



# Development Control Committee

Agenda and Reports

For consideration on

**Tuesday, 20th November  
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.

09 November 2012

Dear Councillor

## **DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 20TH NOVEMBER 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, 20th November 2012 at 6.30 pm.

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

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

1. **Apologies for absence**

2. **Minutes (Pages 1 - 6)**

To confirm the minutes of the Development Control Committee held on 30 October 2012 as a correct record and be signed by the Chair (enclosed).

3. **Declarations of Any Interests**

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

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

4. **Planning applications to be determined**

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

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

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

- (a) 12/00435/FULMAJ - St Joseph's Roman Catholic School, Railway Road, Chorley  
(Pages 7 - 18)

**Proposal**

Erection of 20 affordable residential dwellings with associated infrastructure

**Recommendation**

Permit (subject to legal agreement)

- (b) 12/00867/FUL - Crostons Farm, Lucas Lane, Whittle-le-Woods, Chorley (Pages 19 - 24)

**Proposal**

Retrospective planning application for erection of office and store building to serve riding school

**Recommendation**

Permit retrospective planning permission

- (c) 12/00981/FUL - CGS Design & Screen, Bridge House, 23 Railway Road, Adlington, Chorley (Pages 25 - 28)

**Proposal**

Conversion of existing building to form 6 apartments with associated car parking

**Recommendation**

Permit full planning permission

- (d) 12/00809/OUTMAJ - Chorley Fire Station, Weldbank Lane, Chorley (Pages 29 - 38)

**Proposal**

Outline application (with all matters reserved) for the erection of 14 no. dwellings following demolition of Fire Station site

**Recommendation**

Permit (subject to legal agreement)

- (e) 12/00443/FUL - High Heys Farm, Langton Brow, Eccleston, Chorley (Pages 39 - 44)

**Proposal**

Construction of fish stock breeding pond

**Recommendation**

Permit Full Planning Permission

- (f) 12/00782/FUL -Stoat Hall Fisheries, Back Lane, Bretherton, Ormskirk (Pages 45 - 48)

**Proposal**

Application for a two room stable with hay store and tack room with wind turbine (height 7.77m to hub, 8.65 m to blade tip) and poly-tunnel

**Recommendation**

Permit full planning permission

(g) 12/00694/PAR- Culbeck Farm, Culbeck Lane, Euxton, Chorley (Pages 49 - 52)

**Proposal**

Provide roof to existing silage clamp

**Recommendation**

Agricultural Prior Approval  
granted

5. **Planning Appeals and Decisions (Pages 53 - 54)**

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

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

Yours sincerely



Gary Hall  
Chief Executive

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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 Caunce, 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 آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون  
کیجئے: 01257 515823

**Development Control Committee****Tuesday, 30 October 2012**

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

**Substitutes:** Councillor Robert Finnamore

**Also in attendance:**

**Councillors:** Peter Wilson, Mick Muncaster, Alison Hansford, Paul Leadbetter and Kim Snape

**Officers:** Jennifer Moore (Head of Planning), Chris Moister (Head of Governance), Paul Whittingham (Development Control Team Leader), Hannah Roper (Principle Planner), Matthew Banks (Planning Assistant) and Cathryn Filbin (Democratic and Member Services Officer)

**12.DC.209 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Ken Ball and Jean Cronshaw.

Councillor Robert Finnamore attended the meeting as Councillor Cronshaw's substitute.

**12.DC.210 MINUTES**

**RESOLVED – That the minutes of the Development Control Committee held on 2 October 2012 be confirmed as a correct record and signed by the Chair.**

**12.DC.211 DECLARATIONS OF ANY INTERESTS**

There were no declarations of interest received.

**12.DC.212 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.

- a) **Application:** 12/00741/OUTMAJ - Land surrounding Huyton Terrace, previously Baly Place Farm, Bolton Road, Adlington
- Proposal:** Outline application for residential development of up to 170 dwellings, demolition of 74 and 76 Bolton Road, formation of new access, landscaping, open space, highways and

associated works

**Speakers:** Objector - Amanda Richardson and Ward Councillor Peter Wilson

**RESOLVED (unanimously) –**

1. That outline planning permission be granted subject to the conditions detailed within report in the agenda.
2. That the Chair of the Development Control Committee write to the Minister for Communities and Local Government on behalf of the Development Control Committee strongly endorsing the letter sent by the political leaders of Chorley Council in regard to the above application, wherein they raised serious concerns at the apparent undermining of the intent of the Localism Act and the failure to implement a plan led planning system with a local agenda

**Instead, as a result of recent planning Inspector decisions, Members of the Development Control Committee felt unable to consider applications in light of this Council's proposed Local Plan, with the effect that greenfield sites were being developed in advance of brownfield sites, a situation at odds with both local and national planning aspirations and stated targets.**

- b) **Application:** 12/00941/OUTMAJ - Land north of Lancaster Lane and bounded by Wigan Road and Shady Lane, Lancaster Lane, Clayton-le-Woods  
**Proposal:** Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access (resubmission of planning application: 11/01093/OUTMAJ)

**Speakers:** Objector – Anthony Ingham, Ward Councillor Mick Muncaster and the applicant's agent

**RESOLVED (unanimously) – That the outline planning permission be granted subject to a Unilateral Undertaking relating to education contribution and highway works, a Section 106 Legal Agreement and conditions detailed within the report in the agenda and the additional and amended conditions detailed within the addendum.**

- c) **Application:** 12/00655/FUL - 10 Blacksmith Walks, Buckshaw Village, Chorley  
**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)

**Speakers:** Objector - Rachel Hodgson and supporter - Frank Washford

**RESOLVED (8:7:0) – That retrospective planning permission be refused, due to the adverse impact on neighbour amenity, with the drafting of the**



**reason for refusal being delegated to the Director of Partnerships, Planning and Policy in consultation with the Chair and Vice Chair.**

- d) **Application:** 12/00802/FUL - The Brook House, Barmskin Lane, Heskin, Chorley  
**Proposal:** Proposed change of use of former public house to dwelling with side and rear extensions and front porch and erection of garage/store/gym building

The planning application had been withdrawn prior to the Committee meeting.

- e) **Application:** 12/00037/FUL - South Miry Fold Farm, Briers Brow, Wheelton  
**Proposal:** Section 73 application to vary the approved plans from the application 08/00934/FUL to include: 2 additional garage doors to the west elevation of previously approved garage; first floor extension above existing ground floor office to form additional bedroom; first floor side facing window in west elevation to serve bedroom 4; first floor side facing window in east elevation to serve bedroom 3 and; additional hardstanding to link existing access to proposed garage doors.

**Speakers:** Ward Councillor Alison Hansford, and the applicant's agent

**RESONVED (12:1:1) - That the Section 73 application to vary the approved plans from the application 08/00934/FUL as detailed within the report be approved subject to the conditions detailed within the report in the agenda.**

- f) **Application:** 12/00787/REMAJ - Land north east of Buckshaw Hall and bounded by Buckshaw Avenue and Ordnance Road, Buckshaw Village, Chorley  
**Proposal:** Proposed residential development comprising 82 dwellings and associated works

**Speaker:** applicant.

**RESOLVED (unanimously) – That the reserved matters application be approved subject to the conditions detailed within the report in the agenda.**

*(At this point Councillor Fynamore left the room for the remainder of the meeting.)*

- g) **Application:** 12/00842/FULMAJ - Duxbury Park Myles, Standish Way, Chorley  
**Proposal:** Application to vary conditions 1, 4 (approved plans) and 9 (site levels) in respect of plots 2, 30-52, 63, 64, 132-134 (including reduction in the number of dwellings and the repositioning of the gated access) of planning approval 12/00269/REMAJ

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

- h) Application:** 12/00797/FUL - Higher Wheelton Methodist Church, Blackburn Road, Higher Wheelton  
**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

**RESOLVED (unanimously) – That that wording for the reason for refusal be approved.**

#### **12.DC.213 ENFORCEMENT REPORT**

The Director of Partnership, Planning and Policy submitted a report regarding the change of use of a car workshop located at 286 The Green, Eccleston, Chorley, which sought Members instruction as to whether it was felt expedient to take enforcement action to impose conditions governing the use of the site.

**RESOLVED (12:0:1) – That it was expedient to use an Enforcement Notice under Section 172 of the Town and County Planning Act 1990 for the reasons detailed within the report.**

#### **12.DC.214 ENFORCEMENT REPORT**

The Director of Partnerships, Planning and Policy submitted an enforcement report regarding 345 Blackburn Road, Higher Wheelton, Chorley, which sought Members instruction as to whether it was felt expedient to serve an enforcement notice to remedy the harm caused to the character of the area by the unauthorised development.

**RESOLVED (unanimously) –**

- 1. That it was felt expedient to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 for the reason detailed within the report.**
- 2. That the Council's Head of Governance be consulted prior to the service of the notice.**

#### **12.DC.215 PLANNING APPEALS AND DECISIONS**

The Director of Partnerships, Planning and Policy submitted a report which detailed notifications from the Planning Inspectorate of one planning appeal that had been lodged with them, one planning appeal that had been dismissed, one planning appeal which had been allowed and an enforcement appeal which had been withdrawn.

**12.DC.216 EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED –That the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Local Government Act 1972.**

**12.DC.217 ENFORCEMENT UPDATE**

**RESOLVED (Unanimously) – That the two officer recommendations detailed within the report be approved.**

Chair

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<b>Item 4a</b>	<b>12/00435/FULMAJ</b>
<b>Case Officer</b>	<b>David Stirzaker</b>
<b>Ward</b>	<b>Chorley North East</b>
<b>Proposal</b>	<b>Erection of 20 affordable residential dwellings with associated infrastructure</b>
<b>Location</b>	<b>St Josephs Roman Catholic School Railway Road Chorley Lancashire</b>
<b>Applicant</b>	<b>Edenfield Homes Ltd</b>
<b>Consultation expiry:</b>	<b>29 June 2012</b>
<b>Application expiry:</b>	<b>31 July 2012</b>

1. Members will recall that this application was reported to Development Control Committee on 10 July 2012. Members resolved to grant planning permission for the erection of 20 affordable residential dwellings subject to the applicant signing a Section 106 agreement to secure a sum of £23271 towards school places and a sum of £26540 towards off site play space, as well as ensuring that the properties are affordable. The original report can be found below from paragraph 8 onwards.
2. Since this time, the original developer (Edenfield Homes) has gone into administration so Jones Contracts have now agreed to take over as the developer. The applicant (Progress Housing Group) also advises that a site investigation has been carried out which has established the need for additional works on the site at a cost of £241,000 not originally accounted for. Viability information has been submitted by the applicant which shows that the additional costs have arisen due to the presence of contaminated material on the site. The main costs arising from this relate to the need to remove the material from the site, the use of pile and ground beam foundations and the provision of a capping layer on the site.
3. The applicant advises that a reduction in the land price of £185,000 has been negotiated which brings it down to £315,000 from the original £500,000. However, even with this reduction in land price, there is a shortfall of £80,600. The developer (Jones Contracts) and the applicant have both agreed to absorb a further £27,000 each but this still leaves a shortfall of £26,600. The applicant has therefore requested that the Council reduce the commuted sum required in the Section 106 agreement by this shortfall so rather than requiring £50,851, the Section 106 agreement should require a sum of £24,250. The Council's Property Services Provider (Liberata) have reviewed the viability information submitted by the applicant and confirm that when compared with other similar sized schemes needing the same type of works, the figures do not appear unusual. The request to reduce the commuted sum is not therefore considered to be unreasonable by Liberata.
4. The applicant also advises that the properties are designed to meet current HCA (Homes & Communities Agency) Design and Quality Standards and this includes construction to meet Level 3 of the Code for Sustainable Homes (CfSH). The originally approved conditions require all properties commenced in 2012 to be built to Level 3 of the CfSH and any properties commenced on the site after 1<sup>st</sup> January 2013 be built to meet Level 4 of the CfSH. The applicant advises that cost consultants and HCA data suggest that this will incur further additional costs of between £5,000 and £8,700 per dwelling dependent on the property type. The applicant advises that this cannot be afforded within the budget and therefore requests that the requirement to build any properties commenced in 2013 to meet Level 4 of the CfSH be removed. The applicant requests that condition (no. 4) requiring the dwellings to be constructed to meet Level 4 of the CfSH from 2013 is amended to require

construction to Level 3 of the CfSH only. The conditions requiring a 'Design Stage' assessment prior to the commencement of works and final certification are recommended to be removed as a requirement of the HCA funding is that the dwellings are constructed to meet Level 3 of the CfSH, regardless of the condition.

5. The applicant has also asked that where possible, the conditions originally proposed be reworded so as they provide a longer timescale for submission of details rather than 'prior to commencement'. The conditions that can be changed relate to boundary fencing (no.9), landscaping (no.18), hard ground-surfacing materials (no. 8) and the permeable surfacing of driveways (no. 15).
6. The Localism Act confirms that the issue of financial matters is a material consideration in the grant of planning permission. The proposal will deliver 20 affordable dwellings which will be grant funded and the limited availability of such funding is a material consideration that weighs in favour of the development. The applicant advises that a start needs to be made on site before the end of December 2012 to meet the funding deadline set by the HCA following site acquisition and completion of the building contract. In order to demonstrate a show of commitment to taking the site forward, the applicant has agreed to the time limit for the commencement of the development being reduced from the original 3 years to 1 year. This will ensure early delivery of the affordable dwellings.

### **Recommendation**

7. In light of the information submitted by the applicant, it is recommended that the application be granted planning permission subject to the changes to the requirements of the Section 106 agreement and the conditions. Members are requested to determine or confirm how the commuted sum of £24250 should be apportioned and further information will be provided on the addendum.

### **PREVIOUS REPORT**

#### **Proposal**

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

#### **Main Issues**

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

- Contamination and Coal Mines
- Drainage and Sewers

### Representations

12. To date, 5 no. letters of objection have been received citing the following, summarised, grounds of objection: -
- Railway Road is already congested with vehicles and the entrance in and out of Railway Road is problematic even with the recent alterations that were undertaken.
  - The houses being built would overlook adjacent properties on Harpers Lane and would impose on privacy to the rear.
  - The proposed dwellings should not have a sight line with adjoining rear windows to ensure privacy is preserved and properties are not overlooked.
  - The level of the development is considerably higher.
  - The sycamore trees on the boundary of 21 St Josephs Place should be retained to further preserve privacy of adjoining dwellings.
  - The proposed site access onto Railway Road will constitute a danger to pedestrians and vehicular traffic. Existing traffic and parking is already hazardous so the development will increase this whilst the new access is also very close to Harpers Lane
  - There are too many houses planned for such a small site and the land was previously allocated as open space.
  - There would be a loss of parking on Railway Road as many residents have to park on the school side of Railway Road.
  - The development would cause the destruction of trees and the natural habitat for the many wild animals that use the ground.
  - There would be noise and disturbance during construction works.
  - There would be overlooking as the properties are too close to the boundary
  - There will be considerable loss of light to the rear of adjoining properties.
  - The 1.8m high fence will block out light.
  - Bird populations will be lost with the hedge.
  - The Harpers Lane/Railway Road junction is already congested
  - The houses on the school side of Railway Road do not have drives and the residents have to park their cars on this side
  - There is already not enough space on Railway Road for this let alone the possibility of 20 more cars coming onto Railway Road.
  - Besides the congestion problem there is also the noise that the construction will cause
  - My husband works permanent nights and I am sure he is not the only one to work unsocial hours who will be kept awake during the day while these houses are built
  - As well as this, once the houses are built, our properties will be overlooked - there is simply not enough space to build 20 houses on this land
  - I object to this scheme due to noise, loss of privacy and the congestion problems that this will cause for myself and my neighbours
13. To date, no letters of support have been received.

### Consultations

14. **LCC (Ecology)** do not raise any objections subject to the recommendations contained in section 5 of the Ecological Survey and Assessment being secured through planning conditions.
15. **The Environment Agency** do not raise any objections to the application.
16. **The Architectural Design and Crime Reduction Advisor** comments that the measures set out in the Design and Access Statement are supported from a designing out crime perspective. It is also recommended that the properties should seek to achieve Secured by Design accreditation.
17. **Chorley's Conservation Officer** advises that the application site is adjacent to the Grade II listed Church of St Peter, Harpers Lane. This building is a designated heritage asset as

defined in Annex 2 to the National Planning Policy Framework (NPPF). Section 12 of the NPPF specifically refers to the 'Conservation of the historic environment'. The application is therefore judged in terms of the potential impact it may have upon the significance of the designated heritage asset.

18. In this case the application site level is set approximately three metres below the ground level of the designated heritage asset. Furthermore the principal elevation of that building, i.e. the front, will remain open and uncluttered as a result of the proposed works. The building is already 'framed' to the right by the houses on Harpers Lane and the proposed development will not alter this, most significant of views. The existence of the stone boundary wall will serve to retain the separation between the two sites. This, coupled with the difference in ground levels and the distances between the proposed development and the designated heritage asset are sufficient such that the significance of that designated heritage asset will be sustained.
19. **United Utilities** do not raise any objections subject to surface water not being allowed to discharge to the foul/combined sewer as stated in the planning application. This prevents foul flooding and pollution of the environment. A condition is therefore recommended requiring the applicant to confirm how surface water will be managed.
20. **Lancashire County Council (Highways)** raised a number of issues with the application which the applicant has sought to address by amending the layout. In particular, the first 10m of the access road has been widened from 4.5m to 5.5m and the dimensions of the parking spaces associated with plots 1, 3, 13, 16, 17, 18, 19 and 20 have been increased to provide adequate parking spaces for each property.
21. **Sport England** advise that they do not wish to make any comments on this particular application.
22. **Chorley's Waste & Contaminated Land Officer** recommends the imposition of a condition requiring the applicant to undertake an investigation of the site to establish if there is any contamination and if so, undertake appropriate mitigation measures. In terms of waste storage and collection, no objections are raised. In terms of bin storage and collection, the **Waste and Contaminated Land Officer** does not raise any objections subject provisions being made for bins to be wheeled to and from the rear garden area of plot no. 8. The proposed site plan shows a pathway from the rear garden of this plot to enable bins to be wheeled out on collection day.
23. **Lancashire County Council (Education)** have requested a commuted sum for primary school places generated by the 6 no. additional dwellings on the site over the 14 no. dwellings already approved towards primary school places. LCC (Planning Contributions) also made an additional request for a contribution towards a single secondary school place.
24. The Coal Authority do not raise any objections to the application but recommend the imposition of a condition requiring further site investigation works and if deemed necessary, a scheme of remediation works to have been implemented prior to the commencement of development on the site.

## Assessment

### Principle of the development

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



Density

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

Levels

28. The level of the site falls steadily from east to west by approximately 2.5m and the greatest difference in levels is between the southern end of the site and the properties on St Josephs Place. At this point, the difference in levels between the site and these existing properties is approximately 2m. The applicant has amended this part of the site so as there is an interface distance of 27m between the main habitable room windows in the rear of the proposed dwellings and the equivalent windows in the rear elevations of the properties on St Josephs Place. In terms of the relationship between plots 15 to 18 and the properties on Harpers Lane, there is not a significant difference between the slab levels of the dwellings on Harpers Lane and the proposed dwellings on these plots hence the 21m interface distance is acceptable. Plots 1, 2 and 3 will have slab levels approx. 65cm higher than the opposite properties they face. However, this relationship, with the stated 17.15m interface distance is the same as approved previously in 2010 (Ref No. 10/00889/OUTMAJ).

Impact on the neighbours

29. The layout of the development, in terms of the relationship with the properties to the north and south of the site has been designed in such a way to address the Council's Spacing Standards and thus provide suitable levels of privacy for the occupiers of the proposed dwellings whilst ensuring that existing residents bounding the site do not experience a detrimental loss of residential amenity through overlooking, loss of light, overbearing impact or overshadowing. Also, the trees to the south of the site, which are protected, will act as a buffer between the new properties and those on St Josephs Place.
30. To the western side of the site, on the opposite side of Railway Road, there are existing residential terraced properties. The window to window distance between these existing properties and the dwellings that will front onto Railway Road will be just over 17m and the new dwellings will be slightly elevated above the level of the road. This 17m interface distance does fall short of the Council's normal 21m window to the window distance guideline. However, this type of arrangement is typical of Railway Road wherein residential development fronts onto both sides of the road at a similar distance from each other as is evident with the existing properties just south of the application site. Furthermore the previously approved scheme had the same interface distances.
31. Amendments have been secured to ensure that the interface distances, in terms of plots 5 to 8 (the two storey dwellings), are at least 27m from the rear of nos. 20 and 21 St Josephs Place to the south. This is to accord with the Council's Spacing Standards where there is a level difference between existing and proposed dwellings. In addition the interface distance between the proposed dwellings on plots 17 and 18 and the existing dwellings to the north has been increased.

Design

32. The layout of the site in terms of the junction position on Railway Road and the road layout follows that previously approved by 10/00889/OUTMAJ with a courtyard at the end of the access road serving 5 no. dwellings.
33. As with the previous application, the proposed dwellings will front onto Railway Road with a block of 3 dwellings to the south of the junction and a pair of semi detached properties to the north of the junction.
34. The layout is considered appropriate and has been designed in response to the constraints presented by the site whilst the frontage to Railway Road will provide a positive contribution

to the streetscene. On this basis, it is not considered that the development will cause detrimental harm to the character and appearance of the streetscene and the locality.

#### Trees and Landscape

35. As already stated, a TPO on the site provides protection for the boundary trees on the southern part of the site. This is in addition to an existing TPO covering the trees in the church yard to the east. The application is accompanied by a Tree Survey and a plan detailing Root Protection Zones. This demonstrates that the development is sited so as not to cause detrimental harm to the health of the trees. The original Tree Survey proposed the felling of a group of 4 no. trees on the southern site boundary. However, the applicant has submitted an amended Tree Report which no longer proposes the removal of these trees. As per the 2010 application, 5 no. trees are proposed to be felled as part of the development of the site. However, the landscaping condition can secure replacement planting where it is deemed to be necessary.

#### Ecology

36. **LCC (Ecology)** do not raise any objections subject to the recommendations contained in section 5 of the Ecological Survey and Assessment being secured through planning conditions.

#### Traffic and Transport

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

#### Contamination and Coal Mines

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

#### Drainage and Sewers

41. The Environment Agency and United Utilities have not raised any objections to the application. United Utilities do however request that a condition requiring details of surface water drainage to be submitted to the Council prior to the commencement of works on site so as the Council, in liaison with United Utilities, can be satisfied that the development will not result in foul flooding and pollution of the environment.

#### Section 106 Agreement

42. The legal agreement will secure a contribution towards the provision of off-site play areas comprising £1327 per dwelling. The agreement will specify that the contribution is used to improve Harpers Lane Recreation Ground which is in close proximity to the application site.
43. A contribution of £23271 will also be secured towards school places. However, given the fall back position of 14 no. dwellings on the site for which there is no requirement to make an education contribution, the education contribution can only relate to the additional 6 no. dwellings over the development approved in 2010.
44. Planning permission is sought for the erection of 20 affordable dwellings which will be secured through the S106 agreement. This is because the provision of affordable housing was a material consideration in the assessment and consideration of the planning application. The delivery of affordable housing is a corporate priority and it is important

ensure that the site isn't subsequently acquired by another developer who may build market housing.

45. LCC (Planning Contributions) have made an additional request for a contribution towards a single secondary school place. However, this is on the basis that various planning applications are approved prior to this one including the applications in Whittle Le Woods on land bounded by Town Lane and Lucas Lane (Ref No. 12/00362/OUTMAJ) which has been refused and the subject of an appeal and the application in Adlington adjacent to Huyton Terrace (ref No. 12/00082/OUTMAJ) which has been withdrawn. This being the case, the contribution towards a single secondary school place is not being sought. The commuted sum for primary school places generated by the 6 no. additional dwellings on the site over the 14 no. dwellings already approved towards primary school places is being sought as part of the S106 agreement.

### **Overall Conclusion**

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

### **Other Matters**

#### Sustainability

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

#### Waste Collection and Storage

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

### **Planning Policies**

#### National Planning Policies:

National Planning Policy Framework (NPPF)

#### Adopted Chorley Borough Local Plan Review

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

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

#### Chorley's Local Development Framework

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

Joint Core Strategy

Policy 1: Locating Growth

Policy 2: Infrastructure

Policy 5: Housing Density

Policy 7: Affordable Housing

Policy 17: Design of New Buildings

Policy 22: Biodiversity and Geodiversity

Policy 26: Crime and Community Safety

Policy 27: Sustainable Resources and New Developments

Sites for Chorley- Issues and Options Discussion Paper December 2010**Planning History**

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

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

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

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

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

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

2. The approved plans are:

Plan Ref.	Received On:	Title:
0001 Rev A	9 July 2012	Location Plan
S07/422	4 June 2012	Topographical Land Survey
-----	15 May 2012	Tree Protection Plan
1001	14 June 2012	Proposed Elevations Plots 1, 2 & 3
1000	14 June 2012	Proposed Floor Plans Plots 1, 2 & 3
2B-B1 Rev A	30 April 2012	Floor Plans & Elevations Bungalow Plot 4
1003	14 June 2012	Proposed Elevations Plots 5 & 6
1002	14 June 2012	Proposed Floor Plans Plots 5 & 6
1005	14 June 2012	Proposed Elevations Plots 7, 8 & 9
1004	14 June 2012	Proposed Floor Plans Plots 7, 8 & 9
1007	14 June 2012	Proposed Elevations Plots 10, 11 & 12
1006	14 June 2012	Proposed Floor Plans Plots 10, 11 & 12
2B-A Rev A	30 April 2012	Floor Plans & Elevations Apartments Option 1 Plots 13 & 14
2B-A Rev A	30 April 2012	Floor Plans & Elevations Apartments Option 2 Plots 13 & 14
1009	14 June 2012	Proposed Elevations Plots 15 & 16
1008	14 June 2012	Proposed Floor Plans Plots 15 & 16
1011	14 June 2012	Proposed Elevations Plots 17 & 18
1010	14 June 2012	Proposed Floor Plans Plots 17 & 18
1013	14 June 2012	Proposed Elevations Plots 19 & 20
1012	14 June 2012	Proposed Floor Plans Plot 19 & 20
0001 Rev G	2 July 2012	Site Plan
S-S-02 Rev A	20 June 2012	Site Sections
S-S-01 Rev A	20 June 2012	Proposed Streetscenes

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

3. Due to the proposed sensitive end-use (residential housing with gardens) and the proximity of the development site to land that is potentially affected by contamination (infilled ground; former mill; builders yard), the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

**Reason: It is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).**
4. Each dwelling hereby permitted shall be constructed to achieve Level 3 of the Code for Sustainable Homes.

**Reason: To reduce the energy use and carbon dioxide emissions of the development and in accordance with Policy No. 27 of the Central Lancashire Core Strategy (2012) and the National Planning Policy Framework (NPPF).**
5. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

**Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Chorley Borough Local Plan Review.**
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants, including the existing retained trees and hedgerows detailed on the approved landscaping scheme as well as newly planted trees and plants which within a period of 5 years from the completion of the development or during the course of construction works die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of matching size, stature and species unless an alternative is approved in writing by the Local Planning Authority following the submission and consideration of an updated landscaping scheme.

**Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.**
7. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 positioned as set out on the approved Tree Protection Plan received on 15<sup>th</sup> May 2012 and all hedgerows shall also be protected by the same type of fencing. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

**Reason: To safeguard the trees to be retained and in accordance with Policy No. EP9 of the Chorley Borough Local Plan Review.**
8. Full details (colour, form and texture) of all hard ground surfacing materials shall be submitted to and approved in writing prior to the surfacing of any such areas. The development shall only be carried out using the approved hard ground surfacing

materials and areas of hard ground surfacing materials shall be completed prior to the first occupation of each of the dwellings and the completion of the development.

*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS5 of the Chorley Borough Local Plan Review.*

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

*Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy Nos. GN5 and HS4 of the Chorley Borough Local Plan Review.*

10. The existing soil levels around the base of the trees and hedgerows to be retained shall not be altered.

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

11. The development shall only be carried out in strict accordance with the recommendations contained in section 5 of the Environmental Research & Advisory Partnership Ecological Survey & Assessment dated March 2012. Specifically, the 2 no. bat boxes, 2 no. house sparrow nest boxes, 1 no. starling nest box and the 2 no. small bird boxes shall be installed prior to the first occupation of any of the dwellings on the site and no trees, shrubs or other suitable breeding bird habitats shall be removed during the bird breeding season (March to August inclusive) unless a report by a suitably qualified ecologist has first been submitted to and approved in writing by the Local Planning Authority demonstrating that no breeding birds, active nests, eggs or fledglings are present in the area to be cleared.

*Reasons: To ensure that the development does not result in significant ecological impacts and in accordance with Policy EP4 of the Chorley Borough Local Plan Review.*

12. The development hereby permitted shall not commence until full details of surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority in liaison with United Utilities. The scheme shall be completed in accordance with the approved details prior to the first occupation of any dwelling on the site and retained and maintained as such at all times thereafter.

*Reasons: To reduce the increased risk of flooding and in accordance with Policy No. EP18 of the Chorley Borough Local Plan Review.*

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

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

14. Prior to the commencement of the development hereby permitted, a plan detailing the location of the site compound shall have been submitted to and approved in writing by the Local Planning Authority. The site compound shall include parking facilities for contractor's vehicles and visitors to the site and shall be located in a position on the site that remains available for use throughout the construction period. The site compound and parking facilities shall be provided prior to the commencement of development and shall be retained as such until the development has been completed.

*Reasons: To minimise the amount of additional parking on Railway Road during the construction period and in accordance with Policy No. TR4 of the Chorley Borough Local Plan Review.*

15. Notwithstanding the details shown on the approved plans, the proposed driveways to the dwellings hereby permitted shall be constructed using permeable materials laid on a permeable sub-base, the details of which shall first be submitted to and approved in writing by the Local Planning Authority prior to the construction of the driveways to the properties. No dwelling shall be occupied until its driveway has been constructed using the approved permeable materials and sub-base which shall be retained and maintained as such at all times thereafter.  
*Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off. In accordance with Policy No. GN5 and EP18 of the Chorley Borough Local Plan Review and the National Planning Policy Framework (NPPF).*
16. The development hereby permitted shall not commence until a site investigation has been undertaken in relation to the risks from the coal mining legacy of the site and the details submitted to and approved in writing by the Local Planning Authority in liaison with the Coal Authority. The site investigation should be accompanied by details of any remedial works, if they are deemed necessary by the site investigation works, to treat areas of shallow mine workings to ensure the safety and stability of the proposed development. The remedial works, if deemed necessary, shall be completed in accordance with the approved details prior to the commencement of the development.  
*Reasons: To ensure that the site is safe and stable prior to the commencement of development and in accordance with Policy No. EP15 of the Adopted Chorley Borough Local Plan Review and the National Planning Policy Framework (NPPF).*
17. The development hereby permitted shall only be carried out in accordance with the schedule of works set out in Appendix 3 of the amended tree report (Ref No. THC2012/04/12/AS) prepared by A L Smith of Tree Health Consulting Ltd submitted to the Council on 2 July 2012.  
*Reasons: To ensure the tree works are carried out in accordance with the report, in the interests of the visual amenities of the site and locality and in accordance with Policy No. EP9 of the Adopted Chorley Borough Local Plan Review.*
18. Prior to the first occupation of any of the dwellings hereby permitted, a scheme of landscaping shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may be shown on the approved plans. 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.*
19. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.  
*Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and the National Planning Policy Framework (NPPF).*
20. All windows in the first floor north facing elevation of plot 12, all windows in the north facing elevation of plots 13 & 14, all windows in the first floor east-southeast facing

elevation of plot 15, all windows in the first floor west-northwest facing elevation of plot 16, all windows in the first floor east-southeast facing elevation of plot 17 and the first floor west-northwest facing elevation of plot 18 shall be fitted with non-opening obscurely glazed windows using Pilkington Privacy Level 5 glass (or a glass from an alternative manufacturer with the same level of obscurity). Obscurely glazed non-opening windows shall be retained and maintained as such at all times thereafter.

*Reasons: To safeguard the privacy of the property occupiers and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and the National Planning Policy Framework (NPPF).*



<b>Item 4b</b>	<b>12/00867/FUL</b>
<b>Case Officer</b>	<b>David Stirzaker</b>
<b>Ward</b>	<b>Pennine</b>
<b>Proposal</b>	<b>Retrospective planning application for erection of office &amp; store building to serve riding school</b>
<b>Location</b>	<b>Crostons Farm Lucas Lane Whittle-Le-Woods ChorleyPR6 7DA</b>
<b>Applicant</b>	<b>Mrs Gillian Mair</b>
<b>Consultation expiry: 3 November 2012</b>	
<b>Application expiry: 9 November 2012</b>	

### **Proposal**

1. This application seeks retrospective planning permission for the erection of a timber office and store building and follows on from an investigation by the Council's Planning Enforcement Team.
2. The building in question has already been erected in the south-western corner of the curtilage of the application site. The building measures 7.7m wide by 2.6m deep by 2.7m high. The building is clad with horizontal timber cladding and has two openings in its front elevation. The building has a flat roof. There are windows in each of the side elevations.
3. The application site is located in an area of Safeguarded Land and is accessed from Lucas Lane. The south and west of the site is bounded by residential development which is within the Whittle-Le-Woods settlement.
4. Following negotiations, the applicant has agreed to re-site the building 1.5m from the boundary with the residential properties to the south (9 and 14 Orchard Drive). Amended plans have been submitted showing this positioning of the building.

### **Recommendation**

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

### **Main Issues**

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

## Representations

7. To date, 14 no. letters of objection have been received from local residents. Each of these letters are the same but have been signed by different local residents. The contents of this letter can be summarised as follows: -
- The building in question has been erected without planning permission
  - This has meant that the building has been erected without consultation and such consultation would have meant that the building would have been erected in a more appropriate area of the farm
  - With the building being so close to the property, if there was a fire, it would spread via the trees and affect the adjacent property
  - Storage of flammable materials and chemicals would also be a concern
  - The farmer could easily relocate the building to a more suitable location
  - If this building is approved in its current location, it will give it planning gain so there are concerns that it could be replaced with a larger structure/house
  - The structure has been built next to a protected tree and it should not be positioned so close and the roots could be affected as water will be prevented from draining into the land
8. No letters of support have been received.
9. Whittle Le Woods Parish Council have not raised any objections to the application.

## Consultations

10. **The Director People and Places (Tree Consultation)** does not raise any objections to the application in relation to the impact of the building on the health of the protected tree.
11. **Lancashire County Council (Highways)** do not raise any objections to the application.

## Applicants Case

12. The building has been erected to provide a small office and a store room. The applicant states that prior to the erection of the building, there was nowhere on site for the owners to meet with clients and take payments for lessons. The applicant advises that the building is a wooden structure without foundations and is in keeping with the surrounding buildings. The applicant also asserts that the development is needed for the operation of the equestrian livery yard and riding school at Crostons Farm which is appropriate to a rural area.

## Assessment

### Principle of the development

13. The application site is in an area of Safeguarded Land. Such areas are afforded the same protection as areas of Green Belt and Policy DC3 of the Adopted Chorley Local Plan states that only development permissible under Policy DC1 (Green Belt) and Policy DC2 (Area of Other Open Countryside) will be permissible on Safeguarded Land.
14. However, paragraph 28 of the National Planning Policy framework (NPPF) provides support for economic growth in rural areas by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings

and well-designed new buildings and Policy 13 of the Central Lancashire Core Strategy provides broad support for the appropriate growth of rural businesses.

15. The recently adopted Central Lancashire Supplementary Planning Document on Rural Development states that new buildings will only be considered favourably if the proposal relates to the site's main use and if the building is essential to the operation of the business.
16. The building is modest in scale and the applicant states that it is needed because prior to its erection, there was nowhere on site for the owners to meet with clients and take payments for riding lessons. It is considered that the building is essential to the operation of the business and is related to the main use of the site. Taking into account all of the pertinent planning policies, it is considered that the 'principle' of the building is an acceptable one.

#### Impact on the neighbours

17. With regards to the visual impact of the building, the building is currently sited adjacent to the boundaries with 9 and 14 Orchard Drive. In terms of the relationship with 9 Orchard Close, the building will be moved 1.5m from the boundary with this property which comprises a fence approximately 2m high. The upper part of the building will therefore be visible from the garden of this property and some of the windows in this property, with the closest being those in the single storey rear extension added to the property. However, there are several trees adjacent to the building and some existing planting adjacent to the fence in the garden of 9 Orchard Close so this will have a filtering effect on views of the building, which will be sited 6.2m from the single storey rear extension. This being the case, it is not considered that the building will have a detrimental visual impact on the occupiers of this property.
18. In terms of the impact on 14 Orchard Drive, the building is currently sited adjacent to the end of the garden of this property. The existing trees on the application site will filter views of the building and there is also existing planting adjacent to the boundary with the application site in the garden of this property. It is not therefore considered that the building will have a detrimental visual impact on the occupiers of this property.
19. Whilst the building will be sited 6.2m from the dwelling to the southeast (9 Orchard Close), it will not accommodate horses so the normal concerns over smells and noise associated with such a building are not applicable in this case. The use of the building itself should not therefore generate unacceptable levels of noise and disturbance. Moreover, the building has been in place for several months and no objections have been raised by local residents in relation to noise and disturbance.
20. In terms of the windows in the side elevations, one of these faces onto the boundary with 9 Orchard Close. However, the view from the window is onto the boundary fence so there will not be direct overlooking from it.
21. Objections have however been raised by local residents in relation to the building due to water running off the roof onto neighbouring land. The applicant has agreed to move the building so as it is 1.5m from the boundary and also cut back the roof and fix a proper system of guttering to it. This will resolve the issue of rainwater run off. With regards to the issue of the building being a fire hazard, the building due to its size being under 30m<sup>2</sup> and position more than 1m from the boundary, is exempt from requiring approval under the Building Regulations.

#### Design

22. The design of the building is simple in character with horizontal timber boarded elevations and a flat roof. The scale of the building is modest as it occupies a footprint of only 7.7m by 2.6m with an overall height of 2.7m. There are two stable style doors in the front elevation of the building. The appearance of the building is typical of equestrian type buildings and it sits comfortably on the site adjacent to the existing trees and hardstanding area in front of it.
23. Given the scale and design of the building, it is not considered that the building will have a detrimental impact on the character and appearance of the locality.

#### Trees and Landscape

24. One of the trees adjacent to the building is protected by a Tree Preservation Order. However, the building is not sat on traditional foundations and the Council's Director of People and Places (Tree Consultation) has visited the site and as a result has not raised any objections to the application based on the nature of the building. The only concern raised is that relocation works could damage the tree so a condition is recommended requiring the protected tree, and other trees, to be suitably protected whilst works take place.

#### Traffic and Transport

25. The building is only to improve the facilities on the site and it will not accommodate horses. The building should not therefore lead to an increase in vehicular movements to and from the site. LCC (Highways) advise that due to the size of the building, it would be of little material highway impact.

#### **Overall Conclusion**

26. The building proposed is modest in scale and of a design appropriate to its urban fringe location and use. The applicant has agreed to move the building 1.5m from the boundary with the residential properties to the south to reduce the visual impact of the building.

#### **Other Matters**

##### **Planning Policies**

##### National Planning Policies:

National Planning Policy Framework (NPPF)

##### Adopted Chorley Borough Local Plan Review

Policies: GN5 / DC3 / EP8 / EP9 / EM4 / TR4

Supplementary Planning Guidance:

- Design Guide

##### Central Lancashire Core Strategy

Policy 13: Rural Economy

Policy 17: Design of New Buildings

Policy 29: Water Management

Supplementary Planning Document on Rural Development

**Planning History**

- 86/00893/FUL - Erection of stables – Permitted on 03.02.1987
- 87/00901/FUL - Erection of toilet Building – Permitted on 02.02.1988
- 88/00928/FUL - Erection of indoor riding school – Permitted on 07.03.1989
- 12/00651/FUL - Retrospective planning for office & store erected at Riding school –  
Withdrawn on 24.08.2012

**Recommendation: Permit retrospective planning permission**

## Conditions

1. Within three months of the date of the permission hereby granted, the building shall have been moved to the position detailed on the amended site plan received on 23<sup>rd</sup> October 2012 and shall be retained as such at all times thereafter.  
*Reason: To define the permission, to ensure the development is carried out in accordance with the approved plans, to mitigate the impact of the building on the neighbours and in accordance with Policy Nos. GN5, EP8 and EP9 of the Adopted Chorley Borough Local Plan Review.*
2. The building shall only be used as an office and store associated with the riding school on the site and shall not at any time be used for the stabling of horses or the housing of livestock.  
*Reasons: To define the permission and in accordance with Policy No. EP8 of the Adopted Chorley Borough Local Plan Review.*
3. Within three months of the date of the permission hereby granted, the overhanging section of the roof at the rear of the building shall be cut back and a suitable system of guttering installed and connected to the soakaway, in accordance with the approved plan received on 23<sup>rd</sup> October 2012. The roof and guttering shall be retained and maintained at all times thereafter.  
*Reasons: To define the permission and in accordance with Policy No. 29 of the Central Lancashire Core Strategy.*

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<b>Item 4c</b>	<b>12/00981/FUL</b>
<b>Case Officer</b>	<b>Hannah Roper</b>
<b>Ward</b>	<b>Adlington &amp; Anderton</b>
<b>Proposal</b>	<b>Conversion of existing building to form 6 apartments with associated car parking</b>
<b>Location</b>	<b>C G S Design &amp; Screen Bridge House 23 Railway Road Adlington Chorley</b>
<b>Applicant</b>	<b>Mr Stuart Ashburn</b>
<b>Consultation expiry:</b>	<b>8 November 2012</b>
<b>Application expiry:</b>	<b>7 December 2012</b>

**Proposal**

1. The proposal relates to the conversion of the property at 23 Railway Road, Adlington to 6, one bedroom apartments with associated car parking. The site has most recently been occupied by a printing business but has been vacant for some time.
2. The proposals involve the insertion of new doors into the front elevation and new windows into the side and rear elevations of the existing two storey building.
3. Car parking for the proposed apartments will be provided to the rear of the building, on the site of the existing car park and access will remain from Grove Avenue.

**Recommendation**

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

**Main Issues**

5. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Loss of an Employment Premises
  - Housing Development
  - Design
  - Trees and Landscape
  - Traffic and Transport
  - Waste

**Representations**

No representations have been received

## Consultations

6. **Lancashire County Council (Highways)** – no written comments received, however verbally confirmed no objection
7. **Chorley's Waste & Contaminated Land Officer** – no objection

## Assessment

### Principle of the development

8. The application site is located within the defined Settlement of Adlington. The Central Lancashire Joint Core Strategy, Policy 1 seeks some growth and investment within Urban Local Service Centres, including Adlington, to help meet employment and housing needs. The principle of housing in this location is therefore acceptable.

### Loss of an Employment Use

9. The building has previously been in an employment use but had not been used for some time. Policy 10 of the Adopted Joint Central Lancashire Core Strategy sets out specific requirements with regard to the loss of existing employment premises. The applicant has submitted detailed information relating to the on-going marketing of the site as well as detailed information relating to the viability of redevelopment of the site for employment purposes. The Policy team have reviewed this information and are satisfied that the applicant has submitted sufficient information to satisfy this policy and as such they have no objection to the proposal.

### Impact on neighbouring properties

10. The existing building fronts onto Railway Road and has its rear elevation facing towards the side elevation of properties on Clover Road. The proposals will introduce additional windows into the front and rear elevations and new windows into the side elevation. The property overlooks the Conservative Club on the opposite side of Railway Road and the side elevation faces on to the side elevation of the property at 29 Railway Road. At the rear a grassed area separates the property from the side elevation of 2 Grove Avenue. There will therefore be no issues of overlooking resulting from the proposed change of use or the insertion of extra windows or Juliette balconies.

### Design

11. At the current time the building is disused and is falling into disrepair. It occupies a corner position and as such is prominent in the street scene. The proposal would see improvements made to the front elevation and rear elevation by virtue of new windows being installed and the insertion of new doors. The Council's Design Officer made comments on the previously withdrawn application requesting the developer consider following the natural rhythm of the frontage when inserting doors and windows. The applicant has incorporated this within the front elevation amendments.

### Trees and Landscape

12. A protected tree lies on the land to the rear of the site outside of the applicant's ownership. The Council's Street Scene department have been consulted with regard to the proposal; however no comments have been received. The hard standing area will not encroach further towards this tree than the existing situation and it is therefore not considered that this will be detrimental to this tree.



Traffic and Transport

13. The applicant has proposed to provide three car parking spaces for the six apartments on the rear of existing car parking to the rear of the site. Regional Strategy for the North West standards would generally require one car parking space per dwelling; however the National Planning Policy Framework (NPPF) seeks to promote sustainable transport solutions and a reduction in pollution forms part of the core principles of the NPPF. The application site is located directly adjacent to Adlington Railway station and bus stops are located within 30m of the building frontage serving both directions. The location of the proposals is therefore considered to be highly sustainable and as such the reduction in car parking spaces is considered to be acceptable. The County Councils Highways Engineers concur with this opinion.

Waste

14. The applicant has submitted a revised plan that shows the area to be dedicated towards bin storage at the site. The Council's Waste Officer considers that the proposed space is acceptable. Further details of marking/fencing will be conditioned.

**Overall Conclusion**

15. That the application is approved subject to conditions.

**Planning Policies**National Planning Policies:

NPPF – paragraph 29, 63 – 65,

Adopted Chorley Borough Local Plan Review

Policies: TR4

- Design Guide

Joint Core Strategy

Policies 10, 17

**Planning History**

**Ref:** 12/00552/FUL                      **Decision:** WDN                      **Decision Date:** 10 October 2012

**Description:** Change of use of former Conservative Club to 8 apartments

**Ref:** 12/00663/FUL                      **Decision:** PERFPP                      **Decision Date:** 2 November 2012

**Description:** Proposed redevelopment of former Conservative Club to outdoor car sales and showroom

**Ref:** 12/00981/FUL                      **Decision:** PDE                      **Decision Date:**

**Description:** Conversion of existing building to form 6 apartments with associated car parking

**Ref:** 85/00843/FUL                      **Decision:** PERFPP                      **Decision Date:** 20 January 1986

**Description:** Change of use to offices and light industrial premises

**Ref:** 83/00711/COU                      **Decision:** PERFPP                      **Decision Date:** 6 December 1983

**Description:** Change of use of ground floor to light industry and first floor to residential accommodation

Ref: 79/00514/FUL

Decision: PERFPP

Decision Date: 6 August 1979

Description: Change of use of Conservative Club to office accommodation

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

1. Prior to the occupation of the first dwelling, the car park shall be laid out and made available for parking in accordance with the approved plan.

*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.*

2. The approved plans are:

Title	Received On
Proposed Conversion of 23 Railway Road to form 6 apartments –	
Proposed elevations	8 November 2012
Car parking plan and Bin Storage	8 November 2012
Proposed Ground Floor Plan Rev A	12 October 2012
Propose Basement Plan Rev B	12 October 2012
Proposed First Floor Plan Rev B	12 October 2012
Location Plan	12 October 2012

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

3. Prior to the commencement of development full details of the area for waste collection and storage shall be submitted to and approved in writing by the Local Planning Authority. The approved detail shall be implemented prior to occupation of the first dwelling.

*Reason: In the interests of amenity for residents in accordance with HS4 of the Chorley Local Plan Review.*

4. 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, DC8A, DC8B, HT2, HT3, HT7, HS4, HS9, EM3, EM4A and EM5 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Joint Core Strategy.*

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

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

<b>Item 4d</b>	<b>12/00809/OUTMAJ</b>
<b>Case Officer</b>	<b>Caron Taylor</b>
<b>Ward</b>	<b>Chorley South East</b>
<b>Proposal</b>	<b>Outline application (with all matters reserved) for the erection of 14 no. dwellings following demolition of Fire Station site.</b>
<b>Location</b>	<b>Chorley Fire Station Weldbank Lane Chorley LancashirePR7 3NQ</b>
<b>Applicant</b>	<b>Mrs Nicola Ogden</b>
<b>Consultation expiry:</b>	<b>8 November 2012</b>
<b>Application expiry:</b>	<b>19 December 2012</b>

### **Proposal**

1. Outline application (with all matters reserved) for the erection of 14 no. dwellings on former Fire Station site.

### **Recommendation**

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

### **Main Issues**

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

### **Representations**

4. One letter of objection has been received on the following grounds:
  - The parking in Weldbank Lane is not good especially the top end near to the fire station and the shop. Also the 20mph speed limit has now been set up, so will be causing more cars, more traffic on the school run;
  - It will spoil Weldbank Lane;

### **Consultations**

5. **The Environment Agency**  
Have no comments to make on the application.

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

During the period 21/09/2011 to 21/09/2012 there has been recorded criminal activity within the immediate vicinity of this location. This includes theft from a vehicle and burglary in a building other than a dwelling. The frontage of the dwellings face the street which is supported as it maximises the opportunity for natural surveillance. In order to prevent the opportunities for criminal activity at the development I recommend that consideration be given to the following points:-

- Consideration should be given to the properties being developed to be Secured by Design standards, in particular Part 2 Physical Security. The proposed layout of the development already takes cognisance of the principles of Part 1 of Secured by Design e.g. layout and design.
- The car parking arrangements essentially create a communal parking court. It is recommended that parking is within the curtilage of the property at the front and side where possible. If parking is to be provided at the rear and side of properties it should ideally be within the curtilage of the dwelling, within view from active rooms and securely fenced and gated e.g. at the end of the garden. The parking for plots 4 to 7 is afforded good natural surveillance due to the orientation of the dwellings.
- The parking areas should be well lit with street lighting that provides a minimum of 40% uniformity of even coverage of light so as to reduce the fear of crime amongst users and discourage potential offenders.
- In order to maximise the opportunity for natural surveillance to the car parking spaces, boundary fencing at the side and end of properties should be 1200mm close boarded and 600mm trellis topping to allow residents to see their vehicles from the downstairs rear and side rooms of the properties e.g. plots 1-3.
- Careful consideration should be given to the landscaping arrangements around the car parking spaces as indicated on the site location plan so as not to restrict natural surveillance and provide areas of concealment for potential offenders.
- Although permeability is to be encouraged on housing developments some footpaths throughout the development create public access to the vulnerable rear of dwellings. These should be gated where possible and access to rear gardens should be restricted by a gating arrangement.

**7. United Utilities**

Have no objection to the proposal subject to conditions being attached to the application requiring the developer to contact the Local Authority confirming how surface water will be managed and that the site must be drained on a separate system, with only foul drainage connected into the foul sewer.

8. They also state that a water main crosses the site and as they need access for operating and maintaining it, they will not permit development in close proximity to it. They require an access strip of no less than 5 metres wide measuring at least 2.5 metres either side of the centre line of the main. A modification of the site layout, or diversion of the main at the applicant's expense, may be necessary.

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

Have no objection to the proposal.

10. Weldbank Lane is 7.5m wide and with on-street car parking taking place on the opposite side of the road. Weldbank Lane is a secondary distributor road with a 30mph speed limit. An examination of the recorded injury accident database has revealed no accidents in the past 5 years.

11. Following a review of the submitted information, there is really very little to comment upon from a highway viewpoint. The access/entrance to the parking courtyard is measuring 5.5m wide with 3m radii on the plan which will be acceptable. The level of parking shown is slightly on the low side but it is not significant and this can be resolved at reserved matters stage. 23no spaces are shown against 28no recommended in accord with the preferred standards. The parking courtyard will be required to be constructed to adoptable highway standards and suitable provision for illumination by street lighting and the proposed footway alterations to form the new access and reinstate the footway elsewhere to be undertaken by the highway Authority.
12. **Chorley's Waste & Contaminated Land Officer**  
There is a potential for ground contamination at this site (former fire station). They therefore recommend a condition in relation to this.
13. **Lancashire County Council (Education)**  
Draw the Council's attention to impacts associated with the above development and propose mitigation for these impacts through a planning obligation. The contribution described is directly linked to the development described above and would be used in order to provide education places within a reasonable distance of the development (within 3 miles) for the children expected to live on the development.
14. Based upon the 2012 annual pupil census and resulting projections LCC seek a contribution for 5 primary school places: £58,178. They state failure to secure the contributions sought would mean that the County Council cannot guarantee that children living on the development would be able to access a school place within a reasonable distance from their homes.
15. They state they are unable to specify the school(s) which would have additional places provided at this stage due to the statutory processes surrounding school expansion and the need for consultation.

### **Applicants Case**

16. Lancashire Combined Fire and Rescue service has a strategic objective to dispose of Chorley Fire Station as it will be surplus to requirements once the new Fire Station at Washington Hall, currently under construction] is open in July 2013.

### **Assessment**

#### Principle of the development

17. The site is currently in use as Chorley Fire Station. It is within the settlement of Chorley on the corner of Weldbank Lane and Gloucester Road. Its access point is on Weldbank Lane. There is a large building on the site which includes a fleet garage and fire training tower. It is a brownfield site within Chorley therefore development is acceptable in principle.

#### Housing Development

18. The proposal is made in outline with all matters reserved. The Council is therefore being asked to consider the principle of 14 dwellings on the site. The details of their appearance, scale, layout, landscaping and access would be the subject of a separate application if this outline application was permitted. The applicant is however required to provide the Council with a level of information that demonstrates 14 dwellings could be satisfactorily developed on the site. The application is therefore accompanied by an indicative layout drawing indicated 14 two-storey properties.

#### Density

19. 14 dwellings on the site would result in a density equivalent to 43.8 dwellings per hectare. This is considered appropriate to the surrounding area, much of which is high density terraced housing, notably those opposite the site on Weldbank Lane which the site will mainly be viewed in the context of.

Levels

20. The site is relatively flat, although there is a small step (approximately 0.3m) between the northeast corner of the site and the land immediately to the northwest. However it is considered that acceptable finished floor levels can be achieved at the site to meet the Council's interface distances and a condition is proposed requiring these to be submitted with any Reserved Matter application.

Impact on the neighbours

21. Bankside Day Centre is to the east and southeast of the site so there are no residential properties that bound with the site on this side. The nearest properties to the north are 43 and 43A Gloucester Road which are two flats. There is a door and two windows in the end elevation of this building but they are not the main windows to these properties and it is considered that an acceptable relationship could be achieved at Reserved Matters stage with dwellings on the application site.
22. Opposite the site on Gloucester Road are numbers 46 to 50. There is approximately 24m between the front windows of these properties and the northwest site boundary so the Council's interface distances could be met at Reserved Matter Stage between facing windows.
23. Number 23 Weldbank Lane has main windows on its side elevation facing towards the site. There is approximately 11.5m between these windows and the site boundary and therefore it is considered that any scheme could be designed so that the interface distances are met.
24. Opposite the site on Weldbank Lane are residential terraced properties numbers 32 to 62 (number 46 is a shop at ground floor). There is at least 15m between the front of these properties and the site boundary and the indicative layout shows that the Council's interface distance of 21m between facing properties could be met.
25. The relationship of the site and the surrounding properties is therefore considered acceptable in that an acceptable layout could be achieved in terms of relationship with the neighbouring properties at Reserved Matters stage.

Scale, Layout and Design

26. These aspects are not for consideration at outline stage, however indicative plans show two-storey mews style properties. It is considered that these aspects can be acceptably achieved at Reserved Matters Stage as two-storey properties would be in keeping with the surrounding area.
27. The comments of the Architectural Liaison Officer have been notified to the applicant so they are aware of them in terms of a Reserved Matters application.

Open Space

28. The Open Space Study and Playing Pitch Strategy were published in May and June 2012 respectively and they set new provision standards based on a robust and up to date assessment of the needs for open space, sports and recreation facilities and opportunities for new provision in accordance with the National Planning Policy Framework (NPPF).
29. The Open Space Study sets a standard of 0.73 hectares per 1,000 population for amenity green space. There is currently a deficit of this provision in the Chorley South East ward (in which the site is located) in relation to this standard, a contribution towards new provision is therefore required of £128 per dwelling, which is based on the Interim Planning Guidelines for New Equipped Play Areas associated with Policy HS21 but adjusted to reflect the new standard.
30. In terms of provision for children/young people (equipped play areas) the Open Space Study sets a standard of 0.08 hectares per 1,000 population. There is currently a deficit of provision in the Chorley South East ward in relation to this standard and therefore a contribution of £126 per dwelling is required.

31. In relation to playing pitches the Playing Pitch Strategy recommends a standard of 1.21 hectares per 1,000 population. It does not identify deficits on a settlement basis as it is not considered appropriate. It identifies a Borough-wide deficit of 29.06 hectares of playing pitches but states that the majority of this deficit can be met by improvements to existing pitches. It does not identify the need for new pitches in Chorley Town. Instead it states that financial contributions should be sought from new housing developments towards improvements to the pitches identified in the Action Plan included within the Strategy. This Action Plan identifies a number of pitches in the Borough where quality improvements are needed to increase capacity and reduce the deficit in provision. In line with the recommendations in the Playing Pitch Strategy, a financial contribution towards the improvement of existing pitches in the Borough is required. Using the figures within the 'Interim Planning Guidelines for New Equipped Play Areas' which supplements Local Plan Policy HS21, adjusted to reflect the new standard, the financial contribution required is £571 per dwelling.
32. The financial contributions required from the development are therefore £1,792 for amenity greenspace provision, £1,764 for equipped play area provision and £7,994 for improvements to existing playing pitches, a total of £11,550. This will need to be secured via a Section 106 Agreement.

#### Trees and Landscape

33. There are a number of mature trees on the southeast boundary of the site but they are within the grounds of Bankside Day Centre grounds. It is considered that 14 dwellings on the site could be achieved without having a detrimental impact on these trees. However, a condition is proposed requiring a Reserved Matters application to include details of any protection measures required for these trees in line with the 2012 British Standard: Trees in Relation to Design, Demolition and Construction.
34. There are two medium sized trees on the site itself. One is an evergreen close the boundary with Bankside Day Centre and the other is a silver birch on a small grassed area immediately adjacent to the existing Fleet Garage. Both trees are set back approximately 18m from Weldbank Lane and therefore views of them are obscured by the Fire Station building from the northwest and by the trees on Bankside Day Centre from the southeast. Views of the tree are only readily visible when the site is viewed directly onwards at the entrance and even from this point the evergreen is viewed in the context of the larger native mature trees immediately to the southeast. It is not considered therefore that they have such public amenity value that they would warrant a being protected by a Tree Preservation Order.

#### Ecology

35. The Council has used Natural England's Standing Advice in relation to protected species. Using this it is not considered that a bat survey is required as the site does not fall within any of the trigger criteria for demolition or removal of buildings.
36. However, it is accepted that bats are mobile creatures and can use suitable features within buildings on an occasional and opportunistic basis. It can be difficult, even if surveys are carried out and do not find evidence of bats, to entirely rule out the possibility that an individual bat might use a gap or crevice on an occasional basis (and could therefore be present when construction commences). It is therefore considered appropriate to adopt a precautionary approach to demolition, and require that features with the potential to support bats are carefully removed by hand via condition.
37. The applicant will also be advised of the legislative protection afforded to bats in the form of a note on any planning permission that in the unlikely event that the presence of bats is suspected, works must cease and a suitably qualified and experienced bat worker should be contacted for advice as advised by the Natural England Standing Advice.

#### Flood Risk

38. The site is not within a Flood Zone as identified by the Environment Agency nor is it more than 1 hectare in size. A flood risk assessment is therefore not required.

Traffic and Transport

39. Lancashire County Council Highways do not object to the principle of residential development on the site.
40. The Fire Station currently has an access point on to Weldbank Lane and it is considered that a sufficient access either in this position or elsewhere on the Weldbank Lane frontage could be achieved.
41. In terms of parking it is considered that the Council's parking standards of two spaces for two or three bedroom properties need to be met, it is not considered that parking levels at the site could be reduced. There are terraced properties opposite the site on Weldbank Lane that do not benefit from off-road parking and therefore rely on on-street parking. There is also a corner shop that relies on on-road parking. The indicative layout shows 23 spaces, whereas the Council's parking standards would require 28 spaces for 14 two or three bedroom dwellings. It is however, considered that there is sufficient space within the site to provide additional parking spaces on the site at Reserved Matters. This has been advised to the applicant.

Contamination and Coal Mines

42. The site is not within a Coal Referral Area, the Coal Authority do however wish their Standing Advice to be added to any permission as an informative.
43. The condition recommended by the Council's Contaminated Lane Officer is proposed in relation to the application.

Drainage and Sewers

44. There is a water main that crosses the site. United Utilities state they will not allow building over it and it may therefore need to be diverted or an amendment made to the site layout. This issue has been notified to the applicant. This is not strictly a planning issue as the developer may choose to divert the main at their own cost, however the Council need to be satisfied that what they are applying for (14 dwellings) is achievable on the site. The indicative layout indicates that a scheme could be implemented for 14 dwellings on the site taking account of the water main.
45. Conditions requiring details of foul and surface water drainage details to be submitted and approved in writing are proposed which responds to the consultation from United Utilities.

Sustainability

46. Policy 27 of the Core Strategy requires new development or 5 or more dwellings to be built to meet Level 3 of the Code or Sustainable Homes increasing to Level 4 from January 2013 and Level 6 from January 2016.
47. The policy also requires evidence that the design, orientation and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change and that there is sufficient space provided for recycling containers.
48. There is also a requirement to reduce the carbon dioxide emissions of predicted energy use by at least 15% through either additional building fabric insulation measures or appropriate decentralised, renewable or low carbon energy sources.
49. Conditions will be applied in relation to Policy 27.

Education Provision

50. Lancashire County Council School Places Planning has advised that there is a need for a contribution towards five primary school places in the area of £58,178 as there is a predicted shortfall in the area (before this development is taken into account). This will need to be secured via a Section 106 legal agreement. There is however predicted to be a surplus of secondary school places so no contribution is required for this.



**Overall Conclusion**

51. The application is considered acceptable in principle for fourteen dwellings. It is considered the detailed matters of layout and appearance of the dwellings, scale, access and landscaping could all be satisfactorily achieved at Reserved Matters stage. The application is therefore recommended for approval subject to conditions and a Section 106 legal agreement securing contributions to public open space and school places.

**Planning Policies**National Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, HS4, HS21, TR4

Supplementary Planning Guidance:

- Design Guide

Joint Core Strategy

Policies 1, 17, 27

Emerging Chorley Local Plan Publication Version (formerly Site Allocations and Development Management Policies Development Plan Document)

V1, ST4, HS4A, HS4B, BNE1

**Planning History**

There is no planning history relevant to the current application.

**Recommendation: Permit subject to legal agreement Conditions**

1. Any reserved matters application shall be accompanied by details of how during the construction period, the trees outside the site bounding with the site to the southeast shall be protected in accordance with British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction. The development shall only be carried out in accordance with the approved details. *Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*
2. The approved plans are:
 

Plan Ref.	Received On:	Title:
054-01-99	14 August 2012	Location Plan
N/A	3 September 2012	Design and Access Statement.

*Reason: To define the permission and in the interests of the proper development of the site.*
3. There is a potential for ground contamination at this site (former fire station). Due to the size of development and sensitive end-use (residential housing with gardens), 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 and the development shall then only be carried out in full accordance with the approved remediation proposals.

*Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework.*

4. The development hereby permitted shall not commence until full details of foul and surface water drainage arrangements including a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first occupation of any dwelling on the site and retained and maintained as such at all times thereafter. *Reasons: To reduce the increased risk of flooding and in accordance with Policy No. EP18 of the Chorley Borough Local Plan Review.*
5. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.  
*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Chorley Borough Local Plan Review.*
6. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels (all relative to the ground levels and the finished floor levels of the dwellings adjoining the site), notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.  
*Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Chorley Borough Local Plan Review.*
7. An application for approval of the reserved matters (namely the layout, appearance, scale, access and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.  
*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.*
8. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.  
*Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.*
9. Before the commencement of any particular dwelling, full details of the onsite measures to be installed and implemented for that property to reduce carbon

emissions of predicted energy use by the figure set out in Policy 27 of the Core Strategy shall have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include full details of the predicted energy use of the development expressed in terms of carbon emissions and how energy efficiency is addressed. The approved details shall be implemented in full and retained thereafter.

*Reason: To ensure the development is in accordance with Government advice contained in the NPPF and Policy 27 of the Core Strategy.*

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

*Reason: To ensure the development is in accordance with the NPPF and in accordance with Policy 27 of the adopted Core Strategy.*

11. 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. 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 27 of the adopted Core Strategy.*

12. Any Reserved Matters application shall be in accordance with the parameters contained in the Design and Access Statement submitted with this application in terms of scale.

*Reason: To ensure the reserved matters application is in accordance with the character of the area in terms of scale and in accordance with the NPPF and Policy 17 of the Cores Strategy.*

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

*Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy Nos. GN5 and HS4 of the Chorley Borough Local Plan Review.*

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**Item 4e**                      **12/00443/FUL**

**Case Officer**            **Adele Hayes**

**Ward**                        **Eccleston And Mawdesley**

**Proposal**                 **Construction of fish stock breeding pond**

**Location**                **High Heys Farm Langton Brow Eccleston ChorleyPR7 5PB**

**Applicant**                **Mr K Whaite**

**Consultation expiry: 19 June 2012**

**Application expiry: 28 June 2012**

### **Proposal**

1. It is proposed to construct a fish stock breeding pond to the east of the main block of buildings and adjacent to an existing breeding pond. The land generally falls from east to west.
2. The proposed pond would be approximately 110 sq. m. in area and will vary in depth from 1 to 2 m. This will be achieved by a cut and fill exercise.
3. The applicant set up the fishing ponds at High Heys farm in approximately 1990. Currently there are three ponds used for leisure and match fishing purposes, along with a number of breeding ponds.
4. The applicant has advised that initially fish were bought to stock the fishing ponds from external sources; however the applicant has now built up his own breeding programme to produce his own stock.
5. This is the applicant's preferred method of restocking the ponds as it gives him greater control over the development of the fish whilst helping to control diseases within his stock and reduce costs.
6. The replacement fish have been produced on site for approximately the last two years, with no fish being purchased from external sources within this time.
7. The applicant has stated that pond is required to enable a longer rearing period, therefore providing a better specimen of fish to stock the match ponds. Secondly, the applicant states that the proposed development could act as a holding pond for when maintenance works are being undertaken to the other breeding ponds. Finally, the applicant views the pond as a facility to help the expansion of his business.

### **Recommendation**

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

### **Main Issues**

9. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Ecology
  - Flood Risk
  - Traffic and Transport

## Representations

10. The occupier of the adjoining property has raised the following grounds of objection:
  - The proposed pond is not a necessity since the applicant has run commercial fishing lakes for 20 years without this pond
  - The proposed pond will pose a threat to the bio security of an adjoining business because of the potential risk of flooding
  - The activities being undertaken at the farm are unauthorised and have been operating illegally in relation to water abstraction and discharge and fish movements
  - Without approval from the Environment Agency in respect of discharge for maintenance the pond would be unfit for purpose
  - The extent of neighbour notification has not been adequate
  - Extended periods of pumping out would cause noise pollution
  - The proposed pond is not suitable for the proposed use
  - The proposed methods for fish breeding do not constitute good practice
  - The proposed pond would have an adverse impact on the openness of the green belt and would interrupt views across the land
  - The capacity of the existing drain is not adequate to deal with the likely drainage rates
11. No letters of support have been received
12. Parish Council – no comments have been received

## Consultations

13. **Lancashire County Council (Ecology)** have no objection to the proposal but recommend a precautionary approach to construction and recommend a condition requiring the submission of a method statement detailing measures that will be implemented during construction for the avoidance of impacts on amphibians.
14. **The Environment Agency** have confirmed that they have no comments to make
15. **Director People and Places** has no objection
16. **United Utilities** have no objection to the proposed development.
17. **Lancashire County Council (Highways)** has no objections to the proposed development.

## Assessment

### Principle of the development

18. The proposed development is located within an area designated as Green Belt within the Chorley Borough Council Local Plan on which guidance is provided in Policy DC1. The Policy states:

**'In the Green Belt, as shown on the proposal map, planning permission will not be granted, except in very special circumstances, for the development other than:**

  - a) **Agriculture and forestry;**
  - b) **Essential facilities for outdoor sport and outdoor recreation, for cemeteries or other uses of land which preserve the openness of the Green Belt and do not conflict with its purposes;....'**
19. The reason for the proposed breeding pond relates to the applicant's desire to be able to continue to stock his ponds through his own breeding programme and the subsequent

rearing of fry, in addition to facilitating the rearing of fish for longer before they are transferred to the fishing ponds.

20. It is apparent from the continued operations of the fishing ponds at High Heys Farm that the existing setup has provided sufficient facilities to keep the applicant's fishing ponds stocked. However the proposed development will facilitate the expansion of the applicant's business operations in addition to providing a facility to afford a longer period of growth for the applicant's stock prior to being transferred into the fishing ponds. In considering the above, the County Land Agent has advised that the proposed breeding pond is essential to facilitate the proposed expansion of the business.
21. Whilst there may be disadvantages to rearing several varieties of fish within the same pond, due to a reduction in nutritional and disease control, the varying growth rates between the different varieties and additional logistical problems, the proposed method is not unacceptable and indeed the applicant has successfully bred and reared fish for a number of years.
22. In assessing the application, it is also necessary to consider whether the proposal would have any adverse implications on any existing land use or activities undertaken from the unit. Whilst it is clear that the area of land where the pond is to be positioned does form part of a grazed field, the existence of the proposed pond will not have a serious detrimental affect upon the applicant's agricultural or livery enterprise. The remaining acreage available to the applicant would be large enough to support both the existing agricultural and livery enterprise.
23. The applicant will clearly require permission from the relevant authority when discharging into the local watercourse, however this method of emptying the ponds is currently used on site and is considered to be acceptable.
24. The position of the proposed development, being adjacent to the existing breeding pond is the most suitable position from an operational point of view in terms of stocking and maintenance whilst also benefitting from the topography of the land.

#### Ecology

25. Lancashire County Council has records of great crested newts at between 500-600metres from the application area. The presence of this species in the wider area raises the possibility that newts could be present in suitable ponds in closer proximity to the proposed development and that they could also be present within suitable terrestrial habitats in this area.
26. Natural England guidance suggests that, if ponds in proximity to the application area support breeding great crested newts, the proposals would be likely to result in an offence.
27. It seems likely that most of the 'ponds' in this area will be unsuitable for great crested newts due to the presence of fish. Moreover, as the application area does not support high quality amphibian terrestrial habitat the proposals will not impact on the habitat of the protected species. Significant impacts on a population of great crested newts therefore seems reasonably unlikely.
28. However if great crested newts are active in this area, construction could result in killing or injuring of this species which would be a breach of legislation. It should however be possible to carry out the works with minimal risk to great crested newts, through the implementation of precautionary measures during construction for the avoidance of impacts on great crested newt and indeed other amphibians including common toads, a Species of Principal Importance in England. An appropriate condition is therefore recommended.

Flood Risk

29. The applicant's agent has advised that the existing breeding pond is emptied at most once a year but more often than not, every two years. The outlet is through a 100mm diameter pipe into the adjoining ditch that then feeds into the pond by the farm buildings. This is an old quarry that the Council is advised only fills with water in prolonged heavy downpours. This slowly drains into the ditch running alongside the entrance road to High Heys Farm and then eventually feeds into Syd Brook at Heskin Bridge.
30. The potential risk of flooding has been considered by the Environment Agency who has confirmed that they consider the proposal to be a low-risk application and have raised no objections to the proposal.

Traffic and Transport

31. The application is for a second fish breeding pond to satisfy the applicant's fish breeding needs. The new fish breeding pond will be constructed alongside the existing pond. The two ponds will be set well away from the other leisure fishing ponds and will have negligible impact on vehicle and operational needs on the farm.

**Overall Conclusion**

32. The proposed development is considered to be acceptable and it is recommended that the application is approved subject to conditions.

**Planning Policies**National Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: DC1

Joint Core Strategy**Planning History**

The site history of the property is as follows:

- 86/00928/FUL Extension to existing kennel and erection of cattery building. Approved 3 February 1997
- 87/00479/OUT Outline application for erection of dwelling. 29 September 1984
- 90/00027/OUT Outline application for the erection of detached house. Refused 4 September 1990
- 90/01112/FUL Outline application for the erection of detached house. Refused 4 September 1991.
- 01/00218/FUL Two storey side extension, front porch, front and rear dormers and raising of roof ridge. Withdrawn 7 August 2001
- 1/00443/FUL Rebuilding and replacement of 23 kennels. Approved 5 July 2001
- 01/00694/FUL Replacement dwelling. Approved 9 December 2001



- 02/00483/FUL Formation of fishing lake. Approved 16 July 2002
- 03/00172/FUL Formation of fishing lake and car parking area. Approved 16 April 2003
- 12/00031/FUL Retention of car park and access track. Approved 10 May 2012
- 12/00092/FUL Retention of an electrical meter building. Approved 10 May 2012
- 12/00442/AGR Application for prior notification of agricultural building to be used for housing sheep and lambs and for storing farm machinery and a straw or hay crop. Permitted 29 May 2012
- 12/00703/DIS Application to discharge condition 3 (landscaping) on planning permission. Discharged 17 August 2012

**Recommendation: Permit Full Planning Permission  
Conditions**

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

Plan Ref.	Received On:	Title:
12/022/P02	2 May 2012	Proposed Location Plan
12/022/P01	2 May 2012	Site Plan & Section

*Reason: To define the consent and to ensure all works are carried out in a satisfactory manner.*
  
3. Before the development hereby approved commences, a method statement shall be first submitted to an approved by the Local Planning Authority detailing measures that will be implemented during construction for the avoidance of impacts on amphibians.  
*Reason: To ensure that there is no adverse impact on amphibians.*

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<b>Item 4f</b>	<b>12/00782/FUL</b>
<b>Case Officer</b>	<b>Helen Lowe</b>
<b>Ward</b>	<b>Lostock</b>
<b>Proposal</b>	<b>Application for a two room stable with hay store &amp; tack room with wind turbine (height 7.77m to hub, 8.65 m to blade tip) and poly-tunnel</b>
<b>Location</b>	<b>Stoat Hall Fisheries Back Lane Bretherton OrmskirkPR26 9BE</b>
<b>Applicant</b>	<b>Mr Fred Mitchell</b>
<b>Consultation expiry:</b>	<b>7 September 2012</b>
<b>Application expiry:</b>	<b>11 October 2012</b>

### **Proposal**

1. This application proposes the erection a stable block, wind turbine and poly tunnel. The proposed stable block would comprise of two stables, a hay store and tack room. The whole building would measure 12m long by 4m wide, with a maximum height of 3.55m. It would be constructed from timber boarding with a galvanised steel roof. The proposed wind turbine would measure 7.77m high to the hub and 8.6m to the blade tip. The proposed poly tunnel would measure 2.4m wide by 3m long and 2.3m high.
2. All three buildings/structures are to be located within the boundary of Stoat Hall Fisheries. The site presently contains two large fishing ponds that are open to the public, and a further breeding and stock pond. There is also an existing building that is used for machinery and general storage. There is also a small polytunnel sited adjacent to the building on site. The site is located within the Green Belt
3. A previous application (09/00017/FUL) for stables has been refused on the grounds that no evidence was submitted to demonstrate that the stables would be used for equestrian purposes and there was insufficient grazing land available on the site for two horses (the proposal also included a pole barn was refused as there was insufficient agricultural justification).

### **Recommendation**

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

### **Main Issues**

5. The main issues for consideration in respect of this planning application are:
  - Principle of development within the Green Belt
  - Impact on the neighbours

### **Representations**

6. No letters of objection or support have been received
7. Bretherton Parish Council make the following comments:
  - The horses are not his and he rents out the land to two other people;
  - He also rents out his land as an allotment, and not for his own use;
  - He does not need a turbine to generate electricity, the site already has mains electricity and generators.

### **Consultations**

8. Lancashire County Council (County Land Agent) makes the following comments:

- The applicant owns two horses, which are used by family members for riding purposes;
- At the time of inspection these were not on site
- The horses would be able to graze land immediately available to the south of the proposed stable block, but also land around pond number 4. There will be approximately 1.5 acres of grazing land available;
- Unlike when dealing with previous applications, the applicant does now own some horses, although these were not present at the time of the inspection;
- In addition the area of land proposed for grazing has been reseeded, and improved. The area of land available will be acceptable for the two small horses owned;
- The design of the building is of a typical timber type construction, and whilst the size of the building is acceptable, it could be reduced in size;
- The proposed site of the building is suitable from an operational point of view, being relatively close to existing buildings /car parking area and immediately adjoining

9. Lancashire County Council (Highways) no objection.

### **Assessment**

#### **Principle of Development within the Green Belt**

##### **Stables**

10. The size, scale, design and proposed materials of the stables comply with the Council's SPG and policies on development involving horses and the adopted SPD on Rural Development. Appropriate facilities for outdoor sport and recreation (provided that they preserve the openness of the Green Belt) are considered to be appropriate development in the Green Belt as set out in the Framework. Conditions can be attached to secure that the stables are used for private use only. However, due to the small scale of the stables and the existing traffic movements to the fishing ponds at the site, it is considered that use of the stables by someone other than the applicant would not be unduly harmful.
11. As the applicant has now improved the grazing land and stated that they do own two horses, it is considered that the previous reasons for refusal relating to the stables have been overcome.

##### **Wind Turbine**

12. Paragraph 98 of the NPPF states that when determining planning applications for energy developments local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and also recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
13. Paragraph 91 also acknowledges that when located within the Green Belt, elements of many renewable energy projects will comprise inappropriate development. Very special circumstances will need to be demonstrated if projects are to proceed. It goes on to advise that such very special circumstances may include the wide environmental benefits associated with increased production of energy from renewable sources.
14. Policies in the Adopted Chorley Borough Local Plan Review and Core Strategy also seek to support proposals for proposals for renewable energy, provided that they do not harm the character and appearance of the area in which they are located.
15. The proposed turbine would be located adjacent to the existing stock pond, close to existing buildings on site. No new access would be required and the site is well screened by mature trees and hedging. The wider surrounding landscape is relatively flat and open and very rural in character. The site is not close to any built up areas. The turbine proposed is relatively small and although the surrounding landscape is largely flat it is not considered that it would be unduly prominent or visually intrusive. The turbine would therefore have a very limited visual impact upon the open and rural character of the area, and in light of central government support for such proposals it is considered that this element of the proposal is acceptable.

**Polytunnel**

16. The proposed poly tunnel does not appear to be for any commercial agricultural enterprise, given its very obvious temporary nature (the proposed method of construction does not involve any laying of foundations), its lightweight construction and siting adjacent to the proposed stables and within an area already used for vegetable growing, it is considered that this element of the proposal is acceptable and would cause very limited harm to the Green Belt. It is recommended that a condition be imposed to require its removal from the site should the use cease.

**Impact on the neighbours**

17. The nearest residential property is Odd House and is approximately 80m to the south. It is not considered that the proposal would have any undue impact upon the amenities of neighbouring occupants.

**Overall Conclusion**

18. The application site falls within the designated Green Belt, with the proposed wind turbine defined as inappropriate development in the NPPF. However, the turbine would be located adjacent to the existing buildings and no new access or hardstanding would be required. The turbine and polytunnel would give rise to some level of visual impact, but given the size, scale and location of the proposal this would be minimised. The environmental benefits and potential carbon reduction benefits of the proposed scheme should be attached considerable weight. The proposed stables are considered to be appropriate development. The proposal is accordingly recommended for approval.

**Planning Policies**

National Planning Policies:

National Planning Policy Framework (NPPF)

Adopted Chorley Borough Local Plan Review

Policies: GN5, EP7, EP8, EP23, EP24

Supplementary Planning Guidance:

- Development Involving Horses

Joint Core Strategy

Policy 13, 28

Supplementary Planning Document: Rural Development

Chorley Local Plan 2012-2026 Publication Site Allocations and Development Management Policies Development Plan Document

**Planning History**

93/00440/FUL Formation of vehicular access provision of hardstanding and erection of wooden building in connection with the management and maintenance of OS Field No 7978 for agricultural and forestry purposes and as a wildlife haven, Approved 6 December 1993

01/00300/FUL Alterations to existing fish farm, Withdrawn 6 June 2001

01/00625/COU Enlargement of existing fish pond and use of both existing pond and enlarged pond for angling, Approved 31 October 2001

97/00887/FUL Retention of fencing and borehole housing, Approved 10 June 1998

07/01221/FUL Formation of new breeding pond and extension to existing pond to form stock pond, additional WC, 2 no. electricity sub station boxes, erection of stock proof fencing and landscaping, Approved 22 February 2008

08/01007/FUL Erection of a storage barn, polytunnel and two stables with hay barn and tack room, Withdrawn 28 November 2008

09/00017/FUL Erection of pole barn for machinery storage, erection of poly tunnel to grow produce for personal use and erection of stable block comprising of two stables, feed store and tack room, Refused 8 June 2009

09/00428/FUL Proposed single storey lean to extension to existing workshops to provide secure storage for machinery used in the upkeep of the fishery and its grounds, Approved 29 July 2009

**Recommendation: Permit Full Planning Permission  
Conditions**

1. No manure shall be stored on the site unless a scheme for the containment and storage of manure (notwithstanding any such detail shown on the approved plans) has been submitted to an approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with approved plans prior to the first use of the stables.

*Reason: To prevent the pollution of the water environment and amenity of neighbouring residents and in accordance with Policy Nos. EP17 and EP8 of the Adopted Chorley Borough Local Plan Review.*

2. Where use of the stables, polytunnel or windturbine for the authorised purpose ceases for a period exceeding 6 months within 10 years of their substantial completion they, and any associated midden and hardstanding shall be removed from the field and the land topsoiled and seeded with grass in the first planting season thereafter.

*Reason: To avoid the proliferation of buildings in the Green Belt for which there is not a continuing need.*

3. The approved plans are:

Plan Ref.	Received On:	Title:	Application
A1/PR26/2012/001/A Drawing	3 August 2012	Planning	
A4/PR26/2012/001/07/A	20 August 2012	Proposed windcharger	
A4/PR26/2012/001/008/A	20 August 2012	Proposed polytunnel	
	3 August 2012	Appendix pages 1, 2 & 3	

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

4. The stables hereby permitted shall be used for the stabling of horses and storage of associated equipment and feed only and, in particular, shall not be used for any trade, business or other storage purposes.

*Reason: To define the permission and in the interests of the visual amenities and character of the area and in accordance with Policy No. EP8 of the Adopted Chorley Borough Local Plan Review.*

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

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

<b>Item 4g</b>	<b>12/00694/AGR</b>
<b>Case Officer</b>	<b>Hannah Roper</b>
<b>Ward</b>	<b>Euxton South</b>
<b>Proposal</b>	<b>Application for prior notification to provide roof to existing silage clamp</b>
<b>Location</b>	<b>Culbeck Farm Culbeck Lane Euxton Chorley PR7 6EP</b>
<b>Applicant</b>	<b>Mr Maurice Hill</b>
<b>PAR Application Consultation expiry:</b>	<b>2 August 2012</b>
<b>PAR Application expiry:</b>	<b>5 August 2012</b>

### **Proposal**

1. Application for prior notification to provide roof to existing silage clamp.

### **Recommendation**

2. It is recommended that this agricultural prior approval is granted.
3. The application is put to the committee at the request of the Chair and Deputy Chair at Chair's Briefing.

### **Main Issues**

4. The main issues for consideration in respect of this planning application are:
  - Background information
  - Reasonably Necessary for the Purposes of Agriculture
  - Design
  - Siting

### **Representations**

5. At the time of the prior notification two letters of objection were received relating to the scale and height of the proposal and the impact on light to their properties adjacent to the site.

### **Consultations**

6. **Parish Council** - Comments were received at the Prior Notification Stage relating to the dominance of the structure and its impact on the openness of the area.

### **Assessment**

#### Background information

7. The application relates to Culbeck Farm, Euxton which is accessed via Culbeck Lane, an unadopted road. The farm comprises a number of farm buildings which provide storage for livestock and machinery. The silage clamp, to which the application relates, is located in the north western corner of the site. A pair of semidetached properties is located to the north of the boundary with the farm. These properties face onto Culbeck Lane.
8. The regulations limit the issues that can be considered in relation to this application to siting, design and appearance only where the development is considered reasonably necessary for

the purposes of agriculture. Following on from the prior notification procedure further information has been requested with regard to the siting and appearance of the building.

#### Reasonably Necessary for the Purposes of Agriculture

9. Then silage clamp is already in existence and this application seeks approval for the erection of a roof over the existing use. The roof is required for the safe storage of silage in order to exclude rainwater and to minimise run off. The clean roof water run off can then be recycled for livestock drinking water and the surplus stored for future use.
10. The County Land Agent has confirmed that whilst having a roof over the structure is not essential, a covered facility offers advantages and is more efficient in terms of harvesting and a controlled environment in terms of the harvesting of a grass crop. It is reported that during heavy storm the run off from the silage clamp has occasionally result in flooding to the garden of number 1 Culbeck Lane. The proposed roof should help to alleviate this in future. It can therefore be considered that the roof can be considered as being reasonable necessary for the purposes of agriculture.

#### Design

11. The proposed roof will be 7.98m to the eaves and 10.15m to the ridge height. The County Land Agent has confirmed that this is an acceptable height for such a structure as there needs to be sufficient head height to allow access for a tractor to gain access to compact the grass.
12. Single skin metal roof sheeting is proposed for the roof and Yorkshire boarding is proposed for the northern and southern elevation and grey box profile to the western elevation. Whilst the Yorkshire boarding was considered acceptable at the prior notification stage no justification had been provided regarding the use of the metal roof sheeting or the grey box profile. The applicant has clarified that the use of the Yorkshire boarding has been chosen to enhance the elevation facing onto neighbouring property boundary. The use of the alternative material on the roof and western elevation is to ensure that the structure is most rain resistant on the most prominent and exposed elevations. The surrounding farm is characterised by a large number of buildings, many of which are of a similar construction, therefore it is not considered that the design or appearance of the building will be detrimental to the surrounding area.
13. Also at prior notification stage concern was raised regarding the rainwater harvesting requirements. It has been confirmed that the run off will be collected by means of deep flow gutter and fall pipes. A 1500 litre rain water collection tank will be located at the north east corner of the building to collect the water which will then be recycled for use as cattle drinking water. It is not considered that the rainwater collection materials will impact on the design of the building or on neighbour amenity.

#### Siting

14. The proposed roof is to be located over the existing silage clamp. This is located adjacent to the boundary with 1 Culbeck Lane. At prior application stage concern was raised with regard to the impact on the amenity of this property due to the height of the proposed roof. The applicant has stated that the drainage systems are already in place for the existing clamp and therefore its movement would be impractical.
15. The clamp is set in slightly from the boundary with 1 Culbeck Lane and the property itself is set in from the boundary, however it is clear that the proposal would result in a significant increase in height from the existing 2m high fence along the boundary. The property enjoys



unrestricted views to the rear. Any potential loss of amenity due to the height of the structure needs to therefore be balanced with the necessity of the proposal and the benefits that it may bring.

16. Given the silage clamp is already in existence, it is clear that it would be unrealistic and impractical for this to be moved. Evidence from site visits suggests that there is nowhere else within the built form of the farm that could accommodate the clamp. The County Land Agent has confirmed that the roof would provide many advantages including reducing dirty water run-off and a more controlled environment for the grass crop and that the height is appropriate to this type of development. The roof will result in a reduction of smells and most importantly flooding of the run off into the neighbouring garden. On balance it is therefore considered that the proposal is acceptable.

### Overall Conclusion

17. On the basis of the above, the application is accordingly recommended for approval.

### Planning Policies

- Schedule 2, Part 6 (Agricultural Buildings and Operations), Class A of the Town and Country General Permitted Development Order 1995 (as amended).

### Planning History

The site history of the property is as follows:

**Ref:** 99/00453/FUL                      **Decision:** PERFPP              **Decision Date:** 9 August 1999

**Description:** Erection of cattle feeding building with manure ramp,

**Ref:** 08/00247/AGR                      **Decision:** PAAGR              **Decision Date:** 2 April 2008

**Description:** Application for agricultural determination in respect of the erection of an agricultural building for straw/hay & general storage,

**Ref:** 09/00899/COU                      **Decision:** PERFPP              **Decision Date:** 6 January 2010

**Description:** Parking of 1 6 tonne lorry and trailer within existing farmyard area

**Ref:** 10/00409/FUL                      **Decision:** PERFPP              **Decision Date:** 9 July 2010

**Description:** Retrospective application to regularise the erection of an agricultural building

**Ref:** 85/00726/OHL                      **Decision:** PEROHL              **Decision Date:** 13 December 1985

**Description:** 11,000 volt overhead line reinforcement

**Ref:** 12/00694/AGR                      **Decision:** REAGR              **Decision Date:** 3 August 2012

**Description:** Application for prior notification to provide roof to existing silage clamp

**Recommendation: Agricultural Prior Approval granted**

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Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	20 November 2012

## **PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 19 OCTOBER AND 8 NOVEMBER 2012**

### **PLANNING APPEALS LODGED**

1. Appeal by Mr Christopher Vose against the delegated decision to refuse Full Planning Permission for proposed demolition of existing dwelling and construction of replacement dwelling, detached garage and new vehicular access from Long Lane at Arnside, Long Lane, Heath Charnock, PR6 9EQ. (Planning Application: 12/00337/FUL Inspectorate Reference: APP/D2320/A/12/2181424/NWF). Planning Inspectorate letter received 30 October 2012.

### **PLANNING APPEALS DISMISSED**

2. None.

### **PLANNING APPEALS ALLOWED**

3. None.

### **PLANNING APPEALS WITHDRAWN**

4. Appeal by Redrow Homes (Lancashire) Ltd against the Committee decision to refuse Outline Planning Permission for the development of land to the East of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access at Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane, Lancaster Lane, Clayton-Le-Woods. (Planning Application: 11/01093/OUTMAJ Inspectorate Reference: APP/D2320/A/12/2181005/NWF). The appeal is withdrawn and the Inquiry due to commence on Tuesday 13 November 2012 has been cancelled.

### **ENFORCEMENT APPEALS LODGED**

5. None.

### **ENFORCEMENT APPEALS DISMISSED**

6. None.

### **ENFORCEMENT APPEALS ALLOWED**

7. None.

### **ENFORCEMENT APPEALS WITHDRAWN**

8. None.

**LANCASHIRE COUNTY COUNCIL DECISIONS**

9. None

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

Lesley-Ann Fenton  
DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

There are no background papers to this report.

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Robert Rimmer	5221	8 November 2012	***