



Development Control Committee

Agenda and Reports

For consideration on

Tuesday, 5th March 2013

In the Council Chamber, Town Hall, Chorley

At 6.30 pm

PROCEDURE FOR PUBLIC SPEAKING AT MEETINGS OF THE DEVELOPMENT CONTROL COMMITTEE

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

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

ORDER OF SPEAKING AT THE MEETINGS

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

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

22 February 2013

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 5TH MARCH 2013

You are invited to attend a meeting of the Development Control Committee to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 5th March 2013 at 6.30 pm.

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

A G E N D A

1. **Apologies for absence**

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

To confirm the minutes of the Development Control Committee held on 5 February 2013 as a correct record and be signed by the Chair (enclosed).

3. **Declarations of Any Interests**

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

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

4. **Planning applications to be determined**

The Director of Partnerships, Planning and Policy has submitted 12 reports for planning applications to be determined (enclosed).

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

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

- (a) 12/00716/FULMAJ - Croston Woodwork Ltd, Station Road, Croston, Leyland
(Pages 7 - 26)

Proposal

Erection of 26 no. dwellings

Recommendation

Permit (subject to Legal Agreement)

- (b) 12/01221/FUL - Land between Boro Corn Mill and Salisbury Street, Chorley
(Pages 27 - 32)

Proposal

Retrospective application for the creation of a car park, new vehicle and pedestrian access from Salisbury Street and erection of 2.5m high palisade fencing and access gates

Recommendation

Permit full planning permission

- (c) 13/00034/FUL -Logwood Stables Brinscall Mill Road Wheelton Chorley PR6 8TD
(Pages 33 - 60)

Proposal

Erection of an equestrian horse breeding and training facility comprising new stables, tack room and storage. Creation of open dressage arena and associated parking areas

Recommendation

Refuse full planning permission

- (d) 13/00035/FUL - Logwood Stables, Brinscall Mill Road, Wheelton, Chorley (Pages 61 - 68)

Proposal

Retrospective application for: 1) Engineering works including the formation of tracks and roadways within the site, works to form pond, repairs to drainage ditch and repairs to the public footpath. 2) Erection of stables on the site for a temporary period

Recommendation

Refuse full planning permission

- (e) 12/01244/REMAJ - Land bounded by Town Lane (to the north) and Lucas Lane
(to the east) Town Lane, Whittle-le-Woods (Pages 69 - 80)

Proposal

Reserved Matters application for residential development comprising of 122 dwellings and associated works (pursuant to outline permission ref: 11/00992/OUTMAJ)

Recommendation

Permit full planning permission

- (f) 13/00033/FUL - Middle Derbyshire Farm, Rivington Lane, Rivington, Bolton
(Pages 81 - 86)

Proposal

Retrospective application for the temporary siting of a static caravan for living accommodation and the creation of associated hardstanding

Recommendation

Refuse full planning permission

- (g) 12/01158/FULMAJ - Close Gate Farm and land to rear Buckholes Lane, Wheelton
(Pages 87 - 94)

Proposal

Erection of a replacement dwelling, new commercial stable building (for livery use) and sand paddock following the demolition of existing buildings (apart from cattery)

Recommendation

Permit (subject to Legal Agreement)

- (h) 12/01233/FUL - Pall Mall garages and sheds, 81A Pall Mall, Chorley (Pages 95 - 100)

Proposal

Proposed social housing development of seven houses and associated access and parking

Recommendation

Permit (subject to Legal Agreement)

- (i) 13/00036/FUL - Chordale Wine Merchants, 275 Eaves Lane, Chorley (Pages 101 - 106)

Proposal

Conversion of existing shop with accommodation above (Class A1) to 3 no. Studio Apartments (Class C3) with 3 no. garage spaces, to include removal of the shop front, erection of a two storey rear/side extension, and pitched roof over the existing store

Recommendation

Permit full planning permission

- (j) 12/01231/REMMAJ - Parcel H8, Euxton Lane, Euxton (Pages 107 - 112)

Proposal

Reserved Matters Application for the erection 13 no. dwellings (2 no. blocks of 6 terraced properties and 1 no. apartments above garages). Alternative scheme to that approved under permission ref: 11/01087/REMMAJ

Recommendation

Permit full planning permission

- (k) 13/00077/DEMCON - Garages at Longfield Avenue, Coppull (Pages 113 - 114)

Proposal

Application for prior determination of the proposed demolition of 16no. sectional concrete garages

Recommendation

Approve - demolition

- (l) 13/00089/DEMCON - Storage at rear 112A Market Street, Chorley (Pages 115 - 116)

Proposal

Application for prior determination of the proposed demolition of storage building

Recommendation

Approve - demolition

5. **Enforcement Item** (Pages 117 - 126)

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

6. **Proposed confirmation of Tree Preservation Orders without modification:**

- (a) Tree Preservation Order No.4 (Charnock Richard) 2012 (Pages 127 - 130)

Report of the Head of Governance (enclosed).

- (b) Tree Preservation Order no. 7 (Adlington) 2012 (Pages 131 - 134)

Report of the Head of Governance (enclosed)

7. **Revocation of Tree Preservation Orders**

- (a) Revocation of Tree Preservation Order No.2 (Clayton-le-Woods) 2012 (Pages 135 - 140)

Report of the Head of Governance (enclosed).

- (b) Revocation of Tree Preservation Order No 14 (Chorley) 2011 (Pages 141 - 146)

Report of the Head of Governance (enclosed).

8. **Planning Appeals and Decisions** (Pages 147 - 148)

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

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

**This information can be made available to you in larger print
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ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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Development Control Committee**Tuesday, 5 February 2013**

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

Also in attendance

Councillors: Alistair Bradley, Doreen Dickinson, Paul Leadbetter and Mick Muncaster

Officers: Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), Alex Jackson (Senior Lawyer), Adele Hayes (Principal Planning Officer) and Cathryn Filbin (Democratic and Member Services Officer)

13.DC.7 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Ken Ball.

13.DC.8 MINUTES

RESOLVED – That the minutes of the Development Control Committee held on 15 January 2013 be confirmed as a correct record and signed by the Chair.

13.DC.9 DECLARATIONS OF ANY INTERESTS

In accordance with the Council's Members Code of Conduct the following Councillors declared an interest in relation to the agenda items indicated below:

- Councillor Heaton and Councillor Holgate - 4b. 12/01012/FUL – Garages 10m west of 313 Greenside, Euxton
- Councillor Gee - 4d. 12/01096/FUL - 48A Runshaw Lane, Euxton and 4j. 12/01169/FULMAJ – Flat Iron Car Park, Market Walk, Union Street
- Councillor Heaton - 4k. 12/01148/OUT – Land between Rose Cottage and Your House, Mill Lane, Charnock Richard (pecuniary)

13.DC.10 PLANNING APPLICATIONS TO BE DETERMINED

The Director of Partnerships, Planning and Policy submitted thirteen applications for planning permission.

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:** 12/00872/FULMAJ - **Proposal:** Planning application for 52 Land adjoining Cuerden Residential Park, Nell Lane, Cuerden style park homes for older persons (over 55) and associated development including replacement community building, bowling green, allotments, pavilion, equipment store, activity trail, balancing ponds, access arrangement, internal roads, footpaths and landscaping (resubmission of refused application 11/00941/FULMAJ).

Speakers: Applicant and Councillor Mick Muncaster.

RESOLVED (13:0:1) – That planning permission be granted subject to a Section 106 legal agreement, the conditions detailed within the report in the agenda and the amended conditions on the addendum.

(At this point Councillors Heaton and Holgate left the room for the duration of the following item, taking no part in the discussion or subsequent vote.)

- b) **Application:** 12/01012/FUL - **Proposal:** Demolition of existing garages Garages 10m west of 313 Greenside, Euxton on the site and new build 4 No. Self Access Apartments with associated landscaping and car parking.

Speaker: Objector – Gordon Turner

RESOLVED (11:1:0) – That outline planning permission be granted subject to the conditions detailed within the report in the agenda.

- c) **Application:** 12/01063/FUL - The **Proposal:** Change of use of former public Brook House, Barmskin Lane, Heskin, Chorley house to dwelling with side and rear extensions, front porch and erection of detached garage with open store below (resubmission of withdrawn application ref: 12/00802/FUL).

Speakers: Objector – Valarie O’Neill-Maiorana and the applicant’s agent.

RESOLVED (10:4:0) – That planning permission be granted subject to the conditions detailed within the report in the agenda and a separate unilateral undertaking.

(At this point Councillor Gee left the room for the duration of the following item, taking no part in the discussion or subsequent vote.)

- d) **Application:** 12/01096/FUL - 48A **Proposal:** Formation of new vehicular Runshaw Lane, Euxton, Chorley access incorporating hardstanding to front of property and works to trees to include

falling 2 Hawthorn and 1no. Holly (see submitted Arboricultural Implication Assessment for more detail). Re-submission of previously withdrawn application 12/00473/FUL.

Speaker: Applicant's agent

RESOLVED (8:2:3) – That planning permission be granted subject to conditions detailed within the report in the agenda.

- e) **Application:** 12/00716/FULMAJ - **Proposal:** Erection of 26 dwellings.
Croston Woodwork Ltd, Station Road, Croston, Leyland

Speakers: Objector – Kath Almond, Councillor Doreen Dickinson, and the applicant's agent

RESOLVED (8:6:0) - That the decision for planning permission be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposals

- f) **Application:** 12/01146/FUL - 23 **Proposal:** Extension to the property at 23 Park Road, Coppull, Chorley
Park Road, Coppull and the erection of 4 dwellings on land to the rear.

Speaker: Applicant's agent

RESOLVED (13:0:1) – That planning permission be granted subject to a Section 106 legal agreement and the conditions detailed within the report in the agenda.

- g) **Application:** 12/01060/FUL - Land **Proposal:** Demolition of existing buildings and erection of 6 no. dwellings and conversion of existing office to bungalow with on site parking.
20m west of 6 Ellerbeck View, Castle House Lane, Adlington

Speaker: Applicant's agent

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

- h) **Application:** 12/01209/FUL - Group **Proposal:** Substitution of house types on plots 98 - 105 with associated works.
4N land 150m west of Sibbering's Farm, Dawson Lane, Whittle-le-Woods

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

- i) **Application:** 12/01173/FUL - **Proposal:** Substitution of house types on Formerly Multipart Distribution plots R358 - R362 and additional unit on Limited, Pilling Lane, Chorley plot R357.

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

(At this point Councillor Gee left the room for the duration of the following item, taking no part in the discussion or subsequent vote.)

- j) **Application:** 12/01169/FULMAJ - **Proposal:** Full Planning Application for the Flat Iron Car Park, Market Walk, erection of a new Class A1 retail unit, Union Street, Chorley replacement Shopmobility facility and public toilet, with associated car park and servicing works.

RESOLVED (unanimously) – That planning permission be granted subject to conditions detailed within the report in the agenda, the amended conditions detailed in the addendum, and a further condition regarding exterior cladding to be approved by Development Control Committee at a later date.

(At this point Councillor Heaton left the room for the duration of the following item, taking no part in the discussion or subsequent vote.)

- k) **Application:** 12/01148/OUT - Land **Proposal:** New detached house. between Rose Cottage and York House, Mill Lane, Charnock Richard

Speaker: Applicant's agent

A motion was proposed and seconded to defer the decision until the next meeting to allow Members the opportunity to visit the site of the proposals. When it was put to the vote the motion was lost (6:7:0).

RESOLVED (9:2:2) – That planning permission be refused for the reason detailed within the report in the agenda.

- l) **Application:** 12/01221/FUL - Land **Proposal:** Retrospective application for between Boro Corn Mill and the creation of a car park, new vehicle and Salisbury Street, Chorley pedestrian access from Salisbury Street and erection of 2.5m high palisade fencing and access gates.

RESOLVED (13:0:1) - That the decision for planning permission be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposals

- m) **Application:** 12/01229/DEMCON - **Proposal:** Application for prior The Clayton Brook, Great Greens determination of the proposed demolition Lane, Bamber Bridge, Preston of The Clayton Brook Public House.

RESOLVED (unanimously) – That demolition be approved.

13.DC.11 PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO. 3 (ADLINGTON) 2012 WITHOUT MODIFICATION

Members of the Committee considered a report from the Head of Governance which sought instruction on whether to confirm the Tree Preservation order no. 3 (Adlington) be made permanent without modification in light of no objections being received.

RESOLVED (unanimously) – That the Tree Preservation Order no. 3 (Adlington) 2012 be confirmed without modification.

13.DC.12 APPEALS AND OTHER DECISIONS

The Director of Partnerships, Planning and Policy submitted a report which gave notice of two planning appeals against the refusal of planning permission that had been lodged with the Planning Inspectorate.

RESOLVED – That the report be noted.

Chair

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Item 4a	12/00716/FULMAJ
Case Officer	Adele Hayes
Ward	Lostock
Proposal	Erection of 26 no. dwellings
Location	Croston Woodwork Ltd, Station Road, Croston, Leyland
Applicant	Wainhomes NW Ltd & Amarillo Investments Ltd
Consultation expiry:	24 January 2013
Application expiry:	16 October 2012

This application was deferred for a site visit at the Planning Committee meeting on the 5 February 2013. This site visit is scheduled to take place on 28th February and the recommendation remains as per the original report which has been updated to incorporate information reported on the addendum.

In addition the applicant has been asked to consider the inclusion of an overage clause in the Section 106 Obligation.

In their considered written response they have concluded that they do not consider it should be imposed. They have commented that the submitted viability assessment demonstrates that the current margin is only 15% which is very low and have provided details of a recent appeal decision which shows that an 18% margin was considered "*relatively low*" by the Inspector. In addition the applicant's agent has made reference to the Council's CIL Viability Evidence which seeks to "*maintain margins at or close to 22.5%*" (para. 2.9). They consider it would therefore only be appropriate for any overage clause to be engaged when the margin exceeds 22.5%. In this instance, they comment that it is unrealistic to expect the margin to increase from 15% to 22.5% as anticipated sales prices would have to rise dramatically. This is accepted.

However the applicant is prepared to accept a clause within the S106 obligation that would require the submission of a new viability assessment if development has not commenced within 12 months of the date of the permission. This will ensure that if the development is delayed, viability can be tested again. If it is then found that the margin will exceed 22.5%, the excess could be shared between the LPA and developer.

Proposal

1. This application relates to a 0.9 hectare site located off the northern end of Station Road within the rural settlement of Croston. It comprises the former Woodworks site and the former De Trafford Arms public house.
2. The Woodworks closed in 1992 and the De Trafford Arms closed in November 2008. Two derelict breezeblock buildings remain together with associated hardstandings. The buildings have been vandalised and have suffered fire damage. The De Trafford Arms is boarded up. The open areas of the site have become very overgrown with vegetation and self-seeded trees and the site has the appearance of being abandoned.
3. The application site is bound by the railway line to the north west, with Croston Railway Station and its associated parking to the immediate north. The car park is accessed off Station Road. Residential development on Langdale Avenue forms the southern boundary of

the site. To the east there is a converted agricultural building and its curtilage located on the opposite side of Station Road.

4. Full planning permission is sought for the erection of 26no. dwellings comprising a mix of terraced, semi-detached and detached dwellings.
5. Five affordable dwellings are to be provided comprising 4no. two bedroom dwellings and 1no. three bedroom dwelling.

Recommendation

6. It is recommended that conditional planning permission should be granted subject to the applicant entering into a Section 106 Obligation to secure affordable housing and payments commuted sums towards off-site public open space and education provision.

Main Issues

7. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Affordable housing
 - Open Space
 - Education Provision
 - Viability of Scheme
 - Density
 - Levels
 - Traffic and Transport
 - Design and Layout
 - Impact on the neighbours
 - Ecology
 - Noise and Vibration
 - Drainage, Sewers and Flood Risk
 - Contamination and Coal Mines
 - Sustainable Resources

Representations

8. The proposal has been advertised on site and in the press, and individual letters have been delivered to the occupiers of neighbouring properties. As a result of this publicity comments have been received from 11 local residents citing the following grounds of objection:
 - For a development of this size due consideration should be made of the impact on neighbouring properties.
 - There is no need to have a new property sited within close proximity of existing dwellings when the site is so large and the number of properties relatively small.
 - The proposed dwellings are not in keeping with surrounding properties.
 - The proposed dwellings are too close to existing dwellings.
 - The proposed development will remove the majority of light entering adjoining properties and garden areas.
 - The proposed development will have an adverse impact on the outlook from adjoining dwellings.
 - The submitted plans contain inaccuracies and omissions and are misleading. In particular the gap between the development and 8b Langdale Avenue is exaggerated.
 - Part of the site is too cramped.
 - The submitted plan shows trees that would assist with the protection of privacy but these need to become part of the development.
 - There is no need for more dwellings in Croston.
 - The existing infrastructure will not be able to cope with an additional 26 dwellings.
 - The plans are not available to view on line.

- Existing schools already have limited capacity.
 - There is limited space to park when visiting the local shop and post office.
 - The construction works will result in traffic congestion.
 - The development should be landscaped to an appropriate standard.
 - The derelict building on the site supports a breeding barn owl.
 - The grassland within the site also has significant botanical diversity.
 - The site could support bats.
 - Inadequate ecological surveys have been undertaken.
 - The proposed access is dangerous.
 - The proposed development will exacerbate existing drainage problems.
 - The site should be used as an area of public open space.
 - A letter has also been received from The Lower River Yarrow Flood Action Group which echoes the objections detailed above regarding the potential risk of flooding. In particular concern is expressed that the current infrastructure is inadequate to safely and hygienically deal with the increases in sewage flow and surface run off surges resulting from past developments and further development would increase flood risks to lower lying areas such as Croston. Comment is made that where additional new development is deemed absolutely essential then the developer should be compelled to include adequate surge storage capacity to avoid further overloading the normal and surge capacity of runoff and sewage systems downstream of the development. It should also be required that the effectiveness of these measures is clearly demonstrated by measurements on recent developments and after completion of any new development.
9. Two letters of support have been received. Comment is made that:
- the site is currently an eyesore, and is unlikely to be 'cleaned up' without some development.
 - There is however a fear that this is simply a 'feeler' application, and if passed the number of dwellings will be increased when the plans are approved (as unfortunately has happened in the past). If this happens then support will be withdrawn.
 - Comment is also made that there is a reasonable separation distance with adjoining dwellings but any increase in density would almost certainly decrease this separation and cause unacceptable loss of privacy to existing properties.
 - On a new build house prospective purchasers would be able to obtain a 95% mortgage, which is probably the only way people could afford to move to Croston in this current climate.

Consultations

10. **Croston Parish Council** express concerns regarding the location of the proposed access, which is immediately adjacent to the service road for 6 Station Road. The service road provides access for deliveries to the Co-op Store/Post Office and residential parking spaces. The Parish Council objects to the housing types Jenner, Wordsworth and Wordsworth Sp as the 2.5 storeys are not in keeping with existing residential properties along Station Road. The area to the right of the existing service road, by the De Trafford, is currently used as informal car parking for visitors to the Co-op/Post Office and there are concerns that the loss of this will lead to parking on and around the entrance to the proposed development, on the internal roads of the development and on the Station car park. The Parish Council would like to suggest some provision for replacement public parking is included in the development. During the recent construction of the Dalton Fold development residents suffered a huge amount of inconvenience when Station Road was closed for what appeared to be an excessive length of time for the laying and connection of sewer pipes by Seddon Homes. The Parish Council have asked that any action which can be taken to avoid a repeat of this is taken.
11. The concerns expressed by the Parish Council were issues that were the subject of negotiations with the applicant following initial submission of the application and amended plans have been received.

12. The Parish Council were invited to comment on the revised proposal and has reiterated its original objection to the 2.5/3 storey housing types and contend that the similar properties in the area that are referred to in the main report are built on a significantly lower level to the surrounding properties on Moor Road and Station Road and are likely to be far more intrusive than the existing properties.
13. The Parish Council have commented that they welcome the inclusion of the parking spaces but are concerned that vehicles using these spaces may constitute a hazard to vehicles emerging from the new development.
14. The Parish Council's main objection relates to the fact that the financial wellbeing of a private developer is being afforded precedence over the requirements of the village and the borough.
15. The Parish Council would ask what weight has been afforded to the inescapable fact that land available for development within the village is at an absolute premium and this site represents the only undeveloped site within the village designated for housing within the Chorley Local Plan 2012-2026.
16. It is noted the applicant is offering a reduced commuted sum towards the provision of public open space and education facilities, together with a reduction in the affordable housing proposed. Given the premium nature of the site, the Parish Council do not consider that this is acceptable.
17. **Lancashire County Council (Ecology)** initially advised that additional ecological survey work was required which the applicant carried out and Lancashire County Council Ecologist has made the following comments:
 18. The County Ecologist's original consultation response raised several outstanding biodiversity issues relating to the proposed re-development of this site, including potential impacts on bats resulting from demolition of the former public house; inadequate mitigation and compensation for impacts on barn owls; and lack of mitigation and compensation for general losses of biodiversity (for example, bird nesting and foraging habitat, bat foraging habitat, habitat for other priority species such as hedgehogs).
 19. With regard to European protected species (bats) the potential impacts as a result of demolition have been dealt with through the application that gave the Local Planning Authority prior notification of the intention to demolish the public house. (12/01183/DEMCON). A bat survey did not find any evidence of bats.
 20. The applicant has now submitted further information to address potential impacts on barn owls (ERAP, December 2012. *Croston Woodwork LTD, Station Road, Croston. Barn Owl Mitigation Strategy*). This demonstrates that a purpose-built stand-alone barn owl tower can be created within the site. Indeed, the ecological consultant has indicated that the Hawk and Owl Trust may be interested in assuming responsibility for the barn owl provision.
 21. This is a better proposal than the original pole-mounted barn owl box and does demonstrate that permanent provision for barn owl nesting can be made. The delivery of the proposed mitigation and compensation will need to be secured through the imposition of conditions.
 22. The barn owl mitigation strategy indicates that a house sparrow terrace would be attached to the barn owl tower. However, the development offers other opportunities to maintain nesting opportunities for birds: indeed the ecology report recommends incorporation of bat roosting and bird nesting bricks within buildings and garages. The provision of additional bat roosting and bird nesting opportunities can be secured by the imposition of conditions.
 23. In order to minimise biodiversity losses, and in addition to the provision of bat roosting and bird (including but not limited to barn owl) nesting opportunities, the proposed landscaping can be designed to maintain vegetated habitat and habitat connectivity to support native biodiversity (such as invertebrates, amphibians, small mammals, birds).

24. **The Environment Agency** raise no objections and recommend a condition to ensure that any risks associated with contamination of the site are minimised.
25. **Network Rail** raises no objection but suggests various conditions and informatives in relation to the development due to the railway line bounding the north western site boundary. In particular, Network Rail advises that the applicant should be informed that vehicular access to the development must not be reliant upon visibility splays over Network Rail property including the station car park.
26. **Strategic Housing** are seeking 35% affordable homes on site and the split in terms of tenure should be 70% for social rent and 30% intermediate sale i.e. shared ownership.
27. **United Utilities** raise no objections in principle subject to the imposition of conditions recommend conditions as detailed below.
28. **Lancashire County Council (Highways)** considers that the revisions that have been made to the proposed access, internal highway arrangements and parking provision are such that the amended site layout is now acceptable.
29. **Chorley's Waste & Contaminated Land Officer** recommends the imposition of a condition to ensure that any risks associated with contamination of the site are minimised.
30. **Lancashire County Council (Education)** have requested a financial contribution of £104,721 towards education provision.

Assessment

Principle of the development

31. This application proposes the redevelopment of the former Woodworks site and adjoining De Trafford Arms Public House at the northern end of Station Road within the rural settlement of Croston. The site is considered to be previously developed land and as such, and given the planning history of the site as detailed below, the principle of redeveloping the site for residential development is acceptable in principle.
32. Policy 1 - Locating Growth, of the Central Lancashire Core Strategy (The Core Strategy), which was adopted in July 2012, states that in smaller villages development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.
33. This proposal does not constitute infilling or the conversion of buildings. Whilst this application provides for an element of affordable housing this is not a proposal to meet local need. However, the Woodworks site is a brownfield site within the Croston settlement that has been vacant for many years and it lies in a sustainable location in the village and is therefore considered to be suitable for larger scale redevelopment.
34. The Woodworks site is a proposed housing allocation in the Chorley Site Allocations and Development Management Policies Publication Version, which is now at Submission Stage with an Examination in Public scheduled to take place in April. Therefore, housing development on the site is accepted in principle in this document although this cannot yet be afforded full weight.
35. The De Trafford Arms Public House is considered a rural community facility. The National Planning Policy Framework (paragraph 28) promotes the retention and development of public houses in villages. Criterion c) of Policy 25 of the Core Strategy aims to ensure that local communities have sufficient community facility provision by resisting the loss of existing facilities by requiring evidence that they are no longer viable or relevant to local needs. Local Plan Policy DC10 and its accompanying SPG also aim to retain rural community facilities, unless the applicant can demonstrate compliance with criteria (a) to (c).

36. The public house has been vacant since 2008 and the applicant has submitted a marketing statement demonstrating that it has been marketed at a realistic price for in excess of 12 months.
37. Although current policy in the form of the NPPF, the Core Strategy and its associated SPD do not require marketing of community facilities proposed for alternative uses, they all seek to resist the loss of facilities unless backed up by evidence that they are no longer viable or required.
38. It is accepted that sufficient evidence has been put forward to demonstrate that the pub is no longer required.
39. Furthermore the applicant notified the Council in December 2012 of their intention to demolish the public house. No objections were raised and consequently the public house can now be demolished without any further formal consent from the Local Planning Authority.

Affordable Housing

40. Policy 7 – Affordable Housing, of The Core Strategy indicates that subject to site and development considerations such as financial viability and community services a requirement of 35% affordable housing is required in rural areas on sites of 5 dwellings (or 0.15 hectares). Croston is a rural location and therefore 35% affordable housing is required on this site under the provisions of the policy. The current application proposes to provide five affordable dwellings on the site which equates to 20% provision.
41. Three of the dwellings will be provided for social rent and two dwellings will be provided on a shared equity basis.
42. The Council's SPD states that Policy 7 of the Core Strategy recognises that financial viability is a consideration in the delivery of affordable housing. Housing viability studies were carried out for the three Central Lancashire Authorities in March 2010 as part of the evidence base for the Core Strategy. Based on a residual development appraisal the studies concluded that the levels of affordable housing set out in Policy 7 of the Core Strategy were achievable with an acceptable return to the developer and landowner. Nevertheless, the study also concluded that there will be site-specific circumstances where achievement of the affordable housing proportions set out in Policy 7 may not be possible. The Council will therefore need to take into account specific site viability concerns when these are justified.
43. It also states that if there is any doubt about viability on a particular site, it will be the responsibility of the developer to make a case that applying the Council's affordable housing requirement for their scheme makes the scheme unviable. Where a developer or landowner considers that there are significant constraints sufficient to jeopardise or prevent them from meeting the Council's affordable housing policy targets, this will need to be demonstrated by the submission of a suitable financial appraisal.
44. The application is supported by a Viability Assessment which is discussed below.

Open Space

45. Local Plan Policy HS21 sets open space standards for new housing developments. An Open Space Study and Playing Pitch Strategy were published in May and June 2012 respectively and they set new provision standards. These standards can be given significant weight as they are 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 NPPF. The Local Plan sets standards for amenity green space, equipped play areas and playing pitches but these standards are based on an old assessment. The new standards for these typologies in the Open Space Study and Playing Pitch Strategy are now being used by the Council.

46. New open space provision or a financial contribution for new provision or improvements will be required where there is an identified deficiency in quantity, accessibility or quality/value. Information is provided below on what is required from the proposed development for each of the typologies covered by Local Plan Policy HS21:

Amenity green space

47. The Open Space Study sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in Croston in relation to this standard. Provision of amenity green space is therefore required within this development. Using the recommended standard in the Open Space Study the requirement is 0.04 hectares.

Provision for children/young people (equipped play area)

48. The Open Space Study sets a standard of 0.08 hectares per 1,000 population. There is currently a deficit of provision in Croston in relation to this standard. A financial contribution towards off-site provision is therefore required, in accordance with the 'Interim Planning Guidelines for New Equipped Play Areas' which supplements Local Plan Policy HS21, which states that equipped play areas should only be provided on-site in developments of over 100 dwellings. The financial contribution required is £3,276 (£126 per dwelling) which is based on the average provision costs of a LEAP as identified in the Interim Planning Guidelines but adjusted to reflect the new standards in the Open Space Study.

Playing Pitches

49. 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 identifies the need for new pitches in Croston, therefore a financial contribution for the provision of new playing pitches is required from this development. Using the figures within the 'Interim Planning Guidelines for New Equipped Play Areas', adjusted to reflect the new standard in the Playing Pitch Strategy, the financial contribution will be £14,846 (£571 per dwelling).
50. A total contribution of £18,122 towards public open space is therefore required.

Education Provision

51. Lancashire County Council (Education) have requested a financial contribution towards education provision based upon a methodology published in the 'Planning Obligations in Lancashire' Policy Paper that seeks to address the impacts associated with the residential development and proposes mitigation for these impacts through a planning obligation.
52. The contribution sought is directly linked to the proposed development 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.
53. The latest information available at this time was based upon the 2012 annual pupil census and resulting projections. Based upon the latest assessment, LCC are seeking a contribution for 9 primary school places. Calculated at 2012 rates, this would result in a contribution of £104,721.
54. Failure to secure the contribution sought would mean that the County Council cannot guarantee that children living on this development would be able to access a school place within a reasonable distance from their homes.

Viability of Scheme

55. The issue of financial viability is a material consideration in the grant of planning permission.

56. The NPPF states at paragraph 173 that the following must be taken into account:
To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
57. The financial viability assessment is based on the provision of 20% affordable housing on the site with a 70/30 split between social rented and shared equity tenures. This delivers a low profit margin and when marketing and financial charges are factored in the net margin is reduced further. The applicant asserts that any increase in affordable housing provision or in commuted payments will render the scheme unviable.
58. Factors affecting viability include the abnormal costs necessary to prepare the site for housing development and other additional costs including significant drainage costs.
59. The Viability Appraisal has been assessed by a Chartered Surveyor in the Council's property services provider.
60. The Council's consultant is satisfied that the financial appraisal includes appropriate building costs, abnormal cost and land values. It demonstrates that the scheme would become unviable if the applicant was required to provide more affordable dwellings and/or make a full contribution towards education provision.
61. Whilst sales prices could be increased to generate more revenue, increases would need to be significant. The applicant has considered this option and asserts that since they build throughout Chorley Borough they have a very good understanding of the market. It is accepted that whilst the sales prices are cautious, they are realistic in the current market.
62. With regard to public open space and education payments, the applicant has offered to pay a commuted sum of £39,000. This amount cannot be increased due to the low profit levels the scheme. The applicant has confirmed that they have no objection to the Council deciding how to apportion this money.
63. In response to concerns expressed by the Parish Council regarding the viability of the scheme, the applicant has had the anticipated sales prices independently reviewed and validated by Countrywide who have confirmed that the sales prices put forward by the applicant are reasonable and are not overly cautious.
64. The applicant has also provided the Council with recent sales prices for three of the house types now proposed (Wren, Scott and Davy) that have been built on other sites in Chorley. The information demonstrates that:
- The projected prices for the dwellings on the application site are higher than those achieved at the Clayton-le-Woods site and Whittle-le-Woods sites.
 - The projected Scott price is near identical to that achieved at the Shaw Hill site.
65. The Council considers that the anticipated sales values submitted as part of the viability assessment are fair and that any additional contributions towards the provision of affordable housing, public open space or education provision would render the scheme unviable.
66. Viability is a material consideration in the grant of planning permission. The proposal will deliver 5 affordable dwellings that weighs in favour of the development as well as contributions towards the provision of public open space and education, albeit at reduced levels. In order to demonstrate a show of commitment to taking the site forward and not to 'land bank' it pending improved economic conditions, the applicant has agreed to the time limit for the commencement of the development being reduced from the original 3 years to 18 months.

Density

67. Policy 5, Housing Density, of the Core Strategy states that the three Central Lancashire authorities will secure densities of development which are in keeping with local areas and which have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area. Consideration will also need to be made to making efficient use of the land.
68. The site area extends to 0.9 hectares so the 26 dwellings proposed equates to a density of 29 dwellings 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

69. The applicant has submitted levels details, which shows that the site is essentially flat although the land is higher than the slab levels of any of the adjoining dwellings. However, this difference in levels is not considered to be significant and is such that the relationship between the development and the adjoining properties will be acceptable. The finished slab levels of the proposed dwellings will be controlled through condition.

Traffic and Transport

70. Part of the application site has previously benefitted from an outline planning permission for residential development although the site boundary has been extended to include the De Trafford Arms Public House which previously fell outside of the application site boundary.
71. The proposed vehicular access point will be located alongside the private access to the side of no 6. Station Road and the railway station car park access will remain unchanged.
72. The proposed access arrangements were the subject of a road safety review by Lancashire County Council prior to the submission of the application and have been previously agreed in principle by them.
73. Whilst the County Highway Engineer initially raised no highway objection to the proposed development, he expressed concern about the location of the access due to the level of existing residential parking that takes place on the opposite side of Station Road and the potential displacement of nursery and shop customer parking adjacent to the site.
74. In mitigation the applicant has revised the originally submitted scheme to enable a level of parking to continue on the western side of Station Road within an informal area within the adopted highway area that will front the development.
75. The proposed access road into the site will be 5.5m wide for the first 10m of its length and there will be a new link from the new access road that will enable servicing vehicles delivering to the shop to gain access to the rear yard without interfering with normal traffic on Station Road that will ameliorate existing congestion given existing on-street car parking levels.
76. Shop customers and parents dropping/picking up children at the Nursery currently park on the adopted section of the highway fronting the Public House. Highway adoption plans show the highway boundary extending up to the building line i.e. in line with the brick wall on either side of the Public House and approximately 5-8m back of the footway kerb.
77. It is proposed to relocate the footway alongside the front of the new dwellings with the space between the carriageway and footway to be used for parking. There is sufficient space for 5no vehicles. In this instance there is already significant pressure for on-street parking in the area which is likely to be intensified by the development owing to the loss of parking outside the Public House and therefore the new spaces will provide some relief. Also,

the parking arrangement will guard against the need to provide protection against parking along this corner with double yellow lines. The final arrangement and layout will be agreed as part of a S278 agreement since works on the public highway will be involved and they cannot therefore be part of any proposed S38 adoption agreement for the new access road.

78. The scheme originally proposed an access road within the site that had a shared surface with a service verge on either side. However this design was considered to be inappropriate since a shared surface should typically incorporate an irregular layout with a varying width to reduce traffic speeds to around 10mph.
79. It was considered that the proposed layout was likely to result in faster speeds and also expose pedestrians to vehicular conflict owing to the curvature of the road alignment. As such the road was re-designed to incorporate footways on either side with a minimum carriageway width of 5m to allow for widening at the bends so that cars and hgvs will be able to pass along the bends.
80. Each of the dwellings will have at least 2no. off street parking spaces with the exception of plots 23 – 26 where parking provision will be provided at a rate of 150%. The County Highway Engineer has not raised any objection to the level of off street car parking proposed and given the sustainable location of the site, the level of parking provision is considered to be adequate in this instance.

Design and Layout

81. The proposed dwellings will be built in red brick which is reflective of existing development in the area. They will be two storey although some of the house types will incorporate accommodation in the roof space and will therefore have dormer windows, although these will not be visible within the Station Road streetscene. The Parish Council has expressed concerns about the incorporation of 2.5 / 3 storey properties in the development but similar properties exist within close proximity to the site and the house types proposed are considered to be acceptable.
82. However, the layout of the originally submitted scheme was considered to be unacceptable and amendments have been negotiated with the applicant.
83. In addition to head and cill design details to the windows, chimneys have been incorporated into the house types proposed on plots 1 – 2 and 21 – 26 to reflect the presence of chimneys along the Station Road streetscene.
84. The house type proposed on plot 2 has been revised to be a dual aspect dwelling that will enhance the visual appearance of the central part of the site whilst also providing added surveillance.
85. A screen wall and fence is now proposed along the boundary to plot 14 which adjoins the access road, again enhancing the visual amenities of that part of the site.
86. The submitted layout plan has been amended to provide indicative landscaping that will soften the character of the development and surrounding area. The presence of trees and green spaces within the site will also form an effective transition between the urban settlement and the tree belt to the north of the railway line. The provision of landscaping can be secured by way of condition.
87. The layout is considered appropriate and has been designed in response to the constraints presented by the site whilst the frontage to Station Road, comprising terraced dwellings will provide a positive contribution to the streetscene.
88. The layout has also been designed with crime prevention in mind. Natural surveillance has been incorporated into the layout with main elevations fronting onto all public areas.

89. On this basis, it is considered that the development will not cause detrimental harm to the character and appearance of the immediate streetscene or the wider area.

Impact on the neighbours

90. The proposed layout of the development, in terms of the relationship with the properties adjacent to 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 layout ensures that the dwellings each have sufficiently sized rear gardens.
91. The relationship of plot 1 with 8B Langdale Avenue, a recently constructed and extended true bungalow (Ref Nos. 02/01125/FUL / 06/01114/FUL) has been improved since the application was originally submitted and the plans now accurately reflect the position of the boundary adjacent to this existing property.
92. A 'Trevithick' house type is now proposed on Plot 1 and it is considered that the hip on the southern elevation will reduce any impact on the amenities of the occupiers no. 8b. In addition the dwelling has also been moved further from the site boundary and the garage is not immediately adjacent to the fencing and will also have a hipped roof.
93. The interface distances between the properties on Langdale Avenue and those proposed along the southern boundary of the site will ensure there is no adverse overlooking or overbearing impacts.
94. Plot 7 is to be sited so that its side elevation is opposite the rear elevations of 22-24 Langdale Avenue. The Council's Design Supplementary Planning Guidance (SPG) requires blank walls to new two storey houses should be a minimum of 12 metres from any facing main windows that serve a habitable room in a neighbouring house. At 12.5 metres the proposed interface exceeds this guidance.
95. The original topographical survey that was submitted in support of the application was prepared in 2008 by the land owner and contains errors. It is actually annotated 'provisional'. The applicant, Wainhomes, commissioned another survey that demonstrates that the FFLs of the Langdale Avenue properties are in fact slightly higher than indicated on the submitted survey. The more recent survey has now been submitted as a substitution.
96. The relationship between plot 7 and 22 – 24 Langdale Avenue, as well as that between plot 5 and 14 – 16 Langdale Avenue, are considered to be acceptable. The more recent survey demonstrates that:
- the FFL for plot 7 (8.40) is only 0.49m higher than that of 22 – 24 Langdale Avenue (7.91); and,
 - the FFL for plot 5 (8.25) is only 0.42m higher than that of 14 – 16 Langdale Avenue (7.83).
97. Therefore, the interface distances as proposed are fully compliant with the guidance set out in the Council's Design SPG. The submitted sections reflect this relationship.

Ecology

98. The main ecological concerns associated with the redevelopment of this site are impacts on European protected species (bats) and protected species (nesting birds, and nesting and roosting barn owls).
99. Initially the applicant did not support the application with sufficient ecological information when it was originally submitted.

100. In particular surveys for European protected species (bats) were incomplete and although the proposed works involve demolition of the former De Trafford Arms public house, no assessment of potential impacts on bats had been submitted. If bats and or their habitat would have been affected then the proposals would have resulted in a breach of the Conservation of Habitats and Species Regulations 2010 (as amended), unless a licence from Natural England was issued prior to works.
101. Chorley Council is the competent authority for the purposes of the Regulations, and must therefore have regard to the Regulations in the making of the planning decision. The applicant was therefore requested to submit a survey for bats.
102. The presence of bats on the site was not detected.
103. The proposal did not initially demonstrate adequate mitigation and compensation for impacts on barn owls and their habitat.
104. The initially submitted ecology report (URS Scott Wilson Ltd, September 2011. *Station Road, Croston. Phase 1 Habitat Survey and Ecological Risk Appraisal*) acknowledged that barn owls do use the workshop building on the site, but concluded that it is a regularly used roost site rather than a nest site and proposed mitigation and compensation on that basis.
105. However this was not considered to be appropriate since the results of the desk study/data search (partially reported at section 4.7 Barn Owl) actually included records of nesting/breeding barn owls and the presence of barn owl chicks at this site. This is not therefore only a regularly used roost site, but also a known nesting site. Mitigation and compensation is therefore needed to secure permanent provision for nesting and roosting barn owls at this site.
106. According to the Design and Access Statement, "*a pole mounted roost is most appropriate and this can be conditioned*". This approach is considered to be wholly inappropriate and will not deliver adequate mitigation and compensation for impacts on barn owls at this site.
107. The applicant was therefore requested to submit revised proposals, including a method statement, to demonstrate adequate mitigation and compensation for impacts on barn owls and their habitat.
108. It is now proposed to construct a barn owl tower building on the site adjacent to plot 9 and full mitigation measures have now been submitted.
109. Providing the County Ecologist is satisfied that effective mitigation and compensation can be achieved, implementation of the method statement can be dealt with by condition.
110. On this basis the proposals are considered to be in accordance with the requirements of legislation (including Conservation of Habitats and Species Regulations 2010 (as amended), Wildlife and Countryside Act 1981 (as amended), NERC Act 2006), planning policy (NPPF) or guidance (ODPM Circular 06/2005).
111. This however does not negate the need for a Licence from Natural England in respect of Protected Species.
112. No issues have been raised by the County Ecologist in relation to Great Crested Newts although an informative is recommended to make the applicant aware that if their presence is detected, Natural England should be contacted for advice. An informative is also recommended in relation to works that could impact on breeding birds.

Noise and Vibration

113. The application is supported by a noise and vibration impact assessment. The site is categorised as NEC A and accordingly the existing levels of noise affecting the site need not be considered a determining factor when assessing the proposal.

Drainage, Sewers and Flood Risk

114. No objections have been raised by either the Environment Agency or United Utilities with respect to flooding. However, concerns have been expressed by local residents in relation to the capacity of the drainage network and the potential risk flooding. These matters will have been duly considered by the above consultees.
115. United Utilities recommend that conditions should be imposed requiring that:
- *This site must be drained on a separate system, with only foul drainage connected into the combined sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system, due to existing flooding issues and the sensitivity of the area, then the flow will be required to be attenuated to an appropriate discharge rate.*
 - *No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface water has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.*
 - *No development of any particular phase or plot approved by this permission shall be commenced until 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 plans prior to first use of the relevant phase or plot of the development hereby approved and retained as such thereafter.*
 - *United Utilities advise that surface water must be drained on a separate system and should discharge to a watercourse/soakaway/surface water sewer, which may require the consent of the Environment Agency.*
 - *On this basis, there are no concerns regarding drainage and surface water run off.*

Contamination and Coal Mines

116. The NPPF (paragraph 109) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).
117. The application is supported by a Geoenvironmental Assessment Report that notes that the site is one of a railway sidings and public house, and when the lines were lifted in the later 1960's the site became a wood works, and has probably been some form of other industrial unit.
118. The land has a made ground thickness of 0.4 – 1.3 m thick, and consists of black sandy gravel with high concentrations of ash, clinker and cinders.
119. The made ground lies predominantly upon glacial clays, which have partially been impacted by contaminants from the overlying made ground. The made ground is found to be irregularly impacted by some hydrocarbon, and heavy metal contamination at various hot spots across the site.

120. The report proposes further investigation of the hotspots, and to excavate and remove them from the site, replacing with inert fill material. Remediation of the site is proposed as a 600mm cap consisting of top soil, sub soils, and a capillary break layer of stone, and this is considered to be appropriate. The existing ground will be scrapped back as part of the remediation measures and as such the capping layer will have no impact on levels.
121. The remediation and capping proposals should be formally drafted, and forwarded to the Local Authority for confirmation. When the remediation has been completed a validation report should be drafted in compliance.
122. It is considered that this matter can be appropriately dealt with by the imposition of a condition, without which the proposed development on this site would pose an unacceptable risk to the environment and future occupiers.

Sustainable Resources

123. A Sustainability Statement has been submitted with this application which responds to Policy 27 of the Core Strategy. This requires dwellings to achieve Code Level 4 from 1st January 2013 and Code Level 6 from 1st January 2016. The application shows that the proposed dwellings will be built to achieve Code for Sustainable Homes Level 4.

Overall Conclusion

124. The principle of residential development is considered to be acceptable. The negotiated amendments to the layout and house type substitutions have improved the quality of the scheme since it was originally submitted.
125. It is therefore recommended that the application be approved subject to conditions and a Section 106 Obligation to secure the provision of affordable housing and financial contributions to off site public open space and education provision.
126. The commuted sum could be used to provide 2 school places (£23271.33) with £15728.67 to be spent on public open space. It recommended that the £39,000 commuted sum that has been offered by the developer is split into a sum of £23271.33 towards two primary school places with the remaining £15728.67 secured towards meaningful improvements to public open space in the local area.

Planning Policy

National Planning Policy Framework

Chorley Borough Local Plan Review

- GN4 - Settlement Policy for Rural Settlements
- GN5 - Building Design & Retaining Existing Landscape Features and Natural Habitats
- GN9 - Transport Accessibility
- EP4 - Species Protection
- EP16 - Contaminated Land
- EP18 - Surface Water Run Off
- EP19 - Development & Flood Risk
- HS4 - Design & Layout of Residential Developments
- HS5 - Affordable Housing
- HS6 - Housing Windfall Sites
- EM4 - Protection of Employment Sites in Rural Settlements
- TR4 - Highway Development Control Criteria
- TR18 - Provision for Pedestrians & Cyclists in New Development

Central Lancashire Joint Core Strategy

- Policy 1 - Locating Growth
- Policy 4 - Housing Delivery

- Policy 5 - Housing Density
- Policy 6 - Housing Quality
- Policy 7 - Affordable Housing
- Policy 17 - Design of New Buildings
- Policy 22 - Biodiversity and Geodiversity
- Policy 26 - Crime and Community Safety
- Policy 27 - Sustainable Resources and New Development

Supplementary Planning Guidance

- Design Guide

Planning History

Ref No. 96/00470/OUT – Outline application for housing. Approved 11 June 2000.

Ref No. 00/00355/OUT - Outline application for 19 dwellings (Renewal of 9/96/470). Approved 6th July 2007.

Ref No. 03/00661/REMAJ - Reserved Matters for 31 dwellings and associated works. Withdrawn 11 August 2003.

Ref No. 03/00846/FULMAJ - Erection of 28 houses with associated roads and sewer. Refused 26 September 2003.

Ref. No: 08/00320/OUTMAJ- Outline planning application for the residential redevelopment of the site comprising of 45 dwellings (comprising of mix of apartments in 3 storey block, 2, 2.5 and 3 storey dwelling houses), and means of access into the site. Approved 7 July 2008.

Ref. No: 11/00552/OUTMAJ- Application for a new planning permission to replace the extant planning permission (Ref No. 08/00320/OUTMAJ) to extend the time limit for implementation of the residential development of the site comprising of 45 dwellings (comprising of mix of apartments in 3 storey block, 2, 2.5 and 3 storey dwelling houses), and means of access into the site. Pending.

Recommendation: Permit (Subject to Legal Agreement) Conditions

1. The proposed development must be begun not later than eighteen months 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:

Title	Drawing Reference	Received date
Location Plan	sa 4355/01	17 July 2012
Planning Layout	072.01.54/P01 Rev S	29 January 2013
Topographical Survey	WH001/T00	29 January 2013
Sections	072.01.54.S01 Rev A	4 December 2012
Plan to illustrate proposed Barn Owl tower (Appendix 1 of Barn Owl Mitigation Tower)	Figure 1	20 December 2012
Baird	CROS/3.217/P/B	30 July 2012
Bell	2.213/P/B/L10/300	30 July 2012
Davy	4.212/P/B/L Rev C	30 July 2012

Davy SA	072.01.35.03	30 July 2012
Jenner	4.209/P/B/L	30 July 2012
Newton	4.201/P/B/L	30 July 2012
Nightingale	4.204/P/B/L	30 July 2012
Oxford	4.309/P/B/L	30 July 2012
Scott	4.207/P/B/L	30 July 2012
Stephenson	4.203/P/B/L	30 July 2012
Trevithick	072.01.54.TV.01	21 November 2012
Whitemoor	4.234/P/B/L	17 November 2012
Wordsworth	4.132/P/B/L	24 October 2012
Wordsworth (SP)	4.132/P/B/L	24 October 2012
Wren	4.216/P/B/L	30 July 2012

Paired Garage	PGL/5.0/3/B	
Single garage (Lancashire)	PGL/2.0/2/B	3 December 2012
Single Garage (Lancashire) Side to Side Ridge	PGL/2.0/1/B Rev A	3 December 2012
Paired/Double Garage Side to Side Ridge	PGL/1.0/1/B	3 December 2012

Screen fence details	05036/05	17 July 2012
Waney Lap Panel Fence	05036/06	17 July 2012

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

3. All dwellings commenced will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy 27 of the Adopted Central Lancashire Core Strategy.

4. Prior to the commencement of the development a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level.

Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy 27 of the Adopted Central Lancashire Core Strategy.

5. No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy 27 of the Adopted Central Lancashire Core Strategy.

6. Prior to the commencement of the development a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant [Code Level/BREEAM] rating.

Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy 27 of the Adopted Central Lancashire Core Strategy.

7. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.
Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
8. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.
Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.
10. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.
11. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
12. Any integral garages in the dwellings hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No. 7 of the Joint Lancashire Structure Plan.

13. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface water has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To reduce the increased risk of flooding and in accordance with Policy Nos. EP18 and EP19 of the Chorley Borough Local Plan Review.

14. No development of any particular phase or plot approved by this permission shall be commenced until 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 plans prior to first use of the relevant phase or plot of the development hereby approved and retained as such thereafter.

Reason: To reduce the increased risk of flooding and in accordance with Policy Nos. EP18 and EP19 of the Chorley Borough Local Plan Review.

15. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. If it is proposed that surface water is to be discharged to the public surface water sewerage system, full details of the surface water drainage system including flow discharge rate shall first be submitted to and approved in writing by the Local Planning Authority in liaison with United Utilities. The surface water drainage system shall thereafter only be implemented in accordance with the approved details and maximum discharge rate specified by United Utilities.

Reason: To secure proper drainage and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.

16. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority:

- a. A preliminary risk assessment which has identified:
 - all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- b. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

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 (DCLG, 2012).

17. The development hereby approved shall be carried out in full accordance with the Barn Owl Mitigation Strategy prepared by ERAP Ltd (dated December 2012) ref: 2012_098.
Reason: In the interests of species protection and in accordance with Policy EP4 of the adopted Chorley Borough Local Plan Review and the NPPF.
18. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections. If the presence of nesting is suspected at any time, works that would disturb nesting must be delayed until such time as nesting is complete (the young have fledged and left the nest and surrounding area, and the nest has been abandoned).
Reason: In the interests of species protection and in accordance with Policy EP4 of the adopted Chorley Borough Local Plan Review and the NPPF.
19. Measures for the avoidance of impacts on hedgehogs (and any other Species of Principal Importance as may be present) will be implemented during site clearance in accordance with the recommendations of section 6.1.4 of the Habitat Survey Report (URS Scott Wilson), unless the absence of nesting hedgehogs has been confirmed by further surveys or inspections. The site lighting scheme shall demonstrate avoidance of artificial illumination (light pollution) of wildlife habitat (including the vegetated railway corridor).
Reason: In the interests of species protection and in accordance with Policy EP4 of the adopted Chorley Borough Local Plan Review and the NPPF.
20. The landscaping scheme for the site shall incorporate the recommendations of section 6.2 of the URS Scott Wilson 2011 report, and shall demonstrate that bat foraging habitat, bird nesting and foraging habitat, hedgehog habitat, and habitat connectivity, will be incorporated into the design of the development to at least maintain existing biodiversity value and maintain and enhance habitat connectivity.
Reason: In the interests of species protection and in accordance with Policy EP4 of the adopted Chorley Borough Local Plan Review and the NPPF.
21. The landing window at first floor in the southern elevation of the dwellinghouse on plot 1 (Trevithick house type) hereby permitted shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.
Reason: To protect the amenities and privacy of the adjoining property and in accordance with Policy HS4 of the adopted Chorley Borough Local Plan Review.
22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows or dormer windows other than those expressly authorised by this permission shall be inserted or constructed at any time at first floor level or above in the southern elevation of the dwellinghouse on plot 1(Trevithick house type) hereby permitted.
Reason: To protect the amenities and privacy of the adjoining property and in accordance with Policy HS4 of the adopted Chorley Borough Local Plan Review.
23. Prior to the commencement of development full details of the chimneys to be constructed on the dwellinghouses on plots 1 1, 2, 21, 22, 23, 24, 25, and 26 hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.
Reason: To protect the amenities and privacy of the adjoining property and in accordance with Policy HS4 of the adopted Chorley Borough Local Plan Review.

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Item 4b	12/01221/FUL
Case Officer	Matthew Banks
Ward	Chorley South East
Proposal	Retrospective application for the creation of a car park, new vehicle and pedestrian access from Salisbury Street and erection of 2.5m high palisade fencing and access gates.
Location	Land between Boro Corn Mill and Salisbury Street, Chorley
Applicant	Goldseal
Consultation expiry:	25 January 2013
Application expiry:	11 February 2013

Proposal

1. Retrospective application for the creation of a car park, new vehicle and pedestrian access from Salisbury Street and erection of 2.5m high palisade fencing and access gates.

Recommendation

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

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Background information;
 - Principle of the development;
 - Design and impact on the streetscene;
 - Impact on the neighbour amenity;
 - Impact on highways, access and parking.

Representations

4. To date, no letters of representation have been received concerning this application.

Consultations

5. **Lancashire County Council Highways** – no objections.
6. **CBC Planning Policy Team** – no objections.
7. **CBC Environmental Heath Team** – no comments to make.
8. **Coal Authority** – Standing Advice.

Assessment

Background information

9. This application has been submitted as a result of an enforcement complaint. The applicant (Goldseal) has constructed a car park, formed a new vehicular and pedestrian access from Salisbury Street and has erected a 2.5m high palisade fence and access gates to secure the site.
10. The application site is owned by Chorley Council and discussions have taken place between the applicant, the Council's Enforcement Team and Liberata (a company who manage the Council's property and assets). This has resulted in a retrospective planning application being

submitted in a bid to regularise the development.

11. The issue of land ownership is not for consideration with this application, only that the application form has been filled in correctly and the requisite notice served on Chorley Council.

Principle of the development

12. The National Planning Policy Framework (the framework) states at paragraph 37 that “*planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities*”.
13. At paragraph 18 the framework also states that the government is committed to securing economic growth in order to create jobs and prosperity. The government is also committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. In addition, the framework progresses to state that investment in business should not be over-burdened by the combined requirements of planning policy expectations.
14. Policy 9 of the Central Lancashire Core Strategy (Economic Growth and Employment) identifies Chorley Town as a regional and sub-regional area for significant development, economic growth and employment.
15. Policy LT15 of the Adopted Chorley Borough Local Plan Review states that development in areas of amenity open space which make a significant contribution to the character of an area, either individually or as part of a wider network of open space, will not be permitted unless the development involves a change of use which will not harm the amenity value of the open space.
16. Policy HW2 of the emerging Chorley Local Plan 2012-2026 (Publication version) states that land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless a number of criteria are met.
17. The application site is located to the south-east of Salisbury Street, forming a small car park adjacent to Goldseal Depot. The site is set back from the main highway (Cunliffe Street) by approximately 16m, is located adjacent to a large mill building and is partially shielded from the streetscene by a number of trees forming the frontage with Cunliffe Street.
18. Policy LT15 is applicable to the site as it forms part of a wider network of amenity open space. However, the site is not specifically allocated in the Adopted Local Plan Proposals Map as amenity open space and the site itself is not considered to make a significant contribution to the character of the area. As such, it is considered the use of the site as a car park can be justified in terms of Policy LT15 as (1) the development involves a change of use and (2) the specific part of the amenity open space which has been lost will not harm the wider amenity value of the open space or character of the area.
19. The site is also allocated as amenity open space under Policy HW2 of the emerging Chorley Local Plan 2012-2026 (Publication version) which protects such sites from development except in certain circumstances. This document can be afforded some weight due to its progression in the plan process and because no objections have been received in relation to this specific site allocation.
20. The proposed development is considered to accord with all the criteria apart from criterion (b) of Policy HW2. Criteria (b) states that amenity open space will be protected provided it can be demonstrated that the loss of the site would not lead to a deficit of provision in the local area in terms of quantity and accessibility. The Council’s Open Space Study identifies Chorley town (as a whole) as having a deficit in amenity open space. However, the site itself is in an area surrounded by other amenity open space and in itself is not considered to make a significant

contribution to the character of the area. Notwithstanding this, it is considered that the loss of the amenity open space can be justified in this case by securing a contribution to the improvement of alternative provision of amenity open space in the locality.

21. Discussions with the applicant indicate that they would be agreeable to some level of contribution in lieu of the loss of the site. However, the exact figure is yet to be calculated and will be reported to committee Members on the addendum.
22. In addition to the above, it is also relevant to balance other circumstances in favour of the application against the loss of the site as amenity open space. The applicant (Goldseal) is a major local employer in Chorley who provide (amongst other things) windows, doors, blinds and conservatories to a number of major commercial clients in the area including Lancashire County Council, the NHS, United Utilities and Runshaw College.
23. In recent years Goldseal have moved from Leyland to Chorley, however, have carried out the works to create the car park as there is insufficient room surrounding the building to allow members of staff to park. The applicant argues that company fitters in particular leave their own vehicles at the premises and then take out company vans out to site. The company's support staff (also based at the unit) requires room to park their vehicles.
24. Goldseal serve over seventy commercial customers who attend the unit in order to place orders or collect products. Due to the nature of the business, these customers are nearly always in vans and also experience difficulty parking close to the unit. The Goldseal building also includes a small showroom and customers often have trouble parking when coming to view products.
25. The parking situation in the area is made worse because the surrounding streets are narrow, accommodating residents' cars throughout the day and have parking restrictions in place. As such, it is considered there clearly is a need for the business to find additional parking space to ensure the site remains viable for the business in the foreseeable future.
26. The framework and Policy 9 of the Central Lancashire Core Strategy identify a need to support economic growth and employment. In this particular instance, it is clear that the need for the additional parking is justified and would ensure Goldseal can continue to operate effectively from this site. If operational requirements were not being met at the Chorley location, there is a very real prospect that Goldseal could look to relocate to another premises, which could be out of the borough, thereby losing a key local employer. This would not only be harmful to those employed by the company, but would also be contrary to one of the Council's Corporate Priorities.
27. As such, taking into consideration the limited contribution the site makes to the character of the area in relation to Policy LT15 of the Adopted Chorley borough Local Plan Review and Policy HW2 of the Chorley Local Plan 2012-2026 (Publication version), against the contribution in lieu of the loss of the site and the significant support for economic development within the framework and Policy 9 of the Central Lancashire Core Strategy. It is considered the principle of the development is justified in this case.

Design and impact on the streetscene

28. At a national level the framework states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development.
29. The framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
30. At a local level, Policy 17 of the Central Lancashire Core Strategy states that the design of new development should take account of the character and appearance of the local area, including (amongst other things) design, materials and ensuring development is sympathetic to surrounding land uses.

31. Policy GN5 of the Adopted Chorley Borough Local Plan Review states that the design of proposed developments will be expected to be well related to their surroundings, including public spaces.
32. The car park is set back from the street frontage by approximately 16m and is partially shielded from view by a number of trees. The car park forms an L-shape covering an area of approximately 250m² and provides off-road parking for approximately 8 cars.
33. The car park is positioned to the west of the Goldseal Mill building and is accessed from Salisbury Street which comprises a small cul-de-sac. The cul-de-sac extends from Cunliffe Street in-between No. 46 Cunliffe Street and Boro Corn Mill. As such, the site does not appear visible until you pass the cul-de-sac (in either direction along Cunliffe Street).
34. The car park is enclosed by 2.5m high palisade fencing, with a gate to the west providing vehicular access from Salisbury Street. It is considered that given the built-up nature of the surrounding area, particularly the densely positioned residential properties to the west and the larger industrial mill buildings to the east, the development does not appear incongruous in the area.
35. It has been acknowledged that the site once formed an area of amenity open space, however, given the location of the car park (set back from the road), the limited size of the land lost to the development and the limited visual amenity this site would contribute to the character of the area. It is not considered the development results in significant detrimental harm to the character or appearance of the streetscene to warrant refusal of the application on these grounds.
36. It is therefore considered the development is in accordance with the framework, Policy 17 of the Central Lancashire Core Strategy and Policy GN5 of the Adopted Chorley Borough Local Plan Review.

Impact on the neighbour amenity

37. Policy 17 of the Central Lancashire Core Strategy states that the design of new development should take account of the character and appearance of the local area, including ensuring that the amenities of occupiers of the development will not be adversely affected by neighbouring uses and vice versa. The Central Lancashire Core Strategy also states that development should be sympathetic to surrounding land uses and occupiers, and should not result in demonstrable harm to the amenities of the local area.
38. The constructed car park is positioned to the west of Goldseal Mill and to the east of the properties fronting Cunliffe Street, on the other side of Salisbury Street.
39. The development would involve cars coming to and from the site when visiting Goldseal Mill. The exact number of journeys and use of the car park will vary from day-to-day depending on the number of clients that visit the site and the need for extra parking to accommodate employees. However, it is considered that whichever way the parking area is used, the overriding factor is that it can only accommodate a maximum of 8 parking spaces. Additionally, it is anticipated the car park will only be used during regular office hours and would be securely locked when the business is closed.
40. In terms of the impact on neighbouring residential properties, particularly No. 42 Cunliffe Street, positioned to the west, it must first be noted that the car park itself is sited on the other side of Salisbury Street, within close proximity to the mill building. Furthermore, given the scale and nature of vehicle movements, it is not considered this will surpass vehicle movement already taking place in the vicinity to cause significant harm.
41. The Council's Environmental Health Team have been consulted in respect of the application and have no comments to make in this instance in terms of noise and disturbance to neighbouring residents.

42. As such, it is not considered the development will result in significant detrimental harm to the amenity of neighbouring residents to warrant refusal of the application on these grounds. It is therefore considered that the development is in accordance with Policy 17 of the Central Lancashire Core Strategy.

Impact on highways, access and parking

43. This application has been submitted to increase the amount of off-road parking provision to serve Goldseal. The development has involved taking a new access from Salisbury Street and so advice has been sought from Lancashire County Council (LCC) Highways.
44. LCC Highways have noted that the application is for the creation of a car park on an existing grassed area. The car park is accessed from Salisbury Street which is a fairly short cul-de-sac. LCC Highways have noted that the proposal is partly retrospective as the car park and fencing has already been formed, barring the construction of the vehicle crossing/access.
45. LCC Highways note that the car park is already being used with vehicles bumping over the footway, and having seen the car park in operation, they consider it not to raise any significant highway issues. It is also considered there is sufficient space for vehicles to turn around so that they do not have to reverse out.
46. The access gates extend up to the edge of the adjacent on-street parking bays, however, these gates are generously wide and as such, it is considered that access in/out of the car park and on-street car parking arrangements should not obstruct each other.
47. LCC Highways note that Salisbury Street is a very quiet cul-de-sac with very little through-traffic movement. As such LCC Highways raise no overriding highway objection to the development in principle, subject to the construction of the dropped vehicle crossing being carried out by the highway authority.
48. The development is therefore considered to be in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review 2003.

Overall Conclusion

49. On the basis of the above, the application is accordingly recommended for approval subject to conditions.

Planning Policies

National Planning Policy Framework

Central Lancashire Core Strategy

Policies 9 and 11

Adopted Chorley Borough Local Plan Review

Policies GN5, LT15 and TR4

Emerging Chorley Local Plan 2012-2026 (Publication version)

Policy HW2

Planning History

There is no relevant planning history concerning the application site.

Application Number - 12/01221/FUL

- Retrospective application for the creation of a car park, new vehicle and pedestrian access from Salisbury Street and erection of 2.5m high palisade fencing and access gates.
- Approve subject to conditions.
- 16 January 2013.

**Recommendation: Permit Full Planning Permission
Conditions**

1. The external facing materials detailed on the approved plan(s) shall be used and no others substituted without the prior written approval of the Local Planning Authority.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

2. The approved plans are:

Title	Drawing reference:
Car Park – Palisade Fencing – Site Plan	FS/C223/01/2
Location Plan	-

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

Item 4c	13/00034/FUL
Case Officer	Nicola Hopkins
Ward	Wheelton and Withnell
Proposal	Erection of an equestrian horse breeding and training facility comprising new stables, tack room and storage. Creation of open dressage arena and associated parking areas
Location	Logwood Stables, Brinscall Mill Road, Wheelton, ChorleyPR6 8TD
Applicant	Mr Stephen Watson & Mrs Rebecca McNair
Consultation expiry:	2 March 2013
Application expiry:	18 March 2013

Proposal

1. The application relates to the erection of an equestrian horse breeding and training facility at Logwood Stables. The applicants intend to operate a stud farm and training centre for the family's privately owned horses. The proposals include the erection of new stables, tack room and storage facilities along with the creation of an open dressage arena and associated parking areas. The applicants currently own 11 horses with 2 foals due this year.
2. There have been works which have already commenced on site associated with these proposals including land levelling, laying of hardstanding for access tracks and the erection of stables. Additionally a pond has been created. These elements also require planning permission as they are engineering operations and are subject to a separate planning application. This application (13/00035/FUL) is also on the Committee Agenda.
3. The proposals include the erection of building which will measure 45m x 14m (on the site of the former building 1). The building will provide purpose built facilities within this structure, including 6 stables at 3.65m x 3.65m and 4 stables for mares in foal at 4.26m x 4.26m, together with 2no tie bays for veterinary inspections and a solarium/wash box. (The former buildings on the site were used as part of a poultry farm).
4. It is also proposed to use part of the site as a riding arena (on the site of former building 2). This will require the removal of the concrete slab. The riding arena will measure 60m x 20m.

Recommendation

5. It is recommended that this application is refused.

Main Issues

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

- Public Right of Way
- Lighting and Noise
- Ecology
- Sustainability

Representations

7. **13 letters of objection** have been received raising the following concerns:
 - Since the opening of this business the local public footpaths are being used as bridleways. The hill and the fields around have become absolute quagmire and are now unsuitable as a public footpath.
 - Impact of extra traffic on the private road- this is only sufficient for one vehicle with no provision for overtaking. The resulting vehicles associated with this type of business can vary in size and weight and the safety risks should be paramount when considering this application.
 - Increased danger from additional vehicles and horses using the single track road
 - Impact of new buildings on the countryside
 - The adverse impact through noise, smells and floodlights
 - The applicants have no qualifications to run such a business and have already lost control of their horses on multiple occasions.
 - Works have already been undertaken which are creating flooding problems
 - The idea that this application is going to benefit the community by regenerating this run down farm and creating access to facilities, which are in truth only for a privileged few seems a little farfetched.
 - Scale of the development is inappropriate
 - Would be difficult to police if approved
 - The applicants traffic count is not accurate
 - Vet visit have been missed off
 - Floodlighting has been omitted
 - Overbreeding is a major problem- the applicants are going against the RSPCA and all major equine organisations- the facility is not needed.
8. **The owner of Holden Fold Stud Limited** (referenced within the supporting information) objects to the proposals for the following reasons:
 - The British Horse Society recently published an article asking horse owners to think before they breed and called for a halt to breeding in the UK. The situation is of such concern that there is no need for new developments.
 - The RSPCA have seen a growth in horse numbers and have expressed concern and requested a halt over production, breeding and importation of horses in the UK.
 - The horse breeding and achievements cited by the applicant are basic and average in quality. Holden Fold Stud (near Darwin) have semen available for over 20 breeding stallions not only 2 as the applicant claims
 - The absolute minimum qualification from a person offering 24 hour supervision at the standard envisaged would be a Degree in Equine Science, BHS Stage 111 in Care and Stable Management or an NVQ Level 3 in Breeding and Care of Horses. Mr Watson and Mrs MacNair have no equestrian certification.
 - There would be a significant increase in both traffic volume and size of vehicles.
 - The reference to frozen semen within the supporting statement would result to multiple visits from the vets including throughout the night.

- Holden Fold Stud Limited is approximately 5 miles from the site- the claims that this type of facility is not available in the area is not accurate
- There is no evidence to back up the applicants claims to be part of the grand world of equestrian sports
- Mrs MacNair's status is average as an amateur rider and claims within the supporting information are not officially recorded. Her judging aspirations, although admirable, are at the very lowest level and a long way from her national and international aspirations.

9. **62 letters of support** have been received setting out the following points:

- The owner is trying to improve the site which had fallen into a state of disrepair.
- The works proposed would certainly improve the site and make the access better for runners/walkers alike.
- Another local business must be a good thing. Given the economic climate investment such as this is a must. In the current economic climate as it is, the locals, councillors and the government should be encouraging new entrepreneurs and ventures in our communities as we are seeing far too many people out of work and business failing.
- This area has improved considerably with the construction of the equestrian facility as opposed to the dilapidated barns what was there previously.
- Surely with the recent success of the British Equestrian team at the Olympics and with the focus now on Rio 2016, centres like this are needed to develop and nurture future British talent.
- The project proposed can only improve the aesthetics of the area for the locals as at the moment the areas to be developed are an eyesore.
- The proposed application allows the land to be used for what it is intended in the support of animals, in this instance equines.
- A centre of excellence such as Logwood Stables provides a better vista than that of a broken down ruined old barn that has been there in the past.
- Agricultural or rural enterprises such as breeding are vastly lacking and so we should be actively encouraging new ventures in this area.
- There are far too many plans being passed for building sites in the Chorley borough.
- Any improvement to training facilities and breeding programmes will very much raise the profile of the sport in the north west and would be very much welcome.
- Why will there be an increase in traffic from current levels when the property is already occupied? The access is suitable and adequate for purpose so there cannot be any argument there.
- Will provide jobs
- Will bring a whole new clientele to the area
- Welcome quality youngstock being available to buy in this area as there is a real lack of this quality of horse not only in the Chorley Borough, but within the North West as a whole
- It is difficult for everyone involved to keep these top competition horses fit for competition with such limited facilities

10. **Chorley Ramblers Countryside Officer** objects to the proposals for the following reasons:

- Footpaths Numbers 3, 19 and 21 are adversely affected by this development. The current condition of footpaths 19 and 21 are almost impassable due to weather conditions and increasingly due to the movement of horses.
- With footpath number 3 there is a road safety issue as commented on by LCC Highways in previously withdrawn planning applications. The access route is very restrictive. Reduction in vehicle movements and size of vehicles is important.

- There will be an increase in midden removal and additional parking within the site.
- The footpaths within the site need to be maintained to a sufficient standard to allow the use and enjoyment of the footpaths.

11. **Councillor Hansford** has requested that this application be considered at Development Control Committee

12. **P Wilson & Company** have submitted an objection on behalf of the neighbours Mr & Mrs J Shacklady. The objections raised are as follows:

- Where in the proposed building is the solarium/wash box to be positioned? This is mentioned in the planning statement but missing from the proposed floor plans
- Security lighting and water harvesting has been proposed on the application form; however, there are no details for the siting or design on any plans or in the Planning statement.
- It is difficult to ascertain from the submissions what area of hardstanding (including turning and parking areas) is proposed. What is existing lawful development and what is existing unlawful development included in the retrospective planning application (App. No. 13/00035/FUL)? Since the applicants purchased the site, large sections of hardstanding have been created. The effect of such on the Green Belt should be considered as part of this application.
- The six lighting columns on drawing no. 10/055/PO5 Rev E are not included in the planning statement. No assessments have been undertaken on the potential light nuisance these and the security lighting will cause to neighbouring properties.
- The applicants have stated they currently own 11 horses, two foals due in 2013 and one mare to have a foal by embryo transfer in 2013 (recipient mare therefore required). Only 10 stables are proposed. Where are the remaining horses to be stabled if the applicants intend all horses to be stabled at Logwood Stables?
- There are multiple references to the applicants' training Paralympic riders and horses. However, the submissions fail to specify how many and where they will travel from.
- The applicants state "*the farm is run as an agricultural business*". Is the applicants' commercial enterprise selling the horses they breed and/or produce, or the training of other riders and/or their horses?
- There are now only remnants of the historic buildings on site. The proposed use is significantly different. The proposed development is far larger than the current remnants of the two buildings that once existed on site.
- The proposed development would entail the construction of new buildings, structures and engineering works (extent to be confirmed) in the Green Belt.
- The proposed development goes well beyond what is frequently considered (including Appeals) to be essential facilities and the Applicants have failed to demonstrate how that use is one which preserves the openness of the Green Belt.
- When assessing the impact on openness of the proposed development, we consider that account should be taken of the cumulative effect of the development contained in planning application which includes all existing unlawful hardstanding and proposed hardstanding (App. No. 13/00035/FUL).
- The applicants have failed; indeed they have made little attempt to justify why the proposed development needs to be sited in this Green Belt location or to demonstrate that no more suitable sustainable non-Green Belt site exists for the facility.
- Have the applicants been recognised as an important potential contributor for delivering future success in dressage? How does this recent success and increased funding relate to this application?

13. The applicant attempts to prove special circumstances however the mere fact that the applicants own the site does not qualify them for very special circumstances. The applicants have come nowhere close to establishing the existence of very special circumstances which might justify this inappropriate development in the Green Belt.
- The scale, siting and design of the proposed development would be injurious to the visual amenities of the Green Belt; such injury being exacerbated by the external illumination of the riding arena and security lighting, with its resulting light pollution.
 - Topography may help to mitigate the impact on the visual amenity of the Green Belt but the extent of the proposed new building, hardstanding and structures, in the absence of existing buildings of similar or greater size to be demolished, must inevitably have a material and adverse effect on openness.
 - The general noise and disturbance arising from the activities on the Site would impact primarily on the occupiers of Logwood Mill Farm.
 - The development is neither “within an existing building or forms part of a farm diversification scheme”
 - The movement of either horses or vehicles as a result of the development” would prejudice road safety, including that of walkers and other horse riders.
 - It would be extremely difficult to remove any equipment and reinstate the site once its use for horses is no longer required.
 - Brinscall Mill Lane has limited passing bay provision and is therefore unsuitable for any material increase in traffic, particularly that involving horse transporters or vehicles towing horse boxes.
 - The presence of three existing equestrian establishments in the locality mean that the local highway and public rights of way network is subject to regular use by horse riders; albeit that if the Logwood Mill Farm track is a public footpath only, a previous application to upgrade its status to that of a public bridleway having been refused.
 - Why do they state “the only traffic movements being generated would be the horse transporter to deliver the horse and collect at the end of the breeding season”? Why is this required if all horses are in the applicants’ ownership?
 - The following traffic movements are not included in the traffic statement:
 - The recommended number of scans carried out by a certified vet for each mare to be put in foal by artificial insemination. The typical average number of ultrasound scans for artificial insemination per mare is 12 (if everything goes to plan) and much more for embryo transfer which the applicants intend to use with one mare;
 - horse inspections prior to gradings;
 - removal of horse manure
 - emergency vet visits
 - transporting semen straws from the Applicants stallions for artificially inseminating mares not within the applicants’ ownership. Will semen be collected from the applicants’ stallions on site or elsewhere? There are no anticipated traffic movements for either scenario. If semen is to be collected at the application site then where are the facilities for doing this mentioned in the application?
 - training paralympic riders and horses. How frequently will they be using the site?
 - the applicants’ trainer. It is normal for a producer of such high performing horses to require onsite training;
 - The applicants clearly intend more external visitors to Logwood Stables than is currently stipulated in the traffic statement.

- It is not acceptable for the applicants to consider the commercial rearing of poultry use that has not existed on site since the year 2000 as a comparison for the proposed development.
- The applicants have no ownership of, or control over, the length of private access road across Logwood Mill Farm, merely a right of way to and from the site.
- The Planning statement states “the view of the stables from the rear of Logwood Mill Farm is screened by a row of conifers to the garden side of the wall that are higher than the ridge of the proposed stables”. However, these conifers are in the full control of our clients of Logwood Mill Farm and should not be considered as part of the proposed development landscaping scheme.
- The Applicants fail to specify the hours of opening on the application form.
- The proposed development is contrary to Saved Policies DC1 and EP8 of the Chorley Local Plan Review and SPD entitled ‘Rural Development’ and NPPF.
- The proposed development would have an unacceptable detrimental impact on the residential amenity of neighbouring properties.
- The additional traffic generated by the proposed development would impair the safety of other users of the local highways and public rights of way network.

Consultations

14. **The Environment Agency** have produced a guidance document which sets out what types of planning consultations the Environment Agency wishes to be consulted. This guidance is based on the Development Management Procedure Order 2010 (DMPO) and current Government planning policy. The Environment Agency does not consider that these proposals fall within the categories set out within the document.
15. **United Utilities** have no objection

Applicant’s Case

16. The accompanying Design and Access Statement sets out the following points in support of the application:
 - The current breeding and training programme is carried out at various stables around the country. The intention is to relocate the programme to one site that will accommodate all the necessary facilities for an internationally accredited stud farm and training centre for the family’s privately owned horses
 - Mrs McNair has been competing in the Summer and Winter Regional Championships since 2008, competing as part of the North West Senior Team at Inter Regionals and Home Internationals in 2010, 2011 and 2012. Mrs McNair has also achieved great success by breeding and producing the British Equestrian Federation Champion Eventer 2008, 2009 and Reserve 2010.
 - Her experience as a trainer includes training young horses for potential International Young Dressage Horse classes (competed 2010 and 2011), for Burghley Young Event Horse class and training two FEI Paralympic horses and riders for championships and potentially for the 2016 Paralympic Games in Brazil. Mrs McNair hopes to gain a place on the World Class Pathway Scheme with Bolana and Eton UDH. She is also running clinics with World Class Development trainers run through British Dressage, working with Kate Cowell (North West Team Trainer), Stephen Clarke (FEI Olympic Judge 2008, Head Judge for 2012 Olympics, Chief of FEI and President of the Dressage Ground Jury), Emile Faurie (European Gold medallist and 2012 shortlisted competitor) and Maria Eilberg

(travelling Reserve for the World Equestrian Games in Aachen, 2005 and the Beijing Olympics 2008).

- Mrs McNair is currently training to become a British Dressage List 6 Judge which includes ongoing training at the High Profile shows throughout the country
- Due to the nature of equine breeding, there needs to be onsite supervision 24 hours a day.
- The fields are quality pastures maintained to the highest standards being fertile, well watered and free draining. In spring the fields are harrowed and rolled by a local farmer in preparation for the breeding stock, during winter it is proposed to graze sheep on the land to maintain the quality of the pasture.
- For mares requiring more specialist care, it is proposed to have selected nursery paddocks situated close to the property where closer attention and care can be given.
- Due to the quality of horse currently being produced, and looking to produce in the future, all stallion and foaling boxes need to be purpose build units of 4.26m x 4.26m. In addition, the foaling boxes must all be fitted with CCTV cameras
- The proposed development being submitted will aim to provide a breeding and training centre that will be to internationally accredited and Olympic standards.
- The proposed development at Logwood Stables does not fall within the remit of the guidelines as the activities to be associated with this proposal differ considerably from a riding school or livery yard. All horses at Logwood Stables are co-owned by Mrs Rebecca McNair, Mr Steve Watson, Mr Andrew McNair and Mrs Carol McNair
- The horses at Logwood Stables are being bred and trained specifically for Regional, National and International competition, however these events will not take place at Logwood Stables.
- The location at Logwood Stables is extremely well suited to this proposed development. The site is within an area predominantly associated with equestrian activity. The additional 18 acres of land adjacent to Logwood Stables will provide necessary grazing land that cannot easily be supplied in areas outside of the Green Belt. The proposed development is to be focused entirely on the specialised field of Dressage that is proposing to provide breeding and training facilities that will meet international standards.
- This type of facility is not available within Chorley or within the surrounding areas of the region which will bring economic incentives to the area. Economically this will have no detrimental effect on other facilities within the vicinity as the potential market does not conflict with other neighbouring stables and business interests.
- To leave the site in its present derelict state would be detrimental to the Green Belt.
- The proposed development would reduce the impact of the current buildings on the site with the new stable block to be built from modern sustainable materials to a design that is of a building type that is in evidence on many sites within the Wheelton area.
- The proposed development is of such a specialised nature that it does not fall within the categories of the Local Plan and should therefore fall into the remit of special circumstances. The quality and standard of business that the development will promote will bring interest from the European Dressage network that can bring an opportunity for growth to the Chorley area.
- At the Olympics 2012 Great Britain won Gold and Bronze in the Individual Dressage event and Gold in the Team Dressage event. At the Paralympics 2012 Great Britain won 5 Gold, 5 Silver and 1 Bronze medal. At the FEI World Dressage Championship for Young Horses 2012 held in Verden, the event was won by Woodlander Farouche, the first British bred horse to win the event. Whilst Great Britain is amongst the world's best for dressage riders, we have to rely on foreign imports for our horses.

- Mrs McNair is hoping to put Chorley and the North West on the map for British Dressage through breeding and training the horses for the future high profile competitions.
 - The opportunity exists for Chorley Council to support a unique business venture and help deliver the development, at no cost to the town, not place barriers in the way of investment.
 - The conversion of the existing buildings was never possible beyond the retention of the concrete slab and dwarf walls, due to the amount of asbestos in the roof and walls of the old buildings.
 - The bringing together of the activities of the stables within one site will reduce the traffic movements from the site whilst the need to visit the site by local suppliers could be achieved by these suppliers whilst making deliveries to the other stables complexes in the area, to accommodate the efficient delivery of goods and supplies.
 - If this proposal is to be classified as inappropriate development, where could this standard of development be suitably situated outside of the Green Belt with the amount of grazing land required, that would meet the requirements of the relevant animal welfare and environmental health legislations.
 - The volume of the proposed stables would be approximately 50% of the original buildings.
 - The breeding business was established in 2007 and registered as Logwood Stables Ltd in August 2010. The proposals as set out will also maintain the environmental quality and countryside character with the agricultural style of the proposed buildings and the use of the land as previously set out.
 - The size and scale of the proposed development is appropriate for the standard of business envisaged and the specialist nature warrants its acceptance as special circumstances.
 - The proposed use of Logwood Stables is as breeding stables for the breeding of dressage horses of the highest quality. The additional use of the stables as a training facility for horses bred at Logwood Stables will reduce the need to take the horses to another site for training purposes. The training facility will not be typical of the type of riding school, with members of the public attending for regular riding lessons, creating a greater volume of traffic.
 - Whilst the development is private, it cannot be classed as small, hence the information provided to justify the special circumstances of the proposals.
 - The intent shown by the applicants in relocating to the area and the significant financial input into this venture shows that the proposed development has a long term business plan within its structure.
 - The proposed facility at Logwood Stables will be of the highest quality and standards, providing a service that cannot be matched within the Chorley area and the region beyond. The breeding programme will be of an international standard and will promote interest from afar, bringing breeders and dressage horse owners to the Chorley area. The proposed training facility again will bring talent and business to the town with its training to the highest competitive levels.
17. The applicant has provided the following points from the British Equestrian Federation (BEF):
- The British Equestrian Federation (BEF) is the national governing body for horse sports and the principal link with the international federation for horse sport, the FEI. Within BEF's membership are 18 member organisations ranging from sporting bodies such as British Dressage to charities such as the Riding for the Disabled Association. BEF receives funding from UK Sport for elite equestrian sport and funding from Sport England to encourage more people to ride horses and ponies. These funds are then distributed out amongst the BEF's members to help win more medals and get more people in the saddle.

- In order to support this, BEF also has the strategic goal called “Better Horses”, and within this are two key objectives, namely “Support better breeding, production, management, welfare and care of horses through education, dissemination of research and knowledge sharing” and “Make the best use of available data to promote appropriate breeding of horses”.
 - BEF sets out to share information and data in a variety of ways which include the results from the Futurity evaluations to spot talent in young horses destined for top class sport and in the form of its magazine the British Breeder which is full of information on the importance of carefully considered breeding practices. These fall under three headings:
 - a. Do you really need to breed? BEF aims to encourage better breeding, but at the moment, with the economy in downturn, it may be more practical to support existing breeders by buying a good young horse from within the UK.
 - b. If you plan to breed, start with the best mares you can. A mare which has compromised conformation, temperament and competition ability is very unlikely to make a good broodmare. Use available research to identify the best mare lines you can and breed for a specific purpose, have an end goal in mind for your foal and a fully costed business plan to get you there.
 - c. Then you need to choose the best stallion for your mare. Of course he will be approved for breeding with a leading studbook, and if you have done your homework and chosen a sire whose characteristics, athleticism and genetic merit complement your mare, you will be giving your foal the best chance you can for the future.
 - The Olympic year of 2012 was one of the most successful yet for British bred horses, which are now beginning to punch above their weight on the world stage. With three British bred medal winners at Greenwich, as well as numerous other placings for British bred horses in the ownership of overseas athletes. We have secured our first double world young horse dressage champion in the form of Woodlander Farouche, numerous victories on the international stage in showjumping, dressage and endurance, and looking to the future, in pony and young rider classes.
18. The following additional information has been submitted by the applicant’s agent (with reference to the Supplementary Planning Document 3. Rural Development):
- The employment created by this proposal will be one full time and two part time staff.
 - The proposal is to seek to employ people from the local rural area.
 - This proposal will support a more diverse economic profile that should be supported within the area.
 - In addition to the proposed employment of the proposal, further opportunities will be created to support local businesses selling feed and tack and providing facilities for farriers and vets.
 - The layout of the proposed stables has been specifically designed for breeding, where stallions and mares cannot be stabled within view of each other, or lead a stallion past a mare within the stables. The layout of the stables back to back will achieve this requirement without the need for two buildings.
 - The siting of the building meets the policy requirements as the building is more than 30m from neighbouring residential properties (53m) and is well screened by existing trees.
 - Site treatment for the hard standing and access tracks will utilise the existing slab from the existing building and the tracks that exist around the site. The sand paddock will be sited using the position of the existing smaller building.
 - Highway safety will be greatly increased as the need to move the horses from the site will be reduced from present levels as many of the current movements are due to the facilities not being available at the site. This will benefit both the horses and those using the

existing local roads. There is sufficient turning area within the site for the vehicles to be used without the need to reverse onto the highway.

- Re-use, replacement or extension to buildings in the countryside. The original agricultural use of the building for poultry and egg production ceased approximately 15 years ago. The existing buildings were in a derelict state and due to health and safety grounds it was necessary to remove 60 tonnes of asbestos which formed the walls and roof to both buildings.
- The proposed development will reduce the volume of the existing buildings by 50%.

19. The applicant has submitted a Business Plan in support of the proposals which includes the following details:

- I have already invested in two International quality stallions and five broodmares who have successfully graded within International breed societies.
- I compete in both National and International classes with a number of these horses to ensure I am using proven stock.
- I also train several young horses and their riders around the North West region as a fully insured freelance trainer and British Dressage Trainee Judge.
- What still needs to be done: to convert one of the barns into stables and to remove the other and replace with a 60x20 metre arena.
- McNair Dressage aims to provide a bespoke service for our customers. Not only will we develop International bloodlines not currently available in the UK, but we will also provide fresh, chilled and frozen semen from our stallions to National and International customers. The only recognised "Stud yards" with this ability in the UK are based in the South. McNair Dressage aims to put the North West on the map.
- Outside the racing industry, the UK fails to consistently produce top level sport horses capable of carrying British riders to success at the highest international level.
- The primary function of any stud facility is to safely inseminate (usually by artificial insemination or AI) a broodmare with the semen from a stallion who complements her conformational weaknesses. The mare will carry the foal for an estimated period of 11 months (with regular scans). Once delivered the foal will remain on its mother for six months before "Weaning" where they are separated allowing the mare to be placed back in foal to repeat the process. The now Weanling will be turned out with other youngstock until it reaches its third year. It is backed (taught to be ridden) and trained in preparation for sale. There are various factors during this early lifespan that determine when exactly the horse is sold. There may be an opportunity to sell the foal at weaning or anytime leading up to it being backed. However to maximise the value in the horse it would ideally be backed and paraded at young horse classes before sale. Obviously, this is potentially a long process hence the need for numerous broodmares consistently producing youngstock. The stallions will also be standing at public stud where the fresh, chilled or frozen semen is available for sale.
- To compete at the very top level, dressage horses can cost upward of £300,000. I am not, nor have I ever been, in a position to spend such a large amount of money on a single horse as is the case for 90% of the competing riders and owners. I have had to invest in young horses and train them to as high a standard as possible before selling on at profit to invest in horses with the potential to go even further.
- Breeding allows me to select the characteristics and movement I want from a particular horse, for either my own use or for a potential customer to attain success. The vast majority of quality young dressage horses sell for between £15,000 and £60,000.
- To produce a young horse costs in the region of £3,500 which includes initial insemination costs, vet packages, feed, livery, advertising and in house training.

- The youngstock can be sold at circa £7,000 upon weaning, £15,000 plus as a backed three year old and £25,000 plus as a competing four year old.
- The initial plan is to turnover young horses at weaning and potentially backed for under £10,000 in a bid to have our youngstock out in the market competing on a regular basis generating interest and activity as the business initially develops.
- In the local area there is no business that would be competing for the same customers McNair Dressage is targeting. The businesses in the local area tend to be dealers who we would target anyway or sports horse studs such as Country Farm Stud Limited in Preston (who we currently work alongside) and Holden Fold Stud in Blackburn whose stallions are 17 years plus.
- Realistically, our competition is on a National level, however these dressage studs (and I only refer to those that have both in house stallions and mares) do not have the same bloodlines as McNair Dressage which make our business plan unique.
- The studs which would be our main competition are as follows:
 - Woodlander Stud 150.7 miles
 - Flax Lion Stud 204.2 miles
 - Solaris Sports Horses 213.3 miles
 - Glossoms Farm Stud 117.8 miles
- Horse and Hound and Horse magazine are ready to produce an editorial spread as the business opens to promote McNair Dressage as the "One to watch" in British breeding.
- My skills and achievements: Over 15 years of experience with horses and in horse management and welfare. I have successfully bred horses with "Champion" status. I am a fully qualified journalist with numerous contacts at the cutting edge of equestrianism. I have competed at National and International level dressage. British Dressage Trainee Judge
- Potential profit of this venture: £30,000 by year two. £100,000 potential by year four

Planning Policy

National Planning Policy

20. The relevant national planning policy guidance/statements are as follows:
 - National Planning Policy Framework (the Framework)
21. The Framework confirms that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 87).
22. The Framework goes on to state that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.' (para 88).
23. Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:
 - buildings for agriculture and forestry;
 - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The Development Plan

24. The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003, the Central Lancashire Core Strategy 2012 and the North West of England Regional Spatial Strategy 2008 (RSS).
25. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Regional Spatial Strategy (RSS)

26. The Localism Act 2011 gave powers to the Secretary of State to revoke/abolish Regional Strategies. The Chief Planner, in a letter (21 December 2012), has said it is our policy to revoke the existing regional strategies as soon as possible subject to the outcome of the Strategic Environmental Assessment process. The report for the North West Regional Strategy has been published for public consultation. Until such time, RSS remains part of the development plan. Relevant policies within the RSS therefore need to be taken into consideration when determining this application.

Adopted Chorley Borough Local Plan Review

27. The relevant policies of the Local Plan are as follows:
- GN5 - Building Design and Retaining Existing Landscape Features and Natural Habitats
 - GN9 – Transport Accessibility and Mixed Uses
 - DC1- Green Belt
 - EP4 - Species Protection
 - EP8- Development Involving Horses
 - TR4 – Highway Development Control Criteria
 - LT10 – Public Rights of Way
28. Local Plan Policy EP8 is applicable as it relates to development involving horses. Policy EP8 states:
- Planning permission for development involving horses will be granted providing the following criteria can be met:
- a. the proposal is of a scale and nature appropriate to the character of the site and the ability of the local environment, including the amenity of local residents, to absorb the development;

- b. in the case of indoor facilities or commercial stables, the development is within an existing building or forms part of a farm diversification scheme;
- c. in the case of small, private developments the site should be close to existing buildings and well screened by existing trees or local landscape features;
- d. the siting, design and materials of the buildings and structures should be in keeping with their surroundings;
- e. the development would not result in the over-intensive use of the local bridleway network;
- f. the movement of either horses or vehicles as a result of the development would not prejudice road safety;
- g. provision is made for removing any equipment and re-instating the site once its use for horses is no longer required.

Adopted Central Lancashire Core Strategy

29. Policies to be given weight are:

- Policy MP clarifies the operational relationship between the Core Strategy and the National Planning Policy Framework. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. Planning policies that accord with the policies in the Core Strategy will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date the Council will grant planning permission unless material considerations indicate taking into account Policy MP a) and b).
- Policy 1 Locating Growth
- Policy 9 Economic Growth and Employment
- Policy 22 Biodiversity and Geodiversity
- Policy 17 Design of new buildings
- Policy 27 Sustainable Resources & New Developments

Supplementary Planning Documents

- Rural Development SPD (October 2012)

Emerging Local Plan

Publication Chorley Local Plan 2012 - 2026 (Submission 21 December 2012)

Relevant Policies are:

- ST3: Road Schemes and Development Access Points
- BNE1: Design Criteria for New Development. Criteria a, c, d, f, g and h are relevant to the proposal.
- HW1: New Open Space, Sport and Recreation Facilities.

Background Information

30. The applicants have purchased the property known as Logwood Stables which used to form part of Logwood Mill Farm. The planning history associated with this property and Logwood Mill Farm is set out below. It is clear that any agricultural use at this site has been diluted over time. In the 1980s planning permission was granted to extend the farmhouse into the attached redundant barn and in 2000 planning permission was granted to convert the existing stable into a detached dwellinghouse, this has been purchased by the applicant. The site is now residential in nature although the surrounding area is rural in character the site no longer has the appearance or functionality of a working agricultural unit.

31. The applicants first approached the Council in 2010 at pre-application stage. At this time the applicant was seeking to convert and extend two existing disused farm buildings on the site for horse related development. It is understood that the two buildings were previously used for egg production; however it was clear that this use ceased a number of years ago. The buildings as existed measured:

	BUILDING 1	BUILDING 2	Total
Footprint	900 m ²	450 m ²	1,350 m ²
Volume	3,480 m ³	1,370 m ³	4,850m ³

32. The applicants were advised at that time (May 2010) that the principle of the development was unacceptable, the buildings were not capable of conversion and the proposals would not preserve the open and rural character of the Green Belt.
33. A site meeting was carried out with the planning officer on 7th February 2011 at this time removal of the asbestos roof covering on the buildings was discussed and agreed. Following this site meeting a further pre-application enquiry was submitted in March 2011 for the renovation/ replacement of the existing buildings to create stables/storage building and covered exercise paddock for equestrian (dressage) schooling facility. The former buildings were still present on the site at the time of the pre-application enquiry and the applicant was advised that the scheme as proposed would significantly impact on the openness of the Green Belt and no very special circumstances had been demonstrated. At this time the applicant was advised to consider a reduced scheme.
34. In respect of the former buildings as set out above the applicants were advised, during a site meeting, that the roofs could be removed. The applicants have confirmed that once the roofs were removed the structures fell down and as such the structures were removed off site. This application is supported by a letter (this letter isn't dated) from EM Roofing & Sons (who were employed by the applicant to remove the external asbestos cement roof sheets) stating that when the roof sheets had been removed the timber frames started to collapse which they attribute to the main frames only being set into the concrete floor in inch pockets. Part of one of the buildings and the slab for both buildings still remain however the majority of the buildings have been removed off site. The buildings were removed without any formal prior notification to the Council and the volume of the buildings was not previously agreed with the Council. As such this application relates to the erection of a new building and riding arena within the Green Belt.
35. This application follows the withdrawal of two previous applications (11/00384/FUL and 11/01103/FUL). The first application was withdrawn as the proposals were considered unacceptable and the agent was advised to withdraw to consider whether a reduced scheme may be more suitable. The second application was withdrawn as the application was considered at Chairs Brief where it was determined the decision could be made under delegated powers. The agent was advised that the recommendation was to refuse the application due to the fact that inadequate justification had been provided and the proposals would be more appropriate as part of a farm diversification scheme. The agent subsequently withdrew the application.

Other similar applications in the Borough

36. 94/00180/FUL- Roscoe House Farm, Delph Lane, Charnock Richard. Erection of indoor riding area measuring 1540m² and 8 metres high. This development represented a commercial horse training business and very special circumstances were demonstrated as the development would assist in the applicant's show jumping career as he was a member of the British show jumping team. Approved July 1994.
37. 94/00352/FUL- Lower House Farm, Trigg Lane, Heapey (to the north east of the existing site). Erection of stables ancillary accommodation and construction of sand paddock to form livery business. The scheme included a 21 stable building measuring 345m² and 4 metres high. Creation of a sand paddock measuring 25 x 40m. Approved July 1994.
38. 03/00608/FUL- Whittle Green Farm, Mill Lane, Charnock Richard. Indoor riding school measuring 888m² and 5.4 metre high and 8 stables. Very special circumstances were demonstrated as it involved the relocation, from Oldham, of a sustainable business. Approved October 2003.

AssessmentPrinciple of the development

39. The main consideration in respect of this application is the fact that the proposals involve the erection of a new building and riding arena within the Green Belt. The Framework treats such development as inappropriate development unless it relates to one of the exceptions listed above. It is noted that one of the exceptions is 'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'
40. There is no definitive definition of sport however SportAccord (which is the association for all the largest international sports federations) uses the following criteria, determining that a sport should:
 - have an element of competition
 - be in no way harmful to any living creature
 - not rely on equipment provided by a single supplier (excluding proprietary games such as arena football)
 - not rely on any 'luck' element specifically designed in to the sport
41. SportAccord also recognise that sport can be primarily physical (such as rugby or athletics), primarily mind (such as chess), predominantly motorised (such as Formula 1 or powerboating), primarily co-ordination (such as billiard sports) or primarily animal supported (such as equestrian sport). It is considered that dressage falls within the definition of horse riding sports/ equestrian sports for the purposes of this application.
42. The breeding of horses does not require planning permission however a building to support horse breeding and training does require planning permission (structures connected with horses do not enjoy permitted development rights as they are not agricultural buildings) and does not fall within the definitions of appropriate development set out above. This use class is sui generis.

43. Annex 1 of the Framework states that for 12 months from the day of publication (27 March 2012), decision takers may continue to give full weight to relevant policies adopted since 2004. For policies adopted before 2004, as is the case for the Chorley Borough Local Plan Review which was adopted in 2003, and after this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
44. Policy EP8 of the Local Plan limits commercial development to development within an existing building or forming part of a farm diversification scheme. The Rural Development SPD (October 2012), which post-dates the Framework and is material to the consideration of this application, states that large-scale developments can rarely be located satisfactorily in open countryside. They are best located within an existing building complex and as part of a farm diversification scheme. Farm buildings which are no longer required for their original purposes are often suitable for conversion to commercial equestrian use, to avoid the need for new buildings which may be intrusive in the countryside. 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.
45. The SPD states: The Councils will require the following criteria to be met in considering applications for developments involving horses:
 - in the case of indoor facilities or commercial stables, the development is within an existing building or forms part of a farm diversification scheme;
 - in the case of small, private developments the site should be close to existing buildings and well screened by existing trees or local landscape features;
 - the development would not result in the over-intensive use of the local bridleway network;
 - the movement of either horses or vehicles as a result of the development would not prejudice road safety;
 - provision for removing any equipment and re-instating the site once its use for horses is no longer required.
46. The applicants intentions for the site are noted and it is by virtue of the size of building and arena proposed that the development is considered 'large-scale', a fact which is acknowledged within the submitted supporting documentation. Whilst the proposed use does not fall within the standard definition of livery use (as the stables will not be rented out to individual horse owners for a fee) the proposed number of stables, size of building and size of riding arena significantly exceeds that of a small private facility and as such is considered to be a large scale development.
47. The issues in respect of the previous buildings on the site are also noted and it is acknowledged that the Framework allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. A building is defined as a *structure with a roof and walls, such as a house or factory*. As the majority of the buildings have been removed/ demolished at the site, contrary to advice given at pre-application stage, the proposed building will not be in the same use as the previous building on site and the fact that the applicant has acknowledged that the previous buildings would not have been suitable for the proposed use the development currently being considered constitutes new development within the Green Belt.
48. The proposed building measures 630m² and is 4.4 metres high. The building will be constructed out of profiled metal cladding and will constitute the erection of a large building

within the Green Belt. The proposed riding arena measures 60 x 20 metres which is larger than a standard riding manège. It is acknowledged that equestrian facilities can be located within the green belt to assist in sustainable rural development however this needs to be balanced in respect of the size and scale of the development. Whilst the erection of stables within the Green Belt could be considered appropriate facilities for outdoor sport, in terms of the Framework, it is not considered that the size of facilities proposed preserves the openness of the Green Belt. As such very special circumstances are required in this case.

49. The very special circumstances forwarded in support of the application include:
- The proposed stables and paddock will provide a facility not available within the area and will be of national importance for training and of international status for its' breeding capabilities.
 - The proposed stables building is to be constructed on the existing concrete slab and the siting of the paddock will require the removal of the concrete slab to the other existing building, so the harm to the nature of the land itself will be reduced.
 - The proposed infrastructure required for the breeding of horses cannot be classed as a large scale commercial equestrian centre. It falls within the requirements of outdoor sport and the size of the development proposed when weighed against the overall size of the associated land at almost 18 acres would not conflict with the use of the land within the Green Belt.
 - The proposed size of the stables is appropriate for the breeding programme and makes use of the existing concrete slab. The facilities within that building are essential to carry out the extremely high standard set by the international grading bodies required to breed horses. Equally the arena needed to train the horses up to Olympic and other international levels has to be to the size at which the horses will compete with the accuracy demanded for dressage competitions.
 - Due to the topography of the site and the contours of the surrounding area, the building would have very little impact on the openness of the Green Belt.
 - The scale of the building is paramount to provide the specialist breeding and training facilities required for the proposed development. The impact of the building on the openness of the Green Belt is no greater than the existing buildings.
 - The proposed facility at Logwood Stables will be of the highest quality and standards, providing a service that cannot be matched within the Chorley area and the region beyond. The breeding programme will be of an international standard and will promote interest from afar, bringing breeders and dressage horse owners to the Chorley area. The proposed training facility again will bring talent and business to the town with its training to the highest competitive levels.
 - If this proposal is to be classified as inappropriate development, where could this standard of development be suitably situated outside of the Green Belt with the amount of grazing land required, that would meet the requirements of the relevant animal welfare and environmental health legislations.
50. The proposed development is contrary to the Rural Development SPD as the development involves the erection of a large new building and does not involve development within an existing building or form part of a farm diversification scheme.
51. In respect of the very special circumstances forwarded in support of the application the potential benefits of locating all the facilities on one site are acknowledged however this site does not represent the most accessible or sustainable location.

52. The very special circumstances forwarded in support of this application state that *the proposed stables and paddock will provide a facility not available within the area and will be of national importance for training and of international status for its' breeding capabilities.*
53. However no evidence has been submitted that this facility will be of *national importance*. The supporting information states that the applicant has trained potential International Young Dressage Horse classes and two FEI Paralympic horses and riders potentially for the 2016 Paralympic Games however there is no evidence that the applicant is an internationally, regionally or locally accredited trainer.
54. The supporting information states that the applicant is hoping to gain a place on the World Class Pathway Scheme. The World Class Dressage Equine Pathway Programme was launched by the British Equestrian Federation (BEF) in 2007 to provide a method of identifying support, through training, for elite young horses that show an indication of the necessary qualities to represent Great Britain and ideally medal at future Championships and Olympic Games. Eligible horses will be selected on their movement, expression, trainability and potential for Championship level Grand Prix. The scheme aims to provide support to potential World Class horses through monitoring horses' development through observation and communication with the owner/rider, offering veterinary/farriery monitoring and advice at training sessions, access to training with a World Class coach, coaching advice and support together with sports science and medicine support to the rider. However no evidence has been submitted to demonstrate that any of the applicants' horses are eligible for this scheme.
55. It is acknowledged that the applicant runs clinics with World Class Development trainers run through British Dressage. These clinics are held at Brookfield Equestrian Centre (Windmill Lane, Brindle) with an accredited British Dressage trainer. However the applicant is not listed as an accredited trainer in the British Dressage Trainers Database or the British International Dressage Trainers Foundation.
56. The applicant, Mrs MacNair, has also submitted a Business Plan to support the proposals. The contents of this plan are summarised above. The Business Plan confirms that the applicant decided to set up the business once she discovered that she had a keen instinct for matching international bloodlines and producing trainable, expressive and saleable horses. The Business Plan confirms that she regularly trains with one Team GB member, Emile Faurie and also the Danish International rider, Ulrik Molgaard and refreshes her breeding knowledge by taking AI courses and management courses under Karen Raine, BHS Int. Sn (Reg), A.I Tech. Cert Ed.
57. The Business Plan confirms that what is needed includes converting the existing barn and replacing the other barn however as addressed earlier there are no existing barns to be converted or replaced. The proposals involve new development. The business Plan confirms that the business currently involves investing in young horses and training them to as high a standard as possible before selling on at profit to invest in horses with the potential to go even further. The initial plan is to turnover young horses at weaning and potentially backed for under £10,000 in a bid to have their young stock out in the market competing on a regular basis generating interest and activity as the business initially develops.
58. The aspirations of the applicant are acknowledged however it is not considered that sufficient evidence has been submitted to demonstrate that the breeding programme will be of an international standard or that the proposed training facility will involve training to the highest

competitive levels as asserted by the applicants. The business plan indicates that due to the infancy of the business the applicant is not currently in a position to train horses of an international standard although it is clear that this would be a future aspiration.

59. The Business Plan sites the potential competition for the business and includes *sports horse studs such as Country Farm Stud Limited in Preston (who we currently work alongside) and Holden Fold Stud in Blackburn*. The owner of Holden Fold Stud however disputes inclusions within the supporting statements as set out above.
60. In respect of the proposed breeding part of the enterprise it is understood that onsite supervision 24 hours a day is required and stallion and foaling boxes need to be purpose built units of 4.26m x 4.26m with CCTV cameras (linked to the property). However it is not clear why such a large building is required when standard timber stable blocks, similar to those currently on site, would provide the same facility.
61. Whilst dressage falls within the definition of sport, the breeding and training of dressage horses does not and falls within the sui generis use class. It has not been demonstrated that very special circumstances exist to justify the harm to the Green Belt as a result of new development within this location.

Traffic and Transport

62. In respect of the traffic generation of the proposed development the supporting information states:
 - The proposed traffic movements required for the proposed development would be reduced significantly due to the activities of the facility being based at one site. As all the needs for the horses could be met for breeding and training requirements on site, the movements relating to the transportation of the horses would be kept to a minimum.
 - The specialist nature of the breeding and training facility is far removed from the typical livery use which would generate a significantly greater volume of visitor traffic to and from the site on a daily basis.
 - Below is a schedule of the anticipated vehicle movements regarding the traffic requirements of the proposed facilities:
 - Staff - estimated at 2 movements per day.
 - Horse box/ transporter - 2 movements per day for attending competitions, estimated at 2 times per week during main competition periods. Also attendance at clinics (training sessions) estimated at 2 per month.
 - Vet - 1 scheduled visit per month from Chorley based practice
 - Farrier - 1 visit per eight weeks from Chorley based farrier.
 - Team GB physio - 1 scheduled visit every eight to ten weeks.
 - Feed delivery - 1 visit per month with max. 7.5 tonne vehicle from a Croston based company.
 - This volume of traffic movements would be fewer than current levels as presently the horses have to be moved from site to provide the necessary needs associated with their breeding and training that would be carried out at Logwood Stables should the application be approved.
 - Currently mares have to be scanned and inseminated at Country Farm Stud Ltd, a Preston based stud. At peak fertility this can involve transporting the mare to Gillivervet every 4 hours over a 48 hour period. With the approval of this application these treatments

would be carried out at Logwood Stables, further reducing the existing use of the lane considerably as the vet will only be needed once the mare is inseminated.

- The anticipated horse transporter movements typically is 2no per day only when the applicant's horse is competing.
- The only traffic movements being generated would be the horse transporter to deliver the horse and collect at the end of the breeding programme. The movements associated with the breeding programme could be accommodated within the 2no per day movements. It should also be taken into account that horse breeding activities are permitted development.

63. At the time of writing this report the highway engineers comments had not yet been received, these will reported on the addendum. It is noted that concerns have been raised by objectors in respect of traffic generation and that a number of the supporters do not consider that this would be an issue. The estimated traffic movements provided within the supporting information do appear relatively low however the Highway Engineer will comment further on this.
64. Concerns have been raised about 'policing' the uses on the site. Whilst the proposals do not incorporate a typical livery use it is acknowledged that a typical livery would generate traffic to and from the site. Ensuring that this situation could not occur without a further planning application could be controlled by condition.
65. One concern which was identified by the highway engineer on previous applications was the lack of vehicle passing points between Trigg Lane and Logwood Stables. This lane is 160m long to the entrance to Logwood Stables and involves passing by Logwood Mill Farm. The agent for the application considers that this could be overcome by the reinstatement of the alternative access into Logwood Stables. The alternative entrance to Logwood Stables is 45m from Trigg Lane with adequate visibility to this point from Trigg Lane and Logwood Mill Farm. The supporting information states that should agreement be reached to remove the post and rail fence blocking this entrance, then this would remove the problem of vehicles unable to pass having to reverse. This is however a private issue with the neighbouring property owner and reinstatement of this entrance cannot be secured via this application. Additionally a letter has been submitted from Naphthans Solicitors on behalf of the neighbours which confirms that there is no alternative legal access and that their clients will not entertain any further discussion regarding an alternative right of way.
66. Comments on the suitability of the lane for access to the site based upon the above traffic movements is awaited from the Highway Engineer at LCC and will be reported on the addendum.

Parking

67. The proposals include parking provision as part of the development of the site. The objections on behalf of the neighbours queries this element of the proposals stating that it is difficult to ascertain what is existing lawful development and what is existing unlawful development.
68. There has been various works undertaken at the site, which are subject to application 13/00035/FUL, without planning consent and include the laying of hardstanding. The proposed site layout plan submitted with this application details two vehicles parking areas within the southern part of the site. One of the proposed areas is currently used as a

temporary enclosure for horses and the other has already been created as a hardstanding area which is currently used for parking (as such this part of the proposals is retrospective).

69. The laying of hardstanding for parking within the Green Belt is not appropriate development and can impact on the character of this rural area. It is acknowledged that if the business was established on this site and all of the facilities located on one site as proposed then an element of parking may be considered justified to facilitate the main proposals. However as addressed elsewhere it is not considered that sufficient justification has been provided in respect of the proposals and as such the provision of parking is also inappropriate development within the green belt.
70. In respect of the level of parking proposed the Highway Engineer will comment on the acceptability of this provision.

Public Right of Way

71. There are public rights of way which run through the site. Works have been previously undertaken to these footpaths which require planning permission, this is being addressed in the other planning application.
72. The Ramblers Countryside Officer considers that footpaths numbers 3, 19 and 21 are adversely affected by this development due to the movement of horses, vehicle movements and the size of vehicles using the surrounding roads.
73. Footpath 3 runs along Brinscall Mill Road (which serves the site from Chapel Lane), footpath 19 runs from Brinscall Mill Road along the private access road which serves the application site and footpath 21 connects with footpath 19 and serves the fields within the applicants ownership.
74. No alterations are proposed to the route of these footpaths however improvement works are proposed to footpaths 19 and 21 which are addressed in the other planning application.
75. The Countryside Officers concerns are noted and the Highway Engineer's comments will be reported on the addendum.

Design

76. The proposed stables building will be 45m x 14m constructed on the existing slab. The slab level is 153.56m, with the ridge height to be 4.4m (157.96m). The proposed riding arena is 60m x 20m with the paddock level to be 151.66m, to match the existing slab level.
77. The walls of the stables building will be profiled cladding sheeting built off a steel portal frame structure, above blockwork dwarf walls. The roof to the stables will be profiled cladding sheets with a steel portal frame.
78. The proposed layout of the stables, internally within the building, is to have the blocks back to back with a corridor to the external wall on both sides of the building. The supporting information states that this layout arrangement is recommended by stud specialists as the stallions should not be stabled within view of the mares or be led past them. This is supported by a letter from Country Farm Stud Ltd which states this is the only sensible option for stallions and mares to be housed in one building.

79. The Rural Development SPD states that traditional designs will generally be the most appropriate clad externally in timber and with an internal timber frame, with a maximum ridge height of 3.5 metres for stables. Tack rooms and hay stores should be part of the same building, and each should be of a similar size to an individual stable. The proposed development does not represent traditional stabling design.
80. The standard size of a riding arena usually associated with a block of stables or livery yard is 40m x 20m. A larger size arena is required by the applicant as British Dressage competitions take place within a 60m x 20m arena. The British Dressage standard size arena is usually 40 metres by 20 metres for prelim and novice tests and 20 metres by 60 metres for advanced novice and grand prix competitions. The applicants contend that the horse will be trained to perform the dressage tests to an exacting standard, therefore training the horse in a smaller arena to carry out advanced moves such as Zig Zag half passes would be unfit for purpose. The supporting information states that the use of 40x20m arenas can prove detrimental to the development of the horse and the short arena tests are potentially being phased out of British Dressage as both Regional and National Championships run the long arena tests.
81. The Rural Development SPD states that sand paddocks should be of the minimum size necessary and should not encroach on the open countryside. Sand paddocks should utilise existing ground levels unless absolutely necessary and should not appear built out of the ground and thus alien to the natural contours of the land. The proposed riding arena utilises the existing land level on site and the size reflects the aspirations of the applicant in respect of training horses, notwithstanding the appropriateness of this facility which is addressed above.

Lighting and Noise

82. The application includes the erection of six 6 metre high lighting columns around the proposed riding arena and security lights. The Rural Development SPD confirms that floodlighting of sand paddocks and yards is generally inappropriate in the open countryside or near to neighbouring residents. No justification has been provided in respect of the need for the proposed lighting columns or details of the specification. The SPD states that where floodlighting is proposed, it should be designed to minimise light spillage from the lit area. However without justification for the lighting columns or security lights and/ or specification details it is not considered that this element of the proposals is acceptable.
83. Dressage must be set to a musical score and as such the training will also involve elements of training to music. As the proposed training arena is an open arena the projection of music has the potential to adversely impact on the neighbours' amenities and the character of the area. However no information in respect of this element of the enterprise has been submitted with the application. Restricting noise levels and potential impacts could be controlled by condition.

Ecology

84. Lancashire County Council Ecology have not been consulted on this application. However they have previously advised that the application area appears to be of relatively low biodiversity value, and significant impacts therefore appear reasonably unlikely.
85. Habitats on site, including buildings are suitable to support nesting birds. Therefore tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds should be avoided between March and July inclusive, unless the absence of nesting

birds has been confirmed by further surveys or inspections. This can be secured via informative.

86. The Ecologist has previously commented that although the proposals might not result in any significant impacts, planning policy does stress the need to not only maintain but also enhance biodiversity as part of planning proposals. It would therefore be appropriate for the applicant to consider implementing measures for the benefit of wildlife. For example, bird nesting opportunities could be incorporated or nest boxes could be erected on suitable trees; existing hedgerows could be gapped up with locally appropriate native species; new mixed species native hedgerows could be created; hedgerows should ideally be managed to maximise wildlife benefit (encouraged to grow tall, wide and dense; cut on rotation only); hedgerow bases and watercourses should be protected from livestock grazing, etc. This can be secured by a suitable landscaping condition.

Sustainability

87. Policy 27 of the Adopted Central Lancashire Core Strategy states that minimum energy efficiency standards for new buildings will be 'Very Good' according to the Building Research Establishment's Environmental Assessment Method (BREEAM).
88. Subject to other planning policies, planning permission for non-residential units of 500 sq metres or more floorspace where all of the following criteria are satisfied:
- a. Evidence is set out to demonstrate that the design, orientation and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change;
 - b. Prior to the implementation of zero carbon building through the Code for Sustainable Homes for dwellings or BREEAM for other buildings, either additional building fabric insulation measures,

Or appropriate decentralised, renewable or low carbon energy sources are installed and implemented to reduce the carbon dioxide emissions of predicted energy use by at least 15%;

- a. Appropriate storage space is to be provided for recyclable waste materials and composting;
 - b. If the proposed development lies within a nationally designated area, such as a Conservation Area or affects a Listed Building, it will be expected to satisfy the requirements of the policy through sensitive design unless it can be demonstrated that complying with the criteria in the policy, and the specific requirements applying to the Code for Sustainable Homes and BREEAM, would have an unacceptable adverse effect on the character or appearance of the historic or natural environment.
89. As the proposed building exceeds 500m² both parts of the Policy will need to be satisfied in respect of the proposals. The applicants do not demonstrate how this would be achieved within the submission however appropriately worded conditions could secure the requirements.

Overall Conclusion

90. The consideration of this application is a balanced consideration as there are both positive and negative issues relating to the proposals. These are summarised below:

Positive Elements	Negative Elements
	<p>The development involves the erection of a new building within the Green Belt. It is acknowledged that the previous buildings on site had a volume of 4,850 m³ and the volume proposed (2,331m³) is approximately half of this however these buildings were removed from the site and this proposal results in the erection of a new building and riding arena which will impact on the openness of the Green Belt.</p>
<p>The business would assist in producing British breed dressage horses and reduce reliance on foreign owned/ loaned dressage horses</p>	<p>No evidence has been provided that the horses breed at this facility would achieve national/ international status. No supporting statements have been submitted from either accredited trainers or British Dressage to support the applicants assertions.</p>
<p>The enterprise would provide an element of employment</p>	<p>The employment provision would not be significant with only 1 full time member of staff and 2 part time and it does not appear that this would create new employment as people are already employed at the site.</p>
<p>The proposals will enable the consolidation of the breeding and training facilities on one site. The current breeding and training programme is carried out at various stables around the country and the proposals would bring the training element into Chorley</p>	
<p>The commercial benefits of the scheme involve supporting innovation and supporting a new business within Chorley</p>	
	<p>The submission includes reference to water harvesting however there is no evidence to demonstrate that the proposals would achieve the sustainability objectives of Policy 27 of the Core Strategy</p>

	<p>The design of the proposals does not accord with guidance set out within the Rural Development SPD and as such results in a building which has a greater impact on the rural character of the area.</p>
	<p>There is no information regarding lighting or noise to enable an assessment of any potential impact</p>

91. It is acknowledged that these proposals would not create a ‘typical’ livery use on this site nor would the applicant be training other peoples’ horses which does create a unique proposal for this site. However this is balanced against the fact that the building and arena applied for are very large and will have an impact on the openness of the Green Belt.

92. The three dimensions to sustainable development set out within the Framework includes an economic role and states (para 7) that the planning system should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation. However the breeding business is already operating from the site and can continue to do so without the proposals. As such it is not considered that the fact that the proposals will create a business constitutes a reason to outweigh green belt policy.

93. The applicants acknowledge that the facilities are large scale and have forwarded very special circumstances in this regard. The applicants’ aspirations to create an internationally accredited stud farm and training centre are acknowledged however insufficient evidence has been forwarded which demonstrates that this would actually be achieved on this site.

94. Taking into consideration other similar schemes which have been approved in the Borough (paras 35-37) these do represent large facilities however the very special circumstances forwarded in support of those applications were considered to outweigh the harm on the Green Belt. Lower House Farm is located close to the application site and utilises part of the same access road however the development here represented a traditional stable block building and standard sand paddock and was considered to be acceptable when it was assessed 19 years ago.

95. The design of the building is not a traditional stable construction and results in a large building which will impact on this green belt location. The proposed parking areas are not appropriate development in the Green Belt and the inclusion of lighting columns and security lights has the potential to adversely impact on the open character of the area.

96. It is not considered that the justification put forward in support of the application warrants very special circumstances to allow a large building, large sand paddock, parking areas and lighting within this Green Belt location.

97. It should also be noted that the Highway Engineer’s comments on the proposals are key to the considerations of the proposals. These will be addressed on the addendum.

Planning History

00/00582/COU- Conversion of stable to detached dwelling and erection of detached double garage. Approved September 2000

02/00717/FUL- Barn Conversion to a two storey dwelling. Withdrawn

06/00840/FUL- Proposed detached garage with hayloft above. Withdrawn

07/01057/FUL- Detached garage. Approved November 2007

11/00384/FUL- Erection of an equestrian facility comprising new stables, tack rooms and storage. Creation of open dressage arena, horse walker and associated parking areas. Application for land leveling and laying of hardstanding for access tracks (retrospective). Withdrawn

11/01103/FUL- Erection of an equestrian facility comprising new stables, tack rooms and storage. Creation of open dressage arena, horse walker and associated parking areas. Application for land levelling and laying of hardstanding for access tracks (retrospective).(Resubmission of application No 11/00384/FUL.) Withdrawn

13/00035/FUL- Retrospective application for:

1) Engineering works including the formation of tracks and roadways within the site, works to form pond, repairs to drainage ditch and repairs to the public footpath.

2) Erection of stables on the site for a temporary period

Pending Consideration (on this DC Committee Agenda)

Logwood Mill Farm:

78/00760/FUL- Septic tank. Approved October 1978

87/00601/FUL- Barn conversion. Approved November 1987

89/00799/FUL- Extension to living accommodation into redundant farm building. Approved January 1990

03/00207/FUL- Erection of stable block. Refused April 2003

03/00755/FUL- Erection of stable block and tractor store. Approved September 2003

09/00416/FUL- Two storey rear extension. Approved July 2009

09/00844/MNMA- Non material amendment to approved two storey extension (Application No 09/00416/FUL). Withdrawn

09/00991/FUL- Erection of two storey rear extension (amendment to planning approval 09/00416/FUL). Approved February 2010

10/00582/FUL- Extension to existing front porch. Approved October 2010

Recommendation: Refuse Full Planning Permission
Reasons

- 1. The proposed development, by virtue of their size, design, scale, materials and proposed parking areas, does not constitute appropriate development within the**

Green Belt and it is not considered that very special circumstances have not been forwarded which demonstrate that the harm the proposals will have on the openness of the Green Belt is outweighed by other considerations. As such the proposals are contrary to guidance contained with the National Planning Policy Framework, Policies DC1 and EP8 of the Adopted Chorley Borough Local Plan Review and the Rural Development SPD.

- 2. The application is not accompanied by sufficient information to demonstrate that the proposed lighting columns and security lights would not be detrimental to the open rural character and appearance of the Green Belt. As such the proposed columns and lights are contrary to guidance contained with the National Planning Policy Framework, Policies DC1 and EP8 of the Adopted Chorley Borough Local Plan Review and the Rural Development SPD.**

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Item 4d	13/00035/FUL
Case Officer	Nicola Hopkins
Ward	Wheelton And Withnell
Proposal	Retrospective application for: 1) Engineering works including the formation of tracks and roadways within the site, works to form pond, repairs to drainage ditch and repairs to the public footpath. 2) Erection of stables on the site for a temporary period
Location	Logwood Stables Brinscall Mill Road Wheelton ChorleyPR6 8TD
Applicant	Mr Stephen Watson
Consultation expiry:	6 March 2013
Application expiry:	3 April 2013

Proposal

1. This application relates to the Logwood Stables site. Since the owners purchased the property they have undertaken various works on the site which require planning permission. This application seeks to regularise the situation on site by securing retrospective planning permission.
2. The application relates to:
 - a. Engineering works including the formation of tracks and roadways within the site, works to form pond, repairs to drainage ditch and repairs to the public footpath; and
 - b. Erection of stables on the site for a temporary period

Recommendation

3. It is recommended that this application is refused

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Engineering Works
 - Footpath
 - Stables

Representations

5. 2 letters of objection have been received raising the following points:
 - Roads will be un-useable due to the horses and heavy horse transportation vehicles.
 - The Public pathway on Monks Hill is now un-useable due to the damage by horses.
 - They have requested planning permission for 2 blocks yet 3 are erected.
 - The greenbelt should be protected.
 - Single track road with no passing places is unsuitable
 - Who will responsible for the future maintenance of the road?
 - When it was a poultry unit one delivery vehicle came a week and 1 car
6. **Chorley Ramblers Countryside Officer** objects on the following grounds:
 - Wheelton Footpaths Numbers are 21 and 19 are adversely affected by this planning application. These 2 footpaths are almost impassable some is due to the recent weather conditions and the increasing damage done to the footpaths due to the movement of horses.
 - Wheelton Footpath Number 3 follows the single carriage access road to the site. There is

a road safety issue due to the increased number of vehicles and the size of these vehicles.

- This planning application should address the maintenance of these footpaths and the safety and enjoyment of the users.
 - The repair to the footpath as mentioned in the application would appear to have been unsuccessful
7. 3 letters of support has been received raising the following points:
- The footpaths have been badly damaged by collapsed drains, no maintenance for several years while the property was vacant and a record rainfall.
 - The damage to the footpaths has been caused by the wet weather and lack of drainage not the horses!
 - This application is protecting the greenbelt.
 - Rarely see any vehicle, not to mention heavy vehicles using the road.
8. **Councillor Hansford** has requested that this application be considered at Development Control Committee

Consultations

9. **The Environment Agency** have produced a guidance document which sets out what types of planning consultations the Environment Agency wishes to be consulted. This guidance is based on the Development Management Procedure Order 2010 (DMPO) and current Government planning policy. The Environment Agency does not consider that these proposals fall within the categories set out within the document.
10. **United Utilities** have no objection to the proposals
11. **Lancashire County Council (Public Rights of Way Officer)** has confirmed that he has no objection to surface the public footpath with road planning's.

Planning Policy

National Planning Policy

12. The relevant national planning policy guidance/statements are as follows:
- National Planning Policy Framework (the Framework)
13. The Framework confirms that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 87).
14. The Framework goes on to state that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.' (para 88).
15. Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:
- buildings for agriculture and forestry;
 - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
16. Paragraph 90 states certain other forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:
- mineral extraction;
 - engineering operations;
 - local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - the re-use of buildings provided that the buildings are of permanent and substantial construction; and
 - development brought forward under a Community Right to Build Order.

The Development Plan

17. The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003, the Central Lancashire Core Strategy 2012 and the North West of England Regional Spatial Strategy 2008 (RSS).
18. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Regional Spatial Strategy (RSS)

19. The Localism Act 2011 gave powers to the Secretary of State to revoke/abolish Regional Strategies. The Chief Planner, in a letter (21 December 2012), has said it is our policy to revoke the existing regional strategies as soon as possible subject to the outcome of the Strategic Environmental Assessment process. The report for the North West Regional Strategy has been published for public consultation. Until such time, RS remains part of the development plan. Relevant policies within the RSS therefore need to be taken into consideration when determining this application.

Adopted Chorley Borough Local Plan Review

20. The relevant policies of the Local Plan are as follows:
- GN5 - Building Design and Retaining Existing Landscape Features and Natural Habitats
 - GN9 – Transport Accessibility and Mixed Uses
 - DC1- Green Belt
 - EP4 - Species Protection
 - EP8- Development Involving Horses
 - TR4 – Highway Development Control Criteria
 - LT10 – Public Rights of Way
21. Local Plan Policy EP8 is applicable as it relates to development involving horses. Policy EP8 states:
- Planning permission for development involving horses will be granted providing the following criteria can be met:
- a. the proposal is of a scale and nature appropriate to the character of the site and the ability of the local environment, including the amenity of local residents, to absorb the development;
 - b. in the case of indoor facilities or commercial stables, the development is within an existing building or forms part of a farm diversification scheme;
 - c. in the case of small, private developments the site should be close to existing buildings and well screened by existing trees or local landscape features;
 - d. the siting, design and materials of the buildings and structures should be in keeping with their surroundings;

- e. the development would not result in the over-intensive use of the local bridleway network;
- f. the movement of either horses or vehicles as a result of the development would not prejudice road safety;
- g. provision is made for removing any equipment and re-instating the site once its use for horses is no longer required.

Adopted Central Lancashire Core Strategy

22. Policies to be given weight are:

- Policy MP clarifies the operational relationship between the Core Strategy and the National Planning Policy Framework. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. Planning policies that accord with the policies in the Core Strategy will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date the Council will grant planning permission unless material considerations indicate taking into account Policy MP a) and b).
- Policy 1 Locating Growth
- Policy 9 Economic Growth and Employment
- Policy 22 Biodiversity and Geodiversity
- Policy 17 Design of new buildings
- Policy 27 Sustainable Resources & New Developments

Emerging Local Plan

Publication Chorley Local Plan 2012 - 2026 (Submission 21 December 2012)

Relevant Policies are:

- ST3: Road Schemes and Development Access Points
- BNE1: Design Criteria for New Development. Criteria a, c, d, f, g and h are relevant to the proposal.

Supplementary Planning Documents

Rural Development SPD

Assessment

Engineering Works

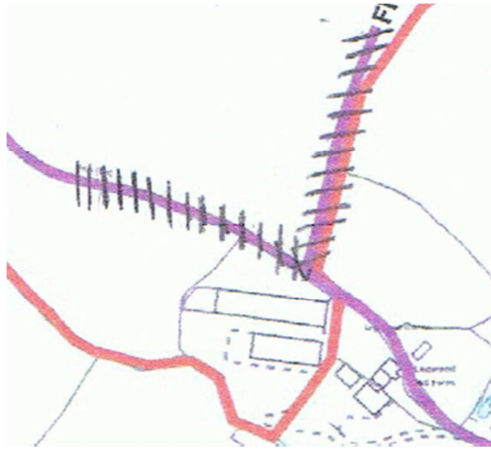
- 23. This application has been submitted following enforcement enquiries relating to works which have already occurred on site. The works include formation of tracks and roadways within the site which include land level changes, works to form a pond, repairs to drainage ditch and repairs to the public footpath.
- 24. The applicants contend that the tracks and roadway works undertaken involve works to tracks and roadways already in existence although they had become extensively overgrown whilst the property was empty. The applicants consider that the works undertaken involved the restoration of the tracks and garden areas.
- 25. The supporting information states that the land between the two former buildings on the site is an existing gravel track as is the area to the west of the former building No2. The area to the west of former building No1 was already concreted. The area that is shown as proposed vehicle parking and turning area was existing gravel.
- 26. The supporting information goes on to state that the only area of gravel track that has been restored has been the track to the south of the former buildings that links the proposed vehicle parking area to the existing gravel track to the south west corner of former building No2. It is understood that the earth removed from this work has been used to level the area between this track and former building No2.
- 27. It is considered that the extent of works undertaken represents an engineering operation

which requires planning permission. Having assessed the aerial photos from 2000, 2006 and 2009 it is clear that in 2000 the areas surrounding the former buildings did not include extensive areas of hardstanding. The 2006 and 2009 aerial photos detail more hardstanding than the 2000 photo however not the extent that has been undertaken and forms part of this application. The applicants purchased the property in 2011 and it is considered that the works undertaken go much further than restoration of existing tracks.

28. It is clear on site that significant level changes have occurred on the areas of the site surrounding the former buildings which has changed the character of the site creating a very urban hard surfaced appearance on the site. It appears that the works have been undertaken to facilitate the proposed large scale development of a horse breeding and training facility on the site (subject to application 13/00034/FUL).
29. The Framework states that certain forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt this includes engineering operations. The extent of works which have been undertaken have significantly changed the character of the site creating a very urban form which adversely impacts on the rural character of this Green Belt area. The five purposes of the Green Belt are to
 - to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
30. It is considered that the engineering works undertaken on the site create a very urban form which constitutes encroachment into the countryside and does not accord with the purposes of including land within the Green Belt. As such these elements of the proposal are considered to be unacceptable.
31. A pond has been formed on the site and there have been repairs to the drainage ditch which are engineering operations. The pond forms part of the land drain/ stream which runs through the site which has been created by the applicant as an attenuation feature to address flooding issue further down the water course. The drainage ditch is an existing culvert that has been repaired to improve drainage of the site.
32. It is not considered that the creation of a pond and repairs to the drainage ditch conflicts with the purposes of including land within the Green Belt. The proposed pond and repairs do not adversely impact on the character of the area and as such these elements of the proposals are considered to be acceptable.

Footpath

33. This application also proposes alterations to the public right of way that runs through the site which includes repairs to existing footpaths. The proposal is to repair the existing footpaths to the areas shown hatched and to provide fencing to either side of the footpath to keep the horses off the pathways:



34. The fences will be set back from the centre line of the footpaths by two metres to each side with fences to comply with British Equestrian Federation BQM standards. The repair will involve the removal of the top soil to a depth of 75mm to suit the existing width of the path (approximately 1m), to be replaced with sandstone chippings. The areas to each side of the existing footpath will be retained as grass with the fences set back to give a safe clearance between the walkers and the horses.
35. The Senior Public Rights of Way Officer at Lancashire County Council has previously spoken to the land owner in respect of the works to the footpaths. He has confirmed that he has no objection to the proposals to surface the public footpath with road planning's. The landowner is responsible for the maintenance of the surface once it is installed and the rights of way officer has recommended that the land owner has insurance with respect to the public passing across the land.
36. The Chorley Ramblers Countryside Officer has objected to the proposals for the reasons set out above. These objections however mainly relate to the application for the proposed works at the site and are addressed within the report for that planning application. The Officer has commented that the application should address the maintenance of these footpaths and the safety and enjoyment of the users.
37. Given that the Rights of Way Officer has no objection to the works to the footpaths and the works will enable the footpaths to be passable this element of the application is considered to be acceptable.

Stables

38. The applicant has also erected two stable blocks and a sheep shelter on the site without the benefit of planning permission. The two stable blocks incorporate 5 stables and a hay barn and the sheep shelter incorporates 2 compartments (although these were occupied by horses on the site visit).
39. The supporting statement considers that the structures currently on site are two mobile shelters that were not erected on site. The units have been moved on several occasions and are used for the horses within the breeding programme. The applicant has confirmed that the use of these stables is only required until the proposed new stables development is granted permission.
40. It is not considered, however, that the two stable blocks are field shelters. The units were erected on the site and sit on an area of hardstanding. As such the applicant was advised that planning permission was required for this element.
41. The main consideration in respect of this application is the fact that the proposals involve the erection of new stables within the Green Belt. Development within the Green Belt will only be considered acceptable, in accordance with the Framework, if it falls to be considered appropriate development or where very special circumstances have been demonstrated.

42. The Framework treats development within the Green Belt as inappropriate development unless it relates to one of the exceptions listed above. It is noted that one of the exceptions is 'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'. It has previously been established that small scale private stabling facilities falls within this definition.
43. Policy EP8 of the Local Plan and the Rural Development SPD refer to small scale private development which usually involves no more than three horses.
44. In this case however the stables are used in association with the applicants horse breeding business and the proposals incorporate stabling for 7 horses (the applicant currently owns 11 horses), including utilising the two sheep pens. As such the stables are part of a commercial enterprise, notwithstanding the fact that all of the horses are owned by the applicant.
45. It is acknowledged that the applicants wish to extend their current business by breeding from their horses and training horses. This is subject to a separate application also on this Agenda and comprises of a large scale commercial enterprise on site. The proposals subject to this application do not include provision for training and proposes to retain the stables as part of the breeding part of the business.
46. Buildings for the breeding of horses do not benefit from permitted development rights as it is not an agricultural use and the proposed development is larger than small scale private facilities which would be considered appropriate development within the Green Belt. The proposals however would enable the breeding element of the business to continue on site within stables which reflect traditional size and designs. It is also not considered that the proposed stables adversely impact on the openness of the Green Belt due to their siting and size. As such this element of the proposals is considered to be acceptable.

Conclusion

47. This application relates to various elements of retrospective works undertaken at the site. Although it is considered in this case that the works to create a pond, the repairs to the drainage ditch, the works to the footpaths and the stables are acceptable the engineering operations to create tracks and roadways are not considered to be acceptable in this Green Belt location. No very special circumstances have been submitted which justify the proposed works and as such the works are considered to be unacceptable.

Planning History

00/00582/COU- Conversion of stable to detached dwelling and erection of detached double garage. Approved September 2000

02/00717/FUL- Barn Conversion to a two storey dwelling. Withdrawn

06/00840/FUL- Proposed detached garage with hayloft above. Withdrawn

07/01057/FUL- Detached garage. Approved November 2007

11/00384/FUL- Erection of an equestrian facility comprising new stables, tack rooms and storage. Creation of open dressage arena, horse walker and associated parking areas. Application for land levelling and laying of hardstanding for access tracks (retrospective). Withdrawn

11/01103/FUL- Erection of an equestrian facility comprising new stables, tack rooms and storage. Creation of open dressage arena, horse walker and associated parking areas. Application for land levelling and laying of hardstanding for access tracks (retrospective). (Resubmission of application No 11/00384/FUL.) Withdrawn

13/00034/FUL- Erection of an equestrian horse breeding and training facility comprising new

stables, tack room and storage. Creation of open dressage arena and associated parking areas. Pending Consideration on this Agenda

Logwood Mill Farm:

78/00760/FUL- Septic tank. Approved October 1978

87/00601/FUL- Barn conversion. Approved November 1987

89/00799/FUL- Extension to living accommodation into redundant farm building. Approved January 1990

03/00207/FUL- Erection of stable block. Refused April 2003

03/00755/FUL- Erection of stable block and tractor store. Approved September 2003

09/00416/FUL- Two storey rear extension. Approved July 2009

09/00844/MNMA- Non material amendment to approved two storey extension (Application No 09/00416/FUL). Withdrawn

09/00991/FUL- Erection of two storey rear extension (amendment to planning approval 09/00416/FUL). Approved February 2010

10/00582/FUL- Extension to existing front porch. Approved October 2010

**Recommendation: Refuse Full Planning Permission
Reasons**

- 1. The formation of tracks and roadways within the site which include land level changes conflict with the purposes of including land in Green Belt. The alterations have resulted in an urban form of development encroaching into the countryside which has adversely impacted on the rural character of the area. As such the works are contrary to advice contained within the National Planning Policy Framework and Policy DC1 of the Adopted Chorley Borough Local Plan Review.**

Item 4e	12/01244/REMMAJ
Case Officer	Caron Taylor
Ward	Pennine
Proposal	Reserved Matters application for residential development comprising of 122 dwellings and associated works (pursuant to outline permission ref: 11/00992/OUTMAJ).
Location	Land bounded by Town Lane (to the north) and Lucas Lane (to the east) Town Lane, Whittle-le-Woods
Applicant	Redrow Homes Ltd (Lancashire Division)
Consultation expiry:	6 February 2013
Application expiry:	22 March 2013

Proposal

1. Reserved Matters application for residential development comprising of 122 dwellings and associated works (pursuant to outline permission ref: 11/00992/OUTMAJ).

Recommendation

2. It is recommended that the application is approved.

Main Issues

3. The application is a Reserved Matters Application. Therefore the main issues for consideration are:
 - Layout
 - Appearance
 - Scale
 - Landscaping
 - Other matters

Representations

4. 18 letters of objection have been received from residents and an additional letter from the Residents Action Group on the following grounds:
 - Infrastructure cannot support the development;
 - Traffic is already unacceptable and the proposal will have an impact on the surrounding roads;
 - Buckshaw Village will fulfil Chorley's development commitment;
 - Impact on the Biological Heritage Site and wildlife;
 - Brownfield land should be used;
 - Safety of children during construction;
 - Impact on watercourses;
 - Impact on neighbour amenity. Overlooking to the rear of their property but if a high fence is built it will impact on the light and their enjoyment of the pond. The screening proposed is not acceptable due to the area being elevated;
 - The development does not meet the current Code for Sustainability. They should be built to Code Level 5/6;
 - The current sewers can only cope with 60 properties;

- Light contamination from street lighting;
- Worried about two large ponds proposed – they hope they have shallow sides so that hedgehogs can drink from them without drowning and children need to be protected;
- Properties below the ponds should be adequately screened from any pathways going round or beside them and any potential flooding from them;
- Affordable housing should be pepper-potted across the development;
- It is unclear who will maintain the buffer zones, water runoffs and BHS and green areas;
- Homeowners may replace their permeable driveways with non-permeable surfacing;
- There is flooding at the rear of proposed plots 8 and 9. Proper drainage should be provided as a condition. What protection will the properties on Town Lane have from flooding;
- In relation to the Biological Heritage Site (BHS), none of the drawings show it or its boundary. Is the retaining wall to be built over it?; there is no buffer between houses and the BHS; there is no allowance for grazing; properties at higher levels – materials brought in to raise the land may impact on the BHS; contaminants and runoff may leak into the BHS; who will maintain the BHS?;
- Ask that the plots facing towards Town Lane are re-orientated so their rear gardens face them with at least at 2m high rear garden fence;
- A more substantial green screen should be installed around the perimeter of the site as it is highly visible;
- Lucas Lane should be blocked off;
- What bonds are in the Council taking on the Lucas Lane Management Company in case it goes bankrupt?;
- Conditions should be applied controlling access via the existing estate roads; no vehicular access from Lucas Lane; retention of the existing footpath to the site and improvement of other footpaths; house types to be restricted to two-storey; tree planting to include retention and improvement of existing hedgerows;
- Has a full four season ecology report been undertaken?;
- How will construction be controlled in relation to working times; deliveries; contractor parking; health and safety; damage and mud to existing roads;
- Will local sub-contractors and labour be used?

5. **Whittle-le-Woods Parish Council**

No relevant comments can be made because the application is essentially passed and previous Parish Council objections overruled. While the Parish Council is still against these developments, no further comments to be submitted.

Consultations

6. **The Environment Agency**

Have no comments to add to our previous consultation response [on the previous application].

7. It was agreed at outline stage that further investigations to determine an agreed greenfield run-off rate should be undertaken, and this could be conditioned.

8. **Strategic Housing**

The proposal does not detail tenure type of the proposed affordable units. They are looking for 70% Social rent and 30% Intermediate sale/shared ownership i.e. 27 homes for Social rent and 11 Intermediate sale.

9. The majority of Intermediate sale properties to be 3bed houses. Strategic Housing originally commented that the affordable units are very small and do not meet HCA standards, however they state they do not specify in the Affordable Housing Supplementary Planning Document (SPD) that these standards must be met for s.106 sites.

10. The affordable units are not 'pepper-potted'/dispersed throughout the development as per the Affordable Housing SPD. All of the affordable units will need to be transferred to a Registered Provider who has a presence in Chorley and is a member of Select Move e.g. New Progress, Adactus/CCH.

11. Redrow advise that they have provided details on the affordable housing units to Registered Providers who are active in the Chorley Area and with who they have previously contracted. They advise their senior land manager has had one offer for the site and expect another imminently. There have been one or two conversations about specification so they are confident we can deliver the house types detailed.
12. So long as registered providers are willing to take on the properties Strategic Housing state they have no objection.
13. **United Utilities**
Have no objection to the proposal provided that the site is drained on a separate system, with surface water must discharge to the soakaway/ SUDS features or watercourse and may require the consent of the Environment Agency.
14. They advise that the Waste Water Treatment Works upgrade is expected to be in service by June 2014. They do not object on condition that there is no significant occupation of the sites before autumn of 2014.
15. They ask for a condition requiring a scheme for the disposal of foul and surface water to be submitted to the Council and that build rates must be agreed.
16. **Lancashire County Council (Highways)**
Originally made comments relating to the width of the access ways, rumble strips and kerb edging. They also asked for more details in the design of the circular junctions and for swept path analysis to be provided to show large vehicles can access the site.
17. They requested removal of turning heads at plots 36 & 69, as they are not required and at plot 62, there should be an Amorphous turning head to mirror the rest of the development. Amended plans have been received in relation to these comments, see body of report.
18. **LCC Public Rights of Way**
The application area incorporates Public Footpath No. 44 Whittle-Le-Woods. The line of the Public Footpath will remain unchanged by the proposed development but will be changed to a 3 metre wide footpath/cycleway from Lucas Lane East.
19. The plans do not show the proposed surface treatments for the proposed cycle track. If the line of the public footpath is being upgraded to a cycleway this should be reflected by a cycle track order for the full length between Lucas Lane East to Lady Crosse Drive. It would be preferable to upgrade Public Footpath No. 44 Whittle-Le-Woods to public bridleway designation to secure permanent access for pedestrians, cyclists and equestrians and the surfacing treatment should be appropriate for multi-use. I assume that barriers will be needed along the route to prevent unauthorised use by vehicles and authorisation under the Highways Act will be required for any such barriers if placed on the line that is currently recorded as public footpath.
20. It appears the proposed development will affect the maintenance commitment of the public rights of way team and this needs to be reflected by a formal designation of public rights higher than footpath through the relevant procedures.
21. Public Rights of Way must not be obstructed during the proposed development. It is the responsibility of the landowner to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary. The granting of planning permission does not constitute the diversion of a Definitive Right of Way.
22. The development must not commence until the necessary procedures are in place.
23. **The Ramblers Association**
State they have a conditional objection. Whittle Footpath 44 runs across the middle of this site. Currently it is an open green field with all the enjoyment of the open countryside and

associated views (the site is elevated). Much of the footpath under the proposed plans is to be along estate roads reducing the enjoyment of the footpath. A wide landscaped corridor containing the footpath would be preferable.

24. **Landscape Comments**

The proposed landscape scheme is generally good with a diverse mix of native and ornamental tree and shrub species at appropriate sizes. The meadow seed mixes are also species diverse and different mixes have been proposed for the varied ground conditions and areas across the site.

25. The tree protection drawing and method statement do highlight that Grade A tree (No. T89), Grade B tree (No. T104) and Grade C tree (No. T90) and will be removed as a result of the construction of the vehicular and pedestrian access points to the south of the site but it is difficult to see how some tree losses in these location could realistically be avoided. With the large numbers of new trees being planted and the protection of the majority of existing trees with the robust measures set out in the method statement, the proposals shown on the revised tree protection plan and set out in the tree loss schedule are considered acceptable.

26. **Chorley's Conservation Officer**

State they await the Archaeological Building Record (which is secured by a condition attached to the outline permission granted at appeal) of the heritage assets found within the site with interest. They note that the loss of these assets has been accepted by the Inspector.

27. The impact upon other heritage assets, the Locally Important buildings known as 'Lucas Green' and 'Lucas House' is, given the separation distance between them and the application site and by virtue of the presence of trees and shrubs to the site boundaries closest to these buildings, in their opinion acceptable. The significance of these heritage assets will be sustained.

28. They therefore consider the application to be acceptable.

29. **Chorley's Waste and Contaminated Land Officer**

Advises the waste collection plan appears satisfactory. They request a condition relating to ground contamination.

30. **Police Architectural Liaison Officer**

Recommend principles that should be incorporated into the development including secure parking arrangements for each dwelling such as a driveway or a garage and car parking should ideally be within clear view from active rooms within the property. Properties should be secured at the side and rear with 1.8m close boarded fencing or a similar arrangement. The application details the retention of existing hedgerows and trees, in places this limits the opportunity for natural surveillance. Foliage and shrubbery should be maintained so as not to reduce the opportunity for natural surveillance and avoid providing areas of concealment for potential offenders e.g. 1m high.

31. The public footpath running from Lady Crosse Drive is to be retained for pedestrians and cyclists. This should be well illuminated e.g. with low level bollard lighting.

32. The plans indicate two vehicular access points onto the site. Vehicular and pedestrian access routes should ideally be restricted, one vehicular access/exit point is recommended.

33. The plans indicate a playground on this development. Should this scheme progress it is recommended that the playground is built in accordance with Safer Play areas in order to prevent crime and disorder.

Assessment

Background

34. The proposal is a Reserved Matters application pursuant to outline permission ref: 11/00992/OUTMAJ. Outline planning permission was allowed at appeal in September 2012

for up to 135 dwellings accessed from two points off Dunham Drive. The current application proposes 122 dwellings.

35. The principle of the proposal has been established at appeal and the Council are therefore only considering the layout, appearance, scale and landscaping under this application.

Layout

36. There are significant level differences across the site. The central part of the site is relatively flat but it falls away to a ditch to the west and Lucas Lane to the east. To the north there is a greater drop towards Town Lane, with wide views of the site particularly from the north.
37. The layout is effectively in two parts; 90 dwellings accessed adjacent to number 31 Dunham Drive and 32 dwellings accessed off the part of Dunham Drive adjacent to Wardle Court. Both access points are taken from the existing Redrow development built in the late 1990s.
38. At outline stage it was considered that any Reserved Matters application would need to carefully consider views of the site from the north and Lucas Lane, to avoid a development that 'turns its back on' and therefore does not integrate with its surroundings. The proposed layout has properties side onto and facing the edge of the plateau adjacent to where the land falls away to Town Lane. This will avoid views from Town Lane being of the backs of properties and enclosed their rear gardens. Plots 38 -41 which will be some of the most prominent on the site as they face northeast towards where the land drops away to Town Lane. These have been designed to face outwards from the site with their access road to the front, therefore avoiding the need for a rear boundary treatment and giving a softer edge to the development.
39. Boundary treatments will be important and there is a condition on the outline permission requiring these to be submitted and agreed.
40. Incorporated within the development are the existing pond adjacent to plot 9 and a new balancing pond adjacent to plots 24 and 41. A children's play area is also included. The line of the existing Public Right of Way that crosses the site will be maintained through the access roads or new footpaths across the site linking Lucas Lane with Lady Crosse Drive.
41. As the site is entered adjacent to number 31 Dunham Drive there are properties on both sides of the road. Plots 1-9 will back onto the existing properties on Harvest Drive. The relationship with these existing properties was considered important at outline stage to ensure an acceptable relationship is achieved in terms of neighbour amenity.
42. The distance between the existing properties on Harvest Drive and the proposed properties exceed the Council's interface distances by at least 3m between facing first floor rear windows and by 6m between windows to boundaries, taking into account the finished floor levels of the existing and proposed properties. However, the land drops away to a ditch in-between the properties along this boundary. The proposed site layout shows that the proposed properties on plots 4-9 will have two parts to their gardens, an area immediately to the rear of the property (measuring a minimum of 9m) and then a second area screened from the main part of the garden by a 2.1m high close boarded fence with 450mm above. A cross-section has been provided showing the relationship of these properties and it is considered acceptable.
43. The properties on plots 10- 16 will face towards the rear of properties on Harvest Drive and The Ridings. Again, although the existing and proposed properties have similar floor levels, the land drops away to a ditch in-between. However there will be at least 30m between the proposed properties and the boundary with the existing properties which is considered an acceptable relationship.
44. The properties on plots 38-41 will face north towards Town Lane. There will be over 80m between the proposed properties and the rear of existing properties on Town Lane. Although the proposed properties are at a much higher level than the properties proposed, this is considered an acceptable relationship due to the distance between them. The comments of

one of the neighbours on Town Lane who asks that the properties are re-orientated so that their rear elevations face Town Lane are noted. However, it is not considered that prominent views of the back of properties would be acceptable in design terms. In addition this is likely to lead to the properties being closer to Town Lane than currently proposed as the layout at present increases the distance of the properties from Town Lane as the road that will serve them is positioned in front of them.

45. The properties on plots 66 - 69 will have elevations facing towards Lucas Green and Lucas Green Farm, existing properties on Lucas Lane East. The only window in the first floor side elevation of the property on plot 69 facing towards Lucas Green will serve an en-suite bathroom. Plots 66 to 68 all exceed the Council's interface distance of 10m from their rear first floor windows to the boundary with Lucas Green and Lucas Green Farm. The layout is therefore considered acceptable in relation to these properties.
46. The existing properties along the southern boundary of the site on Dunham Drive are side onto the proposed properties, apart from number 47 Dunham Drive which has main habitable windows in its north elevation. However, there will be 13m between these windows and the side elevation of the property on plot 93 which exceed the interface guideline of 12m. Although there will be approximately 6m between the windows and the boundary with the proposed new property which is less than the normal guideline of 10m, the windows will only face onto the side garden of plot 93, not the more private area immediately to the rear of this property. This property also has a significantly larger garden than the other plots on this part of the site. This relationship is therefore considered acceptable.
47. Within the site the proposal complies with the Council's interface guidelines between the plots. Amended plans have been received to ensure that these were met on plots 99-110, 62/63 and 45.
48. The proposal is therefore considered acceptable in relation to the surrounding properties and between the proposed properties within the site.
49. All the detached properties meet the Council's parking standards of two spaces for three bed properties and four spaces for four or more bed properties. Originally 7 of the 9 Oxford house types proposed fell short of the standard as their integral garages did not meet the size requirement to be counted as a space, however amended plans have been received enlarging the garages and they are now acceptable. Garages will be conditioned as necessary to ensure the standards are maintained.
50. On the higher density part of the site the properties all have two or three bedrooms and therefore require two spaces each. The originally submitted plans fell far short of this standard, however amended plans have been received increasing the parking levels on this part of the site. There are 38 properties on this part of the site that will benefit from a total of 71 parking spaces. For each property to have two spaces this would result in a requirement for 76 spaces and so the layout is five spaces short. However, the spaces on this part of the site are not provided in driveways but rather in front of properties and are not all allocated to specific properties.
51. With many of the spaces not being allocated it will allow a more flexible and efficient use of them as visitors will be able to park in spaces that would not otherwise be available if they were dedicated to a property, even if they were empty. This approach, with a mixture of dedicated and non-dedicated spaces, is supported by Manual for Streets which states a combination of on-plot, off-plot and on-street parking will often be appropriate. LCC Highways have not objected to the proposal on these grounds. The more flexible the use of parking spaces, the more efficient the use of space is. In this case it is also considered that communal parking for residents and visitors is more likely to prevent over spill parking on the existing development of Dunham Drive and Wardle Court and is therefore considered acceptable.
52. Amended plans have been received following comments from Lancashire County Council Highways relating to widening of the access ways as they are approached from the main

road through the site to allow larger vehicles to pass and more details to the circular junctions to avoid vehicle conflict. Vehicle swept path analysis has also been provided to demonstrate that large vehicles such as a bin wagon can access all areas of the site. The layout is now considered acceptable in terms of highway layout.

53. An emergency link was originally shown on the plans connecting the two parts of the site following comments received from the fire service at outline stage. However, LCC Highways advise they do not consider a link for emergency vehicles is necessary as both parts of the site have demonstrated they have sufficient access for large vehicles which includes emergency vehicles. This link has therefore been reduced in width so it is only a cycle/footpath link. This is considered acceptable and less likely to result in problems in the future with unauthorised vehicles using the link, while still allowing access for emergency vehicles. A single access is also favoured by the Police Architectural Liaison Officer. Conditions will however be applied regarding details of bollards/structures to be provided to prevent access by any vehicles.
54. It is important that areas of public open space and play areas have natural surveillance. The proposed play area is towards the centre of the site and is overlooked by the properties opposite. Additional windows have been included in the side elevation of the nearest properties on plots 73 and 111 to provide further surveillance. Similar windows are proposed in the side elevations of the plots overlooking the public open space in the north corner of the site and are considered acceptable.
55. The Council's Supplementary Planning Document on Affordable Housing states that the provision of on-site affordable housing should be integrated into the layout of the development through 'pepper-potting' within private housing. The layout as proposed does have the affordable housing within one part of the site accessed adjacent to 36 and 47 Dunham Drive, with the larger housing access off the other accessed adjacent to number 31 Dunham Drive. However, this is largely driven by the layout of the existing estate that the properties will be accessed from. The part of Dunham Drive near plots 36/47 and Wardle Court have been designed as a higher density part of the existing estate than the rest, so the higher density housing now proposed is a natural extension in design terms to the existing higher density layout. In contrast the lower density larger housing is accessed off an area of similarly sized housing. Therefore although the affordable housing is not pepper potted it is considered in this case that there good design reasons that outweigh this policy.
56. The proposed properties in terms of their layout are therefore considered acceptable.

Appearance

57. The proposed properties are from the 'New Heritage' Redrow range. The design of the properties is inspired by the Arts and Crafts movement and their design features are often seen in traditional properties built in the 1920s and 1930s.
58. The appearance of the proposed properties is considered acceptable and they will be viewed as a continuation of the existing Redrow estate built in the late 1990s.

Scale

59. All the proposed properties (including the two blocks of four apartments each) are two-storey. The existing Redrow estate is mainly two-storey although there is a block of four town houses that are three storeys high on Wardle Court. The height of the proposed properties is therefore considered acceptable they are the same as the two-storey properties on the existing estate.
60. The 90 dwellings off the first access point are all detached properties each with private off-road parking laid out around a series of cul-de-sacs. The layout and type of properties reflect those on the existing Redrow estate which they will be accessed through and are considered acceptable.
61. The 32 dwellings are higher density in the form of five blocks of six properties and two, two-storey blocks of four flats with communal parking areas. Although these are higher density

than the other part of the site, they are accessed of Dunham Drive adjacent to Wardle Court, itself a higher density part of the existing Redrow estate and including some three storey properties and so this part of the proposal is also considered acceptable.

Landscaping

62. There is a Biological Heritage Site (BHS) immediately to the north of the red edge of the site boundary (within the blue edge of the site at outline stage). The management and maintenance of the BHS is controlled by the legal agreement submitted at outline stage which was accepted by the Inspector. It also includes boundary treatments and monitoring. However, it was noted at outline stage that there needs to be a buffer between the site and the BHS which originally was not incorporated into the layout of the proposal. Amended plans have been provided showing a buffer strip so that properties are not right up against the BHS and allows room for any buffer planting if required under the management and maintenance of the area.
63. A tree survey report and arboricultural impact assessment and method statement have been provided following a request by the case officer. This shows five trees to be removed due to the development, three of these are at the two access points (marked trees 89, 90 and 104 on the plan). Tree number 89 is of high quality and value, 90 is of low quality and value and 104 is moderate. Trees 146 and 147 to be removed to create a new internal access road and are both of high value. These trees are covered by a Tree Preservation Order apart from 146 which is a small holly (therefore this could be removed anyway). The access points have already been approved at the outline stage on appeal, therefore it is not considered the Council could prevent the removal of trees 89, 90 and 104 as the report shows them to be required to be removed to allow the development to go ahead. Whilst the removal of tree 147 is to be regretted but the landscaping scheme proposes a significant number (260) of heavy standard replacement trees.
64. Two hedgerows are to be removed marked G3 and G6 on the plan, along with removal of a small part of the hedgerow to allow for the footpath/cycle link to Lady Crosse Drive. All of these are classified as being of low quality and value and their removal is considered acceptable.
65. Trees 156 and 237 are on the boundary of the site and are to be removed due to their poor condition, rather than due to the development.
66. The tree survey gives details of remedial works to be carried out to other trees on the site as well as root protection areas. Subject to conditions relating to tree protection and landscaping implementation the proposal is considered acceptable.

Other Issues

67. As this is a Reserved Matters application pursuant to an outline permission granted on appeal it is only considering the layout, appearance, scale and landscaping of the site. Many of the issues raised by objectors have already been considered at the outline stage or will be considered as part of conditions applied by the Inspector or the associated legal agreement submitted by the developer. Such matters are therefore not for consideration under this application.
68. Matters that have not already been covered in this report, there is a condition on the outline permission that prevents more than 80 properties being completed before the waste water treatment plant has been upgraded in September 2014. This is in line with United Utilities comments.
69. The applicant will also be required to submit details to discharge conditions placed on the outline permission by the Inspector, including surface water run-off, foul drainage details, levels, boundary treatments, levels, ground contamination, boundary treatments, sample materials, recording of the pill box and gun mounting on the site, bat surveys, a construction management plan, travel plan and ground contamination.

70. The Inspector also imposed conditions in relation to sustainable resources. This requires the properties commenced prior to 1st January 2016 to be built to Level 4 of the Code for Sustainable Homes and after that date to be built to Level 6. This is in line with the Council's Sustainable Resources and New Development policy 27 of the Core Strategy.
71. There is therefore no need to repeat these conditions on this Reserved Matters application as the developer is already bound by them on the outline permission.
72. A number of objectors have raised concerns regarding the ponds (one existing and one to be created as a balancing pond) and their safety in relation to children. Redrow has shown these to be fenced on the amended plans, details of which will be approved through the condition on the outline permission. No pathway is shown going around the pond.
73. In response to the comments made by Strategic Housing Redrow in relation to the size of the affordable properties Redrow have been advised of the HCA standards and advise that they have provided details on the affordable housing units to Registered Providers who are active in the Chorley Area and with whom we have previously contracted and they have not raised issues about the size of accommodation and so they are confident we can deliver the house types detailed. Following receipt of this information the Strategic Housing Officer states they are satisfied with the proposal.

Conclusion

74. The reserved matters details are considered acceptable and the application is recommended for approval.

Planning History

11/00992/OUTMAJ Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access.

Recommendation: Permit Full Planning Permission Conditions

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

Title	Drawing Reference	Received date
The Worcester 2013 Edition	D3H111	2 January 2013
The Oxford + Special 2013 Edition	D4H127 Render	19 February 2013
The Oxford + 2013 Edition Brick	D4H127	19 February 2013
The Oxford + 2013 Edition Render	D4H127	19 February 2013
The Cambridge 2013 Edition	D4H133 Brick	2 January 2013
The Cambridge 2013 Edition	D4H133 Render	2 January 2013
The Canterbury Floor Plans 2013 Edition	D4H141	2 January 2013
The Canterbury Elevations 2013 Edition	D4H141 Brick	2 January 2013
The Welwyn Floor Plans 2013 Edition	D4H152	2 January 2013
The Welwyn Elevations 2013 Edition	D4H152 Brick	2 January 2013
The Welwyn Elevations 2013 Edition	D4H152 Render	2 January 2013
The Sunningdale Floor Plans 2013 Edition	D4H162	2 January 2013
The Sunningdale Elevations 2013 Edition	D4H162	2 January 2013
The Henley Floor Plans 2013 Edition	D4H174	2 January 2013
The Henley Elevations 2013 Edition	D4H174 Render	2 January 2013
The Balmoral Floor Plans 2013 Edition	D4H180	2 January 2013
The Balmoral Elevations 2013 Edition	D4H180 Brick	2 January 2013
The Balmoral Elevations 2013 Edition	D4H180 Render	21 February 2013
The Marlborough Floor Plans 2013 Edition	D5H188	2 January 2013
The Marlborough Elevations 2013 Edition	D5H188 Brick	2 January 2013
The Richmond Floor Plans 2013 Edition	D4H202	2 January 2013
The Richmond Elevations 2013 Edition	D4H202 Brick	2 January 2013
The Richmond Elevations 2013 Edition	D4H202 Render	2 January 2013

The Blenheim Floor Plans 2013 Edition	D5H223	2 January 2013
The Blenheim Elevations 2013 Edition	D5H223 Brick	2 January 2013
The Blenheim Elevations 2013 Edition	D5H223 Render	2 January 2013
The Sunningdale Special Elevations 2013 Edition	D4H162	2 January 2013
The Sunningdale Special Floor Plans 2013 Edition	D4H162	2 January 2013
The Broadway-Evesham Floor Plans 6 Block 2012 Edition	DHSB04	2 January 2013
The Broadway-Evesham Front and Side Elevations Brick 6 Block 2012 Edition	DHSB04	2 January 2013
The Broadway-Evesham Front and Side Elevations Render 6 Block 2012 Edition	DHSB04	2 January 2013
The Broadway-Evesham Rear Elevation 6 Block 2012 Edition	DHSB04	2 January 2013
The Evesham Floor Plans 6 Block 2012 Edition	DHSB06	2 January 2013
The Evesham Front and Side Elevations 6 Block 2012 Edition	DHSB06	2 January 2013
The Evesham Rear Elevation 6 Block 2012 Edition	DHSB06	2 January 2013
The Broadway-Evesham Floor Plans 6 Block Special 2013 Edition	DHSB04	2 January 2013
The Broadway-Evesham Front and Side Elevations 6 Block Special 2013 Edition	DHSB04	2 January 2013
The Alton 2 Elevations	Alton 2 901	2 January 2013
The Alton 2 Floor Plans	Alton 2 900	2 January 2013
Single Garage Type 1	2011 Release	2 January 2013
Double Garage Type 1	2011 Release	2 January 2013
Double Garage Type 2	DG 2 2011 Release	2 January 2013
Double Garage Type 2 (plot 121)	2011 Release	21 February 2013
Double Garage Type 3	DG 3 2011 Release	2 January 2013
Double Garage Type 3 (plot 54)	C-DG03 1 001 Rev E	19 February 2013
Double Garage Type 5	2011 Release	21 February 2013
Dual Entrance Double Garage	DEDG 1 001 Rev A	21 February 2013
Waste Management Layout	4172-WML-02 Rev B	21 February 2013
Tree Protection Plan	4079.07	19 February 2013
Street Scene/Sections	4172-SSS-01	19 February 2013
Code for Sustainable Homes Layout	4172-CFSH-03Rev B	21 February 2013
Detailed Site Layout	4172-DSL-01 Rev D	21 February 2013
Play Area Details	HAGS SMP	2 January 2013
Location Plan	4172-LOC-001	21 December 2012

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

2. The detached and integral garages hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter or convert the space into living or other accommodation (apart from the Worcester House Type on plots 1, 5, 9, 18, 21, 25, 28, 34, 44, 112, 119 and 122 which has sufficient parking for its number of bedrooms).

Reason: To ensure adequate garaging/off street parking provision is made/maintained in accordance with Council's Parking Standards and thereby avoid hazards and nuisance caused by on-street parking and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

3. The parking and / or garaging and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the properties. The parking spaces marked as visitor spaces on the approved Detailed Site Layout ref: 4172-DSL-01 Rev C shall not be allocated to individual dwellings but shall be left as communal spaces.

Reason: The parking spaces serving the properties accessed adjacent 36/47 Dunham Drive do not meet the Council's parking standards, therefore to ensure efficient and flexible use of the spaces provided and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
4. During the construction period, all trees to be retained shall be protected in accordance with the details set out in the Arboricultural Impact Assessment and Method Statement by Trevor Bridge Associates received 19th February 2013 and the associated Tree Protection Plan ref: 4079.07 and initial tree survey report ref: DF/4079/TreeSurveyReport Rev B.

Reason: To safeguard the trees to be retained on the site and in accordance with Policy EP9 of the Adopted Chorley Borough Local Plan Review.
5. The first floor window in the west elevation of the Alton apartment block on plots 85-88 serving a lounge and the first floor window in the east elevation of the Alton apartment block on plots 89-92 serving a lounge (as marked on plan ref: Alton 2 900) hereby permitted, shall both be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.

Reason: The distance between these windows does not meet the Council's interface distance therefore to protect the privacy of the occupiers of the apartments and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.
6. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. This shall include details of any permeable surfaces to be used. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.
7. Before any part of the development hereby permitted is occupied, full details of bollards or structures to prevent vehicular traffic using the footpath/cycle way adjacent to plots 110 and 111 shall be submitted to and approved in writing by the Local Planning Authority. The approved bollard or structure shall be implemented in accordance with the approved details before any dwelling is occupied and retained at all times thereafter.

Reason: To prevent vehicles using the footpath/cycle and prevent accidents and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
8. Prior to the marketing of the site full details of the marketing documentation showing prospective purchasers the location and approved details of the play area shall be submitted to and approved in writing by the Local Planning Authority. The play area shall be completed prior to the occupation of plots 34, 33, 32, 31 or 111 in accordance with the approved plans (submitted as part of this application).

Reason: To ensure the provision of equipped play space to benefit the future occupiers of the site and in accordance with Policy HS21 of the Adopted Chorley Borough Local Plan Review.

9. 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 dwellings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of the appearance of the locality and in accordance with Policy 17 (g) of the Core Strategy.

Item 4f	13/00033/FUL
Case Officer	Matthew Banks
Ward	Heath Charnock And Rivington
Proposal	Retrospective application for the temporary siting of a static caravan for living accommodation and the creation of associated hardstanding.
Location	Middle Derbyshire Farm Rivington Lane Rivington Bolton BL6 7RX
Applicant	Mr David Dalton
Consultation expiry:	19 February 2013
Application expiry:	22 March 2013

Proposal

1. Retrospective application for the temporary siting of a static caravan for living accommodation and the creation of associated hardstanding.

Recommendation

2. It is recommended that this application is refused.

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Principle of the development;
 - Design and impact on the streetscene;
 - Impact on neighbour amenity;
 - Impact on highways/access;
 - Impact on ecology.

Representations

4. To date 1no. letter of objection and 1no. letter of support have been received concerning this application.
5. The letter of objection can be summarised as follows:
 - In other cases, caravans in Rivington have remained on site with associated materials for many years. It therefore would be useful to ensure the caravan and associated 'metal boxes etc.' are removed from site after a time period by planning condition.
6. The letter of support can be summarised as follows:
 - The applicant acquired Middle Derbyshire's Farm in October 2012 and was alarmed at the condition of building;
 - Surveys were carried out by an appropriately qualified structural engineer who advised the controlled demolition of the farmhouse and associated buildings due to their structural stability and health and safety risks;
 - Demolition of the building took place on the 15th October 2012;
 - An application for a replacement dwelling will be submitted in the next five days;
 - The rationale for the temporary mobile home relates to the fact that the applicant purchased the property in good faith as a dwellinghouse, however, had to demolish it based on real health and safety concerns;
 - The mobile home is required as a temporary measure;
 - Steven Abbott Associates LLP have been directly involved in a number of cases of this type where planning permission is sought for a replacement dwelling in the Green Belt, but

in circumstances where the original dwelling/building has had to be removed or demolished;

- The legal position around such cases is often complex and uncertain. Issues around abandonment and loss of long established use rights can arise in such cases;
- The structural issues only became apparent once the applicant could assess the actual condition of the buildings after the previous owner/occupier vacated the property in October 2012;
- The recent occupation is also relevant in considering abandonment issues;
- Following the decision to undertake the controlled demolition in mid-October 2012, the applicant sought immediate engagement with officers of the LPA to discuss how proposals for rebuilding the property could be achieved which took place on the 30th November 2012;
- Decision makers have the ability to take a pragmatic and sensible approach to such cases based on site specific circumstances;
- Strong arguments can be advanced under Article 8 of the European Convention on Human Rights where refusal of permission for rebuilding or replacement may have impacts on the right to family life and home;
- The full planning application will be supported by information about various cases where similar issues have arisen;
- The applicant's requirement for basic living accommodation on site during the planning and construction phases should be noted;
- Steven Abbott Associates LLP are aware of numerous examples where a temporary consent has been issued for a mobile home on a site where development of a permanent house is to take place;
- There are matters of timing involved with this case, but that should not affect the matters to be taken into account.

Consultations

7. **The Coal Authority** – standing advice
8. **Parish Council** – none received
9. **Lancashire County Council Ecology Service** – none received
10. **CBC Planning Policy Advice** – none received

Assessment

Principle of the development

11. The application site is within the Green Belt and so the relevant guidance within the National Planning Policy Framework (the framework) and Policy DC1 of the Adopted Chorley Borough Local Plan Review applies. These policies prescribe certain types of development which can be considered appropriate within the Green Belt. Where development does not fall within the appropriate types of development, the framework states that it must be inappropriate development by definition. The framework goes further to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
12. The framework also states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
13. This application seeks retrospective planning permission for the temporary siting of a static caravan for living accommodation and the creation of associated hardstanding, the former of which does not fall within one of the appropriate types of development as listed in the framework or local plan policy DC1.

14. The development is therefore inappropriate development by definition and the test is whether any very special circumstances have been presented by the applicant to clearly outweigh the harm to the Green Belt.
15. In terms of the current application, the applicant's supporting statement indicates that the caravan is required during pre-planning stage and the construction of a new dwelling in place of the property which was recently demolished. However, although involved in pre-planning discussions, the Council is not in receipt of a formal application for a new dwelling at the site and so it is considered only very limited weight should be attributed to these circumstances in justifying the development. Furthermore, there is no guarantee that a future application will come forward for consideration and the acceptability of such an application cannot be pre-determined.
16. In addition, it is also noted that the applicant's personal circumstances have progressed and they are now looking to move to the site as their contract on a rented property has recently come to a close. The applicant states that it is uneconomic to both rent a house and pay for a mortgage. However, whilst this situation is unfortunate, it is not considered to amount to very special circumstances sufficient to clearly outweigh the harm to the Green Belt.
17. It has been noted that a supporting statement has been submitted by Steven Abbott Associates LLP which attempts to justify the development. However, it is considered that the majority of the supporting statement relates to a future application to be submitted for a new dwelling at the site (which has not yet been received by the Council). The remainder of the statement, in essence, states that due to unfortunate circumstances, the applicant has no place to live. However, this is not considered to amount to a case for very special circumstances sufficient to clearly outweigh the harm to the Green Belt in this case.
18. As such, in view of inappropriate development, the proposal is considered to be contrary to the guidance in the framework and Policy DC1 of the Adopted Chorley Borough Local Plan Review.
19. In addition to the above, it is also relevant to consider the impact of the development in relation to the openness of the Green Belt. The framework states that the openness of a Green Belt is one of its most important attributes and any impact on openness should be considered as part of a planning application.
20. The caravan is sited to the western portion of the site, within close proximity to Rivington Lane. In recent months the site has been cleared of the former dwelling, adjoining barn, many of the associated outbuildings and some of the trees and foliage surrounding the site. This has made the site more visible from the streetscene, particularly when viewed from the north and south from Rivington Lane. However, the application site is at a higher land level than Rivington Lane (approximately 1m higher) and is shielded to the west (immediately fronting Rivington Lane) by an established tree line including low level shrubbery. This in part, shields the development from the streetscene.
21. The caravan itself is standard in size, is not excessive in height and so does not appear overly visible or prominent. It is therefore not considered the resulting impact on the openness of the Green Belt is so severe to warrant refusal of the application on these grounds.
22. The associated hardstanding has been laid immediately surrounding the caravan, however in terms of visual impact on the surrounding area and given the untidy character of the site (following demolition of the former house and barn), it is not considered this element of the proposal would impact on the openness of the Green Belt to such a degree to warrant refusal of the application on these grounds. Furthermore, it should be noted that the framework states that engineering operations are not inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

23. As such, although it is not considered a refusal of the application could be sustained in relation to the impact on the openness of the Green Belt, the siting of a caravan is inappropriate development. In view of insufficient very special circumstances to clearly outweigh the harm to the Green Belt, the development is contrary to the guidance in the framework and Policy DC1 of the Adopted Chorley Borough Local Plan Review.

Design and impact on the streetscene

24. At a national level the framework states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development.
25. The framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit and; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.
26. Policy 17 of the Central Lancashire Core Strategy states that the design of new buildings will be expected to take account of the character and appearance of the local area, including (amongst other things) the siting, layout, massing, scale, design, materials and landscaping. Development should also safeguard and enhance the built environment.
27. Policy GN5 of the Adopted Chorley Borough Local Plan Review states that the design of proposed developments will be expected to be well related to their surroundings. Applicants are expected to demonstrate that they have followed a methodology which sets out the design principles adopted, and have carried out a full survey of the site and its surroundings. Applicants should propose a design which is specific to the site including (amongst other things) the height, bulk and roof shape; external facing materials; layout and levels.
28. The applicant states the caravan would be sited on the land for a temporary period during pre-planning discussions or upon first occupation of a newly constructed dwelling. The caravan has already been sited on the land and is substantial in size.
29. In terms of impact on the streetscene, it has been established that some of the site has been cleared of natural screening which is predominately to the north, east and southern site boundaries. However, the site remains somewhat screened from Rivington Lane which comprises the main streetscene view of the site.
30. The site itself is set at a higher level than the road and being partially screened, means the caravan does not appear overly visible or prominent from within the streetscene. The caravan has a standard appearance and so is not excessive in height. Furthermore, the caravan has only applied for on a temporary basis and so would not have a prolonged impact on the character area. As such, it is not considered a refusal of the application could be sustained in respect of the impact on the streetscene.

Impact on the neighbour amenity

31. At a national level, the framework states within one of its twelve core planning principles that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
32. Policy 17 of the Central Lancashire Core Strategy states that the design of new development should take account of the character and appearance of the local area, including ensuring that the amenities of occupiers of the development will not be adversely affected by neighbouring uses and vice versa. The Central Lancashire Core Strategy also states that development should be sympathetic to surrounding land uses and occupiers, and should not result in demonstrable harm to the amenities of the local area.

33. The application site sits removed from nearby residential properties, with the closest residential properties Pall Mall Cottages to the north and Rivington Park Independent School to the south. However, both these properties are over 100m from the application site and so are not materially affected by the development.
34. A single neighbour letter has been received in relation to this application, however, the concerns raised relate to the principle of the development rather than specific neighbour amenity issues.
35. As such, it is not considered the proposed development would result in any significant detrimental harm to the amenity of neighbouring residents to warrant refusal of the application on these grounds.

Impact on highways/access

36. The application site once comprised a dwelling, adjoining barn and associated outbuildings which were served from Rivington Lane via an existing vehicular access. The access itself has been unchanged as a result of the development and would solely serve the caravan on site.
37. Given the access recently served a dwelling, it is not considered the proposal would result in any greater demand for access improvements. In terms of off-road parking, the development incorporates an area of hardstanding immediately surrounding the caravan which provides adequate space to park a number of vehicles.
38. As such, the development is therefore considered to be in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

Impact on Ecology

39. Policy EP4 of the Adopted Chorley Borough Local Plan Review states that planning permission should not be granted for development which would have an adverse effect on protected species. As such, as part of the application Lancashire County Council (LCC) Ecology have been consulted to provide specialist advice concerning the potential impact on protected species as a result of the proposed development and associated works, specifically concerning bats, amphibians and nesting birds.
40. Policy EP2 states that development likely to have an adverse effect on a Biological Heritage Site will not be permitted unless the reasons for the development are sufficient to override the nature conservation considerations.
41. The application site was previously occupied by a dwelling, adjoining barn and outbuildings. The site has now been cleared and vegetation removed to leave a relatively level site. The site is surrounded by Lever Park Biological Heritage Site (BHS) to all boundaries which provides a habitat predominately for birds.
42. The caravan and hardstanding are sited to the west of the site, within close proximity to Rivington Lane. Therefore, in terms of the impact on protected species, it is considered that given the extensive site clearance works recently undertaken, there is only a very limited likelihood that the development would result in any significant harm to protected species.
43. In terms of the impact on the BHS, it should be noted that the application site recently formed the domestic curtilage of Middle Derbyshire Farm, having more of a domesticated character rather than the open fields surrounding the site. It is therefore not considered the development would result in any significant detrimental harm to the BHS being sited firmly within the site and not directly affect habitats of known ecological importance.
44. The development is therefore considered to be in accordance with Policies EP2 and EP4 of the Adopted Chorley Borough Local Plan Review 2003.

Overall Conclusion

45. The sited caravan constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. No such 'very special circumstances' have been submitted in support of the application to clearly outweigh the harm to the Green Belt by reason of inappropriateness. As such, the development is contrary to guidance within the National Planning Policy Framework and Policy DC1 of the Adopted Chorley Borough Local Plan Review.
46. On the basis of the above, the application is accordingly recommended for refusal.

Planning Policies

National Planning Policy Framework

Central Lancashire Core Strategy Policy 17

Adopted Chorley Borough Local Plan Review Policies DC1, GN5, TR4, EP2 and EP4

Planning History

The site history of the property is as follows:

Ref: 87/00866/FUL **Decision:** REFFPP **Decision Date:** 12 April 1988
Description: Alterations and extensions to enable change of use to country hotel and restaurant with associated car parking

Ref: 80/00597/FUL **Decision:** PD **Decision Date:** 3 June 1980
Description: Change of Use: Storage building to outside toilet

Ref: 78/01238/FUL **Decision:** PERFPP **Decision Date:** 30 April 1979
Description: Temporary works depot for use by M.S.C. STEP, comprising sheds, caravans and toilet accommodation

Ref: 76/00429/FUL **Decision:** PERFPP **Decision Date:** 15 June 1976
Description: Alterations to provide warden's accommodation and office

Application Number – 13/00033/FUL

- Retrospective application for the temporary siting of a static caravan for living accommodation and the creation of associated hardstanding.
- Refuse
- 22 March 2013

Recommendation: Refuse Full Planning Permission **Reasons**

1. **The sited caravan constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. The case presented in support of the application is not considered to amount to a case of 'very special circumstances' sufficient to clearly outweigh the harm to the Green Belt by reason of inappropriateness. Therefore, the development is contrary to guidance within the National Planning Policy Framework and Policy DC1 of the Adopted Chorley Borough Local Plan Review 2003.**

Item 4g	12/01158/FULMAJ
Case Officer	Caron Taylor
Ward	Wheelton And Withnell
Proposal	Erection of a replacement dwelling, new commercial stable building (for livery use) and sand paddock following the demolition of existing buildings (apart from cattery)
Location	Close Gate Farm and land to rear Buckholes Lane, Wheelton
Applicant	Mr Alasdair Morgan
Consultation expiry:	8 January 2013
Application expiry:	5 March 2013

Proposal

1. Erection of a replacement dwelling, new commercial stable building (for livery use) and sand paddock following the demolition of existing buildings (apart from cattery).

Recommendation

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

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Background information
 - Principle of the development
 - Levels
 - Impact on the neighbours
 - Layout and Design
 - Trees and Landscape
 - Flood Risk and Coal Mines
 - Traffic and Transport
 - Drainage and Sewers
 - Sustainable Resources

Representations

4. One letter of objection was initially received from the neighbouring property. They have written a second letter stating that they have met with the applicant and his architect, who has taken on board their concerns, made some amendments to the plans to address the bridleway/access issue and agreed an on-going consultation regarding their property, final finish, drainage and landscaping. They state with these amendments confirmed and committed to they would be happy to accept the proposal. The amended plans have been sent to the neighbour and any comments received will be reported on the addendum.
5. Wheelton Parish Council
Have no objections to the application but request that the style of building is in keeping with the properties in the area. The Parish Council questioned whether the application site is within the Green Belt.

Consultations

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

Initially objected to the proposal on the grounds of visibility from the access point. Amended plans have been received and sent to Highways. Comments will be placed on the addendum.

Assessment

Background Information

7. The existing dwelling on the site is attached to its former barn, converted to a dwelling under permission reference 08/00477/FUL. The application proposes to demolish the existing dwelling and replace it further to the south-east. There is a commercial cattery on the site that will remain. The existing buildings to the rear of the dwelling will be demolished and replaced by 10 commercial stables, sand paddock and associated parking and hardstanding.

Principle of the development

8. The principle of a replacement dwelling in the Green Belt is acceptable in accordance with Policies DC1 and DC8A of the Adopted Chorley Borough Local Plan Review and the National Planning Policy Framework (NPPF). This is subject to the replacement not being materially larger than the one it replaces.
9. The NPPF also allows replacement buildings, providing the new buildings are in the same use and not materially larger than the ones replaced.
10. The dwelling proposed would result in approximately a 164% increase in volume over the existing dwelling on the site. This would be materially larger and therefore contrary to policy. However, the applicant has put forward a Unilateral Undertaking legal agreement which is a material consideration in determining the application. This not only removes the Permitted Development Rights of the replacement dwelling but also prevents submission of future applications for extensions and outbuildings.
11. This situation therefore needs to be compared to what could be achieved on the site under the planning policies without a legal agreement being in place. In planning policy terms an increase of up to 30% of the volume of the existing dwelling is considered not to be materially larger and therefore in accordance with policy. If such an increase is allowed the Permitted Development Rights of the replacement dwelling are not removed (as it is appropriate development in the Green Belt). The dwelling as replaced would start a new chapter in the history of the site and therefore would become the 'original dwelling' for the purposes of assessing future extensions.
12. In terms of extensions to properties in the Green Belt, policy allows them providing they do not result in disproportionate additions over and above the size of the original dwelling. The replaced dwelling (30% larger than existing) could then be extended further as it would then be the 'original dwelling'. In such situations the Council normally considers extensions up to 50% to be considered as not being disproportionate. Therefore if a dwelling of 30% was permitted and then extended under this policy in the future it could result in an increase over the existing dwelling of 95%.
13. The applicant is proposing a 164% increase in the size of the dwelling, including a garage with office above to run the existing cattery building.
14. There is a second part to the application that relates to the land to the rear of the existing property. At present there are a number of buildings on this part of the site that are proposed to be demolished. These include former agricultural buildings and stables. The existing buildings on the site amount to a volume of 782m³. The stables now proposed have a volume of 373m². Therefore a reduction of 410m³ in built for is proposed on this part of the site. The NPPF does allow the partial or complete redevelopment of previously developed sites (brownfield sites) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
15. Although the proposed dwelling is larger than would normally be allowed, there is a large reduction in the amount of development on the brownfield part of the site to the rear of it.

However notwithstanding this, there will be an increase in 21.6% volume on the site overall taking the volume of the new house added to that of the stables. However this increase is not considered to be materially larger than exists at present on the site in line with the NPPF and it is not considered that the layout of the buildings as proposed will have a greater impact on the openness of the Green Belt than the existing site.

16. The sand paddock proposed is considered appropriate development in the Green Belt under the NPPF as a facility for outdoor sport and recreation.
17. The proposal is therefore considered acceptable in principle.

Levels

18. The site is reasonably flat although it does slope down gradually away from the road. It is considered that acceptable finished levels can be achieved via a condition.

Impact on the neighbours

19. The nearest property is Close Gate Barn attached to the application property. The proposed dwelling will be further away from this dwelling and the stables will be sited to the rear of the existing cattery building with the sand paddock proposed on the southern boundary. It is not therefore considered that the proposal will impact on this property subject to boundary treatments being secured.
20. Sundale and The Hollies are the nearest properties opposite the site. However the proposals will move the dwelling further away from them and therefore it is not considered there will be an unacceptable impact on them.
21. Grasmere is the nearest property to the south-east. It is situated over 60m from the nearest part of the application site. It is considered that although the replacement dwelling would be nearer this property and the sand paddock will be located on the south-east boundary of the site that there is sufficient distance between them that the relationship is acceptable.

Layout and Design

22. Although the dwelling will be repositioned on the site it will not result in the creation of an infill plot as the site is not within a continuous built up frontage.
23. The proposed dwelling is relatively contemporary in its style with large areas of glazing and boarding to the first floor, however its design will incorporate a pitched roof and stone detailing to reflect traditional building styles. Subject to conditions relating to materials the design is considered acceptable.
24. The stables will be constructed of timber, with block work internally only up to 1.2m, to reduce the likelihood of conversion in the future.
25. The sand paddock is against an existing boundary and subject to conditions controlling its construction and boundaries it is considered acceptable.
26. The proposal is therefore considered acceptable in relation to Policy 17 of the Core Strategy.

Trees and Landscape

27. There are a number of trees on the site. There are existing trees on the site frontage that will be removed but these are evergreen and mainly coniferous trees. These are not native and it is not considered that they would warrant protection. There are native trees within the site. These are mainly located next to the existing cattery and will be unaffected by the proposal. Other trees towards the rear situated immediately adjacent existing buildings will also remain as part of the layout. However, given their distance from the road and therefore their limited amenity value in the street it is also considered they would not warrant protection.

Flood Risk and Coal Mines

28. The site is not within Flood Zone 2 or 3. The site is in a Low Risk Area as identified by the Coal Authority, therefore an informative note is required to be applied to any permission.

Traffic and Transport

29. There is an existing vehicular access serving the whole site including the existing dwelling and cattery immediately to the south-east of the property. The dwelling also has a pedestrian access immediately in front of it.
30. The proposal seeks to retain this access for use by the stables and new dwelling. Amended plans have been sought moving the gate into the curtilage of the dwelling back from the access point to avoid conflict between vehicles. LCC Highways have been sent the amended plans for comment and their response will be placed on the addendum.
31. The proposed dwelling would have sufficient parking for over three vehicles in line with the Council's parking standards.
32. 10 parking spaces are proposed to serve the stables along with extra horse box parking. This is considered acceptable.
33. The proposal is therefore considered acceptable in terms of parking.

Drainage and Sewers

34. The development is proposed to be served by main sewerage. A condition will be applied to ensure sufficient drainage is incorporated into the scheme.

Sustainable Resources

35. Policy 27 of the Core Strategy requires all new dwellings to meet Level 4 of the Code for Sustainable Homes, increasing to Code 6 from January 2016. This can be secured by conditions that the agent is aware of.

Overall Conclusion

36. The application is recommended for approval subject to LCC Highways finding the amended plans acceptable, which will be reported on the addendum and the Unilateral Undertaking is acceptable.

Planning PoliciesNational Planning Policies:

NPPF

Adopted Chorley Borough Local Plan Review

Policies: DC1, DC8A.

Joint Core Strategy

Polices 17 and 27

Planning History

05/00920/FUL Relocation of existing cattery into previous dog kennels building. Permitted November 2005.

07/00221/FUL Proposed erection of 3 timber stables, conversion of existing stable to create tack room and feed store and construction of 20m x 40m fenced sand paddock. Permitted May 2007. Not implemented.

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

1. The proposed development must be begun not later than three years from the date of this permission.
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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 BS5837:2012 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.
Reason: To safeguard the trees to be retained and in accordance with Policy 17 of the Core Strategy.
3. No part of the development hereby permitted shall be occupied or used until the vehicular access has been constructed in accordance with the approved plans.
Reason: In the interests of highway safety and policy TR4 of the Adopted Chorley Borough Local Plan Review.
4. That part of the access extending from the kerb line/edge of carriageway for a minimum distance of 5 metres into the site shall be paved in permanent construction, such as tarmacadam, concrete, block pavements or other permanent fixed material before the access is used for vehicular purposes. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 no gates or other obstructions shall be constructed in that standing space unless planning permission is first obtained.
Reason: To prevent loose surface material from being carried on to the public highway, and to prevent obstructions being erected that would cause vehicles accessing the site to stop in the highway, thus causing a potential source of danger to other road users and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
5. Prior to the construction of the new dwelling hereby permitted the existing property on the site shall have been demolished in full. Prior to this demolition details of the finish to the south-east elevation of the adjacent property Close Gate Barn shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on Close Gate Barn within six months of the demolition of the existing dwelling taking place.
Reason: The existing property is attached to another residential property and negotiations will need to take place between the owners regarding demolition of the existing property. Therefore to avoid two dwellings in the Green Belt that would be contrary to the NPPF and secure an acceptable finish to the Close Gate Barn.
6. Prior to the commencement of any development, plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building that it serves is occupied.
Reason: To ensure a satisfactory means of drainage and in accordance with the NPPF.
7. 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.

8. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.

9. Prior to the stables hereby permitted being brought into use details of a midden shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of its construction and location. The midden shall then be constructed in accordance with the approved details and retained at all times thereafter.

Reason: To safeguard the amenities of the neighbouring property and to prevent runoff into nearby water course and in accordance with Policy EP9 of the Adopted Chorley Borough Local Plan Review and the Rural Development Supplementary Planning Document.

10. The stables shall only be constructed of timber frame with timber cladding in accordance with the materials as shown on the approved plans, with brick/block work internally only to a height of 1.2m.

Reason: To avoid a proliferation of buildings in the Green Belt for which there is not an on-going need and in accordance with the NPPF.

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

Title	Drawing Reference	Received date
Preliminary Site Plan	8140-P01e	15 February 2013
House Elevations	8140-P03d	15 February 2013
Proposed House Plans	8140-P02e	15 February 2013
Proposed Stables	8141-P04c	22 February 2013

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

12. The existing buildings shown on drawing reference 8141-L02 shall be demolished and all resultant materials not to be reused in the development hereby permitted shall be removed from the site before construction of the dwelling or stables is commenced.

Reason: Weight has been given to the removal of these buildings in permitting the development, therefore to prevent a proliferation of buildings in the Green Belt for which there is not an on-going need and in accordance with the NPPF.

13. The dwelling hereby permitted if commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and if commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Core Strategy.

14. Prior to the commencement of the dwelling a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level.
Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Core Strategy.
15. The dwelling hereby permitted shall be occupied until a letter of assurance; detailing how it has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority.
Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Core Strategy.
16. Details of any lighting to be installed to the stable building shall be submitted to and approved in writing by the Local Planning Authority before any such installation is carried out. The installation shall then be implemented precisely in accordance with these agreed details which shall then not be varied. Furthermore, no additional external lighting shall be installed without the express permission of the Local Planning Authority.
Reason: To safeguard the amenities of the area and to minimise the possibility of inconvenience to nearby residents and in accordance with the NPPF.
17. No source of external illumination shall be installed to serve the sand paddock hereby permitted or sound amplification installed to serve any part of the development hereby permitted.
Reason: To protect the open and rural character of the locality and in accordance with the NPPF.
18. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy 17 of the Core Strategy.
19. 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 earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interest of the appearance of the locality and in accordance with Policy 17 of the Core Strategy.
20. Prior to the commencement of dwelling hereby permitted samples of all external facing and roofing materials to be used to construct it (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy 17 of the Core Strategy.

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Item 4h	12/01233/FUL
Case Officer	Helen Lowe
Ward	Chorley South East
Proposal	Proposed social housing development of seven houses and associated access and parking.
Location	Pall Mall garages and sheds, 81A Pall Mall, Chorley, PR7 3LT
Applicant	J B Loughlin (Contractors) Ltd
Consultation expiry:	5 February 2013
Application expiry:	6 March 2013

Proposal

1. This is a full planning application for the erection of seven dwellings with associated parking. The proposed dwellings would be two storey and comprise four two bedroomed houses, one three bedroomed house and two four bedroomed houses. The scheme forms part of the National Affordable Housing Programme and will be subject to grant funding from the Homes & Communities Agency.
2. An outline application for the demolition of a number of existing buildings and structures that were vacant and redevelopment for seven dwellings was granted consent in 2010 (reference 10/00273/OUT). The only matters reserved were appearance and landscaping. The layout of the site is almost exactly the same as that approved under the earlier application, with some very minor changes to the positioning of some of the dwellings and parking provision.
3. The site has since been cleared and it was not known at the time the previous application was determined how long the site had been vacant for. The last known use of the site was for manufacturing uses that appeared to be unauthorised.
4. The site is surrounded by residential accommodation on all sides.

Recommendation

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

Main Issues

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

Representations

7. Three letters of objection have been received. They make the following comments:
 - Strongly oppose the planned entrance on the proposed new estate;
 - Where will visitors to the new housing park;
 - Currently parking is difficult, and is made worse by drivers using it to shop on Pall Mall and with workers parking all day;
 - There is already a serious congestion problem on the road and cars block the pavement. This will worse once the proposed buildings are erected;
 - Social housing will devalue my home;

- Why can't the access be from Shaw Street/File Street?

Consultations

8. **The Architectural Design and Crime Reduction Advisor** have no comments to make.
9. **United Utilities** recommend that if possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer.
10. **Lancashire County Council (Highways)** comments awaited
11. **Chorley's Waste & Contaminated Land Officer** A Phase 1 Desk Study Report to investigate potential ground contamination issues has been submitted with the application. It is recommended that conditions are attached to any grant of permission requiring details of a remediation strategy to be agreed and implemented.
12. **Liberata Property Services** The appraisal provides for all sums necessary for the development of a scheme of 7 social rented properties which appear to be in keeping with other comparable scheme costs. The appraisal includes enough funds to develop to code level 3 as indicated by the appraisal but does not show any further funds available to develop to code level 4.

Assessment

Principle of the development

13. The application site lies within the settlement boundary of Chorley and the eastern part of the site is within an area identified as an established housing area, policy HS22, although there is no existing housing on the site. Policy HS22 seeks to ensure that existing housing areas within Chorley are retained.
14. Although the site was historically in employment uses, outline consent for residential development has been granted (and remains extant), therefore it is not considered that there is any conflict with policies seeking to retain employment uses.

Impact on the neighbours

15. The proposed layout of the development would result in the gable ends of the proposed dwellings being 12m from the front elevations of properties on Silvester Road. No windows to habitable rooms are proposed in the gable elevation of plots 2 and 3. Plots 7 would have ground floor windows to a dining room and living room in the gable elevation, however these would be secondary windows.
16. The rear of plots 6 and 7 would be 12m from the side gable of no. 13 Silvester Road (there is a first floor window in this side elevation but this appears to be to a non-habitable room). Plots 1 and 2; and 3, 4 and 5; would lie parallel with the rows of terrace houses on Pall Mall and File Street respectively, immediately adjacent to the gable ends of the end terraced properties. Plots 6 and 7 would lie further forward (west) of the front elevations of 1-5 File Street. The proposed dwellings would project slightly forward of a 45 degree line taken from the nearest ground floor window of no. 5 File Street. However, given the fact that there would be a separation of 8.2m between no. 5 File Street and Plot 6 and the fact that the proposed dwelling would be adjacent to the front garden area of no. 5 File Street (rather than overshadowing private amenity space to the rear), it is not considered that this would be unduly detrimental to the occupants of no. 5 File Street.
17. Plots 1 and 2 would front directly onto Pall Mall, their first floor windows being 18 m from facing windows in properties directly opposite. This is less than the Council's Guideline of 21m. However, to set back the front elevation of the proposed dwellings would be harmful to the street scene and their location reflects the relationship between other existing dwellings on Pall Mall. To date no comments have been received from the occupants of these properties.

18. Some of the Council's interface standards would not be met between the proposed dwellings on the application site. However as these reflect the character and layout of existing neighbouring properties and only existing between new properties this is not considered to be unduly harmful.

Design

19. The layout of the proposal follows the principles of scale and form as seen in adjoining terraced properties in File Street to the north and Pall Mall to the west. The properties to the south and east on Silvester Road are semi-detached. By orienting the properties to align with those on File Street and Pall Mall rather than to face Silvester Road gives an interesting contrast and allows for a more intensive use of the site. It is considered that the scale and layout is in keeping with the character of the surrounding area.
20. Neighbouring properties are constructed in a variety of design and from a variety of materials. The design of the proposed dwellings is considered to be in keeping with the general character of the area. It is recommended that conditions are attached requiring details of materials to be agreed by sample.

Ecology

21. When the earlier application was submitted a number of buildings remained on the site and a bat survey was submitted with the application. The site has now been cleared and it is not considered that the proposal would have any impact on ecology.

Traffic and Transport

22. The application proposes four two bedroomed properties, one three bedroomed property and two four bedroom properties. All vehicular access is to be taken off Silvester Road. It is proposed to provide two off road parking spaces for each of the two and three bedroom properties, in line with the Council's Standards. Of the two remaining four bedroom properties, one has two parking spaces, one has three, however the three spaces are in tandem, rather than parallel.
23. Policy ST4 of the Publication Local Plan advises that four bedroomed properties should have three off road parking spaces. The parking provision for the four bedroom properties is therefore slightly substandard. Although the site is in a relatively sustainable location, close to the town centre, public transport links and other amenities, there are limited levels of on and off street parking in the locality. To date, no objections have been received from LCC Highways. The concerns of the local residents are noted, however, on balance it is considered that in the light of no objections being received from LCC Highways and the sustainable location of the site, it would be difficult to sustain a refusal on these grounds.

Contamination and Coal Mines

24. The application site is within an area identified as being at low risk from coal mining therefore a coal mining risk assessment is not required. An informative should be attached to any grant of planning consent.

Section 106 Agreement & Sustainable Resources

25. The applicant has provided a viability assessment to demonstrate that the scheme is unviable under normal circumstances and would request that the requirement to achieve Code 4 for Sustainable Homes be waived and also that the S106 obligation to pay £9,289 towards POS be waived also.
26. Liberata have advised that the figures provided do demonstrate that the scheme would not be viable if constructed to Code Level 4, however the figures provided included the provision of a financial contribution towards the provision of public open space thereby demonstrating

that that the scheme would be viable with this sum included. The Council will therefore still be requesting a financial contribution towards the provision of public open space for this site.

27. Policy 27 of the Core Strategy also requires that proposals for five or more dwellings should also include either additional building fabric insulations measures or that appropriate energy sources are installed and implemented to reduce carbon dioxide emissions by at least 15%. This requirement has not been addressed in the viability assessment.

Overall Conclusion

28. An extant outline consent remains for the site, which is in a sustainable location where the NPPF seeks to encourage development. The details of the proposals are considered to be acceptable and it is accordingly recommended for approval.

Other Matters

Waste Collection and Storage

29. Space has been shown on the site plans for the refuse storage.

Non- material planning considerations

30. The de-valuation of property is not a material planning consideration.

Planning Policies

National Planning Policies:

NPPF

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, EP4, EP9, HS4, HS22, EM9, TR4

Adopted Central Lancashire Core Strategy

Policies 10, 17 & 27

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

Planning History

77/00389 Rebuilding of part of home improvement centre
Approved

85/00086 Change of use from garden centre to mixed use for car repairs/servicing, car sales, manufacture of garden sheds, sale and display of sheds, garage and gas heaters
Refused

10/00273/OUT Outline application for the erection of 7 dwellings and associated works
11 June 2010

Recommendation: Permit (Subject to Legal Agreement) Conditions

- Prior to the commencement of any development, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.**
Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property and in accordance with Policy 17 of the

Central Lancashire Core Strategy 2012, Policies GN5, HS4 of the Chorley Borough Local Plan Review 2003 and Policy BNE1 of the Chorley Local Plan 2012-2026.

2. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policies GN5, HS4 and EP18 of the Chorley Borough Local Plan Review 2003 and Policies BNE1 of the Chorley Local Plan 2012-2026.

3. There is potential for ground contamination at this site (former garages & sheds). 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.

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 (DCLG, 2012).

4. All dwellings commenced will be required to meet Code Level 3 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.
Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Central Lancashire Core Strategy 2012.

5. Prior to the commencement of the development a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level.

Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Central Lancashire Core Strategy 2012.

6. Prior to the commencement of the development a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant Code Level 3 rating.

Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Central Lancashire Core Strategy 2012.

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

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

8. No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Central Lancashire Core Strategy 2012.

Item 4i	13/00036/FUL
Case Officer	Iain Crossland
Ward	Chorley East
Proposal	Conversion of existing shop with accommodation above (Class A1) to 3 no. Studio Apartments (Class C3) with 3 no. garage spaces, to include removal of the shop front, erection of a two storey rear/side extension, and pitched roof over the existing store.
Location	Chordale Wine Merchants 275 Eaves Lane Chorley PR6 0EY
Applicant	Mr Brian Wilding
Consultation expiry:	5 March 2013
Application expiry:	13 March 2013

Proposal

1. Change of use from existing shop with accommodation above (Class A1) to 3 no. Studio Apartments (Class C3), with 3.no. garage spaces
2. Two storey rear/side extension and alterations including pitched roof over existing store.

Recommendation

3. It is recommended that this application is approved.

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Housing Development
 - Impact on the neighbours
 - Design
 - Flood Risk
 - Traffic and Transport
 - Contamination and Coal Mines

Representations

5. Two letters of objection have been received from the occupiers of 273 and 277 Eaves Lane raising the following issues:
 - Lack of parking availability and highway safety
 - Land ownership
6. No letters of support have been received.

Consultations

7. **Lancashire County Council (Highways)**
No objection.
8. **United Utilities**
No objection to the proposed development.

9. Planning Policy

No objection, and comment that the existing shop is not within the adopted Chorley Local Plan Review boundary of the Eaves Lane Neighbourhood Shopping Centre protected by Policy SP6. However, at the Preferred Option stage (Site Allocations and Development Management Policies DPD– September 2011) the Eaves Lane (North) Local Centre was amended to include the property 275 Eaves Lane within the boundary of the Local Centre and subject to Policy EP7 (Development and Change of Use in District and Local Centres. This is the boundary carried forward to the Publication Local Plan (September 2012) and protected within Policy EP7 (Development and Change of Use in District and Local Centres) which states at criteria c) planning permission will not be granted for non- retail uses unless it can be shown that there is no demand for retail or commercial use or the property was last occupied by a non- retail/non -commercial use. The Publication Chorley Local Plan, however, has limited weight.

AssessmentPrinciple of the development

10. The application property is currently a retail unit (A1). There is an associated storage building with a small yard area to the rear, and living accommodation above at first floor level.
11. The application site occupies a corner position at the junction of Eaves Lane and Geoffrey Street, and is one of four terraced properties in a row, the others being residential dwellings. The terraced properties along Eaves Lane on the opposite corner of Geoffrey Street are also residential dwellings. The rows of properties directly opposite, on the other side of Eaves Lane, are shops with living accommodation at first floor.
12. The residential properties and shops along Eaves Lane rely on the car parking bays along the road for parking. There is also a bus stop and shelter outside the shops. The terraced residential properties on Geoffrey St equally rely on on-street parking, which occurs on both sides of the road.
13. The proposal sets out a revised scheme following a recent refusal for four studio apartments under application 12/00910/FUL. The scheme was refused on the basis of inadequate parking provision.
14. The proposed development would add a two storey rear/side extension measuring 5.5m by 2m to cover the space taken up by an existing yard between the shop and a store, which is to include living accommodation. The roof would extend above the existing two storey outrigger and would be more than 1m lower than the original roofline, therefore appearing subservient to the original property.
15. As the site is located within the settlement boundary, covered by Policy GN1 of the Chorley Borough Local Plan Review 2003, there is a presumption in favour of appropriate development, subject to normal planning considerations and the policies and proposals of the plan. In an area that is largely residential, with good transport links and proximity to amenities the principle of replacing a retail unit with three one bed studio apartments is considered to be an appropriate development.
16. The property is located outside the boundary of the Eaves Lane Neighbourhood Shopping Centre within the extant Chorley Local Plan Review (2003). Although the property is within the Eaves Lane (North) Local Centre as identified within the Publication Local Plan (September 2012), this currently has limited weight and therefore the change of use is considered an appropriate development in this location.

Housing Development

17. The application site is situated in a highly accessible location, close to the town centre and public transport facilities, and predominantly consisting of housing.

18. The proposed flats comply with Local Plan policy HS11. The conversion would provide acceptable standards of accommodation with typical room sizes and means of independent access for each individual unit. The residents of neighbouring properties would be unlikely to be affected by unacceptable noise transmission or other disturbance.
19. The development would result in two net additional units, as one existing unit would be replaced. This would represent a reasonable increase in the level of housing provided in a largely residential location of relatively high density. It would also contribute to the overall housing requirement identified within the Chorley Local Plan Review (2003) and Central Lancashire Core Strategy (2012), and is supported by the NPPF as the benefits provided by additional housing are not outweighed by harm presented by additional demand upon on street parking and loss of a retail unit.

Impact on the neighbours

20. The replacement of the shop with studio apartments is likely to result in reduced levels of visitors to the property, therefore the level of nuisance would be less than would be experienced if a thriving retail business was located there.
21. The development would result in the creation of windows serving habitable rooms to the ground floor and first floor front elevation, first floor rear elevation, and ground and first floor side elevation facing Geoffrey Street. There would be no windows in the side elevation facing 273 Eaves Lane.
22. To the front elevation these have interface distances of over 21m from properties opposite, reflecting the situation at neighbouring residential properties.
23. The windows in the first floor rear elevation would be approximately 10m from the nearest property to the rear and face a side elevation featuring only one window to a non-habitable room at first floor. These windows would overlook Geoffrey Street and the front garden of 3 Geoffrey Street.
24. One of the windows in the ground floor side elevation would be located in an original window opening that is currently a boarded part of the shop front. This would form a window to a habitable room and would face the blank elevation of 277 Eaves Lane from which it would be 11m distance. The windows look directly out onto Geoffrey Street but would not provide views into any private areas as a result.
25. A window in the ground floor side elevation would be created and would serve a habitable room. It would face the blank elevation of 277 Eaves Lane from which it would be 11m distance. The windows look directly out onto Geoffrey Street but would not provide views into any private areas as a result.
26. The existing window in the first floor side elevation would be relocated and would serve a habitable room facing the blank elevation of 277 Eaves Lane, from which it would be 11m distance. The window looks directly out onto Geoffrey Street but would not provide views into any private areas as a result.
27. A window in the first floor side elevation would be created and would serve a habitable room. It would face the blank elevation of 277 Eaves Lane, from which it would be 11m distance. The window looks directly out onto Geoffrey Street but would not provide views into any private areas as a result.
28. Other window openings would be added serving non habitable rooms and would have obscure glazing secured by condition.
29. The proposed extension would have a marginally greater impact on the amenity of the neighbouring property at 273 Eaves Lane. It would be 0.85m higher to the ridge above first floor level but no greater in length and no nearer to this property. Also the single storey rear extension would have a mono pitched roof and would be 0.65m higher than the existing store

building at the top of the pitch, but 0.6m lower at the lowest point. The extension is to the north of 273 Eaves Lane and therefore would not result in any loss of direct sunlight. The effect of the additional height is considered to be acceptable.

30. The extension would not impact negatively through its scale on any other neighbours due to the distances from other properties and small scale nature of the changes.
31. It is considered that the proposed development would not have an unacceptable impact on the amenity of the occupiers of any other neighbouring properties through loss of outlook, privacy or light.

Design

32. The proposed extension would be built of materials to match the existing building. It would be of a lower height to the original building and therefore subservient. It would have a pitched roof and gable end perpendicular to the property, which is a common feature throughout the area. A mono pitched single storey would extend beyond that. The shop front would also be removed and altered to reflect residential use.
33. Bin storage would be provided to the rear elevation facing the back alley off Geoffrey Street. These would be accessed through bi-folding doors. Garages would be accommodated within the ground floor, accessed via bi-folding doors facing Geoffrey Street.
34. The material changes would not have an adverse impact on the character of the area due to their small scale. A front garden wall and gate would be added in order to harmonise with the residential nature of the street scene in this location.
35. In addition to these physical changes the development would be a positive outcome in terms of providing much needed attention to the building. The development would improve the appearance of a rather poorly designed store building to the rear, which currently detracts from the appearance of the area.

Flood Risk

36. 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 Parking

37. Three off street parking spaces are proposed as part of the development through the inclusion of three garages to the rear/side. This meets with the adopted parking standards and is considered acceptable by LCC Highways. Further to this there is good access to public transport and town centre amenities reducing the need for car journeys.
38. It is accepted that there are existing parking difficulties in the area, however, the car journeys and parking demand generated by the existing retail unit would be removed, and there is already a residential unit at the property that would result in parking demand. The additional residential parking demand generated by this proposal would therefore be presented by two net additional residential units, and the removal of the need for parking to serve a retail unit. This is considered to be a negligible increase on existing levels of demand and is supported by the provision of three off street spaces, therefore is considered appropriate.

Contamination and Coal Mines

39. 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.

Overall Conclusion

40. The property would be extended to support the creation of three studio apartments. The physical changes would not result in any significant harm to the character and appearance of the existing building or the surrounding area, nor would it cause any significant harm to the amenity of neighbouring residents.
41. There would be off street parking to accommodate three vehicles, which meets with the adopted parking standards. In addition to this there is good access to public transport and town centre amenities without the need for access to a car.
42. It is considered that the proposed flats would provide adequate accommodation and cause no loss of amenity for neighbouring residents through overlooking, car parking or noise disturbance.

Other MattersSustainability

43. The proposal would result in the creation of dwellings located close to public transport, and within walking distance of local amenities available in the Neighbourhood Shopping Centre.

Waste Collection and Storage

44. Provision has been made for the storage of six bins to the rear of the property accessed via the back alley off Geoffrey Street. This is considered to be a reasonable level of provision for three one bed studio apartments.

Land Ownership

45. Certificate A of the application form has been signed along with a red edged location plan. On the basis of the information received the proposed development would be carried out entirely within land owned by the applicant.

Planning PoliciesNational Planning Policies:

National Planning Policy Framework (NPPF)

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, HS11, TR8

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Joint Core Strategy

Central Lancashire Core Strategy (2012)

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

V1, ST4, EP7

Planning History

Ref: 12/00910/FUL **Decision:** REFFPP **Date:** 10 January 2013

Description: Conversion of existing shop with accommodation above (Class A1) to 4 no. Studio Apartments (Class C3), to include removal of the shop front, erection of a two storey rear/side extension, and pitched roof over the existing store.

Ref: 88/00418/COU **Decision:** REFFPP **Date:** 12 July 1988

Description: Change of use to fish and chip shop/ hot food take away

Ref: 75/00573/FUL **Decision:** PERFPP **Date:** 18 August 1975

Description: Replacement Garage

Ref: 74/00850/FUL **Decision:** WDN **Date:** 6 December 1974

Description: Take Away Fish/Chip Sales

**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:

Title	Plan Ref.	Received On:
Location Plan		16 January 2013
Existing Plans	LE01	16 January 2013
Existing Elevations	LE03	16 January 2013
Proposed Plans (Amended)	LE02	18 February 2013
Proposed Elevations (Amended)	LE04	18 February 2013

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

3. All windows to en-suite bathrooms in the side elevation of the building shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter.

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

4. All external facing materials of the development hereby permitted 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.

Item 4j	12/01231/REMMAJ
Case Officer	Caron Taylor
Ward	Clayton-le-Woods and Whittle-le-Woods
Proposal	Reserved Matters Application for the erection 13 no. dwellings (2 no. blocks of 6 terraced properties and 1 no. apartments above garages). Alternative scheme to that approved under permission ref: 11/01087/REMMAJ.
Location	Parcel H8 Euxton Lane Euxton
Applicant	Redrow Homes Lancashire
Consultation expiry:	11 February 2013
Application expiry:	21 March 2013

Proposal

1. Reserved matters application for the erection 13 no. dwellings (2 no. blocks of 6 terraced properties and 1 no. apartment above a garage). Alternative scheme to that approved under permission ref: 11/01087/REMMAJ.
2. The application proposal would form the final side of the square on Guernsey Avenue and Cornwall Avenue. The other three sides have already been constructed.

Recommendation

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

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Background information
 - Principle of the development
 - Density
 - Design and Layout
 - Impact on the neighbours
 - Levels
 - Open Space
 - Trees, Landscape and Ecology
 - Flood Risk
 - Highways and Parking
 - Contamination and Coal Mines
 - Drainage and Sewers
 - Waste Collection and Storage

Representations

5. No letters of representation have been received.
6. Whittle-le-Woods Parish Council state the amended proposal is probably an improvement and will blend in more successfully with existing properties (flats on three sides of the square).

Consultations

7. **The Environment Agency**
The application is part of a larger site which has already undergone validation for contamination on site. They therefore ask for a condition to control any contamination not

previously identified found on the site.

8. **LCC Highways**

Have no objections to the proposal. They state however the parking proposal should include provision of at least 2no. marked car parking spaces for the mobility impaired and should be located close to the main entrance of the properties. Dedicated parking should also be provided for at least one motorcycle and three bicycles.

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

Have no comments to make.

10. **United Utilities**

Has no objection to the development.

Assessment

Background Information

11. There are existing apartment blocks on the three other sides of the square which are between three and four storeys in height with parking provided to the rear.

Principle of the development

12. Buckshaw Village was given outline planning permission under references 97/00509/OUT and 02/00748/OUTMAJ, the principle of dwellings on this site is therefore established as acceptable. This parcel had reserved matters granted in 2007 under ref: 07/00248/REMMAJ to build apartments along with the northeast side of the square. The northeast side is now complete and the apartments are either occupied or being marketed.
13. A further application was approved in March 2012 (ref: 11/01087/REMMAJ) for the erection of 12 no. three-storey dwellings on the site. At the time the applicant advised they were struggling to sell apartments. Three-storey dwellings were therefore considered to be a good compromise as they were still tall dwellings so would sit more comfortably adjacent to the existing apartment than two-storey properties.

Density

14. The Masterplan for the Village states that parcels such as this should have a typical density of 30-50 dwellings per hectare. The application proposal is the equivalent of 45 dwellings per hectare so complies with this density.

Design and Layout

15. The site falls within a 'Period Formal' secondary character area in the approved Residential Design Code for this part of Buckshaw Village. This has a character theme of embracing Georgian/Victorian/Edwardian architectural styles of 2-3 storeys, occasionally 4 storey laid out in a formal arrangement, possibly a square, crescent or a circle to appear as late 18th/early 19th century expansion of the village.
16. The proposal is for 12, two and a half storey town houses split into two blocks of six and a single apartment above a garage to the rear.
17. The 12 terraced properties would front the square in a row to match the layout of the apartments. They are Redrow's New Heritage range which is influenced by the Arts and Crafts movement.
18. Parking is provided to the rear of properties in a parking court accessed between the two blocks and also through a 'drive under' beneath the single apartment. The site will be separated from Guernsey Avenue by planting and frontage railings to match the apartments on the other side of the square.

19. The properties were originally two-storey, amended plans have been received increasing their ridge height and front dormers have been introduced, to give them a more vertical appearance to reflect the apartments on the other side of the square. The properties will however also be viewed in the context of lower properties adjacent to the square. The proposal is now considered acceptable in design terms in relation to the adopted Design Code as providing a formal layout to finish off the square on a site that is constrained by existing surrounding development.
20. The previously approved properties on this site were set further back from the road to allow frontage access and parking. The properties now proposed have rear parking allowing them to be closer to the road which is considered acceptable as it more closely reflects the position of the existing apartments on the other sides of the square.
21. A single apartment above a garage and underpass is proposed facing Argyll Avenue. This is considered acceptable as it will enclose the remaining side of the site and restrict views from the street of the car parking area. To the north east of the site is a green corridor. This will be enclosed with railings to allow views of the cars from outside the site to increase natural surveillance. In addition the rear boundaries of the properties will be formed by 1.35m high close boarded fencing with trellis above to allow surveillance of vehicles from rear gardens. This is considered acceptable.

Impact on the neighbours

22. The properties will face onto the square so there will not be overlooking to the front. To the rear on plots 782 – 787 are also Kensington house types. Plots 782/783 are side on to the proposal and meet the interface distances of 12m to a blank wall and 10m to boundaries with other properties. Between the proposed properties and those already under construction on plots 784-787 there will be 36m between facing windows and 26m from the application properties to the boundary with these plots. There is a pair of two-storey houses on plots 788/789 which are already complete and there will also be 26m to their boundary. In addition the proposed apartment with garage below will not have any windows in its south-east or north-west elevations so will not result in overlooking to the adjacent properties. There will be 12m between the first floor rear windows of the property on plot 621 and the side elevation of plot 623 which complies with the required interface distance. A condition will be imposed preventing the insertion of windows in the future.
23. All of the above distances comply with the Council's interface standards. The application is therefore considered acceptable in terms of neighbour amenity.

Levels

24. The nearest properties to the rear (the Kensington house types) have a finished floor level (FFL) that is the same as the proposed properties. The Council's interface distances do not therefore need to be extended and have been found to be acceptable above. The properties on plots 788 and 789 have a FFL 30cm lower than the proposed properties so again there is no need to increase the interface distances. The application is therefore considered acceptable in this respect.

Open Space

25. There is no requirement for a commuted sum towards open space for these properties as the site has been laid out as a comprehensive development under the original permissions and associated Master Plan.

Trees, Landscape and Ecology

26. There are no trees on the site which is just rough ground and has been remediated as part of the permission for the Village. The proposal will not therefore impact on trees or ecology.

Flood Risk

27. The proposal is not in flood zone 2 or 3 and does not require a flood zone to be submitted.

Highways and Parking

28. The proposed access and parking arrangements are considered satisfactory. Each of the houses would have two or three bedrooms and would benefit from two parking spaces to the rear. The single apartment has two bedrooms and will benefit from a garage (large enough to be counted as a parking space) and a parking space. Subject to a condition being applied ensuring retention of the garage as a parking space for the apartment the application is considered acceptable in this respect.
29. The comments of LCC Highways are noted, however the Council's parking standards do not require the application of mobility impaired spaces or motorcycle spaces for private residential properties.

Contamination and Coal Mines

30. The site has already undergone validation for contamination as part of the larger Village site and is not in a coal area. The condition recommended by the Environment Agency will be applied in case previously not identified contamination is found to be present when the site is developed.

Drainage and Sewers

31. A Sustainable Urban Drainage System has been implemented for Buckshaw Village which took account of this parcel in its design. A condition regarding site specific drainage for this application is proposed. The proposal is therefore considered acceptable in this respect.

Waste Collection and Storage

32. The properties all have rear access, either down the side of the properties or through a ground floor passageway between the properties to allow bin storage in the rear gardens and collection from the front.

Overall Conclusion

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

Planning Policies

The National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: GN2, HS4, TR4

Buckshaw Village Residential Design Code

Planning History

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

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

07/00248/REMMAJ: Reserved Matters Application for the erection of 76 dwellings with associated parking, landscaping, bin stores, roads and sewers. Permitted May 2007.

11/01087/REMMAJ: Reserved matters application for the erection of 12 no. three-storey dwellings

(to south east side of square). Permitted March 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 development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan ref: BV-H8-11-02-001a Rev B or as may otherwise submitted to and approved in writing with the Local Planning Authority before any development is first commenced.
Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
3. The external facing materials detailed on approved plan ref: BV-H8-11-02-002 Rev B (Materials Schedule) shall be used and no others substituted without the prior written approval of the Local Planning Authority.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
4. No dwelling shall be occupied until all fences and walls shown in the approved details on plan ref: BV-H8-11-02-003 Rev B (Boundary Treatment Plan) 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, to allow natural surveillance of vehicles parked to the rear of the properties and in accordance with Policy No.HS4 of the Adopted Chorley Borough Local Plan Review.
5. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.
6. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Number:	Date:	Title:
BV-H8-11-02-001a Rev B	25 January 2013	Site Layout 1a (with levels on)
BV-H8-11-02-003 Rev B	25 January 2013	Boundary Treatment Plan
BV-H8-11-02-002 Rev B	25 January 2013	Material Schedule
BV-H8-11-02-001 Rev G	25 January 2013	Site Layout
Front and Side Elevations	25 January 2013	The Malvern – Ledbury 6 Block DHSB09
Rear Elevations	25 January 2013	The Malvern – Ledbury 6 Block DHSB09
Floor Plans	25 January 2013	The Malvern – Ledbury 6 Block DHSB09
Elevations and Floor Plans	25 January 2013	The Coniston

Reason: For the avoidance of doubt and in the interests of proper planning.
7. The integral garage in the Coniston house type shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding

the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

Reason: To ensure the property has adequate garaging/off street parking provision and to thereby avoid hazards/congestion caused by on-street parking and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review and the NPPF.

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

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

9. If during development contamination not previously identified is found to be present then no further development should take place until the developer has submitted to and had approved in writing by the Local Planning Authority a remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then only be carried out in accordance with the approved strategy.

Reason: To ensure any contamination on the site is dealt with appropriately and in accordance with the NPPF.

10. 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 No. EP17 of the Adopted Chorley Borough Local Plan Review.

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

Reason: In the interest of the appearance of the locality and in accordance with Policy Nos. GN2 and GN5 of the Adopted Chorley Borough Local Plan Review.

12. No development shall take place until details of the proposed foul and surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.

Reason: To secure proper drainage and to prevent flooding and in accordance with Policy No. EP18 of the Adopted Chorley Borough Local Plan Review.

Item 4k	13/00077/DEMCON
Case Officer	Adele Hayes
Ward	Coppull
Proposal	Application for prior determination of the proposed demolition of 16 no. sectional concrete garages
Location	Garages at Longfield Avenue, Coppull
Applicant	Liberata
Consultation expiry:	8 February 2013
Application expiry:	6 March 2013

Proposal

1. The applicant, Liberata, is seeking a determination as to whether the prior approval for the demolition of a block of 16no. sectional concrete garages is required from the local planning authority.
2. The application is therefore for the notification of intention to carry out permitted development under Part 31 (Demolition of Buildings) Class A.2 (b) of the General Permitted Development Order 1995 (as amended).
3. This application is reported to Planning Committee for determination as it relates to land owned by the Council and as such falls outside the Council's Scheme of Delegation.

Recommendation

4. Prior approval of the local planning authority is not required for the proposed demolition or restoration of the site.

Main Issues

5. This prior approval application seeks permission as to whether the prior approval of the local planning authority will be required for the method of demolition and any proposed restoration of the site. The demolition of the garages themselves is not for consideration.
6. Circular 10/95 is clear that only in cases where a proposal is likely to have a significant impact on the surroundings should it be necessary to require the formal submission of details for approval.

Representations

7. To date, no letters of representation have been received concerning this prior determination application.

Consultations

8. None required

AssessmentBackground information

9. Under the requirements of Part 31 Class A.2 (b) 'Demolition of Buildings' of the General Permitted Development Order 1995, the applicant is required to give a written description of the proposed development and to display a site notice on or near the land on which the building to be demolished is sited for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority.
10. The applicant has stated in their application form that the demolition of the garages is required because they are currently in an extremely dilapidated condition and beyond economic repair. Details of the site notice that was displayed have also been included in the submission to the local planning authority.
11. To this end the applicant has complied with the relevant criteria and has given the necessary 21 days notice.
12. The existing garages are not listed, nor are they 'locally important'. Architecturally they are of no interest and indeed detract from the amenity of the area.

Method of demolition and site restoration

13. The applicant has confirmed that the cement sheet roofing will be removed first. The concrete panels will then be unbolted from supporting columns at the top and bottom.
14. On completion of the demolition works, the applicant has confirmed that the site will be swept clean. As such, it is considered that the garages can be demolished and the prior approval of the authority will not be required for the method of demolition or site restoration.

Overall Conclusion

14. The proposal is permitted development under Class A2 (b) Part 31 of Schedule 2 of the Town and Country Planning (GPDO) (Amendment) (England) Order 2001.

Planning Policies

Assessed against Schedule 2, Part 31 of the General Permitted Development Order (GPDO) 1995 (as amended).

Planning History

09/00568/FUL Upgrade and refurbishment of housing estate on Longfield Avenue (property nos. 51-169 inclusive and associated communal areas and garaging), to include maintenance and decoration of existing high level rear timber boundaries, creation of new stores underneath existing 'flying' bedrooms and introduction of new alley gates. Approved 8 September 2009

10/00056/FUL Clearance of site and creation of 15 parking bays. Approved 18 March 2010

**Recommendation: Approve - demolition
Conditions**

No conditions are required

Item 4I	13/00089/DEMCON
Case Officer	Adele Hayes
Ward	Chorley North West
Proposal	Application for prior determination of the proposed demolition of storage building
Location	Storage At Rear 112A Market Street Chorley
Applicant	Liberata UK Limited
Consultation expiry:	8 February 2013
Application expiry:	6 March 2013

Proposal

1. The applicant, Liberata, is seeking a determination as to whether the prior approval for the demolition of a detached prefabricated storage building is required from the local planning authority.
2. The application is therefore for the notification of intention to carry out permitted development under Part 31 (Demolition of Buildings) Class A.2 (b) of the General Permitted Development Order 1995 (as amended).
3. This application is reported to Planning Committee for determination as it relates to land owned by the Council and as such falls outside the Council's Scheme of Delegation.

Recommendation

4. Prior approval of the local planning authority is not required for the proposed demolition or restoration of the site.

Main Issues

5. This prior approval application seeks permission as to whether the prior approval of the local planning authority will be required for the method of demolition and any proposed restoration of the site. The demolition of the storage building itself is not for consideration.
6. Circular 10/95 is clear that only in cases where a proposal is likely to have a significant impact on the surroundings should it be necessary to require the formal submission of details for approval.

Representations

7. To date, no letters of representation have been received concerning this prior determination application.

Consultations

8. None required

AssessmentBackground information

9. Under the requirements of Part 31 Class A.2 (b) 'Demolition of Buildings' of the General Permitted Development Order 1995, the applicant is required to give a written description of the proposed development and to display a site notice on or near the land on which the building to be demolished is sited for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority.
10. The applicant has stated in their application form that the demolition of the storage building is required because it was previously used by Chorley Council and the need for this storage facility has ceased. Details of the site notice that was displayed have also been included in the submission to the local planning authority.
11. To this end the applicant has complied with the relevant criteria and has given the necessary 21 days notice.
12. The storage building is not listed, nor is it 'locally important'. Architecturally it is of no interest.

Method of demolition and site restoration

13. The applicant has confirmed that the asbestos cement sheets will be wetted down, removed then double bagged and placed in a lockable skip before being taken to a licensed tip. The infill masonry wall will then be knocked out to leave the portal frame in place. This will then be dismantled from the top down.
14. On completion of the demolition works, the applicant has confirmed that the sub-base will be grubbed out and the site will be bounded with 1.8metre high powder coated mesh fencing. It is proposed that a community based allotment and play area will be formed within the enclosure. As such, it is considered that the storage building can be demolished and the prior approval of the authority will not be required for the method of demolition or site restoration.

Overall Conclusion

14. The proposal is permitted development under Class A2 (b) Part 31 of Schedule 2 of the Town and Country Planning (GPDO) (Amendment) (England) Order 2001.

Planning Policies

Assessed against Schedule 2, Part 31 of the General Permitted Development Order (GPDO) 1995 (as amended).

Planning History

There is no relevant history concerning the application site.

**Recommendation: Approve - demolition
Conditions**

No conditions are required



Report of	Meeting	Date
Director of Partnerships ,Planning and Policy	Development Control Committee	5 March 2013

ENFORCEMENT ITEM

SITING OF RESIDENTIAL CARAVAN ,STORAGE CONTAINERS AND FORMATION OF HARDSTANDING AREA, ERECTION OF ELECTRICITY HOUSING BOX ON LAND AT MIDDLE DERBYSHIRES FARM, RIVINGTON LANE, RIVINGTON

PURPOSE OF REPORT

1. Authority is sought to issue Enforcement Notices in respect of the siting of a caravan, storage containers and the formation of hardstanding and the erection of a electricity housing box on the land.

RECOMMENDATION(S)

2. That it is expedient to issue Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 in respect of the following breaches of planning control:
3. **Alleged Breach**
4. 1.Without planning permission the siting of a caravan on the land for residential use and the siting of two storage containers.
5. 2.Without planning permission the deposit of materials to form a hardstanding and the erection of a electricity supply box.
6. **Remedy for Breach**
 - a. Cease the use of the land for the siting of a caravan for residential use and remove the caravan form the land.
 - b. Remove the storage containers from the land.
 - c. Excavate the area of hardstanding and remove the materials laid to form the hardstanding from the land and restore the land to its former condition before the alleged breach of planning control took place.
 - d. Demolish the electricity supply housing box and remove the materials from the land.

Period For Compliance

6. 6 Months

Reason For Issue of Enforcement Notices

- 7. The development constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in ‘very special circumstances’. No such ‘very special circumstances’ have been submitted in support of the application to clearly outweigh the harm to the Green Belt by reason of inappropriateness. As such, the development is contrary to guidance within the National Planning Policy Framework and Policy DC1 of the Adopted Chorley Borough Local Plan Review.

EXECUTIVE SUMMARY OF REPORT

- 8. A planning application for the caravan and hardstanding is reported to this Committee for consideration with a recommendation for refusal.

Confidential report Please bold as appropriate	Yes	No
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REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- 10. To remove the caravan and associated development from the land and the harm caused to the Green Belt.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 11. None

CORPORATE PRIORITIES

- 12. This report relates to the following Strategic Objectives:

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

BACKGROUND

- 13. Following the demolition of the existing dwelling at the site the landowner has sited a caravan on the land with the intention of occupying it for residential use until a replacement dwelling can be built. An area of hardstanding has also been laid to facilitate the siting of the caravan and provide a vehicle parking area. Two storage containers have also been sited on the land to provide domestic storage and storage for materials. A electricity housing box has also been erected to provide a electricity supply for the caravan. None of this development has planning permission and no application has been submitted for a replacement dwelling.

ASSESSMENT

- 14. The land located is within the Green Belt and the relevant guidance within the National Planning Policy Framework (the framework) and Policy DC1 of the Adopted Chorley Borough Local Plan Review applies. These policies prescribe certain types of development which can be considered appropriate within the Green Belt. Where development does not

fall within the appropriate types of development, the framework states that it must be inappropriate development by definition. The framework goes further to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

- 15. The framework also states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 16. The development relates to the siting of a caravan, for living accommodation and the creation of associated hardstanding ,containers and electricity supply box which together do not fall within the appropriate types of development as listed in the framework or local plan policy DC1.
- 17. The development is therefore inappropriate development by definition and the test is whether there are any very special circumstances which would overcome the harm to the Green Belt. Given that the existing dwelling has been demolished and no application has been made for a replacement dwelling then it is my view that those circumstances do not exist and enforcement action is the appropriate course of action.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

9.No comments.

COMMENTS OF THE MONITORING OFFICER

10. The service of an Enforcement Notice is an appropriate action in this matter.

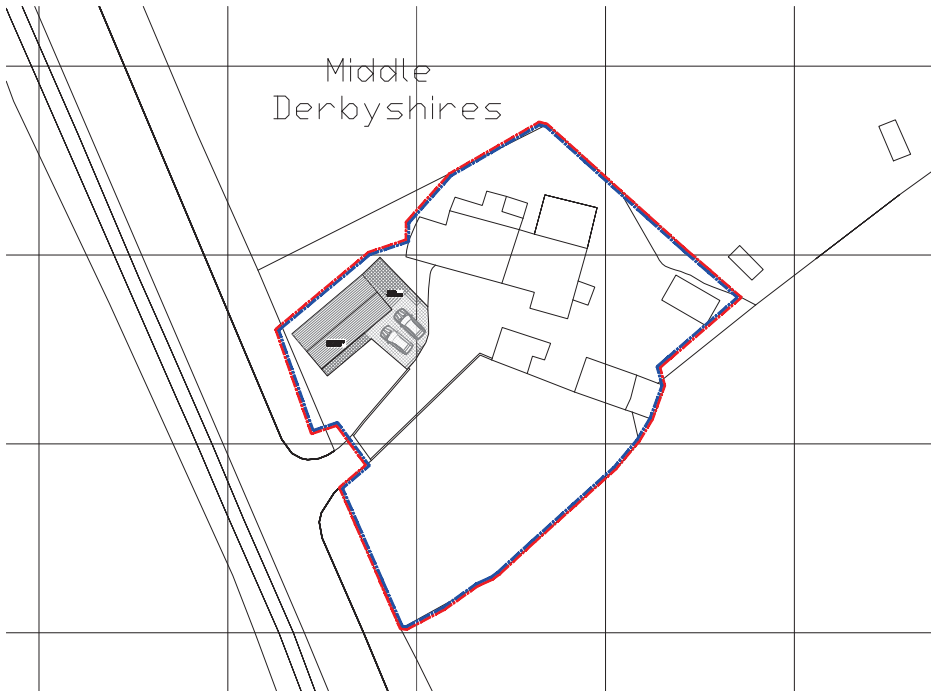
LESLEY ANN FENTON
DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY

Report Author	Ext	Date	Doc ID
Peter Willacy	5226	22 February 2013	

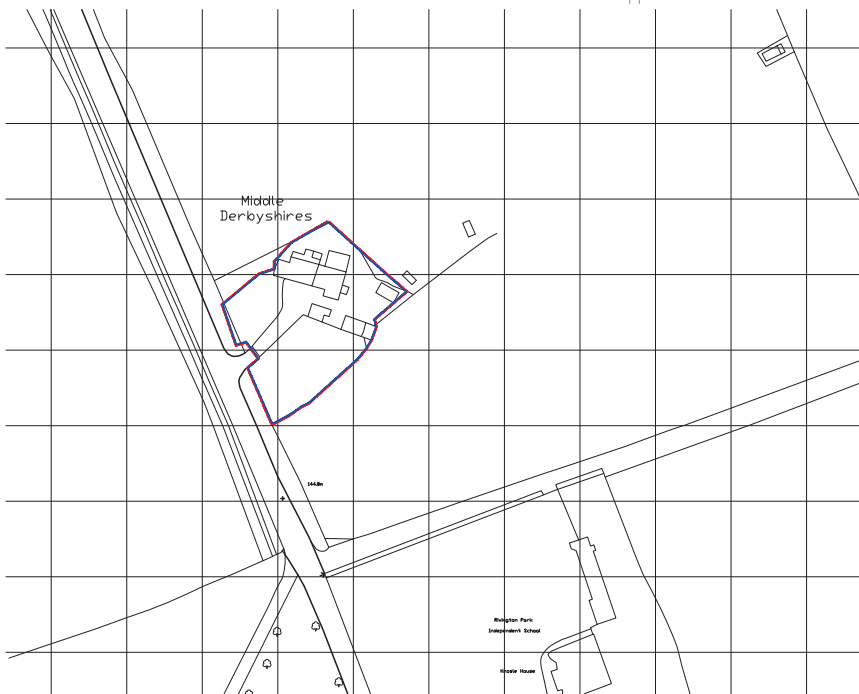
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Middle Derbyshire Farm, Rivington Lane, Rivington, BL6 7RX.

General notes:
 Do not scale the drawing.
 All dimensions to be checked on site prior to commencement of work and any discrepancy shall be immediately reported and resolved prior to work commencing. This drawing is to be read in conjunction with all relevant drawings and specifications relating to the job whether or not indicated on the drawing.
 Copyright reserved to Waste Building Design. This drawing may not be used or reproduced without prior written consent.



Proposed Site
 Plan 1:1250



Location
 Plan 1:1250



Client: Middle Derbyshire Farm, Rivington Lane, Rivington, BL6 7RX - Caravan Application.

Drawing: Existing, Proposed and Location Site Plans.

Client	Drwg No	Job Ref	Date Complete	Paper size	Drwg Scale	Status	REV.
David Dalton	CV01	07212	14.01.12	A1	1:800 / 1:1250	Planning	

Drawn SW Checked SW T. 07990304019 E. elmon@w-bd.co.uk W. w-bd.co.uk



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Report of	Meeting	Date
Head of Governance	Development Control Committee	5 March 2013

TREE PRESERVATION ORDER NO.4 (CHARNOCK RICHARD) 2012

PURPOSE OF REPORT

1. To consider formal confirmation of the Tree Preservation Order No.4 (Charnock Richard) 2012 without modification.

RECOMMENDATION(S)

2. That Tree Preservation Order No.4 (Charnock Richard) 2012 be formally confirmed without modification. Formal confirmation of the Order affords permanent as opposed to provisional legal protection to the tree covered by the Order.
3. Not to confirm the Order would mean allowing the Order, and thereby the protection conferred on the tree covered by the Order to lapse.

EXECUTIVE SUMMARY OF REPORT

4. Formal confirmation of the Order affords permanent as opposed to provisional legal protection to the trees covered by the Order. Not to confirm the Order would mean allowing the Order, and thereby the protection conferred on the trees covered by the Order to lapse.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

5. This report relates to the following Strategic Objectives:

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

BACKGROUND

6. The order was made on 6 August 2012. The Order was made and served along with the statutory notice prescribed in Regulations and a brief guide to protected trees issued by CLG on all those with an interest in the land on which the trees are situated on 6 August 2012. The order was made because on the assessment of Planning Officers the trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly

visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public.

7. The order protects 3 individual trees which are all sycamore on the embankment of the brook and adjacent to the footpath. Members will see from the Plan where the trees are situated.
8. No objection has been received in response to the making of the above Order. It is therefore now open to the Council to confirm the above Order as unopposed. The effect of formally confirming the Order will be to give permanent legal force to the Order, as opposed to provisional force, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc. the trees protected by the Order without first having obtained lawful permission. Offences are punishable by a fine of up to £20,000 in the magistrates' court.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

10. If any of the trees were to be lopped or pruned or chopped in breach of the order the Council would incur staff costs in any criminal investigation and prosecution. Staff costs in the Planning Department are also involved when dealing with applications for consent to work to protected trees.

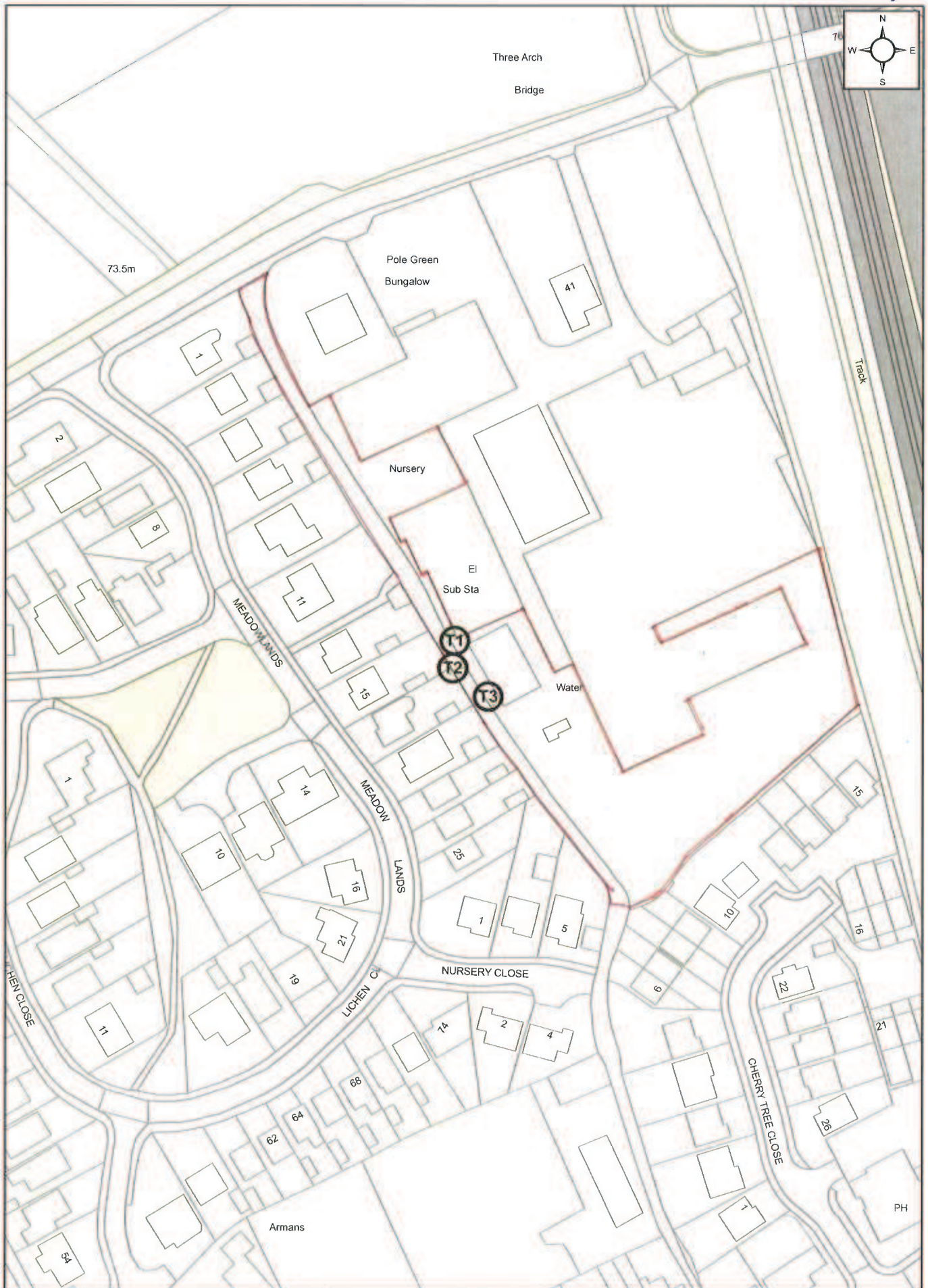
COMMENTS OF THE MONITORING OFFICER

11. The legal effect of the order and the consequences of breach are addressed within the body of the report.

**CHRIS MOISTER
HEAD OF GOVERNANCE**

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Liz Leung	5169	31.01.13	



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Report of	Meeting	Date
Head of Governance	Development Control Committee	5 March 2013

PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO. 7 (ADLINGTON) 2012 WITHOUT MODIFICATION

PURPOSE OF REPORT

- To consider formal confirmation of the Tree Preservation Order No.7 (Adlington) 2012 without modification.

RECOMMENDATION(S)

- Tree Preservation Order No.7 (Adlington) 2012 is confirmed i.e. made permanent without modification.

EXECUTIVE SUMMARY OF REPORT

- Formal confirmation of the Order affords permanent as opposed to provisional legal protection to the tree covered by the Order. Not to confirm the Order would mean allowing the Order, and thereby the protection conferred on the tree covered by the Order to lapse.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

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

BACKGROUND

- The order was made on 19 December 2012. The Order was made and served along with the statutory notice prescribed in Regulations and a brief guide to protected trees issued by CLG on all those with an interest in the land on which the trees are situated on 19 December 2012. The order was made because on the assessment of Planning Officers the tree makes a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and because its removal would have a significant impact on the environment and its enjoyment by the public.
- The order protects one oak tree. No objection has been received in response to the making of the above Order. It is therefore now open to the Council to confirm the above Order as

unopposed. The effect of formally confirming the Order will be to give permanent legal force to the Order, as opposed to provisional force, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc. the trees protected by the Order without first having obtained lawful permission. Offences are punishable by a fine of up to £20,000 in the magistrates' court.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

8. If the oak tree were to be lopped or pruned or chopped in breach of the order the Council would incur staff costs in any criminal investigation and prosecution. Staff costs in the Planning Department are also involved when dealing with applications for consent to work to protected trees.

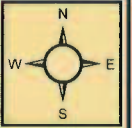
COMMENTS OF THE MONITORING OFFICER

9. The legal effect of the order and the consequences of breach are addressed within the body of the report.

CHRIS MOISTER
HEAD OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Alex Jackson	5166	04/02/13	***



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Report of	Meeting	Date
Head of Governance	Development Control Committee	5 March 2013

PROPOSED REVOCATION OF TREE PRESERVATION ORDER NO 2 (CLAYTON-LE-WOODS) 2012

PURPOSE OF REPORT

1. To consider formal revocation of the Tree Preservation Order No 2 (Clayton-Le-Woods) 2012.

RECOMMENDATION(S)

2. That Tree Preservation Order No 2 (Clayton-Le-Woods) 2012 is revoked to allow a fresh order to be made to protect the trees covered by the Order.

EXECUTIVE SUMMARY OF REPORT

3. Formal revocation of Tree Preservation Order No 2 (Clayton-Le-Woods) 2012.
4. The Town and Country Planning (Tree Preservation) (England) Regulations 2012/605 (The Regulations) came into force 6 April 2012. In accordance with The Regulations any confirmation of an order as an unopposed order after the period of 6 months from the date that the order is made ceases to have legal effect. The time for confirmation of the Order as an unopposed order had lapsed. Thereby the protection conferred on the trees covered by the Order has lapsed.
5. Revocation of Tree Preservation Order No 2 (Clayton-Le-Woods) 2012 is necessary to allow a fresh Tree Preservation Order to be made, Tree Preservation Order No.2 (Clayton-Le-Woods) 2013, which will protect the trees covered by the order with provisional force for a 6 month period from the date that the Order is made.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

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

BACKGROUND

7. The Order was made on the 3 February 2012 pursuant to the Town and Country Planning (Trees) Regulations 1999 as amended by the Town and Country Planning (Trees) (Amendments) (England) Regulations 2008. The Order was made because on the assessment of the Council’s Planning Officer the trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public
8. Due to land ownership issues it has not been possible to serve a copy of the order on all those with an interest in the land within the 6 months from the date on which the order was made.
9. The Town and Country Planning (Tree Preservation) (England) Regulations 2012/605 came into force on 6 April 2012. The Regulations now enforce differ from the Town and Country Planning (Trees) Regulations 1999 As amended by the Town and Country Planning (Trees) (Amendments) (England) Regulations 2008 in that Part 2 Regulation 4 of The Regulations state that the Order must be confirmed no later than the expiration of the period of six months beginning with the date on which the order is made. Part 7 Regulation 26 applies transitional provisions to orders made before the Regulations came into force which have not been confirmed. Part 7, Regulation 26 2 (b) confirms that Order must be confirmed with 6 months from the date of commencement.
10. The Order was made on 3 February 2012 and was not confirmed within 6 months from the date that the order was made or commencement. As a Tree Preservation order must be confirmed within a 6 month time limit from the date that the order is made or commencement, any confirmation made thereafter will cease to have legal effect. Therefore it is not open to the Council to confirm the order an unopposed.
11. It is proposed that Tree Preservation Order No 2 (Clayton-Le-Woods) 2012 be revoked as it does not have legal force and the Council cannot confirm the order as unopposed to give the order permanent legal effect as it is outside the 6 month time limit imposed by The Regulations.
12. The Council’s Planning Officer has assessed the trees and confirms that the trees continue to make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public.
13. Upon revocation of Tree Preservation Order No 2 (Clayton-Le-Woods) 2012 a new Tree Preservation Order will be made, Tree Preservation Order No.2 (Clayton-Le-Woods) 2013 which will protect the trees with provisional force for a 6 month period, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc, any of the trees covered by the Orders without first having obtained lawful permission.

IMPLICATIONS OF REPORT

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

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	

No significant implications in this area	x	Policy and Communications	
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COMMENTS OF THE STATUTORY FINANCE OFFICER

1. If the trees were to be lopped or pruned or chopped in breach of the order the Council would incur staff costs in any criminal investigation and prosecution. Staff costs in the Planning Department are also involved when dealing with applications for consent to work to protected trees.

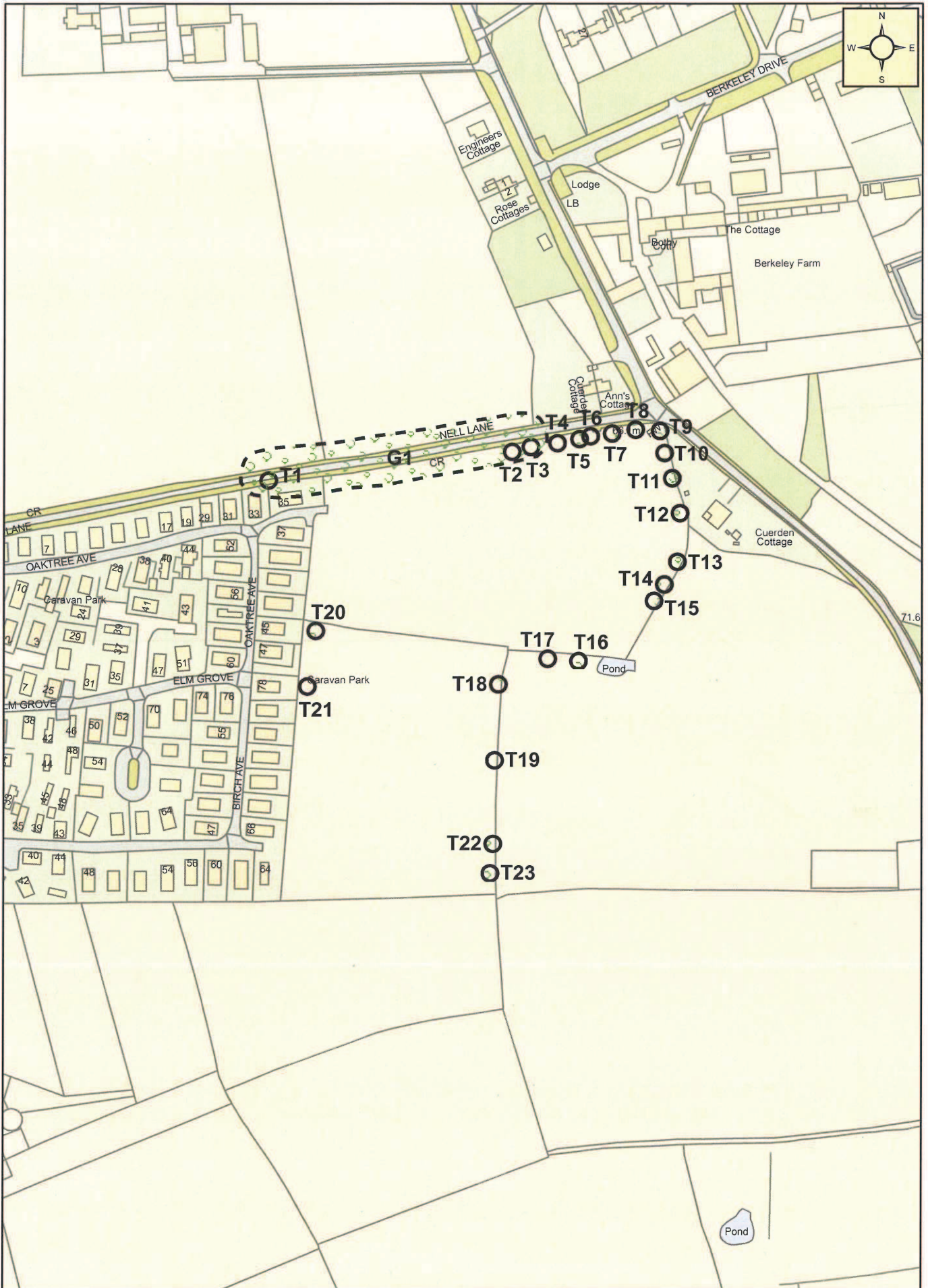
COMMENTS OF THE MONITORING OFFICER

2. The legal effect of the order are addressed within the body of the report.

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Jodi Fitzpatrick	5112	20 February 2013	032276

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Report of	Meeting	Date
Head of Governance	Development Control Committee	5 March 2013

PROPOSED REVOCATION OF TREE PRESERVATION ORDER NO.14 (CHORLEY) 2011

PURPOSE OF REPORT

1. To consider formal revocation of the Tree Preservation Order No.14 (Chorley) 2011.

RECOMMENDATION(S)

2. That Tree Preservation Order No.14 (Chorley) 2011 is revoked to allow a fresh order to be made to protect the trees covered by the Order.

EXECUTIVE SUMMARY OF REPORT

3. Formal revocation of Tree Preservation Order No.14 (Chorley) 2011.
4. The Town and Country Planning (Tree Preservation) (England) Regulations 2012/605 (The Regulations) came into force 6 April 2012. In accordance with The Regulations any confirmation of an order as an unopposed order after the period of 6 months from the date that the order is made ceases to have legal effect. The time for confirmation of the Order as an unopposed order had lapsed. Thereby the protection conferred on the trees covered by the Order has lapsed.
5. Revocation of Tree Preservation Order No.14 (Chorley) 2011 is necessary to allow a fresh Tree Preservation Order to be made, Tree Preservation Order No.4 (Chorley) 2013, which will protect the trees covered by the order with provisional force for a 6 month period from the date that the Order is made.

Confidential report Please bold as appropriate	Yes	No

CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

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

BACKGROUND

7. The Order was made on the 26 October 2011. The Order was made and served along with the statutory notice prescribed in the Town and Country Planning (Trees) Regulations 1999 as amended by the Town and Country Planning (Trees) (Amendments) (England) Regulations 2008 on all those with an interest in the land on which the trees are situated on the 26 October 2011. The Order was made because on the assessment of the Council's Planning Officer the trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public
8. No objection was been received in response to the making of the above Order.
9. The Town and Country Planning (Tree Preservation) (England) Regulations 2012/605 came into force on 6 April 2012. The Regulations now enforce differ from the Town and Country Planning (Trees) Regulations 1999 As amended by the Town and Country Planning (Trees) (Amendments) (England) Regulations 2008 in that Part 2 Regulation 4 of The Regulations state that the Order must be confirmed no later than the expiration of the period of six months beginning with the date on which the order is made. Part 7 Regulation 26 applies transitional provisions to orders made before the Regulations came into force which have not been confirmed. Part 7, Regulation 26 2 (b) confirms that Order must be confirmed with 6 months from the date of commencement.
10. The Order was made on 26 October 2011 and was not confirmed within 6 months from the date that the order was made or commencement. As a Tree Preservation order must be confirmed within a 6 month time limit from the date that the order is made or commencement, any confirmation made thereafter will cease to have legal effect. Therefore it is not open to the Council to confirm the order an unopposed.
11. It is proposed that Tree Preservation Order No.14 (Chorley) 2011 be revoked as it does not have legal force and the Council cannot confirm the order as unopposed to give the order permanent legal effect as it is outside the 6 month time limit imposed by The Regulations.
12. The Council's Planning Officer has assessed the trees and confirms that the trees continue to make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public.
13. Upon revocation of Tree Preservation Order No.14 (Chorley) 2011 a new Tree Preservation Order will be made, Tree Preservation Order No.4 (Chorley) 2013 which will protect the trees with provisional force for a 6 month period, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc, any of the trees covered by the Orders without first having obtained lawful permission.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

1. If the trees were to be lopped or pruned or chopped in breach of the order the Council would incur staff costs in any criminal investigation and prosecution. Staff costs in the Planning Department are also involved when dealing with applications for consent to work to protected trees.

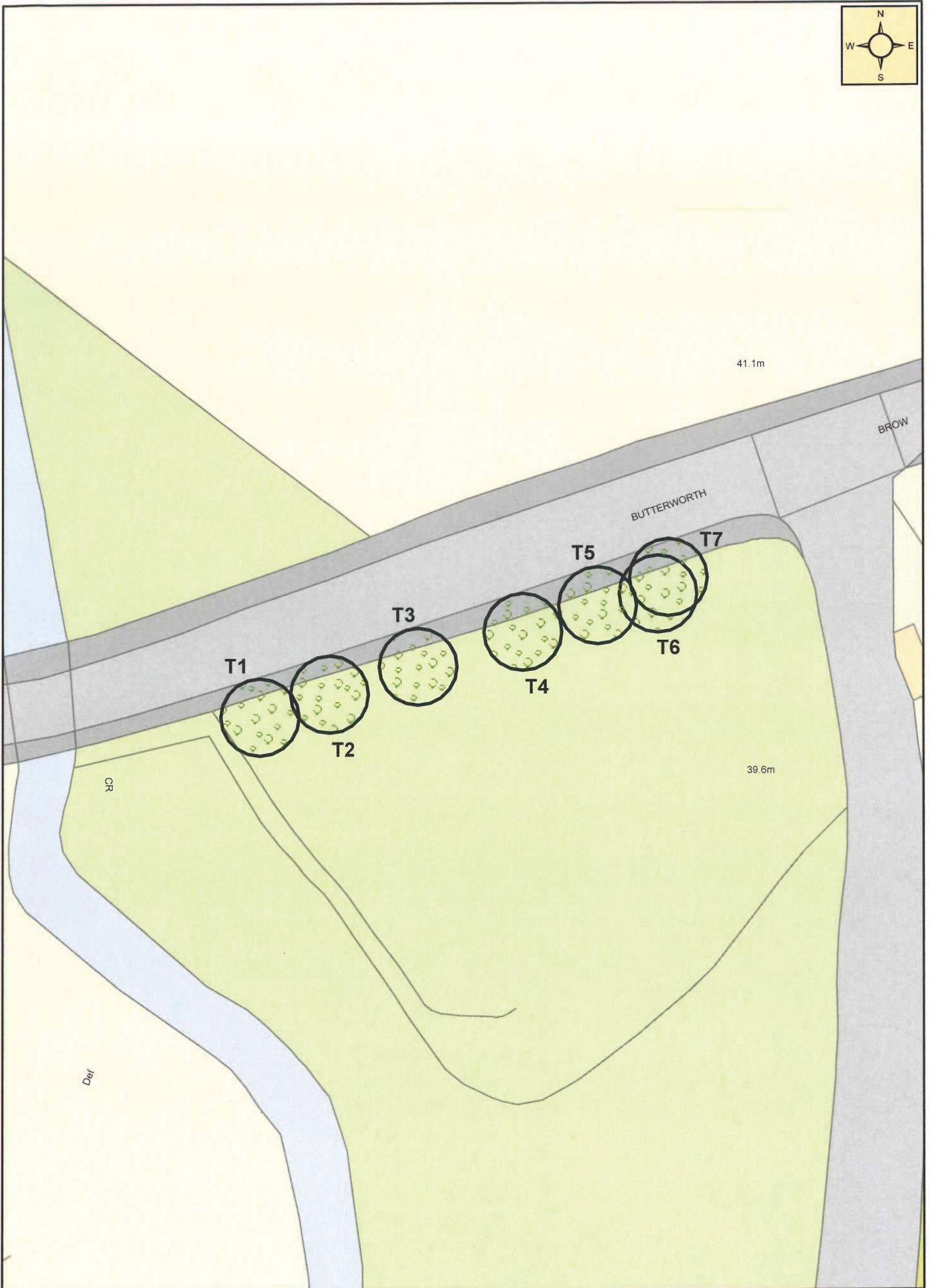
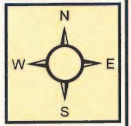
COMMENTS OF THE MONITORING OFFICER

2. The legal effect of the order and the consequences of breach are addressed within the body of the report.

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Jodi Fitzpatrick	5112		

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Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	5 March 2013

PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 25 JANUARY AND 21 FEBRUARY 2013

PLANNING APPEALS LODGED

1. Appeal by Mr Anthony Dovaston against the delegated refusal of Planning Permission for Outline application for the erection of a detached dwelling (resubmission of application 12/00504/OUT) at 25 Preston Road, Whittle-le-Woods, PR6 7PE (Planning Application: 12/00904/OUT Inspectorate Reference: APP/D2320/A/13/2191531). Planning Inspectorate letter received 5 February 2013.

PLANNING APPEALS DISMISSED

2. Appeal by Mr A.E. Sumner and Ms J. Stevens against the Committee refusal of Outline Planning Permission for the erection of two detached bungalows at 11 Sutton Grove, Chorley PR6 8UL (Planning Application 12/00193/OUT Inspectorate Reference APP/D2320/A/12/2178272). Planning Inspectorate letter dismissing the appeal received 5 February 2013. The Inspector did allow an award of costs in part limited to those costs incurred in the appellant addressing the Council's *Interim Policy on Private Residential Garden Development, October 2010*.
3. Appeal by Mr S. Smith against the delegated refusal of Full Planning Permission for Change of use from ground floor office accommodation to one bedroom flat at Boatel Cruises, 7 Botany Bay, Chorley PR6 9AE (Planning Application 12/00356/COU Inspectorate Reference APP/D2320/A/12/2182135). Planning Inspectorate letter dismissing the appeal received 18 February 2013.

PLANNING APPEALS ALLOWED

4. Appeal by Mr Paul and Mrs Lucy McGuigan against the delegated refusal of Full Planning Permission for the erection of a detached double garage at The Coach House, Chorley Road, Withnell PR6 8BG (Planning Application: 12/01114/FUL Inspectorate Reference APP/D2320/D/13/2191230). Planning Inspectorate letter allowing the appeal received 21 February 2013 and development allowed subject to conditions.

PLANNING APPEALS WITHDRAWN

5. None.

ENFORCEMENT APPEALS LODGED

6. Appeal by Mr Sean Sculfor against Enforcement Notice EN646 without planning permission the conversion of a garage and pedestrian access pathway to provide additional living accommodation at 10 Blacksmith Walks, Buckshaw Village PR7 7BP (Enforcement Notice

EN646 Inspectorate Reference: APP/D2320/C/13/2191607). Planning Inspectorate letter received 28 January 2013.

ENFORCEMENT APPEALS DISMISSED

7. None.

ENFORCEMENT APPEALS ALLOWED

8. None.

ENFORCEMENT APPEALS WITHDRAWN

9. None.

LANCASHIRE COUNTY COUNCIL DECISIONS

10. None

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

Lesley-Ann Fenton
DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Robert Rimmer	5221	21/02/2013	***