



Development Control Committee

Agenda and Reports

For consideration on

Tuesday, 2nd October 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.

24 September 2012

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 2ND OCTOBER 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, 2nd October 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 the minutes of the Development Control Committee held on 4 September 2012 as a correct record and be signed by the Chair (enclosed).

3. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

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

4. **Planning applications to be determined**

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

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

http://planning.chorley.gov.uk/PublicAccess/TDC/tdc_home.aspx

- (a) 12/00619/FUL - Sunnyside, 4 Common Bank Lane, Chorley (Pages 5 - 12)

Proposal

Erection of 1no. residential dwelling

Recommendation

Permit full planning permission

- (b) 12/00797/FUL - Higher Wheelton Methodist Church, Blackburn Road, Higher Wheelton (Pages 13 - 18)

Proposal

Retrospective application for the erection of a detached dwelling with amendments to the previously approved scheme 11/00970/FUL. The amendments comprise an increase in the ridge height of 0.7m; insertion of three roof lights to the rear roof slope and insertion of one second floor window to each side elevation

Recommendation

Permit full planning permission

- (c) 12/00655/FUL - 10 Blacksmith Walks, Buckshaw Village, Chorley (Pages 19 - 24)

Proposal

Retrospective application for conversion of garage to habitable room (including permanent closure and incorporation of former pedestrian access pathway adjacent to garage from Blacksmith Walks to rear parking area into the habitable accommodation of the dwelling)

Recommendation

Permit retrospective planning permission

- (d) 12/00697/DIS - Land 150 Metres South Of Filter Beds Cottage, Bolton Road, Anderton (Pages 25 - 28)

Proposal

Application to discharge condition no. 4 (access junction details) of planning permission no. 11/00028/FULMAJ which permitted the change of use of pasture land to football pitches, the formation of a car park and the creation of a new access from Bolton Road

Recommendation

Condition(s) discharged

- (e) 12/00698/FULMAJ - Crow Nest Cottage, Tarnbeck Drive, Mawdesley (Pages 29 - 38)

Proposal

Application for a new planning permission to replace the extant planning permission no. 08/00728/FULMAJ (which permitted the demolition of the existing bungalow, workshop and garage and the erection of 10 No. two bed apartments) in order to extend time limit for implementation

Recommendation

Refuse full planning permission

- (f) 12/00707/FULMAJ - Site N1 Lower Burgh Way, Chorley (Pages 39 - 42)

Proposal

Amendments to layout of plots 79 - 149 inclusive of application 07/00993/REMMAJ

Recommendation

Permit (subject to Legal Agreement)

- (g) 12/00719/FUL - Park Mills, Deighton Road, Chorley (Pages 43 - 48)

Proposal

Substitution of 2 no. houses (plots 52 and 53 adjacent to Oakwood Road) approved under planning permission 11/00420/REMMAJ with 3 no. houses

Recommendation

Permit full planning permission

- (h) 12/00658/FULMAJ - Parcel L Buckshaw Avenue Buckshaw Village Lancashire
(Pages 49 - 56)

Proposal

Replan of part of previously approved scheme (ref: 10/00792/FULMAJ) replacing 19 of the dwellings on the parcel with 41 dwellings and associated roads and footways.

Recommendation

Permit full planning permission

- (i) 12/00783/FUL - Parcel F3 Central Avenue, Buckshaw Village, Chorley (Pages 57 - 60)

Proposal

Proposed re plan of 4 dwellings and the addition of 2 dwellings to the residential development approved under 11/00934/FULMAJ.

Recommendation

Permit full planning permission

- (j) 12/00725/FUL - Cotswold House, Cotswold Road, Chorley (Pages 61 - 62)

Proposal

Demolition of existing corridor between reception and wardens flat and construction of new reception area and ramp

Recommendation

Permit full planning permission

- (k) 12/00045/FULMAJ - W M Lawrence and Sons, Lyons Lane Chorley (Pages 63 - 78)

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 full planning permission

5. **Planning Appeals and Decisions** (Pages 79 - 80)

Report of the Director of Partnerships, Planning and Policy enclosed for information.

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

Yours sincerely



Gary Hall
Chief Executive

Cathryn Filbin
Democratic and Member Services Officer
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Distribution

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

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

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

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

01257 515823

کیجئے:

Development Control Committee**Tuesday, 4 September 2012**

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

Substitutes: Councillor Mick Muncaster

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

Also in attendance: Councillors Kim Snape, Alison Hansford and Paul Leadbetter

12.DC.198 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Geoffrey Russell. Councillor Michael Muncaster attended the meeting as Councillor Russell substitute.

12.DC.199 MINUTES

RESOLVED - That the minutes of the Development Control Committee held on 7 August 2012 be confirmed as a correct record and signed by the Chair.

12.DC.200 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

12.DC.201 PLANNING APPLICATIONS TO BE DETERMINED

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

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

Due to technical difficulties that had occurred, Members were asked to consider the decisions subject to any new substantive objections received on the day of this Committee being referred to the Chair and Vice Chair for consideration.

- a) **Application:** 12/00296/FUL - Hall O'The Hill Farm, Chorley Road, Heath Charnock, Chorley **Proposal:** Installation of two 11kW wind turbines (18.3m to hub height and 25m to blade tip)

RESOLVED (11:3:1) – That planning permission be granted subject to the conditions detailed within the report in the agenda and any new substantive objection, received on the day of this Committee, being referred to the Chair and Vice Chair of Development Control Committee for consideration.

- b) **Application:** 12/00619/FUL - **Proposal:** Erection of 1no. residential Sunnyside 4 Common Bank Lane, dwelling Chorley

RESOLVED (12:2:1) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposals.

- c) **Application:** 12/00712/REM - 4 **Proposal:** Reserved Matters application for the erection of three new dwellings giving details of appearance and landscaping of the proposed properties (relating to outline planning permission: 07/01041/OUT Rectory Close, Chorley

RESOLVED (unanimously) – That the reserved matters be approved subject to the conditions detailed within the report in the agenda, the additional conditions detailed within the addendum and any new substantive objection, received on the day of this Committee, being referred to the Chair and Vice Chair of Development Control Committee for consideration.

- d) **Application:** 12/00742/FUL - Land 75m south east of Highfield, Southport Road, Euxton **Proposal:** Minor material amendment to planning permission 10/00136/FUL comprising a re-configuration skate park equipment

RESOLVED (unanimously) – That full planning permission be granted subject to the conditions detailed within the report in the agenda, the amended conditions detailed within the addendum and any new substantive objection, received on the day of this Committee, being referred to the Chair and Vice Chair of Development Control Committee for consideration.

- e) **Application:** 12/00585/FULMAJ - **Proposal:** Variation of condition 3 on Pole Green Nurseries, Church Lane, Charnock Richard, Chorley planning permission 11/00783/MAJ, substitution of house types

RESOLVED (unanimously) – That planning permission to vary condition three on planning permission 11/00783/MAJ substitution of house type be granted, subject to a Section 106 Legal Agreement, the conditions detailed within the report in the agenda, the amended conditions detailed in the addendum and any new substantive objection, received on the day of this Committee, being referred to the Chair and Vice Chair of Development Control Committee for consideration.

- f) **Application:** 12/00605/FULMAJ - Plot 4700 land to the west of Ordnance Road, Buckshaw Avenue, Buckshaw Village **Proposal:** Proposed industrial, warehousing and office development (use classes B1, B2 and B8) including access roads, external works and landscaping

RESOLVED (unanimously) – That planning permission granted subject to the conditions detailed within the report in the agenda, the amended condition detailed in the addendum and any new substantive objection, received on the day of this Committee, being referred to the Chair and Vice Chair of Development Control Committee for consideration.

- g) **Application:** 12/00510/OUTMAJ - **Proposal:** Application to extend the time limit for implementation of extant outline planning permission 08/01044/OUTMAJ for the erection of a mixed use development incorporating residential and B1 employment use following the demolition of the existing buildings (7.2 hectares)

RESOLVED (unanimously) - Outline planning permission granted subject to the conditions detailed within the report in the agenda and any new substantive objection, received on the day of this Committee, being referred to the Chair and Vice Chair of Development Control Committee for consideration.

- h) **Application:** 12/00750/LBC - Astley Hall, Astley Park, Park Road, Chorley **Proposal:** Repairs to stone archway, gates, side pillars and adjacent landscaping including: re pointing ashlar stonework; stone repairs with lime repair mortar; stone piecing-in repairs; renovation of gates; replacing corroding iron cramps; lifting and re bedding coping stonework; fitting of new metal capping to head of archway; making good adjacent landscaping

RESOLVED (unanimously) - That the Director of Partnerships, Planning and Policy notify the Secretary of State that the Local Planning Authority were minded to recommend that Listed Building Consent be granted subject to any new substantive objection being received on the day of this Committee.

12.DC.202 PROPOSED CHANGES TO THE CONSTITUTION & SCHEME OF DELEGATION - PLANNING MATTERS

The Director of Partnership, Planning and Policy submitted a report which sought Members permission and instruction to the Head of Governance to prepare a report to be listed at the Council meeting on 25 September 2012, which detailed appropriate changes to the Council's constitution and scheme of delegation in relation to the determination of section 73 applications.

Section 73 applications were commonly referred to as 'variation to conditions' and were generally sought to change the original development in a way that was considered minor in nature. Should the proposed changes be approved at the Council meeting on 25 September, it would mean that section 73 applications would be more efficiently determined after consultation with the Chair and Vice Chair of the Committee.

The Head of Planning confirmed that the current arrangement which allowed Ward Councillors to request a planning application be referred to the Development Control Committee would still apply. In addition, if it was felt that the application was controversial in nature the Chair and Vice Chair would be given guidance to refer the application to Development Control Committee for determination.

RESOLVED (unanimously) – To instruct the Head of Governance to prepare a report for the Council meeting on 25 September 2012, which detailed the appropriate changes to the Council's constitution and scheme of delegation which included details of how Ward Members or other Members could request an application be determined at Development Control Committee and how decisions would be made.

12.DC.203 PLANNING APPEALS AND DECISIONS

The Director of Partnerships, Planning and Policy submitted a report giving notification from the Planning Inspectorate of one planning appeal lodged against the refusal of an outline planning permission, and one planning appeal that had been dismissed.

Lancashire County Council had given notice of planning permission being approved in relation to the land to the rear of St Oswalds Roman Catholic Church, Tansley Avenue, Coppull.

Chair

| | |
|---------------------|---|
| Item 4a | 12/00619/FUL |
| Case Officer | Helen Lowe |
| Ward | Chorley North West |
| Proposal | Erection of 1no. residential dwelling. |
| Location | Sunnyside 4 Common Bank Lane Chorley LancashirePR7 1NR |
| Applicant | Mr J Waddilove |

Consultation expiry: 1 August 2012

Application expiry: 17 August 2012

Proposal

1. This application proposes the erection of a single dwelling to the rear of 4 Common Bank Lane Chorley. The land on which the dwelling is to be erected has been recently used as an allotment area for the occupants of no. 4 Common Bank Lane. Other land that forms part of the application site forms the rear garden of no. 4.
2. The application site is located within the settlement boundary of Chorley. To the rear (north) of the application site lies the Chorley Sewage Treatment works and to the south Common Bank Industrial Estate. The Industrial Estate is well screened by mature trees. The application property is one of a group of five dwellings located on Common Bank Lane, the adjacent property to the west having only been recently constructed (application reference 08/00863/FUL). Land to the east is undeveloped fields, with a number of mature trees immediately adjacent to the site.

Recommendation

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

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Impact on the neighbours
 - Design
 - Trees and Landscape
 - Traffic and Transport

Representations

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

Consultations

7. Lancashire County Council (Highways) raise no highway objection but would however request a suitably worded condition to be included as part of any grant of permission requiring the removal of the existing car port and parking spaces prior to the first occupation of the new property.
8. Chorley's Planning Policy Local Plan Review Policy HS6 is relevant to this application and criterion (f) requires applicants for residential development on previously undeveloped sites within settlements to demonstrate that there are no suitable allocated or previously developed sites available in the settlement before developing such sites. The applicant has not

undertaken this exercise, therefore this proposal is contrary to Local Plan Policy HS6 (f). This approach is consistent with the NPPF, one of the core planning principles of which is to 'encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value.'

Core Strategy Policy 4: Housing Delivery also sets a brownfield target of at least 70% of all new housing.

9. This proposal is also contrary to the Council's Interim Policy on Private Residential Garden Development. This aims to prevent garden development in the Borough and was adopted in October 2010.
10. Chorley's Waste & Contaminated Land Officer Due to the proposed sensitive end-use (residential housing with garden) and the proximity of the development site to land that is potentially affected by contamination (sewage works), 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.
11. Parks and Opens Spaces Manager There would be no justification for a request for a financial contribution towards the provision of public open space in the area.

Applicants Case

12. The applicant's agent has prepared a planning statement in support of the planning application. They make the following comments:
 - Chorley's Site Allocation and Development Management Policies DPD confirms that there is still a significant requirement for additional dwellings to meet the borough's identified housing needs to 2026 and that part of this housing requirement is to be met from windfall housing development. The application proposals would not therefore result in the housing requirement for the Borough being materially exceeded;
 - The Site Allocations and Development Management Policies DPD confirms that there is insufficient previously development land to meet the Borough's housing needs by virtue of it allocating greenfield land for housing development. It is not considered necessary to demonstrate that there are no suitable allocated or previously developed sites available in Chorley Town itself, especially for a scheme which comprises a single dwelling;
 - The only potential conflict with the Local Plan is that whilst there is a insufficient previously developed land within the Borough to meet its development needs, no evidence has been submitted with this application to demonstrate that there are no suitable allocated or previously developed sites available in Chorley Town itself, as required by Policy HS6(f). This requirement is not however consistent with the NPPF which is required for pre 2004 policies to be given any weight.
 - Whilst the NPPF seeks to encourage the effective re-use of previously developed land it does not preclude greenfield development. Moreover it does not require it to be demonstrated that there are no previously undeveloped sites within a settlement for a greenfield site to be granted planning permission. The key consideration is whether the development is sustainable. The requirement of policy HS6(f) would actually run contrary to this main objective of promoting sustainable development as it is considerably more onerous in a settlement such as Chorley town.
 - Policy HS3 of the draft Site Allocations and Development Management Policies DPD contains a provision that on previously undeveloped sites residential development will only be permitted if the applicant can demonstrate that there are no suitable allocated or previously developed sites available for residential development in the settlement, this requirement is at odds with the NPPF and as the document is also at a relatively early stage of production and there are outstanding objections to the policy, no weight can be given to this requirement.
 - The proposal conflicts with Policy HS4 of the draft Site Allocations and Development Management Policies DPD as this restricts residential development within private residential gardens to agricultural workers dwellings, replacement dwellings and building conversions. However, this policy applies a degree of restraint which is entirely at odds with the NPPF. The NPPF does not support an effective moratorium on the development of gardens and if that had been its intention then it would have been clearly stated. In

stead the clear objective of the NPPF is to allow development in sustainable locations and to make effective use of land and existing infrastructure. Given that gardens comprise a significant proportion of urban land they can provide a most appropriate source of land to meet these requirements and there is no suggestion in the NPPF that garden and cannot contribute to meeting these objectives in principle.

- It is acknowledged that the Interim Policy 'Private Residential Garden Development and the draft Site Allocations and Development Management Policies DPD preclude the development of gardens but little weight, if any at all can be given to these policy documents. In this regard the Interim Policy is an informal document which has no parent policy in the Development Plan, whilst the Site Allocations DPD is in draft form and there are unresolved objections to the relevant Policy. Recent SoS appeal decisions such as at Homeland and Deans Farm in Bishop's Cleeve, Gloucestershire (ref. APP/G1630/A/11/2146206 and APP/G1630/A/11/2148635) confirm that little weight is to be given to emerging LDF documents which have yet to progress past the examination stage.

Assessment

Principle of the development

13. The land on which the proposed dwelling is to be located is described as 'allotment' in the application and that it has been used for the growing of fruit and vegetables. In supporting information submitted with the application however, no argument is made that the application site should not be considered to form part of the domestic curtilage of the property and discussion on the Council's policies with regard to development on private residential gardens rests on the weight that should be attached to these policies, not that it is not applicable due to the land not being part of the private garden.
14. It appears from various aerial photographs that there have recently been glasshouses on the application site. In an application for a house extension submitted in 2006 (ref. 06/00785/FUL) the case officer describes the land as garden.
15. In accordance with the National Planning Policy Framework (NPPF) the site is considered to be previously undeveloped land (greenfield). Even if the land were considered to fall outside of the residential curtilage of the application property the land would still be considered to be previously undeveloped.
16. Chorley Council has prepared a Site Allocations and Development Management Policies Development Plan Document (DPD) as part of preparing the Local Development Framework. This has recently been out to public consultation, but an examination in public has not yet taken place. The emerging DPD contains a policy on Private Residential Garden Development (ref. HS4).
17. As the site is located within the settlement boundary the council's Interim Planning Policy on Private Residential Garden Development is relevant albeit superseded by Policy HS4. The policy states that:
Within the boundaries of settlements applications for development within private residential gardens on sites not allocated in saved Local Plan Policy HS1 will only be permitted for:
 - Agricultural workers dwellings/dependents where there is a proven need and where they need to be located in a specific location.
 - Appropriately designed and located replacement dwellings where there is no more than one for one replacement.
 - The conversion and extension of buildings, provided they are not allocated for, currently used for, or their last use was for, employment uses and the conversion would have significant urban regeneration benefits.
18. The erection of the dwelling as proposed does not fall within any of the appropriate forms of development in private residential gardens as defined in both the Interim and emerging policies. However, the applicant has put forward a number of reasons as to why they consider that the interim policy should not apply (see paragraph 12)
19. With regard to the Council's policies on private residential garden development, it is

acknowledged that only limited weight can be attached to both the interim policy and the emerging Site Allocations and Development Management DPD. The interim policy and subsequent Policy HS4 has been adopted in order to address growing concerns regarding the impact of such developments across the Borough, such as compromised privacy, reduced garden size, impact on daylight and sun light traffic generation and changes to the character of the surrounding area.

20. The NPPF also states that the local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens. The NPPF states that planning decisions should respond to local character and history and add to the quality of the area. The purpose of restricting garden development in the Borough is to ensure that the amenity and character of the local area is maintained and enhanced.
21. It should also be noted that Chorley's housing commitment can in the short term currently be met from sources other than Greenfield sites. The 2010 Central Lancashire Strategic Housing Land Availability Assessment indicates that Chorley has a 5 year deliverable housing supply, so there is no need to release such sites for housing development. Land with potential for housing is also identified for the 6-10 year and 11-15 year periods. The May 2012 Five Year Housing Supply 5.5 Statement for Chorley also updates this position. This indicates a 5.89 year deliverable housing supply for the period April 2012-March 2012. Therefore there is a five year supply with an additional buffer of 5% as required by the NPPF in Chorley. This site is located within Chorley Town as defined within the Core Strategy which will be the focus for growth within Chorley.
22. Therefore, the Borough's future housing requirements can be met from existing housing allocations, previously developed sites and safeguarded land, which are Greenfield land.
23. Policy HS6 (f) of the Local Plan Review also requires any application for residential development on garden or previously undeveloped land, irrespective of size, to include details which demonstrate to the Council that there are no suitable allocated or previously developed sites which are available in the settlement of Chorley, as defined in the Local Plan Review, that could accommodate the dwellings being proposed. The applicant has failed to submit any such assessment with the application and as such fails to comply with policy HS6. It is not accepted that this policy does not accord with the NPPF, as the NPPF seeks to encourage the re-use of previously developed land and therefore weight can be attached to this policy. However, the presumption in favour of sustainable development that underlies the NPPF should be accorded considerable weight, nor does the NPPF preclude the development of previously undeveloped land.
24. Additionally there have been a number of other applications and appeal decisions recently in local and wider area that have demonstrated that there are no plots of previously developed land available for the erection of a single dwelling.
25. One of the core principles of the NPPF is that development should be focussed in locations that are sustainable. It is considered that the site is located in a relatively sustainable location with easy access to public transport, amenities such as a supermarket and public house nearby and the means to access other amenities easily. The NPPF also states that development in sustainable locations should be approved without delay.
26. The Council's interim policy and emerging policy on r It is also accepted, particularly given the sustainability credentials of the site, that the release of this small, effectively windfall site, would not prejudice the overall delivery of housing elsewhere in the Borough. Residential garden development recognises that beyond the criteria listed within the policy, garden development may be permitted in exceptional circumstances, subject to material considerations, providing that it can be demonstrated that the proposed development would be in keeping with the character of the local area. The impact of the proposal on the character of the area is discussed below in paragraphs 28 and 29.

Impact on the neighbours

27. The proposed development would be single storey only, with a number of windows facing the

adjacent property to the north east (no. 3A Common Bank Lane). There is a 1.8-2m hedge along the boundary that would provide a good degree of screening and the proposed dwelling would be a minimum 8m from the boundary with no. 3A. It is not considered that the proposed dwelling would cause any undue harm to the occupants of the adjacent dwelling or the occupants of the existing dwelling. The proposed dwelling would be overlooked by the existing dwelling on the application site, however, the distances meet the Councils interface standards (10m from first floor habitable windows to boundary) and it is considered that the occupants of the new dwelling would have an acceptable level of amenity.

Design

28. The design and appearance of the dwelling proposed is considered to be in keeping with the dwelling at no. 4 Common Bank Lane. Although the application site is located in close proximity to the sewage treatment works and Common Bank Lane Industrial Estate, the immediate area has a semi-rural feel. The proposed dwelling would not be infilling a gap between other dwellings, however it would lie between the existing dwelling and the sewage works and in that respect would have a very limited impact upon the openness of the area. It would also be screened to some degree by the existing dwelling on the site.
29. Due to the unusual location of the site adjacent to the sewage works and in close proximity to the industrial estate it is considered that the general character of the area would remain unchanged and the impact on the street scene would be negligible.

Trees and Landscape

30. There are a number of mature trees bounding the south west of the application site and an arboricultural report has been submitted with the application. None of these trees are protected by a tree preservation order and are outside of the application site (and ownership of the applicant but are shown as belonging to the same applicant in 2006). The arboricultural report recommends a number of protection measures to protect the trees during the construction of the dwelling, such as protective fencing, hand excavation and no storage of materials. The majority of the development would take place outside of the root protection area. The trees in question make a valuable contribution to the character of the area and their retention is desirable, however it is considered that it has been demonstrated that they can be adequately protected during the course of the works. It is not considered necessary to protect the trees with a tree preservation order.

Traffic and Transport

31. No objections are raised by LCC Highways and there is adequate space on the site to accommodate a sufficient level of parking for the existing and proposed dwelling.

Overall Conclusion

32. The proposal does not comply with the Council's interim and emerging policies on development in private residential gardens. The applicant has also failed to demonstrate that there are no other suitable previously developed sites. However, members must be mindful of the weight that can be attached to these policies and recent appeal decisions. The application site is located in a sustainable location, Chorley Town Centre, which the Core Strategy identifies as the focus for growth. Due its unique relationship to the nearby sewage works and industrial estate the proposal would have a negligible impact on the character of the area.
33. It is also accepted, particularly given the sustainability credentials of the site, that the release of this small, effectively windfall site, would not prejudice the overall delivery of housing elsewhere in the Borough and would not harm the overall vision of the Core Strategy. The proposal is accordingly recommended for approval.

Planning Policies

National Planning Policies:
NPPF

Adopted Chorley Borough Local Plan Review
Policies: GN1, GN5, HS4, HS6, HS21, TR4

Central Lancashire Core Strategy

Policy 4: Housing Delivery Policy 5: Housing Density, Policy 17: Design of New Buildings

Sites for Chorley- Preferred Option Paper Site Allocations and Development Management Policies
Development Plan Document
HS4

Planning History

06/00785/FUL Single storey rear and side extension Approved 6th September 2006

Recommendation: Permit Full Planning Permission Conditions

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

2. The approved plans are:

| Plan Ref. | Received On: | Title: |
|-----------|--------------|-----------------------------------|
| JW-1001 | 18 June 2012 | Existing and proposed site layout |
| JW-1002 | 18 June 2012 | Proposed plans and elevations |
| JW-1003 | 18 June 2012 | Location plan |

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

3. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.
Reason: To safeguard the trees to be retained and in accordance with Policy No. EP9 of the Adopted Chorley Borough Local Plan Review.

4. No development shall take place until a desktop study and site walkover has been carried out to identify any potential sources of land contamination associated with this development site, and approved in writing by the Local Planning Authority. If the potential contamination is confirmed further studies by the developer to assess the risks and identify and appraise the options for remediation will be required.
Reason: To protect the environment and to prevent harm to human health by ensuring that the land is remediated to an appropriate standard and in accordance with the NPPF.

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 to prevent an undue increase in surface water runoff in accordance with Policy Nos. GN5 and HS4, 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 to prevent an undue increase in surface water runoff and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

7. Before the development hereby permitted is first occupied, the car parking areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car parking areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

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

8. 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.

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| Item 4b | 12/00797/FUL |
| Case Officer | Caron Taylor |
| Ward | Wheelton and Withnell |
| Proposal | Retrospective application for the erection of a detached dwelling with amendments to the previously approved scheme 11/00970/FUL. The amendments comprise an increase in the ridge height of 0.7m; insertion of three roof lights to the rear roof slope and insertion of one second floor window to each side elevation. |
| Location | Higher Wheelton Methodist Church, Blackburn Road, Higher Wheelton, Lancashire |
| Applicant | Mr David Brown |
| Consultation expiry: | 12 September 2012 |
| Application expiry: | 5 October 2012 |

Proposal

1. Retrospective application for the erection of a detached dwelling with amendments to the previously approved scheme 11/00970/FUL. The amendments comprise an increase in the ridge height of 0.7m; insertion of three roof lights to the rear roof slope and insertion of one second floor window to each side elevation.

Recommendation

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

Main Issues

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

Representations

4. Four letters of objection have been received from nearby residents on the following grounds:
 - Concerned about the window located on the side of the house on the top floor. The only view from this window is in to their garden (no. 351 Blackburn Road) which impacts directly on their privacy. They can see no purpose to having the window at all, it would appear from what they can see that the three roof lights on the top floor provide sufficient light. They think that if the house had been built to the correct height there wouldn't be this problem;
 - The property is excessively oversized and out of character with the village;
 - Additional windows have been added in the sides which overlook the nearby cottages;
 - The building should be returned to the original planning dimensions and should have been kept within the same height as the properties either side;
 - The property will have a negative impact on residents, blocking their view;
 - The property will have a negative impact on the character of the area by means of its disproportionate scale in relation to neighbouring properties, comments shared by others in the neighbourhood.

- Higher Wheelton Parish Council has no objection to the application.

Consultations

6. United Utilities

Have no objection to the proposed development, but if possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer.

7. Lancashire County Council (Highways)

The application is relating to retrospective amendments to the fabric of the new detached dwelling and is of no consequence to the highway. As such there is no highway objection.

8. Chorley Council Conservation Officer

State their comments on this application are made with reference to the following policies:

- NPPF Section 12: Conserving and Enhancing the Historic Environment;
Adopted Central Lancashire Core Strategy DPD 2012: Policy 16: Heritage Assets;
Sites for Chorley: Site allocations and development management policies DPD (emerging LDF) Policy BNE6: Heritage Assets.
- They state they made comments on the previous application, 11/00970/FUL, regarding the design of this proposal and its impact upon a heritage asset – the locally listed Methodist Chapel that is immediately adjacent to this site. The applicant took on board my initial thoughts, for example regarding the design of the windows, and the end result is quite attractive.
- They state having seen the substantial complete structure it is indeed a little taller than the, now evidently inaccurate, elevation drawings suggested. The actual difference is, allegedly, 667mm. This was always going to be quite a substantial house that fills the width of the plot. The question now is whether the relationship between the new house and the heritage asset is sufficiently poorer than it would have been if the ridge was set 667mm lower for that relationship to be considered to be unacceptable. Overall, in their opinion the relationship is acceptable.
- They state they are not convinced that the new window openings in the end elevations at 2nd floor level are strictly necessary, and indeed they may cause problems of overlooking. However they may be being included to satisfy the requirements of building control as means of escape in the event of a fire. The issue of overlooking could therefore be partly mitigated by using obscure glazing.
- In conclusion they consider the application to be acceptable.

Assessment

Background Information

- A dwelling was permitted on this site initially in outline (ref: 10/00064/OUT) and then under full permission reference 11/00970/FUL. The dwelling that has been constructed on site is taller than shown on the front and rear elevation plans approved to create a room in the roof. In addition three roof lights have been added in the rear roof slope and an additional window been added in each side elevation in the gable to serve the room in the roof.

Principle of the development

- The principle of a dwelling on this site has already been established by the previous permission. This report will therefore consider whether changes that have been made are acceptable or not.

Levels

- The finished floor level of the property remains as per originally approved.

Design and Impact on Neighbours

- The design of the property is considered acceptable, the issue is whether the changes to its height (and associated chimney) are acceptable in terms of its position on Blackburn Road.

18. The application site is between the former Higher Wheelton Methodist Church building (situated to the northeast) and number 343 Blackburn Road to the southwest. Opposite are the more modern red brick properties of Stocks Close.
19. The height of the dwelling as approved (approximately 0.7m lower than built) would be the ideal height for the property, being closer to the height of number 343 and the Methodist Church building on either side of it. The Council must consider whether the extra height that has been added to the roof of the property is so detrimental to the area that it would warrant refusal of the application.
20. In considering this point the position of the property in relation to its surroundings must be carefully considered. The property has been set back from Blackburn Road, as is number 343 next door to the southwest to allow frontage parking. The older cottages to the southeast are set further forward towards the road as is the former Higher Wheelton Methodist Church building to the northeast. Views of the property in the context of the lower buildings either side are therefore not as obvious due to the set back as it is approached through the village from the southwest and northeast than if it was set further forward towards the pavement and provides some mitigation of its height from longer views.
21. The top of the roof is visible over the church building from the northeast but it is only really noticeable if you are particularly looking for it as travelling along Blackburn Road from this direction. It is not considered so detrimental from this vantage point that the Council could justify a refusal of the application on these grounds.
22. The main views of the additional height of the property are most apparent from close to it, particularly from Stocks Close opposite from where there are views of the property immediately comparable to the lower buildings either side. However, there are a wide variety of properties/buildings in the street including the older cottages on the same side as the application site, the Methodist church building and the newer properties of Stocks Close which are two-storey red brick properties. If the properties on this part of Blackburn Road were all of a very similar style it is considered the Council may have grounds to refuse the current application on being out-of-keeping. However, although the property is higher than the immediate properties, its style and materials are in keeping with the surroundings and it will blend in further over time as its materials weather. Therefore it is not considered that its greater height causes so significant harm from where it is immediately visible against the adjacent lower properties that planning permission could be refused.
23. Three roof lights have been added in the rear roof plane however they are not visible from the front of the property and look towards the rear garden of the property. It is not considered they cause unacceptable overlooking to the rear and could have been added in the previously approved property at a later date without planning permission under Permitted Development Rights.
24. An additional window has also been added in each side elevation in the gable end of the property to serve the room in the roof. These windows could not be added at a later date under Permitted Development Rights without being non-opening and obscure glazed. Higher Wheelton Methodist Church building to the northeast has received planning permission (ref: 10/00063/FUL) to be converted to a dwelling. The additional window in the northeast elevation would look into what will become the garden of this property and given its proximity to the boundary it is considered it would result in unacceptable overlooking. A condition is therefore proposed requiring this window to be changed to be obscure glazed and non-opening to overcome this issue within three months if retrospective permission is granted for the property.
25. The additional window in the southwest elevation would look onto the side wall of number 343 Blackburn Road which has no windows in it at first floor or above. This property has not objected to the application but this should not be considered to allow the window if it is unacceptable. Views from this window into the rear garden of number 343 would be at an oblique angle due to the proximity of the properties. In addition, if someone were to stand at

this additional window the chimney of the application property would protrude immediately to the right further restricting views. However, as the application property is higher it is considered there would be some views over the roof of the neighbour's property. On this basis it is considered the addition window in the southeast elevation should also be required to be obscure glazed and non-opening by condition.

Impact on Local Important Building

26. Higher Wheelton Methodist Church building is on the Council's list of Locally Important Buildings and has permission to be converted to a dwelling as it is no longer in use. The Council's Conservation Officer considers the relationship of the property with the building to be acceptable.
27. It is not considered that the dwelling being higher is so substantially greater that it will have significantly more impact on the church building.

Traffic and Transport

28. The proposed dwelling would have an integral double garage and a large driveway also to the front accessed where the existing field gate is. The garage is of sufficient size to be counted as one parking space and the driveway would serve two cars. The additional height to the property would allow an additional room(s) in the roof which could be used as bedrooms. The property could therefore have four or more bedrooms and therefore the Council's parking standard of three spaces needs to be met. Two parking spaces will be available in front of the property and the property benefits from a double garage. Therefore a condition is proposed requiring the garage to be left available for parking.

Overall Conclusion

29. The application is recommended for approval subject to conditions.

Planning Policies

National Planning Policies:

National Planning Policy Framework.

Adopted Chorley Borough Local Plan Review

Policies: GN5, HS4, TR4

Joint Core Strategy

Policy 17

Planning History

10/00064/OUT Outline application for one detached dwelling (specifying: access, appearance, layout and scale). Permitted 19 March 2010.

11/00970/FUL Full application for erection of a detached dwelling. Permitted 23 December 2011.

Recommendation: Permit Full Planning Permission Conditions

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

| Plan Ref. | Stamp Dated: | Title: |
|------------|---------------|--------------------|
| 309/BRW/PL | 9 August 2012 | Planning Layout |
| 309/BRW/LP | 9 August 2012 | Site Location Plan |

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

3. The external facing materials detailed on the approved plan(s) shall be used and no others substituted.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and PPS5.
4. Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.
Reason: In the interests of highway safety and to prevent flooding, in accordance with Policy Nos. GN5 and HS9 of the Adopted Chorley Borough Local Plan Review.
5. The dwelling hereby permitted shall not be occupied until the vehicular access and driveway 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.
6. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s).
Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
7. 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 and the parking standards set out in the RSS Partial Review and the emerging Site Allocations and Development Management Policies Development Plan Document.
8. The windows on the second floor in both the northeast and southwest elevations of the dwelling hereby permitted (serving the attic room as shown on approved plan ref: 309/BRW/PL) shall be made non-opening and fitted with obscure glass within three months of the date of this permission. 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. They shall both be retained as non-opening windows with level 3 or equivalent obscure glazing at all times thereafter.
Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5 and HS9 of the Adopted Chorley Borough Local Plan Review.
9. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the carriageway. The gates shall open away from the highway.
Reason: To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility and in accordance with policy TR4 of the Adopted Chorley Borough Local Plan Review.
10. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or another materials approved in writing by the Local Planning Authority.
Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

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| Item 4c | 12/00655/FUL |
| Case Officer | David Stirzaker |
| Ward | Astley And Buckshaw |
| Proposal | Retrospective application for conversion of garage to habitable room (including permanent closure and incorporation of former pedestrian access pathway adjacent to garage from Blacksmith Walks to rear parking area into the habitable accommodation of the dwelling) |
| Location | 10 Blacksmith Walks Buckshaw Village Chorley Lancashire PR7 7BP |
| Applicant | Mr Sean Sculfor |
| Consultation expiry: | 6 August 2012 |
| Application expiry: | 29 August 2012 |

Proposal

1. This application is retrospective and has been submitted following an investigation by the Council's Planning Enforcement Team. This application is seeking planning permission to regularise the conversion of a garage to habitable accommodation which has also incorporated a pedestrian access to a rear communal car parking area into part of the habitable accommodation of the property.
2. The application site comprises 10 Blacksmith Walks. The property is a modern one bedroom ground floor apartment located on Buckshaw Village. Planning permission is required for the development as a condition attached to the original planning permission for the development prohibits the conversion of garages to habitable living accommodation.
3. As stated, the flat occupies the ground floor of a two storey terraced property and there is a first floor apartment above the applicant's ground floor property. To the rear of the property is a communal car parking area which serves the applicant's property and the others adjacent to it.
4. When originally constructed, between the applicant's property and the garage, the covered pedestrian walkway enabled residents to access the car parking area to the rear of their properties without having to walk around onto Baker Close and then through the underpass from Baker Close.

Recommendation

5. It is recommended that this application be granted retrospective planning permission.

Main Issues

6. The main issues for consideration in respect of this planning application are:
 - Applicants Case
 - Background information
 - Impact on the neighbours
 - Design
 - Traffic and Transport

Representations

7. Letters of objection have been received from three local residents, the contents of which can be summarised as follows: -

- This causes a great inconvenience for me and my husband, who have stopped parking at our designated parking space and garage due to the distance we now have to walk
- The value of our property would fall, as there is no access close by, and I myself would never consider to buy a property like this
- Me and my husband plan to have children, I would want to park on my designated area instead of on the road, however, to have to struggle such a great distance with children, carrier bags, etc.
- Also to unload my car on the road with children would cause safety issues and I also feel unsafe having to walk all the way round in the dark on my own, when I return home from matches, which can be late on
- A Police Community Support Officer has asked that residents park in designated areas, which I refuse to do while the walkway is blocked, but will happily do once it is reinstated
- I used the car park many times and walked through this alley and never saw graffiti, gangs, needles etc.
- The only problem I only encountered was cheese wire that was attached to the walls across the alley
- The work was done without any consultation with residents who the closure would affect i.e. this being the only access to their parking space and garage without a long walk involved
- Some residents have received a letter from the local policing officer asking them to use their allocated parking spaces which will not happen if they have to walk all the way round to their front doors
- If there was as stated a group of youths gathering at night, where the police informed at any point as to this problem as there would be a record of this kept by them
- Is there any photographic evidence of the litter and needles left in the passage way?
- Why was a locked gate not put across the access with keys for residents instead of it being made into part of the applicants living room
- If Barratt Homes did the building work as suggested, they will have records of it

8. Letters of support have been received from sixteen local residents which in general state that the closure of the walkway has mitigated anti-social behaviour. The contents of these letters can be summarised as follows: -

- The access was directly opposite my house and the subject of graffiti and broken bottles and alcohol related cans/bottles
- This has made a huge difference to the immediate area and has seen the gathering of youths/anti-social behaviour move away from Blacksmith Walk
- I fully support this application
- Before the work, the walkway had been used by gangs of teenagers as a hangout from the weather and empty beer cans and litter was found along with a used needle
- The car park is marked as private property but was being used as a shortcut through the village
- The car park itself was originally illuminated by a large light when first completed but Barratts removed the light and the car park is now only illuminated by a street light some distance away as Barratts never put a light back in the car park
- I did not feel safe using the walkway as a lone woman when it was dark
- The general public used it as a shortcut
- On several occasions, youths were using this as a shelter to hang around in at night and drink, there were occasions when they discarded empty alcohol containers in the car park and on parked cars
- I would much rather use the "long way round" than walk through this dark passageway alone
- I now feel safer using this car park at night knowing that there is only one entrance/exit to the car park and the parking area will only be used by residents
- When the walkway was open, it was a magnet for trouble
- Blacksmiths Walks is in fact private land, so no other person bar the 14 residents should have used the access, moreover the people that are named named on title deeds
- I recently saw on a Sunday morning that glass was covering the path as if someone had thrown bottles, there was also house that was covered with eggs whilst cars have been

scratched and sprayed with paint

- The closure of the walkway has seen a vast improvement in the area of Blacksmith Walks
- The old "walkway" was just a magnet for gathering youths and the dumping ground for beer cans and bottles

9. No comments have been received from the Parish Council

Consultations

10. The **Architectural Design and Crime Reduction Advisor** states that a crime and incident search for the period 20/07/2012 to 20/07/2012 has been undertaken and whilst this shows that there have been crimes committed within the immediate vicinity of this location during this time, none of them are directly related to the closure of the walkway or conversion of the garage. The **Architectural Design and Crime Reduction Advisor** goes on to state that the original arrangement of a covered walkway leading to a rear parking arrangement would have been discouraged and that it is preferable that footpaths are not placed to rear and side properties. Also, if they are essential to give access to the rear of properties (e.g. for car parking they must be gated) and gating arrangements should be secured with a key operated lock which is lockable from both sides. This type of covered walkway can be a crime generator and cause problems for residents as a place for youths to congregate. As this application is retrospective, the **Architectural Design and Crime Reduction Advisor** does not have any objections to make but wishes to clarify that the original arrangement should have been avoided in the first instance or it should have been secured with gates at both ends which were flush with the building line whilst keys could have been provided for residents to gain access. It is also stated that the car parking arrangements at the rear of the applicants property should be well lit with both
11. **Lancashire County Council (Highways)** advise that the retention of a single car parking space means the level of car parking is still sufficient to serve the property which has a single bedroom hence there are no highways objections to the loss of the parking space originally provided by the garage. They go on to state that with regards to the closure of the pathway providing access to the rear car parking area, it is evident from a site inspection that adjacent properties are similarly treated and do not necessarily provide for a separate pedestrian pathway from the main road. The current situation is therefore typical of residential design on Buckshaw Village, that is, rear car parking areas with vehicle access only and no separate pedestrian pathway. As such the vehicle access via an underpass arrangement from Baker Close through the residential building provides a shared vehicular and pedestrian use, which was observed during the site visit with residents readily walking through from Baker Close. The underpass access is typically 3m wide with a further 200mm wide internal recess to the main building line on the inside on either side. Walking through the tunnel can be slightly intimidating with a potential for conflict with cars especially if carrying shopping or pushing a pram/wheelchair for example so as such, it may not always prove suitable for everyone, but under the circumstances, residents generally have the benefit of using their rear property door to gain access to and from the rear car park should they so wish. However, residents do readily and freely walk through the underpass access therefore the principle is already established and agreed. As the pedestrian passageway is not of public use, it is unlikely to have another highway implication and ultimately, building over the passageway may well come down to a private matter to be resolved between the parties involved. **Lancashire County Council (Highways)** conclude by stating that from a highway viewpoint, it may be difficult to sustain any strong objection to the application.

Assessment

Applicants Case

12. This application has arisen as a result of an enforcement investigation following a complaint made to the Council by a local resident. The works to the property were undertaken and completed several years ago in 2009.
13. The applicant's agent states that in 2009, the applicant and the other residents were having problems with anti-social behaviour centred on the covered walkway next to number 10 Blacksmith Walks (the applicant's property) and the police became involved on many

occasions. After discussions with Barrett Homes on site, it was agreed that the applicant would pay to have the path sealed off with gates. However, this did not solve the problem and the residents decided that the options were to place an electric gate across number 3 Baker Close or for the applicant to block off the walkway on a permanent basis. Each of the neighbours was prepared to confirm that the footpath should not be reopened for the safety and security of all the properties around Blacksmith Walks.

Background Information

14. Barratt Homes have also been in contact with the applicant and on 6th March 2012 requested in writing that the walkway be reinstated to its original form with immediate effect, unless the applicant could provide Barratt Homes with a signed letter from all of the current occupiers of the dwellings affected by the closure of the walkway confirming their agreement for the work to remain, a satisfactory planning permission from the Council, confirmation from the Council that the level of car parking is acceptable, a satisfactory building regulations approval from the Council and a letter from the management company stating that they are happy for the area to be maintained by the applicant and that it is understood that it will no longer fall within their remit. Barratt Homes wrote to the applicant again on 24th April 2012 reiterating the above. Barratt Homes state in the letter that failure to produce the required information will result in Barratt Homes seeking legal advice on the matter.
15. The applicant's property comprises a ground floor apartment which is part of a small cluster of properties which front onto Blacksmith Walks with car parking provided to the rear in a courtyard arrangement accessed from Baker Close via an underpass below no. 3 Baker Close. The properties on Blacksmith Walks all front onto a pedestrian walkway.
16. There are three first floor apartments on Blacksmith Walks and two of these do not have direct access to the rear parking courtyard (nos. 7 and 11 Blacksmith Walks). The coach house type apartment adjacent to the applicant's property sits above garages at ground floor level and this property does have direct access to the rear parking court through its ground floor hallway.

Impact on the neighbours

17. The conversion of the garage and the pedestrian walkway does not cause any physical harm to the living conditions of the occupiers of the adjacent and adjoining properties as the only physical elements at the front are walls and windows which are flush with the front and rear elevations of the property as originally constructed.
18. However, the main issue is that the closing up of the pedestrian access has resulted in the need for residents to walk around the front of the properties which back onto the car park then onto Baker Close for a short distance and then through the underpass to the car park from Baker Close. This has reduced the pedestrian permeability of this part of the development. The distance from the original entrance to the walkway on Blacksmith Walks adjacent to the applicant's property at the front, to the original position of it at the rear where it would have enabled access to the car park is approx. 72 metres. This is therefore the additional distance that has to be walked by the occupiers of properties which do not have direct access to the car parking area from the rear of their properties.
19. There are two properties on Blacksmith Walks which do not have such direct access and these properties are first floor apartments, one of which is above the applicant's property (no. 11 Blacksmith Walks) with the other being no. 7 Blacksmith Walks. All of the other properties have the benefit of direct access to the said car parking courtyard including the coach house style property adjacent to the applicants.
20. Given that the occupiers of the first floor apartments can no longer cut through to the car parking area via the walkway as a result of the works undertaken by the applicant, the judgement is whether or not this impact, as a result of the works undertaken by the applicant, is a reason why retrospective planning permission should be refused.
21. As already stated, the Architectural Design and Crime Reduction Advisor does not raise any objections to the application and has stated that the original arrangement should have been avoided in the first instance or it should have been secured with gates at both ends flush with

the building line providing residents with keys for access. Also, LCC (Highways) do not raise any objections to the application on highway safety grounds. In light of these consultation responses, it would be difficult to justify a reason for refusal on crime and safety or highway safety grounds without support of the Architectural Design and Crime Reduction Advisor or LCC (Highways).

22. It must also be noted that a grant of retrospective planning permission for the works would not override the rights of way afforded residents in the deeds to their properties.

Design

23. The original covered walkway between the applicant's property and garage was open. At the front, this has been closed up with a window and low wall in materials which match the property so from a design perspective, the works to close the access have been undertaken in a manner sympathetic to the original property and wider development. To the rear, the garage door has been retained and the pedestrian walkway opening has been closed with a window akin to the front elevation so there is little change when the property is viewed from within the parking court area.
24. From a design and streetscene perspective, it is therefore considered that the works have not resulted in detrimental harm to the character and appearance of the applicant's property or that of the street scene hence the application is considered to be acceptable on these grounds.

Traffic and Transport

25. The conversion works have resulted in the pedestrian permeability of Blacksmith Walks being reduced since those residents without direct access to the car parking courtyard must walk onto Baker Close then underneath no. 3 Baker Close. This involves walking an additional distance of approx. 72m. LCC (Highways) do not raise any objections to this change to the way in which pedestrians access the car parking spaces.
26. The applicant's property is a single bedroom ground floor apartment. The property would have originally benefitted from 2 no. car parking spaces. The conversion of the garage has reduced this to a single space but this is still sufficient to serve the property given it only has a single bedroom. LCC (Highways) do not raise any objections to the level of car parking retained to serve the property given it only has a single bedroom.
27. In other respects (LCC Highways) do not raise objections to the application in terms of use of the underpass access by pedestrians accessing the rear car parking court that would have originally accessed it via the pedestrian walkway given this is already in place and being utilised by local residents.

Overall Conclusion

28. The conversion of the garage and the pedestrian walkway has had some adverse impact on local residents, particularly the occupiers of the first floor apartments who do not have direct access to the rear car parking area. It is the occupiers of these properties which have to walk the extra distance stated around to the car parking area at the rear of Blacksmith Walks. The occupier of one of these first floor apartments has objected to the application.
29. However, there are no objections to the application for the conversion of the garage and the closure of the walkway from either LCC (Highways) or the Architectural Design and Crime Reduction Advisor. The extra distance which the occupiers of the first floor apartments have to walk to gain access to the rear car parking court has to be balanced against the fact that the closure of the pedestrian walkway has resolved the original design issues highlighted by the Architectural Design and Crime Reduction Advisor.
30. In the absence of objections from either of the above consultees, it is considered that there are insufficient reasons to form the basis of a reason to refuse planning permission for this application.

Other MattersNon-material planning considerations

31. In terms of the objection citing the issue of loss of property value, this is not a material planning consideration. Whilst planning permission can be granted for the conversion of the garage and the permanent closure of the pedestrian access by way of its incorporation into the applicant's property, it should be noted that such planning permission does not override any rights of way that property owners may have been granted in the deeds to their properties, over the land in question or indeed the ability of Barratt Homes to take legal action against the applicant to remedy the works undertaken as enforcing these rights is a separate legal matter which the planning permission, if granted, does not override.

Planning PoliciesNational Planning Policies:

NPPF (National Planning Policy Framework)

Adopted Chorley Borough Local Plan Review

Policies: GN1 / GN5 / HS9 / TR4

Supplementary Planning Guidance:

Householder Design Guidance

Joint Core Strategy

Policy 17: Design of New Buildings

Planning History

09/00072/FUL - Rear conservatory – Permitted on 30 March 2009

**Recommendation: Permit retrospective planning permission
Conditions****1. The approved plans are:**

| Plan Ref. | Received On: | Title: |
|------------------|-----------------------|---|
| ----- | 20 August 2012 | Existing Floorplan & Elevations |
| ----- | 20 August 2012 | Location Plan, Site Plan & Proposed Floor Plan & Elevations (as built) |

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

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|-----------------------------|---|
| Item 4d | 12/00697/DIS |
| Case Officer | David Stirzaker |
| Ward | Heath Charnock And Rivington |
| Proposal | Application to discharge condition no. 4 (access junction details) of planning permission no. 11/00028/FULMAJ which permitted the change of use of pasture land to football pitches, the formation of a car park and the creation of a new access from Bolton Road |
| Location | Land 150 Metres South Of Filter Beds Cottage Bolton Road Anderton Lancashire |
| Applicant | Horwich St Mary's Football Club |
| Consultation expiry: | 9 August 2012 |
| Application expiry: | 3 October 2012 |

Proposal

1. This application is to discharge condition no. 4 (access junction details) of planning permission no. 11/00028/FULMAJ which Members will recall was approved at Development Control Committee on 24 May 2011 following the deferral of the application for a site visit. This application, submitted by Horwich St Marys Football Club, permitted the change of use of existing pasture land to create a sports field for 3 football pitches, formation of a new vehicular access off Scholes Bank and creation of a new car park.
2. Members will also recall that the application was approved on the basis that discharge of the junction details (condition no. 4) be brought back to Development Control Committee for approval.
3. There are other conditions attached to the planning permission but at the present time, the applicant is only applying to discharge the aforementioned condition. A further application to discharge the other outstanding conditions will need to be submitted before any works commence on the site.

Recommendation

4. It is recommended that the details submitted pursuant to condition no. 4 be approved.

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Background Information
 - Traffic and Transport

Consultations

6. **Lancashire County Council (Highways)** have confirmed that the proposed access junction details are acceptable and that an agreement is presently being prepared under S278 of the Highways Act 1980 to secure the implementation of the works to form the new access junction to the site.
7. In terms of the requirement for a Traffic Regulation Order set out in the condition, LCC (Highways) have advised that this is not an essential requirement to make the new access junction scheme acceptable.

AssessmentBackground Information

8. Condition no. 4 requires the details of the new access junction to the site to be submitted to the Council for approval (in liaison with LCC Highways) in writing prior to any works commencing on site. These new access junction works will be secured by LCC (Highways) via an agreement under S278 of The Highways Act 1980 which is presently being processed by LCC.
9. Condition no. 4 is worded as follows: -
- Notwithstanding the details shown on the approved plans, no part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement, including a Traffic Regulation Order for a reduction in the speed limit along Scholes Bank (if deemed necessary by the Highway Authority - Lancashire County Council), has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The site access, off-site works to the highway and reduction in the speed limit (if deemed necessary as such by the Highway Authority) shall be completed prior to the first use of the football pitches and car park hereby permitted.
Reason: In order to ensure that the access, visibility splays alignment and width of carriageways is designed to meet the requirements of the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable in highway safety terms before work commences on site and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.
10. The condition also includes a requirement for the speed limit along Scholes Bank to be reduced, if it is deemed necessary by the highways authority. However, LCC (Highways) have advised that whilst the reduction in the speed limited is a desirable element of the scheme, it is not deemed to be essential to make the junction scheme acceptable so on this basis, the junction details are considered to be acceptable without the reduction in the speed limit along Scholes Bank.

Traffic and Transport

11. LCC (Highways) have advised that the junction details proposed on the plans are acceptable and that a reduction in the speed limit along Scholes Bank is not essential to make the new access junction scheme acceptable. The works to form the junction will be secured by LCC (Highways) via an agreement under S278 agreement of The Highways Act 1980 which is at present being prepared by Lancashire County Council.

Overall Conclusion

12. In light of the comments from LCC (Highways), the details submitted pursuant to condition no. 4 are considered to be acceptable. The condition is also worded in such a way that it requires the junction to be completed prior to the first use of the football pitches and the car park to ensure that access to the site is safe for pedestrians and drivers.

Planning PoliciesNational Planning Policies:

NPPF (National Planning Policy Framework)

Adopted Chorley Borough Local Plan Review

Policies: GN5 / DC1 / EP4 / EP9 / EP18 / EP19 / EP20 / TR4 / LT12 / LT12

Supplementary Planning Guidance:

- Design Guide

Joint Core Strategy

Policy 22: Biodiversity and Geodiversity

Policy 24: Sport and Recreation

Policy 29: Water Management

Planning History

11/00028/FULMAJ - Proposed change of use of pasture land to create a sports field for 3 football pitches involving minimal cut and fill earthworks to create a level playing area together with an associated new vehicular access off Scholes Bank to serve a new car park – Permitted on 01/06/2012

Recommendation: Condition(s) discharged

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| Item 4e | 12/00698/FULMAJ |
| Case Officer | David Stirzaker |
| Ward | Eccleston And Mawdesley |
| Proposal | Application for a new planning permission to replace the extant planning permission no. 08/00728/FULMAJ (which permitted the demolition of the existing bungalow, workshop and garage and the erection of 10 No. two bed apartments) in order to extend time limit for implementation |
| Location | Crow Nest Cottage, Tarnbeck Drive, Mawdesley L40 2RU |
| Applicant | Mr Peter Schickhoof-Brown |
| Consultation expiry: 15 August 2012 | |

Proposal

1. This application seeks planning permission to extend the time limit originally imposed on the permission granted on this site in 2009 on appeal, for the demolition of the existing bungalow and the erection of two blocks of apartments on the site.
2. The original application was refused planning permission by Development Control Committee on 16th September 2008. The applicant then appealed against the decision and permission was granted in 2009 on 6th August (08/00728/FULMAJ) following an appeal hearing.
3. The development permitted comprised two blocks of apartments. Each block is two storey in nature. One block contains 6 no. two bedroom apartments and the other block contains 4 no. two bedroom apartments. Access to the site is via a tarmac drive which leads from Tarnbeck Drive to the north. The site layout provides 20 no. parking spaces to serve the apartments.

Recommendation

4. It is recommended that this application be refused planning permission.

Main Issues

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

Representations

6. To date, 14 no. letters of objection have been received, the contents of which can be summarised as follows: -
 - The proposed development is more appropriate in an urban rather than a rural setting

- It does not complement nor blend in with existing properties and is at odds with the streetscene
- The development would represent a considerable change in density and character of the housing
- The development would result in a shift towards high density housing on Green Belt land and would risk changing the character of the village
- The three year time limit to build the development should be adhered to otherwise where will this end
- Property prices and difficulty to sell have all been related issues and the needs of residents who are all united need to be considered in asking for this new proposal to be rejected
- During the time that planning applications have been submitted on this site, local residents have found it difficult to sell their properties
- The proposal is not in accordance with the Local Plan Review of the Site Allocations and Development Management Policies DPD
- When this application was allowed on appeal a time limit was set of three years. This was a conscious decision of the inspector and should not be disregarded. If the inspector had wanted to allow a longer period he would have done so
- The development would be totally inappropriate for such a small village
- This development appears to be inconsistent in that one dwelling is being replaced with ten
- The level of parking provision is unacceptable
- The development would be detrimental to highway safety and since the last application was approved, traffic flow through Mawdesley Village centre has increased as have parking problems in the village centre generally only a matter of yards from the Tarnbeck Drive junction
- During development there would be no alternative parking for contractors other than along Tarnbeck Drive on the approach to the existing residential properties causing further congestion
- I am the father of two children of school age who regularly walk to the local primary school, local bus stop and play out in the vicinity on there bikes, scooters etc. I feel that any further increase in vehicular activity would be a risk to the safety of not only my own family but that of other local residents
- The proposed levels detailed on the plans should be adhered to
- There does not seem any point in pursuing the Grampian condition unless the applicant is going to try and get permission on the land behind the Red Lion Public House on New Street as to get permission on this land would put a great strain on the Council as New Street and Tarnbeck Drive are far too narrow to accommodate such an influx of extra cars
- Surely 13 years is far too long to be waiting for the applicant to decide whether or not to carry out the development
- It is possible that this application is linked to an application to develop the land to the rear of the Red Lion on New Street which is owner in freehold by Taylor Wimpey Ltd
- The increase in online purchases gives rise to many more deliveries and many large vehicles now deliver goods and services to Tarnbeck Drive
- Car ownership and number of pedestrians, equestrians and cyclists have increased in the 10 year period since applications have been submitted on this site
- Residents of Tarnbeck Drive have had to live under the shadow of the numerous application to develop this site
- The property market is depressed at present and the demand for this type of development which was never apparent in the first place) has diminished even further
- In Mawdesley there is an industrial estate between New Street and Gorsey Lane which is virtually empty and has all the access roads and drainage networks in place - If there was truly a demand for some apartments or a few starter homes surely the council should be considering a change of use of this site by compulsory purchase
- If the Inspector had not considered three years a fair time surely he would have given more time

- Many hours have been spent on these applications, by The Planning Department, The Inspectors and the local community. It is now time for this developer to accept that his plans are neither appropriate or wanted - 10 years is a very long time for the community to live with Planning Blight

7. No letters of support have been received
8. **Mawdesley Parish Council** state that the original planning permission was only granted for three years with the Grampian condition requiring the applicant to obtain the adjoining land to provide the visibility splay. The owners have not been able to obtain this land in the three year period. In line with our original objections, the proposed development is out of scale and character with the rest of the village.

Consultations

9. No comments have been received from **Lancashire County Council (Ecology)**. Any comments received will be reported in the addendum.
10. **The Environment Agency** does not raise any objections to the application.
11. **The Architectural Design and Crime Reduction Advisor** comments that crime within this immediate area is low and consists mainly of criminal damage, burglary and theft, the car parking areas should be well lit, easily viewed and free from obtrusive planting and the use of boundary treatments (different ground surfaces, railings etc.) to show where areas become semi-private or private give a sense of ownership to the occupants and can prevent anti-social behaviour taking hold. Signage indicating 'Private – Residents Only" gives the same message. These methods should be incorporated into the design of the landscaped and external areas.
12. No comments have been received from **United Utilities**. Any comments received will be reported in the addendum.
13. **Lancashire County Council (Highways)** advise that given the site already has extant planning permission and the application is for extension of time limit only to implement the development, there can be little grounds for highway objection under the circumstance.
14. **Chorley's Waste & Contaminated Land Officer** advises that due to the proposed sensitive end-use (residential housing) and the proximity of the development site to land that is potentially affected by contamination, a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures should be submitted to and approved in writing prior to the commencement of development.

Assessment

Principle of the development

15. As set out in paragraph 15 of this report, since planning permission was granted on appeal in 2009, the National Planning Policy Framework (NPPF) and the Core Strategy have now become part of the Development Plan. The Council's emerging Sites for Chorley-Issues and Options Preferred Option Paper, which is due to go to Full Council for approval for consultation on 25th September 2012, also contains a policy (HS3) which seeks to restrict the types of development that can be undertaken within the boundaries of private residential gardens.
16. In accordance with the NPPF, the application site no longer constitutes 'previously developed land' as the definition in Annex 2 of the NPPF states that 'private residential gardens' are excluded from being classified as such land. Paragraph 53 of the NPPF also states that Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
17. Policy 1 (Locating Growth) of the Core Strategy seeks to focus growth and investment on brownfield sites and other key sites across the Core Strategy area, whilst protecting the

character of suburban areas. Criteria (f) of this policy states that in smaller villages, substantially built up frontages and Major Developed Sites, development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes. The proposed apartments do not meet any of the criteria set out in criteria (f) hence the development does not accord with Policy 1 of the Core Strategy.

18. Policy GN4 of the Local Plan Review, criteria (e) allows for the residential redevelopment of land in the rural settlements provided it is previously developed land. As stated, the land is no longer classified as 'previously developed' so no longer complies with these criteria, nor does it comply with any of the other criteria of Policy GN4.
19. On the basis of the above and specifically Policy GN4 of the Local Plan Review and Policy 1 of the Core Strategy, it is considered that the 'principle' of the development is no longer acceptable on this site given it no longer comprises 'previously developed land'. Given the site comprises a private residential garden, it is also contrary to Policy HS3 of the Publication version of the Site Allocations and Development Management Policies Development Plan Document, which is due to go to Full Council for approval for consultation purposes on 25th September 2012.

Affordable Housing

20. Another change since this development was granted planning permission is a requirement for affordable housing under Policy 7 of the Core Strategy. In rural areas such as Mawdesley, the development threshold for requiring affordable housing is 5 dwellings and on such developments, a level of 35% affordable housing is required. On this site, given there is an increase of 9 dwellings on the site, the requirement is for 3 of these units to be affordable.
21. Policy 7 of the Core Strategy states that the required 35% level of affordable housing on development in rural areas is subject to such site and development considerations as financial viability and contributions to community facilities. The applicant is aware of the requirements of Policy 7 & but has not submitted any information to support a lower level of affordable housing on the site.

Levels

22. The plans approved following the appeal hearing detail existing levels and the proposed levels of the site and the finished floor levels of the apartments. The finished floor levels of the apartments are such that they are similar to the existing dwellings on Tarnbeck Drive and these were considered as being acceptable at the time of the 2008 application and appeal. The levels still mean that the development meets the Council's Spacing Standards for new residential developments hence the levels proposed are still considered to be acceptable.

Impact on the neighbours

23. As this is an application to extend the time limit to implement the original planning permission, the plans remain as per those approved in 2009 following the appeal hearing.
24. The proximity of the development to the properties on Tarnbeck Drive accords with the Council's Spacing Standards and in places actually exceeds them. Moreover, to counter concerns with the level of the application site at the time of the application in 2008, the slab level of the apartment blocks was detailed as being similar to that of the properties to the east on Tarnbeck Drive by utilising a FFL (Finished Floor Level) of 21.50 facilitated by the level of the site being reduced. Retaining walls would be constructed close to the eastern and western site boundaries and adjacent to the Great Crested Newt hibernacula at the southern end of the site as a consequence of the reduction in the level of the site.
25. It should also be noted that the relationship between the apartments and the properties on Tarnbeck Drive was originally afforded in depth analysis at the Public Inquiry in relation to an earlier application on the site for ten apartments in a single block (04/00779/FUL) which was refused planning permission. The only reason why this appeal was dismissed by the determining Inspector was due to a north facing lounge window in a second floor apartment in the northern block closest to the eastern site boundary overlooking the garden area and

conservatory of 45 Tarnbeck Drive. On all other matters, the Inspector considered that the development was acceptable from a neighbour amenity perspective as it met and exceeded the Council's Spacing Standards and the FFL's of the apartment blocks was to match closely those of the facing properties on Tarnbeck Drive to the east thus matters such as outlook and light would not be detrimentally harmed by the apartment blocks nor would they appear over dominant. The 2008 application therefore addressed the issue of overlooking from the lounge window and was deemed to be acceptable on this matter and that of residential amenity impact overall hence the Council did not raise any issues during the consideration of the appeal hearing for the 2008 application on residential amenity. This remains to be the case at the present time as there have not been any changes to the Council's Spacing Standards.

26. It is therefore considered that the development would not detrimentally impinge upon the living conditions of the occupiers of the properties adjacent to the site on Tarnbeck Drive and therefore meets with the objectives of Policy No. HS4 of the Local Plan Review and accords with the Council's Spacing Standards.

Design

27. The two apartment blocks proposed comprise two storey buildings with average eaves heights of 5.1m and average ridge heights of 8.5m. These dimensions represent a very slight increase over the eaves and ridge heights of the properties on Tarnbeck Drive development, which as stated, comprises a modern residential development made up of a typical mix of property types.
28. In determining the 2008 application (08/00728/FULMAJ), it was concluded that the development was of a suitable design and scale in relation to Mawdesley in general and the adjacent residential development (Tarnbeck Drive). Also, the Council did not raise any objections to these elements of the scheme at the appeal hearing.
29. In terms of the Mawdesley Village Design Statement, this document was prepared and adopted by Mawdesley Parish Council in 2007 and whilst it is not a document adopted by the Council, it is still a useful document that can be referred to when determining planning applications due to its local focus. Recommendation 8 states that new housing developments should reach high standards of design, housing mix and arrangement and be of a scale commensurate with the village. Tarnbeck Drive is cited as a good example of this and on page 12 of the document, a photograph shows the linked properties on this development, and as already stated, the Inspector concluded that the design and scale of the apartment blocks would be in keeping with the Tarnbeck Drive development to the east of the application site and the wider context of Mawdesley hence it can only be concluded that the development is not discordant with the objectives of the Mawdesley Village Design Statement.
30. In particular, the apartment blocks include projecting gables and pediments over first floor windows, which pick up on the detailing, found on the Tarnbeck Drive development and whilst the apartment blocks are wider than the detached dwellings on Tarnbeck Drive, they are comparable to the linked properties on the same estate. Also, the use of varying ridge heights, projecting gables and different building lines would effectively and acceptably break up the massing of the apartment blocks. In terms of materials, a condition could require samples of these to be submitted for approval prior to works commencing on site.
31. In terms of wider impact, to the west of the site is an area of undeveloped and somewhat overgrown open land that provides a substantial buffer between the development site and New Street hence the development would not be prominent within the village itself. Any of the views of the site from New Street would be limited to vistas of the apartments from between buildings whilst views from Tarnbeck Drive from the north just off New Road will encompass the buildings and the existing Tarnbeck Drive development. Moreover, the reduced levels would further limit the outward impact of the development to a level that is considered acceptable.
32. On this basis, it is considered that the design, scale and massing of the proposed development is acceptable and would not cause detrimental harm to the character and

appearance of the Mawdesley locality and therefore meets the objectives of Policy Nos. GN5 and HS6 of the Local Plan Review and Policy 17 of the Core Strategy. In terms of Policy HS4 (Private Residential Garden Development) of the Sites for Chorley-Issues and Options Preferred Option Paper September 2011 and the NPPF, whilst the development is proposed on a private residential garden, as per the original proposal to which this application seeks to renew, it is considered that the development would be in keeping with the character and appearance of the local area.

Trees and Landscape

33. The Councils Arboricultural Officer did not raise any objections to the original application as the proposed hibernacula at the southern end of the site meant there would be less disturbance of the ground near to the trees on the boundary. With regards to the trees on the western boundary at the northern end of the site opposite the bin store, these are already next to the tarmac access that serves the site and all works under the canopy of these trees was required by a condition to be carried out by hand. This being the case, it is again considered that the development would meet with the objectives of Policy No. EP9 of the Local Plan Review.

Ecology

34. At the time of the original application, the applicant carried out an Ecological Survey in respect of bats and great crested newts. With regards to bats, LCC (Ecology) advised that it seemed relatively unlikely that the development would impact upon populations of bats locally.
35. This survey was amended at the request of LCC (Ecology) in respect of great crested newts and included mitigation measures to safeguard populations of them whilst a hibernacula was proposed to make up for the loss of works to an existing mound running along the southern and western ends of the site boundary. LCC (Ecology) were satisfied that a perimeter fence around the site prior to and during the course of construction works would exclude great crested newts from the site and also addressed the concerns expressed by Tarnbeck Drive residents who stated that some garden ponds contained great crested newts, by excluding them from the site during the course of construction works. A raft of other measures set out in the ecological report also needed to be carried out prior to work starting on the site which included, as stated, fencing off the perimeter of the site to prevent any further great crested newts entering the site and setting up pitfall traps to catch great crested newts still within the site so as they can then be relocated to a nearby pond prior to any work starting on site. The perimeter fence had to remain throughout the course of construction works to prevent great crested newts entering the site and LCC (Ecology) were satisfied that these measures along with the new hibernacula, would have safeguarded populations of great crested newts hence an initial objection was withdrawn.
36. In respect of this application, the applicant has not submitted an updated Ecological Survey and no comments have been received from LCC (Ecology) on the application. Therefore, any comments received from LCC (Ecology) will be reported in the Addendum.

Flood Risk

37. As stated, the Environment Agency have not raised any objections to this application having previously advised that a condition should be attached to any planning permission granted requiring the surface water run off rates to be attenuated to existing levels so as the development will not lead to an increased risk of flooding and United Utilities did not raise any objections to the previous application.

Traffic and Transport

38. The visibility splay includes land within the front garden of 49 Tarnbeck Drive and this is required to provide a satisfactory sight line along Tarnbeck Drive in an easterly direction. The previous permission granted on appeal included a Grampian condition requiring the applicant to secure this land and provide the visibility splay prior to any works commencing on site. Therefore, if the application was being recommended for approval, such a condition could be imposed again, especially given the Inspector considered this an acceptable solution at the appeal hearing, even though the applicant had not at the time secured the land. Accordingly,

if planning permission was granted and the land across which the visibility splay is proposed could not be secured by the applicant, then the development itself could not be commenced.

39. In all other respects, the impact of the development on the local road network and Tarnbeck Drive is still considered to be acceptable whilst the internal layout and parking provision levels are also deemed acceptable hence there is no reason to refuse planning permission on this basis especially given LCC (Highways) do not raise any objections to the application.
40. Suitable bin storage areas are to be provided and there would be adequate parking available for the occupiers of the apartments. Some visitor parking is also proposed and in terms of the bin storage, this is also sufficient to serve the apartments.
41. The proposed development is still therefore considered as according with Policy No. TR4 of the Local Plan Review

Contamination and Coal Mines

42. In light of the comments from the Council's Waste & Contaminated Land Officer, wherein a report to identify any potential sources of contamination on the site and if necessary, remediation measures is requested, this matter could be dealt with by a planning condition, if the application was being recommended for approval.

Drainage and Sewers

43. As with flood risk (paragraph 36), the Environment Agency have not raised any objections to this application having previously advised that a condition should be attached to any planning permission granted requiring the surface water run off rates to be attenuated to existing levels so as the development would not lead to an increased risk of flooding and United Utilities did not raise any objections to the previous application and have not made any comments on this current application.

Section 106 Agreement

44. If this application was being recommended for approval, a section 106 agreement would be required to secure the required affordable housing and a commuted sum towards off site play space.

Overall Conclusion

45. As was the case when permission was granted on appeal (08/00728/FULMAJ) for the development of this site, the design scale and layout of the development is considered acceptable in terms of how it would relate to the character and appearance of the locality. Also, there are no concerns about the impact of the development on the amenities of neighbours and likewise, adequate car parking is being proposed. A Grampian condition could also be imposed to secure the visibility splay at the junction with Tarnbeck Drive, if this application was being recommended for approval. The same can be said with all off the other issues with the application although the only matter not resolved at this time is that of ecology so this matter will be the subject of an update on the addendum once the comments of LCC (Ecology) are received.
46. However, the renewal of the permission for the development of this site now falls to be considered against the current policies of the development plan. Whilst the 'principle' of the development was previously acceptable on this site, the changes to PPS3 to the classification of garden curtilage land which have been carried forward in the NPPF, mean that this site no longer constitutes 'previously developed land'. The development therefore no longer accords with Policy GN4 of the Local Plan Review and in particular criteria (e) which allowed the re-use of previously developed land. The development is also contrary to Policy HS3 of the Publication version of the Site Allocations and Development Management Policies Development Plan Document, given it comprises a development within a private residential garden. However, this policy can only be afforded limited weight at this juncture although the Site Allocations and Development Management Policies Development Plan Document is due to go to Full Council for approval for consultation purposes on 25th September 2012 so after this time, Policy HS3, depending on its final format, is likely to be afforded a greater level of weight. An update on Policy HS3 will therefore be provided on the addendum.

47. In terms of Policy 1 (Locating Growth) of the Core Strategy, as stated, this policy seeks to focus growth and investment on brownfield sites and other key sites across the Core Strategy area, whilst protecting the character of suburban areas. Criteria (f) of this policy states that in smaller villages, substantially built up frontages and Major Developed Sites, development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes. The proposed apartments do not meet any of the criteria set out in criteria (f) hence the development does not accord with Policy 1 of the Core Strategy. Policy 7 also requires the provision of affordable housing on this site. The applicant is aware of this requirement but has not offered any affordable housing as part of the development nor forwarded any supporting information as to why this level could not be achieved on this site.

Other Matters

Sustainability

48. Policy 27 of the Core Strategy presently requires new developments to be built to meet Level 3 of the Code for Sustainable Homes (CfSH), Level 4 from January 2013 and level 6 from January 2016. If the application was being recommended for approval, conditions could be attached to the planning permission to secure these requirements.

Waste Collection and Storage

49. There are no objections to the application in terms of waste collection and storage in terms of the layout of the site and the accessibility of the site for refuse collection vehicles.

Planning Policies

National Planning Policies:

NPPF (National Planning Policy Framework)

Adopted Chorley Borough Local Plan Review

Policies: GN4 / GN5 / EP4 / EP9 / EP18 / HS4 / HS6 / HS21 / TR4

Supplementary Planning Guidance

- Design Guide

Joint Core Strategy

Policy 1: Locating Growth
 Policy 4: Housing Delivery
 Policy 5: Housing Density
 Policy 6: Housing Quality
 Policy 7: Affordable Housing
 Policy 17: Design of New Buildings
 Policy 26: Crime and Community Safety
 Policy 27: Sustainable Resources and New Developments

Site Allocations and Development Management Policies Development Plan Document (Publication Version)

ST4: Parking Standards
 HS3: Private Residential Garden Development
 HS4A: Open Space Requirements in New Housing Developments
 BNE1: Design Criteria for New Development
 BNE9: Trees
 BNE10: Species Protection

Planning History

08/00728/FULMAJ - Demolition of existing bungalow, workshop and garage and erection of 10 No. two bed apartments (Refused but planning permission granted on appeal on 6 August 2009)

07/01304/FULMAJ - Demolition of existing bungalow and garage/workshop and erection of 10 two bedroom apartments (Withdrawn on 20th February 2008).

04/00779/FULMAJ - Demolition of existing bungalow and garage/workshop and erection of 10 apartments (Refused on 1 October 2004 and a appeal was dismissed following a Public Inquiry).

04/00609/TPO - Works to Oak (T3) covered by TPO 5 (Mawdesley) 2003 (Consent granted for tree works on 28 July 2004).

03/01098/FUL - Demolition of existing bungalow and erection of detached house and garage (Permitted on 16 January 2004).

03/00823/TPO - Consent to prune three trees covered by Tree Preservation Order No.5 (Mawdesley) 2003 (Consent granted for tree works on 23 October 2003).

02/00528/FUL - Erection of 5 detached houses (Refused 25 September 2002). The applicant appealed and the Planning Inspectorate dismissed the appeal on

**Recommendation: Refuse Full Planning Permission
Reasons**

- 1. Given the development is proposed on Greenfield land (private residential garden), the application site does not constitute 'previously developed land'. This being the case, the proposed development of this site would be contrary to Policy GN4 of the Adopted Chorley Borough Local Plan Review and in particular, criteria (e), as the development of this site does not constitute the re-use of previously developed land.**
- 2. Policy 7 of the Central Lancashire Core Strategy requires the provision of 35% affordable housing as part of development proposals in rural areas of 5 or more dwellings, subject to such site and development considerations such as financial viability and contributions to community services. No affordable housing provision has been offered as part of the application and no information has been submitted as to why such a level of provision could not be provided as part of the development proposed. In the absence of such information, the proposed development of this site without the provision of affordable housing specified would be contrary to Policy 7 of the Central Lancashire Core Strategy.**
- 3. Policy 1 (Locating Growth) of the Central Lancashire Core Strategy and in particular criteria (f) defines acceptable forms of development in smaller villages (such as Mawdesley). The demolition of the existing bungalow and the erection of two blocks of apartments would not meet any of the criteria set out in criteria (f) in that it does not constitute a small scale form of development, does not represent appropriate infilling, would not meet a local need and no exceptional reasons have been forwarded to support a larger scale development on this site. The proposed development of this site is therefore contrary to criteria (f) of Policy 1 (Locating Growth) of the Central Lancashire Core Strategy.**

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| Item 4f | 12/00707/FULMAJ |
| Case Officer | Hannah Roper |
| Ward | Chorley South West |
| Proposal | Amendments to layout of plots 79 - 149 inclusive of application 07/00993/REMMAJ |
| Location | Site N1 Lower Burgh Way Chorley Lancashire |
| Applicant | Mr James Carman |
| Consultation expiry: | 27 September 2012 |
| Application expiry: | 11 October 2012 |

Proposal

1. The proposals relate to site N1, Lower Burgh Way. The site is currently vacant pending development and forms part of a larger site. A significant proportion of the wider site has already been developed as residential properties.
2. The site is located to the east of Burgh Lane South (approved but unmade) which received outline permission for residential development in 1999. A reserved matters application that covered this part of the site was approved in 2007.
3. The application seeks to amend the layout of plots 79 – 149 inclusive from the layout that was fixed at outline stage and the house types approved at reserved matters stage.

Recommendation

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

Main Issues

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

Representations

6. 3 letters of objection have been received raising the following issues:
 - Changes to traffic flow as a result of the development
 - Concerns regarding the access route onto rest highway network
 - Loss of cul-de-sac to create access route

Consultations

7. **Lancashire County Council (Highways) – no objection**
8. **Chorley's Waste & Contaminated Land Officer - no objection**

9. **Environment Agency – no comments received to date**
10. **United Utilities – no comments received to date**
11. **Urban Design – verbal comments received**

Applicants Case

12. The applicant states that they are seeking to remove larger units currently approved on the site with smaller more saleable units due to the current market conditions.
13. The location of the units was originally fixed at the outline application stage for the wider site. At this stage the council's minimum standards were not achieved in terms of habitable window separation distances in order to accommodate the Homezone principles. It is considered that this application addresses this.
14. Difficulty in the sale of the units has resulted from a lack of parking allocated to each plot which has again been addressed in this re-plan.
15. The applicant considers that the amendment have been made without impacting on the Homezone principles.

Assessment

Principle of the Development

16. The Eaves Green Homezone development was originally developed as collaboration between the Council and English Partnerships (now known as the Homes and Community Agency) for the erection of 149 dwellings on the site. Reserved matters approval was granted in November 2007 (application 07/00993/REMMAJ) and construction of the dwellings, along with the landscaped areas, has commenced.
17. The current application proposes to re-plan plots 79 - 149 of the original approval. The main amendments to the scheme include:
 - The erection of an additional dwelling
 - A reduction in the number of 4 bed dwellings from 37 to 29 and a corresponding increase in the number of three bed dwellings from 22 to 31.
 - Substitution of house types across this part of the overall scheme
 - Increase in car parking spaces across the site to 200% through the incorporation of a mixture of in curtilage parking, garages and some increased on-road parking
18. Initial plans were submitted to the Local Authority for consideration as part of this application. Comments were made with regard to the impact of the changes on the erosion of the Homezone ethos.
19. The proposals have since been amended to reinstate a number of trees to break up car parking areas, reinstatement of corner feature units at key locations within the site, increased landscaping and the use of garages to accommodate in-curtilage parking.
20. The main change from the original scheme is the change in unit sizes and the increase in parking. This has been increased to 200% parking across the site in response to phase 1 of the larger scheme which is now occupied. Whilst this has led to an increase of dedicated spaces being provided across the site a large number of these spaces have been incorporated in curtilage due to the smaller scale of a number off the dwellings. They are

located to the sides of residential dwellings to allow properties to front the pavement as would be expected within a Homezone design.

21. An additional unit has been accommodated into the scheme without compromising the fundamental design qualities of the development or causing conflicts in terms of the car parking solutions adopted for the development; privacy distances or other such matters, their addition is considered to be acceptable in principle.
22. The design of the proposed properties are in keeping with the style of properties across the rest of the development in terms of style and mass and will continue to contribute to the village feel of the area. No additional apartments have been added to the scheme.

Impact on Neighbours

23. The proposals substantially maintain the same layout as the previous approval and are not substantially different to those approved. It is therefore not considered that there will be any impact on neighbours as a result of the proposals.

Parking and Highways

24. The proposed amendments are based around a similar road layout to that previously approved. There are no alterations to the proposed access to the site which has been previously approved. Whilst no objection has been raised on the basis that there would be a loss of a cul-de-sac the highway links from the existing site to this site remain as approved.
25. Whilst the previous scheme was approved with parking at less than the policy requirement, the 200% requirement has been incorporated into the proposed layout due to experiences with phase 1. Highways have no objection to the proposed amendments.

Overall Conclusion

The changes proposed to the previously approved scheme would not undermine the principle of the Homezone and as such are considered to be acceptable.

Planning Policies

The site is allocated within the Local Plan as a housing allocation (HS1.3).

Relevant Planning Policies are: -

- National Planning Policy: NPPF
- Local Planning Policy: TR4,
- Core Strategy Policy: 5, 17
- Supplementary Planning Guidance: Design Guidance
- Waste Collection and Storage

26. Sufficient space for bin storage has been incorporated into the scheme for each dwelling and the apartments, albeit the location of this has been amended for the apartment block. Environmental Health have no concerns with the proposals.

Planning History

Relevant planning history

93/00121/OUT- Outline application for residential development. Approved March 1999

02/00316/REMAJ- Residential development of 32 dwellings (apartments, town houses and detached dwellings). Withdrawn

05/00516/OUTMAJ- Outline application for residential development (4.42Ha) with details of siting and means of access and associated public open space (2.05Ha). Approved June 2006

07/00993/REMMAJ- Reserved Matters application for the erection of 149 dwellings with associated works site area 4.8 hectares. Approved November 2007

08/00777/DIS- Application to discharge conditions 4, 5, 10 & 12 of planning approval ref: 07/00993/REMMAJ. Discharged August 2008

11/00478/FUL- Proposed substitution of house types and re-plan of plots 1 and 10-13 Birkacre Park (previously approved as part of planning application reference 07/00993/REMMAJ) including the erection of 2 additional dwellings. Withdrawn

Recommendation: Permit (Subject to Legal Agreement)

Conditions: To follow

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| Item 4g | 12/00719/FUL |
| Case Officer | Caron Taylor |
| Ward | Chorley South West |
| Proposal | Substitution of 2 no. houses (plots 52 and 53 adjacent to Oakwood Road) approved under planning permission 11/00420/REMAJ with 3 no. houses. |
| Location | Park Mills Deighton Road Chorley Lancashire |
| Applicant | Mr John Roocroft |
| Consultation expiry: | 27 August 2012 |
| Application expiry: | 11 September 2012 |

Proposal

1. Substitution of 2 no. houses (plots 52 and 53 adjacent to Oakwood Road) approved under planning permission 11/00420/REMAJ with 3 no. houses.
2. The application is on the former Park Mills site that has previously had permission for housing.

Recommendation

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

Main Issues

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

Representations

5. One letter of objection have been received from 18 Oakwood Road on the following grounds:
 - The proposal would cause overlooking and a loss of privacy to their garden, patio door area/dining room, conservatory and bedroom window;
 - The new housing has resulted in loss of afternoon sun already and if this proposal is permitted it would restrict use and enjoyment of the remaining space and the entire garden area would be affected, above what they see as acceptable;
 - An increase in the number of houses at the closest point to an already hazardous junction would increase dangers and chances of an accident;
 - There is no allowance for the owners having more than one car, large vehicles or visitors. There is already limited parking in this area. Access to the southern end of Oakwood Road has been affected and restricted recently due to the increased numbers of vehicles.

Consultations

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

The application is for substitution of 2 no houses with 3 no houses.

7. Each house plot will still support two car parking spaces, and the proposed vehicle crossings are effectively now also removed from Oakwood Rd, which is adopted highway, onto the development site. As such there is no highway objection.

Assessment

Background Information

8. Outline planning permission (ref: 09/00665/OUTMAJ) was granted for this site in November 2009 with Jones Homes submitting a reserved matters application on the site which received planning permission in August 2011 (ref: 11/00420/REMMAJ). The permission granted 63 two-storey dwellings (including 7 affordable units) and associated infrastructure on the site.
9. Construction has started on the site. The current application is to amend the layout adjacent to number 16 Oakwood Road, so that where two houses were originally approved on plots 52 and 53 there will be three houses.

Principle of the development

10. The principle of housing on the site has already been established by the earlier permissions on the site. The issue is therefore whether changing the layout in this part of the site to allow an additional house to be constructed is acceptable or not.

Density

11. The site area is approximately 1.4 hectares and the development as originally permitted had a density equivalent to 45 dwellings per hectare. With an additional dwelling it would equate to 45.7 dwellings per hectare. The density of the site was considered in keeping with the surrounding area, which is made up of a variety of properties and includes terraced properties, notably on Letchworth Drive, Ventnor Road and Walleys Road when previously approved. It is not considered that the addition of one additional dwelling changes this.

Levels

12. The two properties originally approved on the site had finished floor levels of 89.75. The proposed properties would have finished floor levels of 89.550 (plot 52) and 89.350 (plots 52a and 53). Therefore the levels proposed are lower than previously approved which is considered acceptable in relation to the surrounding properties.

Impact on the neighbours

13. The previously approved layout on plots 52 and 53 had two detached properties facing Oakwood Road. The amended layout has a single detached property facing Oakwood Road and two semi-detached properties facing south into the site.
14. The proposed property on Plot 52 will have its main windows facing east towards the site of an electricity substation so will not look towards other properties. In its north elevation looking towards the front garden of number 16 Oakwood Road will be a first floor window, but this will be a bathroom and can therefore be conditioned to be obscure glazed. There will be a 1.8m close boarded fence and wall at ground floor on the north boundary of the plot preventing views from the ground floor windows. The proposed property will have a first floor bedroom window and two small ground floor living room windows in its south elevation. There will be 19m between these windows and the property opposite on plot 45, which is considered an acceptable relationship as it reflects the interface between the other facing properties on this stretch of road.
15. It is not considered the proposal will have an unacceptable relationship with number 18 Oakwood Road. Although this property has a ground and first floor window in its northwest elevation and a rear conservatory, there is a wall preventing views between ground floor windows. The first floor windows in the south and east elevation of the property proposed on plot 52 will be at an oblique angle to number 18 and is therefore considered an acceptable relationship.

Design

16. The proposed properties reflect the design of the properties approved on the rest of the former Park Mills site; two storey with bay windows and front gables. There are a range of properties in the area including the properties on Oakwood Road built in the 1990s and the older properties in the wider area. The design of the three proposed properties is therefore considered acceptable.

Trees and Landscape

17. There is protected tree on the site, a Hawthorn covered by Tree Preservation Order 7 (Chorley) 2009 adjacent number 16 Oakwood Road. It is considered that the change to the proposals will have less impact on this tree, as the property on plot 52 will be further away than the previously approved scheme. The changes are therefore considered acceptable in this respect.

Traffic and Transport

18. The three dwellings proposed will have either two or three bedrooms and will all benefit from two off road parking spaces, accessed off the internal estate road that will be known as (an extension to) Deighton Road. This is in line with the Council's parking standards for dwellings of this size.

Contamination and Coal Mines

19. Contamination has already been address through the existing permissions at the site and conditions relating to this discharged.

Section 106 Agreement

20. There is no requirement for a section 106 agreement as the provisions of the earlier agreement relating to the previous permissions e.g. affordable housing will still be met as those permissions have been implemented.

Overall Conclusion

21. The application is recommended for approval subject to conditions.

Planning PoliciesNational Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: GN5, HS4, TR4

Joint Core Strategy

Policies 17 and 27

Planning History

09/00665/OUTMAJ Outline application for residential development (specifying access). Permitted November 2009

11/00420/REMAJ Reserved Matters application for no. 63 two-storey dwellings (including 7 affordable units) and associated infrastructure (related to outline permission ref: 09/00665/OUTMAJ). Permitted August 2011

Recommendation: Permit Full Planning Permission Conditions

- No dwelling shall be occupied until a letter of assurance, detailing how the dwelling in question will meet 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.

2. Notwithstanding Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, no extensions or alterations to the dwelling, outbuildings (including sheds, garages, and greenhouses), or any other works permitted by the aforementioned classes shall be constructed or erected at the dwelling on plot 45 without express planning permission first being obtained unless shown on the approved plans.
Reason: To avoid a loss of amenity to number 18 Oakwood Close and in accordance with policy HS4 of the Chorley Borough Local Plan Review 2003.
3. Notwithstanding Schedule 2 Part 1 Classes A and B of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent re-enactment thereof, no alterations or extensions shall be carried out at first floor level or above without express planning permission first being obtained on plots 1, 9, 13, 28, 42, 61 and 62.
Reason: To avoid loss of privacy to adjoining properties in accordance with policy HS4 of the Chorley Borough Local Plan Review 2003.
4. The development (or any phase or sub-phase) hereby permitted shall not begin until details of a 'Design Stage' assessment have been submitted to and approved in writing by the Local Planning Authority to show how the development will meet the Code for Sustainable Homes Level 3 (if the development is commenced before 2013) or Level 4 (if the development is commenced in 2013). 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.
5. The proposed development must be begun not later than three years from the date of this permission.
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
6. The development hereby permitted shall only be carried out in conformity with the proposed ground and finished floor levels shown on approved plan (AL-001-Sub Rev A).
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.
7. The development hereby permitted shall be carried out in accordance with the following approved plans:
- | Drawing ref: | Title: | Date: |
|------------------|---|---------------|
| AL-001-Loc Plan | Site Location Plan | 17 July 2012 |
| AL-001-Sub Rev A | Proposed Site Layout (showing floor levels) | 1 August 2012 |
| AL-001-Sub | Proposed Site Layout Plan | 17 July 2012 |
| 10-011 HT10 B | Plot 52 – Langley 3 Proposed floor plans & elevations | 17 July 2012 |
| 10-011 HT05 | Plots 52A & 53 – The Marton Proposed floor plans & elevations | 17 July 2012 |
- Reason: For the avoidance of doubt and in the interests of proper planning.*
6. During the construction period, the protected tree (marked G4 within plot 52 on drawing number AL-001-Sub) shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as

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

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

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| Item 4h | 12/00658/FULMAJ |
| Case Officer | Caron Taylor |
| Ward | Astley And Buckshaw |
| Proposal | Replan of part of previously approved scheme (ref: 10/00792/FULMAJ) replacing 19 of the dwellings on the parcel with 41 dwellings and associated roads and footways. |
| Location | Parcel L Buckshaw Avenue Buckshaw Village Lancashire |
| Applicant | Barratt Homes (Manchester) |
| Consultation expiry: | 17 September 2012 |
| Application expiry: | 25 September 2012 |

Proposal

1. Replan of part of previously approved scheme (ref: 10/00792/FULMAJ) replacing 19 of the dwellings on the parcel with 41 dwellings and associated roads and footways

Recommendation

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

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Background information
 - Principle of the development
 - Density
 - Levels
 - Impact on the neighbours
 - Design and Layout
 - Open Space
 - Trees and Landscape
 - Ecology
 - Flood Risk
 - Traffic and Transport
 - Public Right of Way
 - Contamination and Coal Mines
 - Drainage
 - Affordable Housing

Representations

4. 22 letters of objection have been received on the following grounds:
 - More dwellings will mean extra people and therefore more traffic/congestion on the access road;
 - There are not enough school places;
 - It will impact on wildlife;
 - Barratts told purchasers there would be no affordable housing on the parcel. There is already a significant amount of affordable housing on Buckshaw and if this increases it may start to affect the balance of the village;
 - The nature of the housing is out of keeping;
 - The plans are going further into the hill;
 - Some properties have limited parking and therefore will result in on-street parking;

- It will impact on a conservation area and listed buildings;
- The public areas are not able to accommodate extra occupiers;
- If approved, traffic calming measures need to be considered adjacent to the play area.

Following the notification on amended plans submitted by Barratts a further 6 objections have been received:

- They still object stating there will be little change in traffic and noise and services in the area are oversubscribed;
- Too many vehicles already use the roads in the area;
- Is there not already enough social housing? Social housing could cause issues in the village;
- They were told this would be a development of 4 to 5 bed houses, Barratt should not be allowed to change their plans half way through development.

Consultations

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

Does not have any comments to make on the application.

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

Originally objected to the proposal on the grounds that the parking arrangements (as multiple spaces next to each) other will result in cars backing out into the road will little visibility. They were also concerned that the layout of the focal square would encourage on street parking in a way that would obstruct driver visibility.

7. Amended plans have been received following these comments and LCC Highways are not satisfied with the proposed layout and parking proposed.

8. **Lancashire County Council (Education)**

Originally asked for an education contribution but following further correspondence have withdrawn this request (see body of report).

Assessment

Background

9. A number of amended plans have been received through the life of this application. Barratt submitted two sets amended plans following feedback from neighbours. The Council then raised a number of concerns about the proposal and a further set of plans were received.

Principle of the development

10. This part of Buckshaw Village was given outline planning permission as part of the wider village in 1999 by permission reference 97/00509/OUT along with an application for modification of conditions reference 02/00748/OUTMAJ.

11. Full permission was then given to Barratt for the erection of 42 two and two and a half storey dwellings by permission reference 10/00792/FULMAJ in November 2011, which included the land the subject of this application and the land adjacent to it, to the west. This application is for the east part of the previously approved parcel to change the previously approve layout from 19 dwellings to 41 dwellings.

12. The principle of housing on this part of Parcel L has already been established by the earlier permissions. The issue is therefore whether changing it to 41 dwellings is acceptable or not, which will be down to the specific issues of design, layout, highway etc. discussed below. Subject to these being satisfactory the principle of the development is acceptable.

Density

13. The proposal would result in the part of Parcel L the subject of this application having a density equivalent to 37 dwellings per hectare. However, it is considered that the density should be considered along with the rest of the Barratt Parcel L as this parcel was originally approved as a whole. Taken with the rest of the Barratt Parcel L it would result in a density equivalent of 32 dwellings per hectare.

14. There is a Residential Design Code for this part of Buckshaw Village. This parcel is within a Contemporary Housing area within the Code which sets out will have a typical density of 25-35 dwellings. The parcel as amended still complies with the density set out for this part of the site and is therefore considered acceptable.

Levels

15. The site is relatively flat and it is considered that satisfactory levels can be achieved for the dwellings. The applicant advises that they will send in a levels plan before Committee which will be reported on the addendum. If it is not received a pre-commencement conditions will be applied requiring levels to be submitted and approved by the Council.

Impact on the neighbours

16. The west part of Parcel L is already constructed with some properties occupied that bound with the application parcel. The proposal complies with the Council's interface distances with existing properties and within the site itself apart from on a limited number of plots. Plot 19 has 9.5m to the boundary with proposed plot 17. Although this is slightly lower than the guideline of 10m the remedy would be to reduce the size of the garden of plot 17 which would give it an unusual shape. It is considered that plot 17 would benefit more from the larger garden proposed than having the interface increased to 10m.
17. Plot 23 faces towards plot 24. The nearest point between the two is 10m, when the interface guideline is 12m. However, plot 23 does not look directly onto plots 24 but is at an angle so this is considered an acceptable relationship.
18. The properties on the southern part of the parcel face each other along the road extending north from the Stuart Milne parcel. The distance between the front of the semi-detached properties around the focal square (plots 49-52 and 57-60) is 19m (rather than the 21m guideline) but is considered acceptable when weighed against the positive design feature that the focal square creates to break up the long road coming off the roundabout through the Stuart Milne parcel to the south.

Design and Layout

19. The Design Code states that contemporary housing parcels such as this will be 1-3 storey detached, semi-detached and terraced housing as appropriate, with some special types to turn corners will be acceptable using developer's standard house types, but innovation will be encouraged in layout form.
20. The design of the whole of Parcel L if this application is approved (including the part already constructed) will have a character reflecting what was envisaged in the Design Code with a mixture of detached, semi-detached and terraces housing. In addition, there are examples of smaller properties interspersed with detached properties in the immediate area, including terraced and semi-detached properties on Spennymoor Close and Aycliffe Drive. The smaller properties now proposed will be located together along the straight stretch of road running north from the Stuart Milne parcel to create a more formal character in this part of the site around the focal square which incorporates traffic calming measures. The two and a half storey properties will be situated in two locations on the parcel. Plots 20-23 are situated in a small private mews, views of which will largely be restricted to when viewed at the head of the main route up from the Stuart Milne parcel and plots 26 and 27 are situated at the head of the road when approached from Aycliffe Drive. Both of these locations are at the head of vistas and are considered suitable locations for taller properties. Overall, Buckshaw Village has a range of property types and sizes, often in close proximity to one another and the proposed layout is considered acceptable.
21. All properties have sufficient garden area for storing waste and recycling bins and front access to enable these to be brought the front of the properties on collection day, this includes plots 21, 22 and 47 which have rear access alleyways. A condition will be imposed requiring these to be gated to avoid creating alleyways that can be accessed easily by passers-by.

Open Space

22. Open space has been planned comprehensively as part of the Masterplan for Buckshaw Village.

Trees and Landscape

23. Landscaping is proposed to the frontage of the dwellings and a landscaping condition is proposed to secure this.

Flood Risk

24. The site already benefits from planning permission for housing and flood risk was assessed as part of the original outline permission for the whole village.

Traffic and Transport

25. The properties proposed range in size from two to five bedroom houses. All have the required number of parking spaces in line with the Council's parking standards. Only the Cheadle House Type which has three bedrooms but has an integral garage, but as this has the required two off road parking spaces it is not necessary to prevent conversion of the garage in the future by condition. Some of them rely on detached garaging to meet the parking standards– these will be conditioned to prevent them being converted from garages without planning permission.
26. It has already been established above that the parcel will be within the density as envisaged for this part of the site and therefore it is not considered the increase in traffic will be at an unacceptable level. Traffic calming has been incorporated into the design with two traffic tables and a 90-degree bend to slow traffic speeds. The County Council as Highway Authority for the area are satisfied with the highway layout of the proposal. The scheme is therefore considered acceptable in relation to highways.

Public Right of Way

27. There are no public rights of way affected by the proposal.

Contamination and Coal Mines

28. The site has been previously remediated and accepted as validated by BAe Systems as part of Area 10 of the site.
29. The site is not within a coal referral area or one that requires the Council to attached standing advice from the Coal Authority to any permission.

Drainage

30. Appropriate conditions will be imposed on any permission relating to drainage of the site.

Affordable Housing

31. Nine affordable properties are proposed on the site as part of the overall affordable requirement to be provided on Buckshaw Village as required by the original Section 106 legal Agreement.
32. Nine of the dwellings are proposed as affordable units (against the east boundary of the site). This is considered acceptable to go towards the developer's requirement to provide affordable housing on Buckshaw. It is not considered that it will affect the balance of the community on Buckshaw (an issues raised in representations)

Other Issues

33. Representations have been received in relation to the land to the north of the site adjacent to the landscaped mound. This land did not form part of the earlier application on this parcel but part of it forms part of this application.
34. The applicant advises that the extent of the earlier approved parcel was drawn up to the extent of the original Barratt/Redrow consortium land ownership. Previously, there had been an agreement with BAe Systems that the Barratt/Redrow consortium would take ownership of any land between that line and the bottom of the adjacent embankment. This was to occur once all works to the embankment and the associated land drainage were completed. However, these

works were not completed until after Parcel L had gained planning permission and resulted in a strip of land remaining between the edge of the land drain and the previously approved extent of Parcel L which became consortium-owned. As part of the final land equalisation with Redrow, it was agreed that the additional strip would be transferred solely to Barratt which is not in the control of Barratt to include within the development.

35. There would have been no objection to this strip of land being included as part of the previous application as the land up to the bottom of the landscaping mound was always intended to be developed, it was only because it was not within the control of Barratt at that time that it was unable to form part of the previous application.
36. As the west part of Parcel L has already been constructed the strip of land was not included within that part of the parcel which results in a step in the extent of the north boundary of the site. Barratt advise they are however exploring options to incorporate this into the site at the moment which should overcome this issue in the long-term.
37. It is not considered the proposal will impact on ecology. The whole area has been remediated and the majority of the site already benefits from permission for housing that could be implemented as it is extant.
38. Representations have also been received in relation to the ability of community facilities to absorb the development, in that the school is already full and doctors as are doctors and dentists.
39. To respond to this, this parcel has always been part of the Buckshaw Village Masterplan and been envisaged for housing as part of the original permissions for the Village.
40. The site has had outline permission since the original permission was granted in 1999 (with a subsequent change of conditions application in 2002). The parcel is one half a larger parcel that all had detailed planning permission approved (Barratt Homes) approved in detail for 42 properties in 2010. This application now proposes to re-plan part of the parcel (which was previously approved with 19 dwellings) so it has 41 dwellings on it instead.
41. Although the change to the parcel will involve the scheme being denser than previously approved, this part of the site was always envisaged to be developed at a density of 24-35 dwellings per hectare are part of the original planning permission and associated Masterplan. The whole of this parcel (including the remaining part that it is not proposed to change) will result in a density of 32 dwellings per hectare, which is in line with what was envisaged at the time of the original permission and therefore what the original s106 was based on which made a contribution to the primary school on Buckshaw (and its subsequent expansion to a two form entry school) has already been made by the developer.
42. Therefore as this parcel already has outline permission for housing, and although now denser than previously approved is still within the density always envisaged for this parcel for which the developer has already paid contributions to education via a Section 106 Agreement.
43. LCC's School Planning originally requested an education contribution for this parcel, however following further correspondence with them they were informed that the developer has already paid contributions based on a density for the parcel now proposed and there therefore no longer require a further contribution.
44. A new Health Centre is nearing completion on Buckshaw and is due to open before the end of the year. This will cater for 10,000 patients and again was planned as part of the original permissions for Buckshaw Village to serve residents from this parcel.
45. To respond to other representations: there are no conservation areas of listed buildings in close proximity of the parcel that will be affect by the scheme; the Council cannot refuse to deal with a change to a previously approved parcel it must consider each application on its planning merits.

Overall Conclusion

46. The application is recommended for approval.

Planning PoliciesNational Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: GN2, GN5, HS4, TR4

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Chorley's Local Development Framework

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

Joint Core Strategy

Policy 5, Policy 17

Planning History

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

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

10/00792/FULMAJ: Erection of 42 No 2 and 2½ storey dwellings. Permitted 19th November 2011.

Recommendation: Permit Full Planning Permission Conditions

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

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

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

| Drawing Number: | Received: | Title: |
|--------------------|------------------|-------------------------------------|
| 410/SL01 | 26 June 2012 | Site Location Plan |
| 410/PL 01 Rev H | 3 September 2012 | Proposed Site Layout |
| 410/ML 01 Rev G | 3 September 2012 | Proposed Materials Layout |
| 410/BTL 01 Rev F | 3 September 2012 | Boundary Treatment Layout |
| 410/BTD 01 | 26 June 2012 | Proposed Boundary Treatment Details |
| 410/HT/ASHC//01 | 21 August 2010 | The Ashford |
| 2010/HEL/C/01 | 26 June 2012 | The Helmsley |
| 410/TIV/C/01 Rev B | 31 August 2012 | The Tiverton |
| 2010/BAR/C/01 | 26 June 2012 | The Barwick |
| 2010/BAM/C/01 | 26 June 2012 | The Bampton |
| 2010/MOR/C/01 | 26 June 2012 | The Morpeth |
| 2010/CHE/C/01 | 26 June 2012 | The Cheadle |
| 2010/THO/C/01 | 26 June 2012 | The Thornbury |

2006/ALD/02 B

26 June 20012

The Alderney

410/THO(S)/C//01vB

19 July 2012

The Thornbury (special)

Reason: To define the permission and ensure a satisfactory form of development

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. 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.
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. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.
7. During the development, if contamination which has not previously been identified, is found to be present at the site no further development shall be carried out until a Method Statement has been submitted to and approved in writing by the Local Planning Authority detailing how this unsuspected contamination will be dealt with. The development shall then only be carried out in accordance with the Method Statement.
Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with PPS23.
8. The external facing materials detailed on the approved plan drawing number 410/ML 01 Rev G shall be used and no others substituted without the prior written approval of the Local Planning Authority.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5, GN2 and HS4 of the Adopted Chorley Borough Local Plan Review.
9. Before the properties hereby permitted are first occupied, the car 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 of the Adopted Chorley Borough Local Plan Review.

10. Prior to the occupation of plots 54 and 55, the access road through to the remaining part of parcel L to the south (Stuart Milne parcel) shall have been constructed up to the application boundary in accordance with the approved plans.
Reason: To ensure access to the parcel from the south is secured and in accordance with Policies GN2 and TR3 of the Adopted Chorley Borough Local Plan Review.
11. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.
Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.
12. The detached garages hereby permitted to serve plots 13 (for the avoidance of doubt marked 500 on drawing ref: 410/PL01 Rev H), 14, 15, 16, 22 and 23 (plots as labeled on drawing ref: 410/PL01 Rev H) shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.
Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No. TR4 and HS4 of the Adopted Chorley Borough Local Plan Review.

| | |
|-----------------------------|--|
| Item 4i | 12/00783/FUL |
| Case Officer | Hannah Roper |
| Ward | Astley And Buckshaw |
| Proposal | Proposed re plan of 4 dwellings and the addition of 2 dwellings to the residential development approved under 11/00934/FULMAJ |
| Location | Parcel F3 Central Avenue, Buckshaw Village, Chorley, Lancashire |
| Applicant | Barratts Homes Manchester |
| Consultation expiry: | 31 August 2012 |
| Application expiry: | 28 September 2012 |

Proposal

1. The proposal relates to a small parcel of land within Parcel F3 at Buckshaw Village on the eastern boundary, opposite the village green.
2. The area of land to which the application relates is triangular in shape. In 2011 the site formed part of a larger scheme for residential development and as part of this scheme four semi detached properties with parking and road access. The proposal is for a re-plan of this small area of land to provide 6 smaller semi detached properties with parking. These dwellings will be reduced from three storey to two storey.
3. The six proposed dwellings will be offered as affordable housing.
4. Each property will have two private car parking spaces to the front of the property and private amenity space to the rear. The access route will remain as approved. A small area of the landscaping approved under the previously approved application will be lost to accommodate car parking for the two end units.

Recommendation

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

Main Issues

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

Representations

7. No letters of objection or support have been received

Consultations

8. **Lancashire County Council (Highways)** – no objection

9. **Affordable Housing Officer** – has no objection to the proposal

Assessment

Principle of the development

10. The area of land in question formed part of a larger residential scheme that was approved in 2011 with four dwellings, two semi-detached and two detached properties all with garages. The principle of residential development on the site has therefore been established

Housing Development

11. The National Planning Policy Framework seeks to secure a choice of high quality homes. This is endorsed through Policy 7 of the Central Lancashire Core Strategy which seeks to ensure that there is sufficient provision of affordable and special housing to meet local need. In this instance the developer is providing the affordable housing in addition to that approved under the original application. Therefore there is no objection to the principle of the development.

Impact on the neighbours

12. Whilst part of a larger residential scheme, the location of these properties on the site almost renders them almost a self-contained entity. To the east is the village green. These properties will be screened to the rear by trees that are proposed as saplings under the original application and a footpath/cycleway. The nearest residential properties are over 30m away to the north, south and west and as such there will be no issues with regard to overlooking or amenity.

Design

13. The previously approved dwellings were three storey in height and consisted of two detached properties and two semi detached properties with garages. The proposed properties are three, two storey semi detached properties. The housing in the surrounding area predominantly consists of three storey town houses with three-storey semi detached properties on the periphery of the development, as such the previously approved dwellings represented a deviation from the houses in close proximity as would the proposed two storey dwellings.
14. The proposed dwellings carry forward the design features from the previously approved housing on this part of the site, they have similar roof pitches, identical porches and identical window location and design. Whilst only two storey, they are 9m in height and as such will not look small or out of keeping when compared to the surrounding three storey properties.
15. In terms of materials, the approved house types both on this site and across the rest of the development were approved as a mixture of red brick, red contrasting brick and render. The proposed dwellings are proposed to be red contrasting brick with slate grey detail and as such will be in keeping with the rest of the properties across the site.
16. In terms of boundary treatments, these will be similar to those approved under the original application in terms of railings and wooden fences and as such are considered acceptable.

Traffic and Transport

17. The initial application raised a number of comments from Highways. As such the layout of the proposal has been amended to take these into consideration. In particular the width of the driveways has been increased to 5.4m to allow acceptable width to open car doors comfortably.
18. Concerns were made regarding the need for the residents of plot 55 to run around the turning head to leave in forward gear given their location parallel to the road. Concerns were also raised regarding potential conflict with vehicles leaving plots 12-17, 22 and 15-52. Similarly concerns were raised regarding the residents of plot 50 needing to make a double movement

in order to leave their parking spaces. In order to alleviate these concerns the turning head has been enlarged. Highways have now confirmed that they have no objection to the proposal.

Landscaping

19. Landscaping will remain predominantly as previously approved, with the exception of a loss of a small area of landscaping to the south of the site along the road way which will be lost for car parking. Despite this loss, landscaped front gardens will be provided. It is considered that this will offset this loss.

Overall Conclusion

20. That the application be approved subject to appropriate conditions

Other Matters

Sustainability

21. A condition will be added to ensure that the dwellings meet the required code on a timed basis.

Waste Collection and Storage

22. The applicant has submitted a waste strategy which clearly shows that there is space provided for bin storage and that these bins can be moved to the front of the property.

Planning Policies

National Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: TR4, GN2, HS4, HS5

Joint Core Strategy

Policy 7: Affordable Housing

Policy 17: Design of New Buildings

Planning History

Ref: 11/00934/REMMAJ **Decision:** PERRES **Decision Date:** 19 January 2012
Description: Erection of 53 dwellings including associated roads and footpaths at Parcel F, Buckshaw Village

Ref: 12/00272/DIS **Decision:** PCO **Decision Date:**
Description: Application to discharge conditions 10 (routing of construction traffic), 11 (landscaped buffer) on permission 11/00934/REMMAJ (erection of 53 dwellings including associated roads and footpaths and open space).

Ref: 12/00783/FUL **Decision:** PCO **Decision Date:**
Description: Proposed re plan of 4 dwellings and the addition of 2 dwellings to the residential development approved under 11/00934/FULMAJ

Recommendation: Permit Full Planning Permission
Conditions: To follow

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Item 4j **12/00725/FUL**

Case Officer **Mrs Helen Lowe**

Ward **Chorley South East**

Proposal **Demolition of existing corridor between reception and wardens flat and construction of new reception area and ramp.**

Location **Cotswold House Cotswold Road Chorley Lancashire PR7 3HW**

Applicant **Chorley Council**

Consultation expiry: 24 August 2012

Application expiry: 13 September 2012

Proposal

1. This application relates to the demolition of an existing corridor between a reception area and wardens flat and the construction of new reception area and ramp. The works would result in a single storey extension with a flat roof to both the front of the property and replacement of a wall to the rear which currently forms part of a corridor.
2. The application site is a council run sheltered housing complex for the homeless, located within the settlement boundary of Chorley.

Recommendation

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

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Impact on the neighbours
 - Design
 - Traffic and Transport

Representations

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

Assessment

Impact on the neighbours

7. The proposals would have no undue impact upon the amenities of neighbouring residents. The proposed extension would bring the front entrance of the building slightly closer (4.2m) to properties on Cotswold Road, but no nearer than other existing parts of the building.

Design

8. The appearance proposed alterations would be in keeping with the existing property, materials are to match the existing and the size and scale of the extension is subordinate to the existing building and would have a minimal impact upon the appearance of the building. The proposed extension would largely infill a gap between two existing parts of the building.

Traffic and Transport

9. The proposed access ramp would encroach to a small degree onto the existing forecourt parking area, however it is not considered that this would reduce the level of car parking space available. Therefore it is not considered that the proposal would cause any undue harm to highway safety.

Overall Conclusion

10. The proposals would have a limited impact upon the character and appearance of the building and are accordingly recommended for approval.

Planning Policies
National Planning Policies:
NPPF

Adopted Chorley Borough Local Plan Review
Policies: GN5

Joint Core Strategy
Policy 17

Planning History

89/00787/FUL

Description: Alterations and conversion of sheltered accommodation to accommodation for the homeless
Approved 7 November 1989

**Recommendation: Permit Full Planning Permission
Conditions**

1. The approved plans are:

| Plan Ref. | Received On: | Title: |
|------------|-------------------|---------------------|
| A12-10/01 | 12 September 2012 | Existing plans |
| A12-10/02 | 12 September 2012 | Existing elevations |
| A12-10/03 | 12 September 2012 | Proposed plans |
| A12-10/04A | 12 September 2012 | Proposed elevations |

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

2. All external facing materials shall match in colour, form and texture those on the existing building.

Reason: In the interests of the visual amenity of the area in general and the existing building in particular and in accordance with Policy Nos. GN5, of the Adopted Chorley Borough Local Plan Review.

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

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

| | |
|-----------------------------|--|
| Item 4k | 12/00045/FULMAJ |
| Case Officer | Caron Taylor |
| Ward | Chorley East |
| 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. |
| Location | W M Lawrence And Sons Lyons Lane Chorley PR6 0PJ |
| Applicant | Elmwood Construction LLP |
| Consultation expiry: | 1 March 2012 |
| Application expiry: | 19 April 2012 |

This application was reported to Development Control Committee on 27 March 2012.

At that time the County Council made a late request for a commuted sum of £46,552 towards 4 primary school places, £4,800 towards waste management and £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 Street will require amending via a Traffic Regulation Order on Townley Street.

It was not considered that the £4,800 request towards waste management met the tests of the Community Infrastructure Levy, however the other requests (£46,552 and £2,000) were considered to meet the tests but as they were received so late from the County Council it was put to Members whether they wished to secure the contributions or not.

The applicant stated that requesting the contribution would hinder or prevent the development scheme, and this was reported on the Committee Addendum of the March Committee.

Chorley Council also requested a contribution to public open space of £13,790.

Members resolved to approve the application requesting the education and traffic contributions be secured as part of a legal agreement.

The legal agreement has not been signed and therefore the planning permission decision notice has not been issued.

A letter has now been received from the agent in relation to the contribution requests and asking that Members reconsider them for the following reasons:

- Lancashire County Council's request for a contribution towards school places was made outside the consultation period and only advised as being a charge on the project very late in the planning process;
- The housing site on the opposite side of Townley Street did not receive the imposition of a public open space contribution as the Council Officer advised that there was sufficient play

space on the existing recreation grounds. They assumed that the same would apply to this development especially as there are only 10 residential units and the remainder are employment buildings.

The agent states it is essential that redevelopments such as this are started as soon as possible in the current climate and to stand any chance of proceeding redevelopment sites such as this require support from the Council. If the contributions are imposed they advise it is unlikely that the scheme would progress and would leave a derelict site on Lyons Lane as well as missing the opportunity to provide much needed employment on the building project and new starter industrial units, which are essential for the regeneration of the town. If the contributions are not requested it will make the development more likely to proceed and their clients will undertake to commence immediately with the refurbishment of the industrial property, the works to the perimeter wall and will follow on with a roll out of the residential units on the Townley Street development.

If Members are minded to allow the application without the contribution requests then it is recommended that a condition is applied requiring the development to be commenced within one year to ensure the development is implemented promptly and therefore fulfilling the case put forward by the agent that it will provide employment and regeneration of the site quickly.

A copy of the previous committee report is below:

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:
- 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.
 - Prohibit any work from taking place outside of the industrial units.
 - 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.

24. **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

25. 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.
26. 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

27. 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.
28. 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

29. 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).

30. 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.

31. 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.

32. 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.

33. 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.

34. Policy EM2 of the Local Plan covers development criteria for industrial/business development, it is considered the application meets the criteria of this policy.

35. 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.

36. 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 proposal would respond to and would contribute to job creation and business start-up in Chorley, both of which are key Corporate Strategy objectives.

37. 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

38. 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

39. 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

40. 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.

41. 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.
42. 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.
43. 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.
44. 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.
45. The proposal is therefore considered acceptable in relation to neighbour amenity subject to conditions.

Design

46. 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.
47. 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

48. 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

49. 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

50. 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).

51. 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

52. 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.
53. The Coal Authority standing advice requires an informative note to be applied to any permission.

Drainage and Sewers

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

Planning Contributions

55. 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.
56. 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.
57. 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.
58. 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.
59. 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.
60. A s106 agreement with just Chorley Council is proposed to secure a contribution to playspace provision in the area.

Sustainability

61. 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

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

Overall Conclusion

63. The application is recommended for approval subject to conditions.

64. 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.

65. 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.

66. The application is recommended for approval subject to a s106 agreement towards a play space contribution.

67. 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 PoliciesNational 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 Full Planning Permission
Conditions**

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

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

2. The development 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) 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;

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

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

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

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

- 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 the NPPF.

- 9. 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.

- 10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

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 1st January 2010, Level 4 for all dwellings commenced from 1st January 2013 and Level 6 for all dwellings commenced from 1 January 2016) and achieve 2 credits within Issue Ene7: Low or Zero Carbon Technologies.

Reason: To ensure the development is in accordance with the NPPF and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable

Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

- 17. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.**
Reason: To ensure the development is in accordance with the NPPF and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
- 18. No dwelling shall be occupied until a letter of assurance, detailing how the dwelling in question has met the necessary code level 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 the NPPF and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
- 19. 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.
- 20. 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.
- 21. 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.

22. 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.
23. 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 the NPPF.
24. 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 the NPPF.
25. 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 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.

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| Report of | Meeting | Date |
|--|-------------------------------|----------------|
| Director of Partnerships, Planning & Policy | Development Control Committee | 2 October 2012 |

PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 23 AUGUST AND 20 SEPTEMBER 2012

PLANNING APPEALS LODGED

1. Appeal by Mr Graham Gallagher against the delegated decision to refuse Full Planning Permission for extension to existing front dormer (resubmission of 11/00967/FUL at 175b Blackburn Road, Wheelton PR6 8EJ. East (Planning Application: 12/00346/FUL Inspectorate Reference: APP/D2320/D/12/2182676). Planning Inspectorate letter received 30 August 2012.
2. Appeal by Mr Shaun Smith against the delegated decision to refuse Full Planning Permission for proposed Change of Use from ground floor office accommodation to one bedroom flat at Boatel Cruises 7 Botany Bay, PR6 9AE. (Planning Application: 12/00356/COU Inspectorate Reference APP/D2320/A/12/2182135/NWF). Planning Inspectorate letter received 3 September 2012.
3. Appeal by Mr A.E. Sumner and J. Stevens against the Development Control Committee refusal of Outline Planning Permission for the erection of two detached bungalows at 11 Sutton Grove, PR6 8UL. (Planning Application: 12/00193/OUT Inspectorate Reference APP/D2320/A/12/2178272/NWF). Planning Inspectorate letter received 14 September 2012.

PLANNING APPEALS DISMISSED

4. Appeal by Mr Kenneth Aspin against the delegated decision to refuse Planning Permission for the demolition of an existing office, proposed office to existing car wash and proposed car sales area and proposed office at 472 Preston Road, Clayton-le-Woods PR6 7JB (Planning Application: 11/00268/FUL Inspectorate Reference APP/D2320/A/12/2169755). The appeal is dismissed and the application for an award of costs is refused. Planning Inspectorate decision received 30 August 2012.
5. Appeal by Mr A Sumner against the Development Control Committee decision to refuse Outline Planning Permission for the erection of two detached houses and a pair of semi detached houses at 11 Sutton Grove, PR6 8UL. (Planning Application: 11/00764/OUT Inspectorate Reference APP/D2320/A/12/2171049). The appeal is dismissed Planning Inspectorate decision received 18 September 2012.

PLANNING APPEALS ALLOWED

6. Appeal by Redrow Homes (Lancashire) Ltd against the Development Control Committee decision to refuse Full Planning Permission for the Outline development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access. at Land bounded by Town Lane (to the North) and Lucas Lane (to the

East), Whittle-le-Woods. (Planning Application: 11/00992/OUTMAJ Inspectorate Reference APP/D2320/A/12/2172693. The appeal is allowed subject to the schedule of conditions. Planning Inspectorate decision received 19 September 2012.

ENFORCEMENT APPEALS LODGED

7. None.

ENFORCEMENT APPEALS DISMISSED

8. None.

ENFORCEMENT APPEALS ALLOWED

9. None,

ENFORCEMENT APPEALS WITHDRAWN

10. None.

LANCASHIRE COUNTY COUNCIL DECISIONS

11. None

All papers and notifications are viewable at Civic Offices, Union Street, Chorley or online at www.chorley.gov.uk/planning.

LESLEY-ANN FENTON
DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

There are no background papers to this report.

| Report Author | Ext | Date | Doc ID |
|----------------------|------------|-------------------|---------------|
| Robert Rimmer | 5221 | 20 September 2012 | *** |