (Whittle-le-Woods) 2011 has been made.

Report Author	Ext	Date	Doc ID
Liz Leung	5169	16.03.12	952





This page is intentionally left blank



Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	27 March 2012

**PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 24 FEBRUARY AND 15 MARCH 2012**

**PLANNING APPEALS LODGED**

1. None.

**PLANNING APPEALS DISMISSED**

2. Appeal by Miss L.J. Calderbank against the delegated decision to refuse planning permission for Outline application for the erection of a detached dwelling house at Land 15M North West Of Southlands, Bolton Road, Heath Charnock (Planning Application: 11/00695/OUT Inspectorate Reference: APP/D2320/A/11/2165214/NWF). Planning Inspectorate letter received 29 February 2012.

**PLANNING APPEALS ALLOWED**

3. Appeal by Northern Trust Group Limited against the Development Control Committee decision to refuse planning permission for Outline application for the erection of a replacement Local Centre Parade, Supermarket and up to 40 residential dwellings with associated areas of parking and servicing (all matter reserved apart from access). Full application for the relocation of existing pond to provide enhanced new pond. at The Carrington Centre, New Mill Street, Eccleston (Planning Application: 11/00366/OUTMAJ Inspectorate Reference: APP/D2320/A/11/2162283/NWF). Planning Inspectorate letter received 6 March 2012.

**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	15.03.2012	***