



# Development Control Committee

Agenda and Reports

For consideration on

**Tuesday, 23rd April 2013**

In the Lancastrian Room, 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.

12 April 2013

Dear Councillor

## **DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 23RD APRIL 2013**

You are invited to attend a meeting of the Development Control Committee to be held in the Lancastrian Room, Town Hall, Chorley on Tuesday, 23rd April 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 - 4)**

To confirm the minutes of the Development Control Committee held on 26 March 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 eight report 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://chorley.gov.uk/Pages/AtoZ/Planning.aspx>

- (a) 13/00168/FUL - Naylor & Walkden, Hatton House, 15 Hatton Street, Adlington, Chorley (Pages 5 - 10)

**Proposal**

Change of use of an existing vacant office building to a bed and breakfast guest house (Use Class C1) with proprietor's accommodation

**Recommendation**

Permit full planning permission

- (b) 13/00138/REMAJ - Land South of Cuerden Farm and Woodcocks Farm and land north of Caton Drive, Wigan Road, Clayton-le-Woods (report and plans to follow)

**Proposal**

Reserved matters application pursuant to outline planning permission 11/01085/OUTMAJ for the erection of 294 dwellings, associated highways infrastructure, car parking and pedestrian / cycle routes, formal and informal open space provision and associated works

**Recommendation**

Permit full planning permission

- (c) 13/00062/FULMAJ - Burrows (Grass Machinery) Limited, Wigan Road, Clayton-le-Woods, Leyland, PR25 5SD (Pages 11 - 24)

**Proposal**

Erection of 14 no. detached two and a half storey dwellings, associated garaging and infrastructure

**Recommendation**

Permit (subject to Legal Agreement)

- (d) 13/00202/FUL - Home Farm, Grape Lane, Croston, Leyland PR26 9HB (Pages 25 - 28)

**Proposal**

New agricultural dwelling house

**Recommendation**

Refuse full planning permission

- (e) 13/00203/FULMAJ - Unit 7 and 9 Revolution Park, Buckshaw Avenue, Buckshaw Village, Chorley (Pages 29 - 46)

**Proposal**

Section 73 application to vary condition 4 (approved plans) and condition 37 (implementation of approved landscaping scheme) attached to planning approval 12/00911/FULMAJ to allow for amendments to the planting scheme and the timescale for planting the western landscape buffer associated with Plot B

**Recommendation**

Permit full planning permission

- (f) 13/00076/OUTMAJ - Hospital Car Park, Preston Road, Chorley (Pages 47 - 56)

**Proposal**

Application for a new planning permission to replace the extant outline planning permission no. 09/00033/OUTMAJ (which permitted the demolition of the existing building and erection of a 4 storey apartment building providing 28 one and two bed roomed apartments with associated car parking) in order to extend time limit for implementation

**Recommendation**

Permit (subject to Legal Agreement)

- (g) 13/00166/FUL - Hospital Car Park, Preston Road, Chorley (Pages 57 - 60)

**Proposal**

Application to extend the temporary permission for the use of the site as a hospital car park for a 3 year period

**Recommendation**

Permit full planning permission

- (h) 13/00072/FUL - Visitors Centre, Yarrow Valley Country Park, Birkacre Road, Chorley, PR7 3RN (Pages 61 - 66)

**Proposal**

Change of use from Visitors Centre (sui generis) to a mixed use of Visitors Centre (sui generis) and A3 cafe, erection of a canopy to front entrance (4m x 2.5m) and additional flagged area to south and west elevations with drainage to perimeter to be connected to existing surface water system

**Recommendation**

Permit full planning permission

5. **Enforcement Report** (Pages 67 - 74)

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

6. **Proposed Supplemental Planning Obligation** (Pages 75 - 80)

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

7. **Planning appeals and decisions** (Pages 81 - 82)

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

8. **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 Henry Counce, Jean Cronshaw, John Dalton, David Dickinson, Dennis Edgerley, Christopher France, Danny Gee, Harold Heaton, Steve Holgate, Roy Lees, Greg Morgan, Geoffrey Russell and Vacancy) for attendance.
2. Agenda and reports to Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), 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  
or on audio tape, or translated into your own language.  
Please telephone 01257 515118 to access this service.**

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

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

01257 515823

کیجئے:

**Development Control Committee****Tuesday, 26 March 2013**

**Present:** 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, Roy Lees and Geoffrey Russell

**Substitutes:** Councillor Matthew Crow and Mick Muncaster

**Also in attendance:**

**Councillors:** Kim Snape, Alison Hansford and Paul Leadbetter

**Officers:** Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Paul Whittingham (Development Control Team Leader), Alex Jackson (Senior Lawyer), Nicola Hopkins (Principal Planning Officer (Major Projects)) and Cathryn Filbin (Democratic and Member Services Officer)

**13.DC.21 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Steve Holgate and Greg Morgan. Councillors Matthew Crow and Mick Muncaster attended the meeting as their respective substitutes.

**13.DC.22 MINUTES**

**RESOLVED – That the minutes of the Development Control Committee held on 5 March 2013 be confirmed as a correct record and signed by the Chair.**

**13.DC.23 DECLARATIONS OF ANY INTERESTS**

There were no declarations of any interest submitted.

**13.DC.24 PLANNING APPLICATIONS TO BE DETERMINED**

The Director of Partnerships, Planning and Policy submitted four applications for planning permission and two which required agreement on the conditions.

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

- a) **Application:** 12/00895/FULMAJ - **Proposal:** Residential development of 14 Land 80m south west of Appenzell no. two-storey 4 and 5 bedroom detached Babylon Lane Heath Charnock houses

**Speakers:** Objector – Graham Ashworth, Ward Councillor – Councillor Kim Snape

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

- b) **Application:** 12/01081/FULMAJ - **Proposal:** Erection of 38 dwellings  
Land west of Cypress Close,  
Clayton-le-Woods

**Speakers:** Objector – Anthony Ingham, applicant’s agent – Hayley Knight

**RESOLVED (12:2:1) – That full planning permission be approved subject to a Section 106 legal agreement, the conditions detailed within the report in the agenda, the additional and amended conditions detailed within the addendum.**

- c) **Application:** 12/01247/FULMAJ - **Proposal:** Development of 70 dwellings  
Site of former Social and Athletic and associated infrastructure  
Club Duke Street Chorley

**RESOLVED (Unanimously) – That planning permission be approved subject to a Section 106 legal agreement, the conditions detailed within the report in the agenda, the additional and amended conditions detailed in the addendum and a condition relating to the installation of fencing on the boundary line.**

- d) **Application:** 12/01211/OUTMAJ - **Proposal:** Application to extend the time  
Finnington Industrial Estate, limit to implement previous permission ref:  
Finnington Lane, Feniscowles, 09/00825/OUTMAJ which was an outline  
Withnell permission for demolition of existing  
buildings, erection of 15 units for mixed  
use of office and living accommodation,  
formation of new access to Finnington  
Lance, landscaping and laying out of new  
road and parking areas together with  
provision of washroom /WC building for  
canal-boat users (Section 73 application)

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

At this point the Chair announced that the following two items which related to Logwood Stables, Brinscall Mill Road, Wheelton, Chorley would be heard jointly but that the resolutions would be taken separately.

- e) **Application:** 13/00034/FUL - **Proposal:** Erection of an equestrian horse  
Logwood Stables Brinscall Mill Road breeding and training facility comprising  
Wheelton Chorley PR6 8TD new stables, tack room and storage,  
Creation of open dressage arena and  
associated parking areas

**RESOVLED (11:0:4) – That the conditions detailed within the report as amended in the addendum be approved as it was felt they adequately secured the proposals which were considered and approved at the Development Control Committee on 5 March 2013.**



- f) **Application:** 13/00035/FUL - **Proposal:** Retrospective application for: 1) Logwood Stables Brinscall Mill Road Wheelton Chorley PR6 8TD Engineering works including the formation of tracks and roadways within the site, works to form pond, repairs to the public footpath 2) Erection of stables on the site for a temporary period.

**RESOVLED (11:0:4) – That the conditions detailed within the report be approved as it was felt they adequately secured the proposals which were considered and approved at the Development Control Committee on 5 March 2013.**

#### **13.DC.25 PLANNING APPEALS AND DECISIONS**

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

Chair

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<b>Item 4a</b>	<b>13/00168/FUL</b>
<b>Case Officer</b>	<b>Caron Taylor</b>
<b>Ward</b>	<b>Adlington And Anderton</b>
<b>Proposal</b>	<b>Change of use of an existing vacant office building to a Bed &amp; Breakfast Guest House (Use Class C1) with proprietor's accommodation.</b>
<b>Location</b>	<b>Naylor &amp; Walkden Hatton House 15 Hatton Street Adlington Chorley</b>
<b>Applicant</b>	<b>Shutter Doors Services Property Ltd</b>
<b>Consultation expiry:</b>	<b>8 April 2013</b>
<b>Application expiry:</b>	<b>24 April 2013</b>

**Proposal**

1. Change of use of an existing vacant office building to a Bed & Breakfast Guest House (Use Class C1) with proprietor's accommodation.

**Recommendation**

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

**Main Issues**

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

**Representations**

4. 58 letters of objection have been received on the following grounds:
  - Very concerned about the potential impact that this may have on what is a very quiet residential area;
  - Who is it anticipated will use this facility? This is effectively an industrial site. Not an ideal location for a bed and breakfast. Will it in reality be used to house low paid transient workers or possibly some sort of hostel accommodation?;
  - There is no need for a bed and breakfast in Adlington. As there are already 3 bed and breakfasts within ½ a mile of the centre of Adlington. The White Bear has 3 bedrooms and they struggle to fill them. Ivy House also has multiple rooms and struggles to fill them and also the same applies to The Bay Horse on Babylon Lane. In fact 2 local bed and breakfasts have recently closed down due to lack of custom. One of them being Briarfield House, Bolton Road, Anderton, this being a mile from the centre of Adlington and the other also a mile away, Sunnysdale, Grimeford Lane. These places closed down because there is clearly not the demand for such places and certainly not in such a strange and off the beaten track place as this proposed site. What else is in store once they can secure the planning permission?;
  - They are intending to apply for a license to sell alcohol. There are families with young children in this area and one in particular 20 yards from the proposed site. If they had wanted to live across from a pub they are sure that is where they would have bought a home;

- The applicant has blocked off with high fencing (blocking out light and basically making the locals feel like they are being imprisoned) a passage which has been communal and used on a regular basis by the properties on Harrison Road;
  - This is a mixed community and they do not see anybody welcoming such an establishment. It is antisocial and apart from being totally unnecessary in this area it will cause high traffic pollution on a road that is clearly not built for such traffic and also the local residents (elderly as well as young families) will have to endure heavy traffic and noise in an area which is clearly not suitable for such an establishment;
  - The use will require 24 hour access. It will be detrimental to the local area in terms of noise, nuisance and disturbance;
  - The fire escape will require 24 hour lighting which will cause a nuisance;
  - The Local Plan does not require any further hotel (C1 use) development in the borough and there are unimplemented planning consents for this use type. There is indeed a surplus;
  - Other bed and breakfasts in Adlington have failed and now stand derelict. Another failed and derelict businesses must not be allowed in the area;
  - There is already low cost accommodation in the area. If it is so cheap it is likely to be a multiple occupancy hostel or common lodging house;
  - It will unquestionably increase the risk of crime in the area and prejudice the adjacent business premises;
  - It will damage the prospects for economic improvement over the whole of Adlington and beyond;
  - It will have a severe impact on local policing;
  - The issues associated with a 24 hour use were not an issue when it was a 9-5 office;
  - Parking is already limited in the area and it will restrict access for emergency vehicles
5. 3 letters of support have been received on the following grounds:
- It will be better than what was there before wagons and cars passing all day people should welcome new business and jobs in their local area and stop moaning it could be worst it could be left to go to ruin and be an eyesore on their neighbours;
  - They support new businesses in the area, new jobs will be created, and an old site will be transformed for the better rather than sitting empty. The former site was extremely busy with transport and constant movement, for 30 years. The new proposal is for a small bed and breakfast not a night club or worse that could make noise 24/7, why would you choose to live next to such a site in the first place, it's always been industrial. They support them for bringing a local business Adlington and saving a site from ruin.
6. Adlington Town Council objects strongly to the application for the following reasons:
- The development is inappropriate for a residential area which also includes sheltered accommodation for elderly residents;
  - The change of use to class C1 (hotel or hostel) [it should be noted that a C1 use does not cover hostels] will change the demographic of the area and does not form part of the current or proposed Chorley Local Plan;
  - The pattern of traffic access to the site will be spread over a wider range of times during the day and is likely to be heavier than for the previous office use. The roads around the site are narrow and mainly residential and additional traffic would cause access problems for residents;
  - There is no provision for parking in the area surrounding the proposed development. The plans include one parking space per room/member of staff but this would be inadequate to accommodate visitors or multiple room occupancy and any additional parking would restrict access for residents;
  - Additional traffic and parked vehicles would also make access more difficult for emergency and utility vehicles;
  - There is only one access route to the site via Harrison Road which at its junction with the A6 is narrow and has poor visibility.

The Town Council also requests that this application is considered by the Development Control Committee and that the decision is not made under Delegated Powers.

**Consultations****7. Chorley Planning Policy**

They consider the applicant has fully covered the requirements of Core Strategy Policy 10 and the relevant Supplementary Planning Document – Controlling re- use of employment premises.

8. They also consider the building proposed as proprietor's accommodation does not require marketing because it is ancillary to the Bed and Breakfast guest house. This part of the proposal is adjacent to existing residential properties and will act as a buffer to the guest house.

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

Comments will be placed on the addendum; however the proposal will use the existing access and parking which is assessed below.

**Applicant's Case**

10. The proposal will provide seven en-suite, double guest bedrooms including a ground floor family room with full disabled access facilities. At ground floor level a kitchen and dining restaurant area will be provided together with a reception office and toilet accommodation. Access to the building will be via the existing front entrance doorway leading to the car park. A new internal emergency escape staircase will be provided at the rear of the building leading to an enclosed garden area wrapping around the rear of the building and providing separation from the commercial premises to the rear. Separate proprietor family accommodation is proposed within the former stone cottages with direct access to the guest house at ground floor level. Enclosure of the rear garden areas as proposed will not prejudice use of the rear commercial yard and premises. Furthermore, the main workshop opposite will remain fully functional with self-contained office, yard and access arrangements.

**Assessment**Background information

11. The application site is a vacant office building with car park to the front, last used by Naylor and Walkden, a joinery and shop fitting contractor. It is accessed from Hatton Street off Harrison Road.
12. Shutter Doors Services Property Ltd now owns the site and the surrounding land and buildings to the east and west which are also in commercial use. Opposite the site on the other side of Hatton Street is the main joinery workshop premises which have its own access and yard accessed down the site of number 16 Hatton Street a residential property.
13. To the rear of the building (to the east) there is also a yard and a building currently in use as a car valeting business. To the south is a mono-pitched storage building and further yard area. Both of these are accessed off Atherton Street.
14. There are two residential properties opposite the site on Hatton Street and terraced houses backing on to the site located on Harrison Road to the north.
15. The application building has two distinct parts; a pair of former stone cottages (15 and 17 Hatton Street) and a larger, newer brick building attached to the cottages. All of the building is in office use with a reception on entry. The agent advises that the building extends to around 510m<sup>2</sup> (5,500 sq. ft.) in area over 2 floors.

Principle of the development

16. The application site is within the settlement of Adlington within the adopted and emerging Local Plans where there is a presumption in favour of appropriate development, subject to normal planning considerations and other policies and proposals of the plan.
17. Core Strategy Policy 10 covers the Re-use of Employment Sites and seeks to retain sites for B Class uses. Where a site is proposed for another use it states that they will be assessed under a number of criteria:

- (a) there would not be an unacceptable reduction on the type, quality or quantity of employment land supply;
  - (b) the provision and need for the proposed use;
  - (c) the relative suitability of the site for employment and for the alternative use;
  - (d) the location of the site and its relationship to other uses;
  - (e) whether the ability to accommodate smaller scale requirements would be compromised;
  - (f) there would be a net improvement in amenity.
18. It is considered that the proposal will still provide employment in the area, albeit in fewer numbers, however it also has to be considered that the site has been empty and advertised without success since June last year. It is not considered that the proposal will prejudice surrounding commercial uses. The Councils Planning Policy Team considers the proposal does comply with Policy 10.
19. In addition the Framework states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. The Framework places great weight on the planning system supporting businesses and economic growth.
20. It is considered that the proposal complies with saved Local Plan Policy LT3. Although there are commercial buildings around the site these are in the same ownership as the applicant and they therefore have control over these uses. Changes to the external appearance of the existing building will be minimal. The site is within walking distance of Adlington. The issue of impact on local residents will be discussed below.

#### Impact on the neighbours

21. The lawful use of the building is as offices. The issue in neighbour amenity terms is whether a bed and breakfast guest house with proprietor's accommodation would have a greater impact on the surrounding properties than the lawful use.
22. The existing office has the equivalent of 24 small single offices within it so if brought back into use there could potentially be a lot of people working there. The proposed bed and breakfast guest house layout proposes seven bedrooms along with communal areas and an attached four bed property for the proprietors.
23. The main impact of the proposal on the surrounding properties will be from the comings and goings to the bed and breakfast guest house and the parking associated with this.
24. Although previous office uses generally operated from 9-5 during the week, there is no hours condition on the building restricting its opening hours. Although a bed and breakfast guest house would be in use outside these hours, it is not considered the use is one that is so different from an office it would cause such noise and disturbance that it would be unacceptable in a residential area.
25. The nearest properties to the existing building are those on Harrison Road that back onto the side of the stone part of the building and the land to the rear and numbers 16 and 18 Hatton Street that are opposite the stone cottages. The stone cottages will be converted to a four bedroom property for the proprietors of the bed and breakfast guest house with a garden area created to the rear, a use that is considered will be more appropriate sited immediately next to and opposite the residential properties than the current office use.

#### Design

26. The proposal will not involve extending the building and external alterations will be minimal; changing one of the front doors in the former stone cottages to a window; a door in the office building to a window; bricking up of a door in the rear elevation of the office building and the insertion of two sets of patio doors in the rear of the former stone cottages. The parking area is existing and will remain, but will be marked out. The design is considered acceptable.

Trees and Landscape

27. There are no trees on the site that will be affected by the proposal as it is largely laid with hard surfacing.

Flood Risk

28. The site is not within a flood zone as identified by the Environment Agency and therefore a Flood Risk Assessment is not required.

Traffic and Transport

29. One of the main issues with the proposal is parking and access. It is accepted that Hatton Street is a narrow road accessed from Harrison Road off Chorley Road (the A6), however the proposed bed and breakfast guest house with proprietor's accommodation is likely to generate less traffic than the office use could, given its size and it is not considered the Council could refuse the application on traffic levels given the lawful use of the building.
30. In terms of parking the Council's parking standards require one space per bedroom plus staff and three spaces for a four-bed property. An amended plan has been received showing 15 spaces for the building. Three staff spaces to the rear and twelve to the front of the building (including one disabled bay) which is in line with these standards. There would in addition to the 15 marked bays be a casual space within the site against the existing low level wall and one of the members of staff would be resident on site anyway. The parking is therefore considered acceptable in relation to the use to avoid on-street parking in the area.

Other Issues Raised

31. It is noted that residents refer to who may use the bed and breakfast guesthouse however this is not something the Council can take into account when determining the application, it can only look at the land use planning issues associated with the use applied for. Some objectors refer to a use of the building as a hostel, however this is not what is applied for and does not fall with the C1 Use Class which covers hotels, boarding and guest houses where no significant element of care is provided. A hostel would be a Sui Generis use (one that does not fall within any Use Class).
32. The Local Plan does not set our requirements for such uses within the Borough and therefore applications should be considered on their merits as has been done above.
33. In response to comments made in relation to the premises serving alcohol, the application is not for a public house and alcohol licensing is controlled through separate legislation, so it not something that can be controlled through the planning system. The premises would need to apply for an alcohol license if they wished to serve alcohol.
34. There is no external fire escape on the building, and it is not considered that any lighting would be more than expected on a residential property.
35. Although other similar businesses in the area may not have been commercially successful does not preclude a new establishment from opening. The Framework seeks to support new businesses.
36. Access to a passage at the side of the property is a private issue between the applicant and residents. Fencing has been erected adjacent to residential properties but does not require planning permission providing it is no higher than 2m (measured from the ground level on which it stands).

**Overall Conclusion**

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

**Planning Policies**National Planning Policies:

The National Planning Policy Framework.

Adopted Chorley Borough Local Plan Review

Policies: LT3, TR4

**Relevant Planning History****89/00025/FUL** Construction of two storey side extension to office block. Permitted April 1989**90/00501/FUL** Replacement of flat roof by a pitched roof and use for storage. Permitted June 1990**98/00843/FUL** First floor rear extension (linking old stone cottages). Permitted February 1999**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. 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 shall be inserted or constructed at any time at first floor level or above in the north west elevation of the proprietors accommodation dwelling hereby permitted.

*Reason: To protect the amenities and privacy of the adjoining properties on Harrison Road and in accordance with Policy HS9 of the Adopted Chorley Borough Local Plan Review.*

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

Title		Drawing Reference	Received date
Location Plan		1301 03	22 February 2013
Proposed Site Plan		1301 04 Rev B	8 April 2013
Proposed Plans	&	1301 10 Rev A	4 April 2013
Elevations			

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

4. The proprietors accommodation hereby permitted shall be occupied and used only in conjunction with the bed and breakfast guest house hereby permitted and shall not be used as an unassociated dwelling. *Reason: To ensure there is sufficient parking for the dwelling and bed and breakfast guest house and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan.*

5. The parking facilities shown on the plans hereby approved shall be marked out and made available in accordance with the approved plan prior to the occupation of either the proprietors accommodation or the bed and breakfast guest house; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995).

*Reason: To ensure provision of adequate off-street parking facilities within the site and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*



<b>Item 4c</b>	<b>13/00062/FULMAJ</b>
<b>Case Officer</b>	<b>Matthew Banks</b>
<b>Ward</b>	<b>Clayton-le-Woods West And Cuerden</b>
<b>Proposal</b>	<b>Erection of 14 no. detached two and a half storey dwellings, associated garaging and infrastructure.</b>
<b>Location</b>	<b>Burrows (Grass Machinery) Limited Wigan Road Clayton-Le-Woods LeylandPR25 5SD</b>
<b>Applicant</b>	<b>Arley Homes NW Limited</b>
<b>Consultation expiry:</b>	<b>15 April 2013</b>
<b>Application expiry:</b>	<b>24 April 2013</b>

### **Proposal**

1. This application seeks permission for the erection of 14 no. detached two and a half storey dwellings, associated garaging and infrastructure.

### **Recommendation**

2. It is recommended that this application is granted full conditional planning approval subject to the signing of an associated Section 106 Agreement.

### **Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Principle of the development;
  - Density;
  - Impact on neighbour amenity;
  - Levels;
  - Design and layout
  - Trees and Landscape;
  - Ecology;
  - Impact on highways, access and parking;
  - Drainage and Sewers;
  - Section 106 Agreement.

### **Representations**

4. Two letters of objection have been received, the contents of which can be summarised as follows:
  - The highway aspect of this development will need to be considered carefully as it is close to Moss Lane. Traffic leaves Moss Lane trying to turn right and people travel from the Hayrick lights at an excessive speed. The speed limit could be reconsidered.
  - Plot 14 would be built within close proximity to Oaktree Bungalow which will take light from the windows and result in overlooking and loss of privacy to two habitable rooms;
  - Does the dwelling at plot 14 need to be 2.5 stories high?
  - The first floor window in the side elevation of plot 14 will have direct views into the lounge, dining room and kitchen of Oaktree Bungalow. The first floor window should have frosted glass;
  - Flooding and drainage is of serious concern as the water table in this area is very high;
  - Hard landscaping of the grassed areas within each plot will lead to excess rain water;
  - The new drainage/flood defences should be sufficient to alleviate any flooding in the future before it becomes costly for nearby residents.

**Consultations**

8. **Lancashire County Council Highways** – raise no objection to the application, however, request that the highway conditions attached to the two previous applications are imposed with this application.
9. LCC Highways have also requested a contribution of £42,000 to be secured through a Section 278 Highways agreement to improve the 2no. existing bus stops on Wigan Road near the junction with Lancaster Lane and to provide a new footway along Wigan Road.
10. **Lancashire County Council Ecology** – Consider that a number of issues should be addressed/considered before the application can be determined favourably.
11. This specifically concerns part of an existing pond within the curtilage of plot 6. LCC Ecology consider that unless any purchase of plot 6 comes with some form of legal obligation to retain and appropriately manage this pond, the development could mean the future existence and appropriate management of the pond cannot be guaranteed. This could result in the potential loss of the pond. LCC Ecology therefore consider that the applicant should demonstrate the pond will be retained, protected and will be appropriately managed in the long term.
12. LCC Ecology have also suggested a number of standard conditions and informatives to be imposed if permission is granted.
13. **Lancashire County Council Education** – Consider that a contribution of £59,402 is required for the provision of 5no. Primary school places.
14. **Architectural Liaison Officer** – Raise no objection to the application, however, have noted that during the period 31/01/2012 to 31/01/2013 there have been reported crimes and incidents within the immediate vicinity of this location (including burglary in a building other than a dwelling). As such, in order to prevent the opportunity for criminal activity a number of informatives have been recommended relating to design.
15. **CBC Waste and Contaminated land officer** – raises no objection to the development and considers the Remediation Validation Report to have satisfactory conclusions.
16. **CBC Environmental Health** – Raise no objection. A suitable noise assessment has been carried out. The recommendations contained within the report are accepted provided they are conditioned with any approval.
17. **CBC Planning Policy** – In accordance with Local Plan Policy HS21 a contribution of £19,306 is required. This equates to £1,190 for amenity greenspace, £5,964 for equipped play areas and £12,152 for playing pitches. This should be secured by Section 106 Agreement.
18. **Environment Agency** – Have no comments to make. Refer to standing advice.
19. **Public Right of Way Officer** – Raise no objection.
20. **United Utilities** – Raise no objection subject to conditions including a restriction on the surface water discharge rate from the site.
21. **Parish Council** – Consider the estate road to appear narrow.

**Assessment**Principle of the development

22. The site is within the settlement of Clayton-le-Woods as defined by the Adopted Chorley Borough Local Plan Review 2003. The site was last used for grass machinery sales, servicing, repairs, car sales and petrol station and is predominately a brownfield site.
23. Planning permission was first granted in September 2011 (ref: 11/00480/FULMAJ) for the erection of 13 detached dwellings which established the principle of developing the site for this purpose. A

subsequent planning application was approved in January 2012 (ref: 11/00894/FULMAJ) which granted permission for a different layout, accommodating 14 instead of 13 detached dwellings.

24. Since the most recent approval in 2012, the site has now been acquired by a different housing developer (Arley Homes) who is seeking to build a different range house types with a varied layout.
25. As such, taking into consideration the recent, extant planning consents at the site, the proposal for residential development is therefore considered to be acceptable in principle.

#### Density

26. The application site extends to an area of approximately 0.80 hectares. The provision of 14 dwellings on the site therefore equates to a density of 17 dwellings per hectare. This is considered to be slightly less than normal figure used by the Council, however, there are a number of site specific circumstances which have dictated this density. This includes the provision of a footpath along Wigan Road, that the properties nearest the road (plots 1 and 14) are set back significantly from the edge of the carriageway to respect the established building line and the constraints dictated by the pond positioned to the north-east of the site. Additionally, it is also relevant to note that the surrounding area is made up of properties occupying larger plots. As such, taking all relevant points into consideration, the density is considered acceptable for the local context.
27. It is also relevant to note that the density proposed with this application is the same as that previously accepted by the Council by permitting the application 11/00894/FULMAJ.

#### Impact on neighbour amenity

28. It has been noted that a letter of objection has been received from the occupier of the adjacent property Oaktree Bungalow. This neighbour has raised specific concerns outlined in more detail at the beginning of the report, however, many of the issues raised relate to the position of plot 14 and concerns of dominance, overlooking and loss of privacy.
29. It has been noted that Oaktree Bungalow is the only neighbouring property directly bounding the application site to the south. This property comprises a bungalow with a driveway and single width tandem garage attached to it on the side bounding with the application site. The property has a window, door and high level window in its northern elevation facing plot 14 which would have a two storey gable end nearest this boundary.
30. It has been noted that the original application for residential development permitted a double garage nearest this boundary and then a two storey detached dwelling under the previous application, the latter of which is similar to that proposed with the current application.
31. In terms of the proposed relationship, the side window of Oaktree Bungalow will face the gable end of the property at plot 14. However, a gap of approximately 5.5m will be maintained (the same gap as that approved with the previously approved application 11/00894/FULMAJ). Furthermore, such an arrangement is not considered to be an unusual relationship between residential properties.
32. It has been noted that the property at plot 14 includes a secondary access door at ground floor level and a narrow window at first floor level serving a bathroom. In terms of the impact on Oaktree Bungalow, the ground floor secondary access is not considered to result in any significant detrimental harm and is a feature often found to the side elevation of larger residential properties. Additionally, the first floor window would serve a bathroom (not a habitable room), would be conditioned to be obscure glazed and so would not result in any significant detrimental harm in respect of overlooking or loss of privacy.
33. In terms of overshadowing from the dwelling at plot 14, it has been acknowledged that the property would be two and a half stories high and so would be substantial in size. However, the proposed dwelling would be positioned directly north of Oaktree Bungalow and so whilst appearing visible, would not result in any overshadowing.

34. As such, it is not considered the occupier of Oaktree Bungalow would experience any significant detrimental harm in terms of their amenity to warrant refusal of the application on these grounds.
35. In terms of other outward neighbour relationships, it has been noted that the Secretary of State granted outline permission for 300 residential properties on land adjoining the site. The Council is also in receipt, and is considering an application for reserved matters pursuant to the outline application (ref: 13/00138/REMAJ). It is therefore relevant to consider the relationship between the proposed dwellings and those at the adjacent site.
36. To the north, plot 1 would face Wigan Road and would have no windows facing the adjacent site in a northerly direction. Therefore this relationship is considered acceptable.
37. Plots 2 and 3 would face the rear gardens of 2no. residential properties at the adjacent site, however, both would maintain a distance of 10m to the northern site boundary and so would be in accordance with the Council's adopted interface distances (which require a minimum distance of 10m).
38. The distance between the rear elevations of Plots 4 and 5 and the northern site boundary would be marginally shorter than required at 9.88m and 9.82m respectively. However, it is also relevant to note that these properties would overlook a turning head at the adjacent site and so the marginal shortfall in interface distance would not result in the loss of private amenity space of a nearby plot. Furthermore, it is relevant to note that where the first floor windows of the properties at plots 2-5 would directly face dwellings at the adjacent site, they would face the gable ends and so there would be no detrimental harm in terms of overlooking or loss of privacy. As such, it is not considered a refusal of the application could be sustained in respect of this relationship.
39. Plots 6-9 would have habitable windows facing a number of residential properties and their respective gardens at the adjacent site. However, all these plots maintain a distance of over 10m in accordance with the adopted interface standards and where they face residential properties at the adjacent site, this once again would be gable ends.
40. The distance between the rear elevations of plots 10-13 and the southern site boundary would also accord with the adopted interface guidelines at over 10m and so this relationship is considered acceptable.
41. Concern was initially shown for the boundary treatment surrounding plot 6 and the adjacent site. The original plans showed part of the boundary treatment to comprise a 1.2m high field fence, however, this raised concern that such an arrangement would leave plot 6 with very limited private amenity space when viewed from the adjacent site. This relationship was made worse because of a pond (known as pond 7) positioned to the north-eastern site boundary would act as a focal point at the adjacent site. As such, amended plans have been submitted to overcome these concerns and replace the 1.2m high fence with a 1.8m high featheredged fence. This relationship is now considered acceptable.
42. Internally, each plot is now considered to maintain an acceptable relationship between one another and would retain sufficient private amenity space which is expected of a large detached property.

#### Levels

43. There will be approximately a 1m difference in levels between the properties on the frontage with Wigan Road and those to the rear of the site as the land raises gently from west to east. However, this would not be readily noticeable due to the length of the site and the gradual rise in levels.
44. The surrounding land is relatively level, comprising gentle undulating fields to the north and east. The levels proposed at the adjacent site are appropriate compared to those shown at the application site and would ensure both developments sit next to one another comfortably whilst not leading to any detrimental overlooking or loss of privacy.

45. The proposed levels are therefore considered to be acceptable when viewed internally within the site, when compared to those submitted with the application 13/00138/FULMAJ and when compared to those at neighbouring properties which already exist in the area.

#### Design and layout

46. The design and scale of the proposed dwellings are typical of a development being undertaken by a volume build developer in that they have a modern design with traditional feature elements. The design and scale of the dwellings and the plot sizes are however considered to be acceptable as they are similar to the dwellings in the surrounding area and other house types on the adjacent site.
47. The layout of the development is modern in character and has taken account of the site boundaries and the existing hedge lines and trees. Plots 1 and 14 are set back from Wigan Road with detached garages to the immediate south and north respectively. The building line created by these properties will respect the established building line of the properties to the south (the nearest comprising Oaktree Bungalow and Wyndom). The site access would be taken from the mid-part of the western site boundary and the layout would include a grassed area to the front, planted with fruit trees.
48. The site entrance would be gated approximately 25m back from the edge of the carriageway and would form a conventional cul-de-sac arrangement. Plots 2-5 would face in a southerly direction, plots 10-13 would face in a northerly direction and plots 6-9 would face in a westerly direction down the cul-de-sac towards Wigan Road.
49. Amendments have been sought during the application process to ensure the front driveways are long enough to form usable parking spaces, whilst the pedestrian access arrangements around the gated entrance have been improved to allow easier and safer access. The garage of plot 6 has been moved closer to the northern site boundary to improve the outlook from the property at plot 6 and the sizes of garages relating to plot 9 and 10 have been amended to ensure they also form usable parking spaces.
50. The proposed layout is considered to sit comfortably next to the proposed development at the adjacent site, particularly as it will be enclosed by a 1.8m high boundary treatment.
51. Consideration has also been given to the appearance of the development when viewed from the surrounding area and more specifically, the location of the pond to the north-east of the site. This pond will form a focal point at the adjacent development with multiple properties overlooking it. However, it is not considered the proposed boundary treatment would appear visually intrusive or out of character in this context.
52. Part of an existing pond to the north-eastern corner of the site will be retained and is separated from the domestic curtilage of plot 6 by a 1.8m high featheredged fence. The pond will be maintained and managed by an independent management company. The applicant indicates covenants will be included in the land transfer of this plot to allow access to the pond for any necessary works. Additionally, by conditioning the recommendations outlined in the ecological report, this will improve this area of the site both visually and from an ecological perspective.
53. Having regard to the above, the design and layout of the site is considered acceptable.

#### Trees and landscape

54. The majority of the site is previously developed and includes large areas of hardstanding. This means there are no substantial trees within the body of the site, however, there is hedging to part of the northern and southern site boundaries and sporadic tree planting to the north-east and south-west site boundaries.
55. The proposed site plan indicates that the existing hedging will be retained as will some of the more valuable trees positioned on the site boundary. The application would also retain more

mature trees to the southern boundary which provide a natural screen to the garden of Oaktree Bungalow.

56. None of the trees are protected by tree preservation order and although to be retained (as shown on plan), none are worthy of protection for future retention. Indicative landscaping has been shown as part of the development which will be secured by planning condition.

#### Ecology

57. The application site in the main is considered to have limited ecological value. However, the site includes part of a pond to the north-east of the site which is proposed to be retained by the development. The remainder of the pond is within the ownership of the adjacent land owner and will be managed accordingly as part of that application.
58. As part of the application Lancashire County Council (LCC) Ecology have been consulted and initially identified a number of issues which required attention before the application could be determined favourably.
59. LCC Ecology showed particular concern for the initial approach to managing and securing the future maintenance of the pond. Originally, part of the existing pond as shown was within the curtilage of plot 6 and it was proposed to transfer the management and maintenance of the pond to the purchasers of this plot. This was considered to be an unworkable arrangement which would not secure the future existence or appropriate management of the pond as only part of the pond was proposed to be within the curtilage.
60. As such, the applicant has amended the plans to exclude the pond area from the domestic curtilage of the property of plot 6 by way of a 1.8m high featheredged fence. The applicant has also agreed to have the pond maintained and managed by an independent management company. Covenants will be included in the private land transfer to allow access to the pond for any necessary works. Details of the management company will be secured by planning condition and implemented accordingly thereafter.
61. Aside from the above, LCC Ecology have also stated that consideration should be given to issues such as vegetation clearance works affecting nesting birds and consideration given to external lighting restrictions. It is considered that such issues could be dealt with by planning condition or informative notes where appropriate.

#### Impact on highways, access and parking

62. In respect of highway safety, the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impact of development is severe.
63. The application site was formally occupied by Burrows Grass Machinery which involved grass machinery sales, servicing, repairs, car sales and a petrol filling station. The existing access included two entry points from Wigan Road at both north and south points on the western site boundary, incorporating a typical 'in/out' arrangement.
64. The original residential consent for this site (11/00480/FULMAJ) gained permission with a new principal access towards the north of the western site boundary and 2no. separate vehicular accesses from Wigan Road to serve plots 1 and 2. The previously approved application 11/00894/FULMAJ sought to change this arrangement and included a more central principal access with further vehicular access points to the north and south serving plots 1, 2, 13 and 14.
65. The current application seeks once again for a different access arrangement. This would include a single principle vehicular access from Wigan Road, positioned centrally to the western site boundary. The proposed access would enjoy good visibility in both a north and south direction and would include a relatively wide opening to allow easy access for vehicles entering and exiting the site.

66. There would be no other points of access for vehicles from Wigan Road, which is considered to be an improvement on the two previously approved schemes. The site would include a straight access road, measuring approximately 25m back from the edge of the highway, at which point, access to the site would be gated for both vehicles and pedestrians. Gating of the access could cause issues in respect of refuge collection or access for emergency vehicles and so a condition will be imposed (should permission be granted) to ensure access to the site is managed and controlled in such a way that access can be gained if necessary. Once entrance to the site has been gained, the road would then unfold in a standard cul-de-sac arrangement including vehicular access to each property and a turning head towards the eastern part of the site.
67. All the properties proposed with this development would have 5no. bedrooms and so in accordance with the relevant parking standards, each plot is required to have 3no. off-road parking spaces. These spaces will be achieved in different ways depending on the position of the plot. Plots 1, 6, 9, 10 and 14 would include off-road parking space in front of and within a detached double garage, whereas plots 2-5 and 11-13 would include off-road parking space in front of an integral double garage.
68. The internal sizes of the detached garages have been amended to ensure 2no. cars can be comfortably accommodated within and are now considered acceptable. The integral garages to some of the plots and marginally substandard in size, however, together with the space available to the front of each dwelling, each plot will comfortably accommodate 3no. off-road parking spaces in accordance with the relevant guidance.
69. In terms of pedestrian movements, the site would include a footway extending into the site from Wigan Road up to the gated entrance. Pedestrians would then gain access to the main part of the site through a pedestrian gate, shortly after which they would have to share the road surface with vehicles.
70. The comments received from LCC Highways raise no overriding objection to the application, taking into consideration the previous consents and the proposed arrangements.
71. Aside from the above, LCC Highways have requested a contribution of £42,000 to improve the 2no. existing bus stops on Wigan Road and to provide a new footway along Wigan Road. However, it must be considered that the existing two permissions at the site did not include such contribution requests and the works on which the contribution would be spent are not considered to be essential to make the development acceptable in planning terms. As such, it is not considered reasonable or necessary in this case to secure such a contribution. Should LCC Highways wish to pursue this, they could do this through Section 278 of the Highways Act 1980 when negotiating the access works with the developer.
72. As such, on balance of the above, the development is not considered to result in any significant harm to highway safety and so is in accordance with the Framework and Policy TR4 of the Adopted Chorley Borough Local Plan Review.

#### Drainage and Sewers

73. The application site is not within a designated flood risk area, however, a local resident has raised concerns regarding the proposed drainage arrangements and issues of localised flooding in the area.
74. Policy EP18 of the Adopted Local Plan Review states that applications will be refused if the site does not have adequate foul and surface water drainage arrangements and other essential services in place.
75. With considering the two previously approved applications, discussions were held with both the Environment Agency and United Utilities. In the case of the current application the Environment Agency have no comments to make and United Utilities have raised no objection, subject to the site draining on a separate system with only foul drainage connected to the foul sewer.

76. United Utilities have also stated they will accept surface water to existing flow rates of 31l/s, provided they do not increase as a result of the development. This will be controlled by planning condition (the same as the two previous applications) to ensure the development does not increase the risk of flooding.
77. In addition, United Utilities have indicated that their water mains system may need extending to serve the development, however, this could be secured separately under Sections 41, 42 and 43 of the Water Industry Act 1991.
78. Aside from the above, the specification and finer details of the drainage system to be used will have to adhere to stringent controls under the Building Regulations 2000 (as amended) relating to drainage and waste disposal.
79. On balance of the above, the development is therefore considered to be in accordance with Policy EP18 of the Adopted Chorley Borough Local Plan Review.

#### Section 106 Agreement

80. Policy HS21 of the Local Plan requires new housing development to include provision for appropriate areas of open space. The Council has also produced Interim Planning Guidelines for New Equipped Play Areas Associated with Housing Developments. Consequently, 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.
81. The Council's Planning Policy section has advised that a financial contribution is required in this case which is outlined in more detail below.
82. Local Plan Policy HS21 sets a standard of 0.45 hectares per 1,000 population. There is currently a surplus of amenity open space in Clayton-le-Woods in relation to this standard. There is no deficit in accessibility as the site falls within the accessibility catchment (800m) of an area of amenity greenspace, a contribution towards new provision is therefore not required from this development. However, there is an area of amenity greenspace within the accessibility catchment of the site that is identified as being of low quality and low value in the Open Space Study (site 1954 – Off Cypress Close). A contribution towards the improvement of this site is therefore required.
83. Local Plan Policy HS21 sets a standard of 0.25 hectares per 1,000 population. There is currently a deficit of provision for young children/young people for equipped play areas in Clayton-le-Woods in relation to this standard. A contribution towards new provision is therefore required from this development.
84. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development.
85. A Section 106 legal agreement is therefore necessary to secure the requisite contribution in lieu of the above. This has amounted to a total of £19,306.
86. Comments have been received from LCC Education in respect of contributions required for places towards primary and secondary schools. This has resulted in a request for 5 primary and 4 secondary places.
87. The comments received from LCC Education indicate that there is a surplus of both primary and secondary spaces available in the borough. However, these comments have not taken into account the additional demand created by a number of large scale developments immediately surrounding the application site, which would actually mean there is a shortfall of places.
88. As such, it is considered that the contribution of £59,402 is justified in this case and should be incorporated into the Section 106 legal agreement. Updated comments have been



requested from LCC Education in respect of the above which will be reported to committee on the addendum.

89. In respect of secondary school places, LCC Education consider there to be 1396 places available within local schools over the next 5 years. This would reduce to 1326 with 66 places taken from approved developments and 4 taken from the current application. As such, it is not considered a contribution towards the provision of secondary school places is required in this case.
90. As outlined previously, LCC Highways have requested a contribution of £42,000 to improve the 2 existing bus stops on Wigan Road and to provide a new footway along Wigan Road. However, as stated previously, this does not meet the tests set out within the Framework and as such, is not justified.

### Overall Conclusion

91. On the basis of the above, the application is accordingly recommended for approval subject to conditions and the signing of an associated section 106 agreement.

### Planning Policies

#### National Planning Policy Framework

#### Central Lancashire Core Strategy

Policies 1, 4, 5, 17, 22, 26 and 27

#### Adopted Chorley Borough Local Plan Review

Policies GN5, EP4, EP9, HS4, HS6, HS21, TR4 and EP18.

#### Emerging Chorley Local Plan

Policies HS1, HS4A, HS4B, BNE1, BNE9 and BNE10

### Planning History

The site history of the property is as follows:

**Ref:** 88/00285/FUL      **Decision:** PERFPP      **Decision Date:** 14 June 1988

**Description:** Erection of storage building on land at rear of premises

**Ref:** 00/00588/FUL      **Decision:** PERFPP      **Decision Date:** 24 August 2000

**Description:** Erection of replacement steel framed warehouse,

**Ref:** 11/00480/FULMAJ      **Decision:** PERFPP      **Decision Date:** 7 September 2011

**Description:** Demolition of Burrows Grass Machinery and removal of car sales forecourt and demolition of The New Bungalow and erection of 13 no. detached two-storey dwellings and associated infrastructure.

**Ref:** 11/00894/FULMAJ      **Decision:** PERFPP      **Decision Date:** 18 January 2012

**Description:** Demolition of Burrows Grass Machinery and removal of car sales forecourt and demolition of The New Bungalow and erection of 14 no. detached two-storey dwellings and associated garaging and infrastructure (changes to access point and layout of the previously approved permission 11/00480/FULMAJ and an additional house).

### Application Number – 13/00062/FULMAJ

- Erection of 14 no. detached two and a half storey dwellings, associated garaging and infrastructure.
- Approve subject to conditions.
- 24 April 2013.

**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. All windows serving the second floor rear facing dormers of the properties on plots 1, 2, 3, 6, 7, 8, 9, 10, 12, 13 and 14 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: In the interests of the privacy of occupiers of neighbouring properties and in accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy Nos. GN5 and HS9 of the Adopted Chorley Borough Local Plan Review.*
3. Surface water run-off from the site shall be restricted to existing rates.  
*Reason: In order that the proposed development does not contribute to an increased risk of flooding and in accordance with the National Planning Policy Framework and Policy EP18 of the Adopted Chorley Borough Local Plan Review.*
4. The integral/attached and detached garages hereby permitted shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.  
*Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with the National Planning Policy Framework and Policy Nos. HS4 and TR4 of the Adopted Chorley Borough Local Plan Review.*
5. Surface water shall not discharge to the foul/combined sewer and the site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soak away/watercourse/surface water sewer (which may require the consent of the Environment Agency).  
*Reason: To prevent flooding, foul flooding and pollution of the environment and in accordance with the National Planning Policy Framework and Policy No. EP18 of the Adopted Chorley Borough Local Plan Review.*
6. The development shall only be carried out in full accordance with the approved Ground Investigation Report and Remediation Validation Report (received 24<sup>th</sup> January 2013). Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.  
*Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use, in accordance with the National Planning Policy Framework.*
7. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences, railings, walls and gates 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. Boundary treatments should not be flush to the ground, or suitably sized gaps should be left at strategic points. No dwelling 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 order to retain habitat connectivity for Species of Principal Importance, such as amphibians and hedgehogs. In accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy Nos. GN5, EP4 and HS4 of the Adopted Chorley Borough Local Plan Review.*

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

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with the National Planning Policy Framework, Policy No. 17 of the Adopted Central Lancashire Core Strategy and Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

9. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground-surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with the National Planning Policy Framework, Policy No. 17 of the Adopted Central Lancashire Core Strategy and Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

10. Before the properties hereby permitted are first occupied, the driveways shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways 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 the National Planning Policy Framework and Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*

10. All dwellings are required to be constructed 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 in accordance with the National Planning Policy Framework and Policy No. 27 of the Adopted Central Lancashire Core Strategy.*

11. 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 the National Planning Policy Framework and Policy No. 27 of the Adopted Central Lancashire Core Strategy.*

12. 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 the National Planning Policy Framework and Policy No. 27 of the Adopted Central Lancashire Core Strategy.*

13. Before the construction of the site hereby permitted is commenced facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.  
*Reasons: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose material thus creating a hazard for road users and in accordance with Policy No. TR4 of the Chorley Borough Local Plan Review.*
14. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan titled: 'Planning Layout'; Drawing number 102; Revision C; Received 25<sup>th</sup> March 2013.  
*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with the National Planning Policy Framework and Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
15. The development hereby permitted shall be carried out in conformity with Section 8 of the Traffic Noise Assessment (received 1 February 2013).  
*Reason: To protect the amenity of the future occupiers of the site in accordance with the National Planning Policy Framework and Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*
16. The level of the access shall be constructed 0.150m above the crown level of the carriageway.  
*Reason: To safeguard the future reconstruction of the highway and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*
17. Before the access is used for vehicular purposes, that part of the access and driveways extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.  
*Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users and in accordance with the National Planning Policy Framework and Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device. The visibility splay to be the subject of this condition is that shown on the approved plan (Titled: Planning Layout; Drawing number: 102; Revision: C; Received: 25 March 2013).  
*Reason: To ensure adequate visibility at the street junction or site access and in accordance with the National Planning Policy Framework and Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*
19. The proposed access from the site to Wigan Road shall be constructed to a (minimum) width of 5.50m. Radii shall be 10m.  
*Reason: To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users and in accordance with the National Planning Policy Framework Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*
20. The existing access to the site shall be physically and permanently closed and the verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads (concurrent with the formation of the new access).  
*Reason: To limit the number of access points to, and to maintain the proper construction of the highway and in accordance with the National Planning Policy Framework and Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*

21. The dwellings shall not be commenced until all the off-site highway works have been constructed in accordance with the approved plans.  
*Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users and in accordance with the National Planning Policy Framework and Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*
22. The development hereby permitted shall be carried out in full accordance with the Recommendations detailed in section 5.1.9 of the Ecological Appraisal (ERAP April-May 2011) submitted with application 11/00894/FULMAJ and the recommendations detailed in paragraphs c, d, e, and f of section 5.5.4 of the Ecological Appraisal (ERAP, January 2013) submitted with this application.  
*Reason: In order to avoid impacts on amphibians (which have been recorded in the area and may be on the site) and to enhance the pond habitat. In accordance with the National Planning Policy Framework, Policy 22 of the Adopted Central Lancashire Core Strategy and Policy EP4 of the Adopted Chorley Borough Local Plan Review.*
23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).  
*Reason: To protect the appearance of the locality and the amenity of the future occupiers of the approved dwellings and those surrounding the site. In accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*
24. The development hereby permitted shall only be carried out in accordance with the approved landscaping details on the plan titled 'General Arrangements'; Drawing number: 901; received: 24<sup>th</sup> January 2013. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons prior to the occupation of any dwellings or the completion of the development, whichever is the sooner, and any trees or plants, including the existing retained trees and plants detailed on the approved landscaping scheme as well as newly planted trees and plants which within a period of 5 years from the completion of the development or during the course of construction works die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of matching size, stature and species unless an alternative is approved in writing by the Local Planning Authority following the submission and consideration of an updated landscaping scheme.  
*Reason: In the interest of the appearance of the locality and in accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*
25. Prior to the commencement of development, full details of the Management Company to deal with the future management of the site and a management plan detailing the continued management/maintenance of: (1) the pond (positioned to the north-east of the application site); (2) the 2no. orchard areas to the front of plots 1 and 14 (respectively) and; (3) the gated access to the site shall be submitted to and approved in writing by the local planning authority. The details shall include:
- Details of who will maintain the land;
  - Details of how the land will be maintained and kept (including grass, foliage, trees and litter);
  - Details of the regularity of maintenance;
  - Details access arrangements for emergency vehicles and refuge collection;
  - Contact details should issues of maintenance/access arise;

The site shall therefore be maintained / managed in accordance with the approved details thereafter.

*Reason: To ensure continued maintenance of the land, to protect the appearance of the locality and to allow safe access/egress to the site. In the interests of the amenities of the local residents and in accordance with Policy 17 of the Adopted Central Lancashire Core Strategy and Policies GN5, HS4, EP4 and TR4 of the Adopted Chorley Borough Local Plan Review.*

26. 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 at the site and in accordance with the National Planning Policy Framework and Policies EP4 and EP9 of the Adopted Chorley Borough Local Plan Review.*

27. All windows in the first floor south elevation of the dwelling at plot 14 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: In the interests of the privacy of occupiers of neighbouring properties and in accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy Nos. GN5 and HS9 of the Adopted Chorley Borough Local Plan Review.*

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

Title	Drawing Reference	Revision	Received date
Double/double garage	DG_DG/DETAIL/101	A	25/03/2013
Sandown 5 bed house plot 1	H23BB-5/101	A	25/03/2013
Sandown 5 bed house plots 6, 9, 10 & 14	H23BB-5/102	A	25/03/2013
Double garage	DG/DETAIL/101	A	25/03/2013
Planning Layout	102	C	25/03/2013
Location plan	101	-	24/01/2013
General Arrangements	901	-	24/01/2013
Topographical land survey	S11/153	-	24/01/2013
Merton option 5 bed house plot 4	H2278-5/101	-	24/01/2013
Merton option 5 bed house plots 5 and 11	H22782-5/102	-	24/01/2013
Harbury 5 bed house plots 2, 8 and 13	H2174-5/101	-	24/01/2013
Harbury 5 bed house plot 7	H2174-5/102	-	24/01/2013
Harbury 5 bed house plots 3 and 12	H2174-5/103	-	24/01/2013

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

**Item 4d**                    **13/00202/FUL**

**Case Officer**            **Ian Heywood**

**Ward**                      **Lostock**

**Proposal**                **New agricultural dwellinghouse**

**Location**                **Home Farm Grape Lane Croston LeylandPR26 9HB**

**Applicant**                **Mr & Mrs Paul Smith**

**Consultation expiry:** **17 April 2013**

**Application expiry:** **26 April 2013**

### **Proposal**

1. The proposal is for the erection of a new agricultural dwellinghouse.
2. The application site is to the rear (north) of Home Farm, which is situated to the north of Grape Lane and the River Yarrow, just to the west of the eastern boundary of Croston Conservation Area. The latter is a designated heritage asset as defined by Annex 2 to the National Planning Policy Framework (the Framework). The site is also in the Green Belt. To the east of the site are located a number of farm buildings – barns - and a stable block. The plot itself is surrounded on three sides by a hawthorn hedge and farm access track. The site itself is not visible from Grape Lane. Beyond the site boundary and the farmstead is open, generally flat agricultural land.
3. The proposed development is for a sympathetically styled agricultural dwelling for occupation by the current farmer's son and family. An agricultural statement accompanies the application together with the requisite farm management information, both logistical and financial.

### **Recommendation**

4. It is recommended that this application is refused permission

### **Main Issues**

5. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Impact upon the significance of the Croston Conservation Area
  - Flood risk

### **Representations**

6. No letters of objection have been received
7. 37 letters of support have been received
8. Croston Parish Council 'wholeheartedly supports the application'.

### **Consultations**

9. **Lancashire County Council (Ecology)** puts forward their standard conditions should the Council be minded to grant permission.
10. **Lancashire County Council, County Land Agent** has stated that the operational requirements at Home Farm do not require two workers to reside on the unit.
11. **The Environment Agency** has no objection to the proposed development.

12. **Lancashire County Council (Highways)** has no objection to the proposed development providing that the accommodation is purely for use associated with Home Farm.
13. **Lancashire County Council (Footpaths Officer)** has no objection to the proposed development but suggests an informative reminding the applicant of the requirement to maintain all public footpaths unobstructed at all times including during the construction phase.
14. **Chorley's Waste & Contaminated Land Officer** has no comments to make on this application.
15. **Chorley's Planning Policy Team** has no objection to the proposed development and states that it is in conformity with paragraph 55 of the Framework. However the tests for the requirement for agricultural workers accommodation, as provided by the County Land Agent will be pivotal to the acceptability of the proposal. It also suggests that other options could be considered, for example locating the proposed dwelling immediately adjacent to the existing farm house or even constructing and extension to that building to provide the necessary additional accommodation.
16. Mention was also made of the emerging Chorley Local Plan 2012 – 2026 in which Policy 10 refers specifically to development of agricultural workers dwellings. Whilst this document is currently of limited weight it clearly supports the policy stance established in the Framework and the need for proposals such as this to demonstrate functional need for the proposed residential accommodation for an agricultural worker.
17. **Councillor request for the application to be determined by the Development Control Committee:** Ward Councillor Doreen Dickinson requested in writing (by email, followed up with a hard copy letter) on 24 March 2013 that the application be determined by the Development Control Committee.

## **Assessment**

### Principle of the development

18. Inappropriate development in the Green Belt is, by definition, unacceptable. However the Framework does provide situations whereby very special circumstances can be demonstrated to overcome that inappropriateness. Development for agriculture is one such scenario. The Framework, paragraph 55 also states that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities...Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside'.
19. The emerging Chorley Local Plan 2012 – 2026, whilst currently of limited weight, is of some relevance and essentially reinforces the policy stance adopted by the Framework.
20. A key consideration in this respect is the determination of need for the new residential accommodation for an agricultural worker. In this respect the opinions of the Lancashire County Council Land Agent are critical. In his opinion the case for an agricultural workers dwelling is not made. The test as given in paragraph 55 to the Framework – the essential need for the agricultural worker to live permanently at or near their place of work is not made.
21. The County Land Agent's comments that whilst the calculation for the required number of workers is subjective it does not confirm whether or not those workers are required to reside permanently at the farm. He further suggests that the applicant already lives locally and that this is an adequate arrangement for the needs of the farm. He continues that it is usual to expect the worker engaged in the majority of the activities on the farm to reside at that farm and that in due course as the applicant's father, the current occupant of the farm house, becomes less active he could relinquish the farm house to his son and he (the father of the applicant) live elsewhere. Finally he argues that any matter of site security could be dealt with by measures other than having someone else additionally living at the farm.

### Impact upon the significance of Croston Conservation Area



22. As the application site is, to all intents and purposes, screened from view the impact upon the significance of the Croston Conservation Area is such that it will be sustained and that from this perspective the proposed development is considered to be acceptable.

#### Flood Risk

23. The Environment Agency has queried the land levels that are quoted within the Flood Risk Assessment. Although this document states that the proposed development has been designed with raised finished floor levels (600mm above current ground levels, which are normally considered acceptable) such that it will not be at risk from flooding, a pre-commencement condition demonstrating the current ground levels and the proposed finished floor levels to the satisfaction of both the Environment Agency and therefore also the Council will be required should any permission be subsequently granted.

#### Background Information

24. Two previous applications have been submitted for this type of development. On the first occasion the application was refused and the subsequent appeal made by the applicant was dismissed by the Planning Inspector. On the second occasion the application was withdrawn at the request of the agent with the application being recommended for refusal. On both occasions, as with this, the County Land Agent concluded that there were no grounds to warrant the construction of an agricultural workers dwelling as there was no operational need established.

#### Traffic and Transport

25. Lancashire County Council Highways Officer has confirmed that the proposed development is acceptable from his perspective, providing that the dwelling is tied to the farming operations of the site.

#### **Overall Conclusion**

26. The County Land Agent concludes that there is no case for allowing the construction of an agricultural workers dwelling in this case. There is simply no need for the additional accommodation.
27. The alternative option, as suggested by the Council Planning Policy team, to extend the existing farm house rather than build an entirely new dwelling has been made to the agent. His response was that the current proposal is in direct response to the Planning Inspectors advice that "any new dwelling at Home Farm would be less obtrusive and cause less harm to the countryside and Green Belt if it were sited on the west side of the access track and closer to the existing farm house." He also argues that the proposed position of the new dwelling would facilitate improved overlooking of the farm complex and therefore aid site security.

#### **Planning Policies**

##### National Planning Policy Framework (The Framework):

Section 6, Delivering a wide choice of high quality homes, paragraph 55

Section 9, Protecting Green Belt land, paragraph 89

Section 12, Conserving and enhancing the historic environment, paragraphs 128, 129, 131, 132.

#### **Planning History**

<b>Ref:</b> 00/00542/COU	<b>Decision:</b> PERFPP	<b>Decision Date:</b> 25 October 2000
<b>Description:</b> Conversion of existing farm buildings to create 9 No. dwellings with garages/car ports and new access road to side,		
<b>Ref:</b> 00/00734/FUL	<b>Decision:</b> PERFPP	<b>Decision Date:</b> 31 October 2000
<b>Description:</b> Silage clamp,		
<b>Ref:</b> 00/00847/FUL	<b>Decision:</b> PERFPP	<b>Decision Date:</b> 20 December 2000
<b>Description:</b> Extension to agricultural building (for workshop),		
<b>Ref:</b> 98/00497/FUL	<b>Decision:</b> PERFPP	<b>Decision Date:</b> 25 November 1998
<b>Description:</b> Erection of stock building - Phase 1,		
<b>Ref:</b> 98/00498/FUL	<b>Decision:</b> PERFPP	<b>Decision Date:</b> 25 November 1998
<b>Description:</b> Erection of stock building - Phase 2,		

**Ref:** 98/00499/FUL **Decision:** PERFPP **Decision Date:** 25 November 1998  
**Description:** Erection of stock building - Phase 3,  
**Ref:** 98/00854/FUL **Decision:** PERFPP **Decision Date:** 17 February 1999  
**Description:** New silage clamp, midden and dirty water store,  
**Ref:** 99/00165/AGR **Decision:** WDN **Decision Date:** 25 March 1999  
**Description:** Application for agricultural determination in respect of erection of storage building,  
**Ref:** 99/00166/COU **Decision:** PERFPP **Decision Date:** 16 June 1999  
**Description:** Formation of sand paddock with 1.2m high timber railed fence surround,  
**Ref:** 99/00247/FUL **Decision:** PERFPP **Decision Date:** 24 May 1999  
**Description:** Relocation of agricultural storage building,  
**Ref:** 04/00277/FUL **Decision:** PERFPP **Decision Date:** 7 May 2004  
**Description:** Addition of four garage doors to existing open carport,  
**Ref:** 04/01085/OUT **Decision:** REFFPP **Decision Date:** 7 April 2005  
**Description:** Outline Application for erection of agricultural workers dwelling (siting & access),  
**Ref:** 07/00114/FUL **Decision:** REFFPP **Decision Date:** 2 April 2007  
**Description:** Erection of two storey side and rear extension incorporating annexed accommodation,  
**Ref:** 12/00225/FUL **Decision:** WDLPA **Decision Date:** 29 May 2012  
**Description:** New agricultural dwellinghouse  
**Ref:** 12/00226/CON **Decision:** WDN **Decision Date:** 4 April 2012  
**Description:** New agricultural dwellinghouse  
**Ref:** 93/00288/TCON **Decision:** PERTCN **Decision Date:** 25 May 1993  
**Description:** Felling of pine trees in conservation area and replanting by broad leaved trees

**Recommendation: Refuse Full Planning Permission**  
**Reasons**

1. The proposed development would be located within the Green Belt as defined by the Adopted Chorley Borough Local Plan Review (2003) where planning permission will not be given except in very special circumstances. There are not considered to be sufficient agricultural or other special circumstances to justify the erection of a dwelling.

<b>Item 4e</b>	<b>13/00203/FULMAJ</b>
<b>Case Officer</b>	<b>Mrs Nicola Hopkins</b>
<b>Ward</b>	<b>Astley And Buckshaw</b>
<b>Proposal</b>	<b>Section 73 application to vary condition 4 (approved plans) and condition 37 (implementation of approved landscaping scheme) attached to planning approval 12/00911/FULMAJ to allow for amendments to the planting scheme and the timescale for planting the western landscape buffer associated with Plot B</b>
<b>Location</b>	<b>Unit 7 And 9 Revolution Park Buckshaw Avenue Buckshaw Village Chorley</b>
<b>Applicant</b>	<b>Evander Properties Ltd</b>

**Consultation expiry: 3 April 2013**

**Application expiry: 3 June 2013**

#### **Proposal**

1. The application relates to Plot B of sites 5, 7, and 9 at The Revolution, Buckshaw Village. Planning permission was granted at the site for *'the erection of 2no distribution centre/industrial buildings (use class B1c, B2, B8) with ancillary office accommodation, service yard areas, car parking, access, internal circulation areas and landscaping'* in November 2011 (ref: 11/00837/FULMAJ)
2. Plot B is the building at the western most extent of the site adjacent to the residential development being constructed as part of the on-going Buckshaw Village development.
3. Following the initial grant of planning permission the scheme was amended under Section 73 of the Town and Country Planning Act 1990 (ref: 12/00911/FULMAJ). However these amendments related to Plot A, currently under construction to be occupied by Parcellforce, and did not amend Plot B.
4. This application seeks to make the following amendments to the scheme, by providing an additional plan:
  - Variation of condition 4 to enable the development to be implemented in accordance with a revised landscaping scheme.
  - Variation of condition 37 to allow the western landscaping buffer to be planted in November 2013 (the next planting season).

#### **Recommendation**

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

#### **Main Issues**

6. The main issues for consideration in respect of this planning application are:
  - Variation of condition 37
  - Variation of condition 4

#### **Representations**

7. 1 letters of objection have been received from the neighbouring housing developer, Stewart Milne Homes, raising the following points:

- The whole basis of the initial approval of the site was that the size of the building was mitigated by the landscaping scheme on the western boundary.
- If you recall this was also to act as a screen during the construction process of plot A and B.
- The planning condition clearly states the following:

All planting, seeding or turfing comprised in the approved details of western boundary landscaping strip shall be carried out in the first planting and seeding seasons following the grant of this planning approval 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.*

- Has the council given written approval to the variation? It is our understanding that planting season finished on 30th March. If you have not are Evander and Parcelforce in breach of condition 37?
- If the council are minded to approve the variation of the condition will they restrict any development on building plot B until the landscaping works are complete?
- The mound is dry. In the opinion of our landscape consultant this could be planted. Can they not start next week, say 8th April? The work could be finished by early May 2013. The weather and temperatures are still cool enough to allow for planting.

8. **Euxton Parish Council** wishes it to be noted that the applicant has not completed planting which was in their previous planning approvals - can this not be urged to be done in the next couple of weeks and if not, in November rather than leaving another 12 months.

#### Consultations

9. **Chorley's Parks and Open Space Officer** has commented on the proposals which is addressed within the report

#### Assessment

##### Proposed amendments

##### Variation of condition 37

10. Condition 37 of planning approval 12/00911/FULMAJ states:

All planting, seeding or turfing comprised in the approved details of western boundary landscaping strip shall be carried out in the first planting and seeding seasons following the grant of this planning approval 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.*

11. This condition requires all planting, seeding and turfing within the landscape buffer along the site's western boundary to be carried out in the first planting season following the planning permission (November 2012-March 2013). This condition was attached to enable the planting to mature to a level which acts as an effective screen between the proposed development and the adjacent residential development as quickly as possible.
12. This application seeks permission to vary Condition 37 to allow this planting to take place within the second planting season (commencing in November 2013) following the granting of planning permission rather than the first. Following its variation, the condition will read as follows:

All planting, seeding or turfing comprised in the approved details of western boundary landscaping strip shall be carried out during the planting and seeding season commencing in November 2013 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 other of similar size and species, unless the Local Planning Authority gives written consent to any variation. *Reason: In the interest of appearance of the*

*locality and in accordance with Policy No Policy 17 of the Adopted Central Lancashire Core Strategy*

**Reasons for amendment**

13. Works to implement the approved western landscape buffer have commenced on site which include the creation of mounds (upon which the proposed planting will be situated). However it has been identified that this part of the site is too wet for planting to be introduced at the present time and before the end of the current planting and seeding season.
14. The supporting information sets out that the wet conditions in this area affect the ability of the contractor to prepare the soil for planting as the subsoil needs to be ripped and/or dug to a depth of 300mm to improve drainage before the topsoil is spread onto the area. Whilst conditions are improving on site, only the top 50mm of the mounding is sufficiently dry to enable this preparatory work to be undertaken prior to the planting stock being introduced. If this preparatory work were to be carried out at the present time, anaerobic conditions will be created leading to oxygen deficiencies in the soil. This will result in very poor plant productivity and irreversible damage to the planting introduced to the site. The implication of this is that the planting stock will not achieve the same level of maturity needed to perform an effective screen between the proposed development and the adjacent residential development as it would if it were introduced under ideal (dry) conditions. Due to the need for substantial works to be undertaken to create the bunding in this area, it has not been possible to carry out this preparatory work any earlier.
15. It is acknowledged by the agent that the season for planting bare-root stock has been extended this year due to the prolonged cold weather any sudden increase in temperature could damage plants that are not within the ground when they break leaf.
16. The agent for the application has confirmed that the top-soiling and planting contract for the western boundary covers a sizeable area over a period of up to 8 weeks duration. The soiling works would need to be done first, so even if the contract commenced on site tomorrow it is likely that the groundwork would not be completed ready for the first tranche of planting until towards the end of April at the earliest, and the last of the plants would be going-in in May, well into the Spring season. Plants would certainly be in leaf by then and their chances of survival would be slim.
17. The Council's Parks and Open Spaces Officer visited the site on 26th February and confirmed that, in his view, it is not appropriate to plant this area during the current planting season and until conditions on site have improved for the reasons explained above.
18. The agent's landscape contractor has recommended that the soiling work be delayed until the late spring/summer and the planting until the autumn.
19. As such it is considered appropriate to vary Condition 37 to allow this planting to take place during the next planting season (commencing in November 2013).
20. As set out above the neighbouring housing developer has stated that the mound is dry and queried whether the planting can start in April with the work to be finished by early May 2013. The Council's Parks and Open Spaces Officer has responded to this query stating that the mound does appear dry at the surface, however, when the officer visited the site at the end of February a shallow excavation was conducted which revealed extremely waterlogged and boggy conditions approximately 2-3 inches below the surface. These waterlogged conditions will be problematic in terms of getting machinery on to prepare the ground and the proposed planting itself would be unlikely to survive the boggy conditions.
21. The supporting information confirms that to ensure the same constraint does not arise during the next planting season, the appointed contractor intends to carry out the preparatory work described above during the dryer summer months. Planting will then take place during the next planting season without any potential delay arising from the need for the preparatory work to be carried out.

22. Concerns have been raised that this delay in the planting could result in the building commencing construction and would be practically complete/ complete before the planting is introduced. As such in this case the planting would not act as an effective screen which was its primary intention. To ensure this doesn't happen the following condition was suggested to the agent for the application relating to plot B:

The proposed development of Plot B must not commence until the landscape planting, referred to in condition 37, has been completed. *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 and Policy 17 of the Central Lancashire Core Strategy 2012*

23. The agent for the application has made the following comments in respect of the above suggested condition: *Evander is in commercial negotiation with a potential occupier on Plot B. Should those negotiations be successful an immediate start on site would be required. Evander do not wish for this position and the potential economic benefits to the Borough to be compromised by a condition which precludes development commencing until landscaping works are completed. As such the condition is not acceptable to them.*

24. It is acknowledged that the wet weather last summer has hindered the start of planting on the site however when the original application was considered the applicant, Evander, agreed to the condition which required the landscaping to be planted within the first planting season to enable the planting to begin maturing prior to the construction of the building. If the start of construction is not linked to the planting then the building could be constructed and completed prior to the planting commencing which would be contrary to the considerations in respect of planting and would adversely impact on the neighbours amenities.

25. A similar condition was not attached to the original permission as Evander had not actively identified an end operator for Plot B and it was not considered to be a concern that the building could be constructed prior to the introduction of the landscaping. This was considered taking into account the number of prior commencement conditions attached to the planning approval and the fact that Evander concentrated on securing Parcelforce for Plot A with Plot B still being purely speculative. However the agents for the application have now confirmed that Evander are in negotiations with an end occupier and the threat could be that the building is constructed prior to the next planting season.

26. In this regard the agents for the application have confirmed that they are willing to accept the following condition:

*No above ground built development within Plot B shall commence until planting comprised within the approved landscaping scheme for the western boundary strip has commenced. For clarification, site preparation works including but not limited to drainage works, site levelling and foundation installation are not subject to the restriction imposed by this condition.*

*Reason: to ensure the proposed landscape is implemented at an early stage in the delivery of the development in the interests of residential amenity and in accordance with Policy GN5 of the Chorley Local Plan Review.*

27. The agents have confirmed that *this approach will enable the developer to commence work on site in the short term, in the event of securing an end user for Plot B, whilst ensuring that any such development is restricted to that which will not be visible from adjacent residential properties prior to the planting of the landscape screen commencing. It is the applicant's intention to commence and complete the landscaping scheme as quickly as possible during the next planting season. The proposed condition ensures that this is carried out concurrently with the development of Plot B. It is considered that this approach strikes an appropriate balance between ensuring the landscaping is delivered as early as possible within the build programme whilst also ensuring that the development opportunity remains commercially attractive to end users and that the scheme and the benefits it will provide for the Borough can be delivered in the short term.*

28. Whilst it is considered that the site preparation works, excluding above ground construction works, can be commenced prior to the landscaping, as this will not adversely impact on the neighbours amenities, the condition as drafted only requires the landscaping to be commenced which, in theory, could involve minimal planting before the building starts to be constructed above ground.
29. As such in order to protect the neighbours' amenities, the properties adjacent to the site are now occupied/ ready to be occupied and as such protecting the neighbours' amenities is key to the consideration of this application, the condition as drafted by the agents for the application has been amended as follows:

No above ground built development within Plot B shall commence until planting comprised within the approved landscaping scheme for the western boundary strip (detailed in condition 37) has been completed. For clarification, the site preparation works including drainage works, site levelling and foundation installation are excluded from the restrictions imposed by this condition. *Reason: to ensure the proposed landscape is implemented at an early stage in the delivery of the development in the interests of residential amenity and in accordance with Policy GN5 of the Chorley Local Plan Review and Policy 17 of the Central Lancashire Core Strategy 2012*

30. It is considered that this condition enables the potential end occupier to commence development on the site whilst protecting the neighbour's amenities in respect of the above ground built development. It also places the onus on the developers to secure the planting within the next planting season so the same situation as happened in the last planting season at this site does not occur again.
31. It should be noted that the applicants are currently in breach of the landscaping condition (which required the landscaping to be implemented within the last planting season) however a decision regarding the expediency in this case of taking formal enforcement action has not been taken as there have been on-going discussions regarding a solution. If an agreeable solution in this regard cannot be secured then Members should consider whether enforcement action in this case should be taken however Members should be aware that this would relate to the whole application site which includes the Parcellforce building.
32. It is noted that the previous S73 approval (12/00911/FULMAJ) included the following condition:  
The proposed development of Plot B 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.*
33. However the time period for implementation should have been related back to the original planning approval as an s.73 application cannot be used to vary the time limit for implementation, this must be consistent with the original permission. In this case the decision for application 12/00911/FULMAJ has been issued and as such this recommendation will relate to that approval. The time period condition will be attached as follows:

The proposed development of Plot B must be begun not later than three years from 5<sup>th</sup> November 2012. *Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

#### Variation of condition 4

34. Condition 4 of planning approval 12/00911/FULMAJ states:

The approved plans are:

Plan Ref.	Received On:	Title:
EVAM2000	15th September 2011	Site Location Plan
2028-PL002 Rev B	13 <sup>th</sup> April 2012	Landscape Plan
5257 - 026	10th April 2012	Site Layout Plan (Complete)

#### Plot A Phase 1

3500-099 PL-EX-09 Rev A (Plot A)	19 <sup>th</sup> September 2012	Proposed Fencing Details Phase 1
3500-099 SK55 Rev B Treatment (Plot A)	19 <sup>th</sup> September 2012	Feature Security Boundary
2028- DL004 Rev A	23 <sup>rd</sup> April 2012	Plot A Cross Sections
3500-099-EX29 Rev A	21 <sup>st</sup> October 2012	Gatehouse Elevations Phase 1
3500-099-MIL-EX03H	19 <sup>th</sup> September 2012	Proposed Site Plan Phase 1
3500-099 EX05B levels)	3 <sup>rd</sup> September 2012	Proposed Site Sections (Showing
3500-009-MIL-GA-01 Rev G	19 <sup>th</sup> September 2012	Building Plan
3500-099-MIL-MIL-GA_02 Rev J	19 <sup>th</sup> September 2012	Floor Plans
3500-099-MIL-GA-03 Rev G	19 <sup>th</sup> September 2012	Elevations
<u>Plot A Complete</u>		
3500-099 SK47 Rev A	19 <sup>th</sup> September 2012	Building Plan (Plot A)
3500-099 SK45 Rev A	19 <sup>th</sup> September 2012	Elevations (Plot A)
3500-099 SK31 Rev H	19 <sup>th</sup> September 2012	Office Accommodation (Plot A)
3500-099 SK59 Rev B	19 <sup>th</sup> September 2012	Proposed Site Plan (Plot A)

Plot B

5257 - 014	27th January 2012	Building Plan (Plot B)
5257 - 016	27th January 2012	Office Floor Plans (Plot B)
5257 - 019	27th January 2012	Elevations (Plot B)
2028-DL001 Plantings at Year 1	27th January 2012	Cross Sections Showing Proposed
2028-DL002 Plantings at Year 7	27th January 2012	Cross Sections Showing Proposed
2028-DL003 Plantings at Year 15	27th January 2012	Cross Sections Showing Proposed

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

35. The approved landscape plan, reference 2028-PL002 Rev B, detailed the landscaping to the western edge of the site (required to screen the Plot B from the adjacent residential properties) and condition 37 required this landscaping to be implemented within the first planting season following the planning approval, as set out above.
36. The most recent planning approval was issued on 5<sup>th</sup> November 2012 with the first planting season being November 2012- March 2013 and although the earth mound on which the planting will be sited has been created the planting has not yet commenced.
37. The reason for submitting an amended landscape plan is directly linked to the proposals to amend condition 37 as this will result in the loss of a planting season. The amendments to the landscaping scheme relate to the maturity of the planting stock (reflected in the stipulated height and girth of plants) to be introduced to the site within the landscaped buffer along the site's western boundary. The submitted plan only details the western buffer area and the landscaping detailed on the remainder of the site will remain as per the originally approved plan.
38. The supporting information confirms that to mitigate the 6+ months loss of vegetation growth on site, the supplier of the planting stock will retain this stock until conditions on site have improved sufficiently enough to enable the stock to be introduced to the site. During this time the planting stock will remain in the ground and will therefore continue to grow over off site. Upon introduction to the site during the next planting season, the planting stock will therefore have achieved the same level of maturity as if it were planted on site during the current planting season (under ideal conditions) and allowed to mature in situ.
39. The schedule of planting detailed on the submitted landscape plan has been amended to reflect the fact that the planting stock will be introduced to site will be more mature.



40. The Council's Parks and Open Spaces Officer has reviewed the amended plan and confirmed that the specification set out on the new plan is realistic and the assertions contained within the supporting information, set out above, can be achieved.

### **Overall Conclusion**

41. The proposed changes to the landscaping will ensure that there will be no loss of vegetation growth. The long term screening effect of the landscaping and the timing of its maturity will therefore be unaffected. It is considered that the only solution in respect of the landscaping of the western strip is to require the planting within the next season whilst tying the landscaping to the construction of the building.

### **Planning Policies**

#### National Planning Policies:

NPPF – Paragraph 7: Requiring Good Design

#### Adopted Chorley Borough Local Plan Review

Policies: GN2, TR4

#### Central Lancashire Core Strategy

Policy 17: Design of New Buildings

### **Planning History**

**07/01395/REMAJ:** Reserved matters application for the erection of 3 buildings for B2 use with ancillary parking areas. Approved 5 March 2008

**11/00837/FULMAJ:** Erection of 2 no. distribution centre/industrial buildings (Use Class B1c, B2, B8) with ancillary office accommodation, service yard areas, car parking, access, internal circulation areas and landscaping. Approved 2 May 2012

**12/00540/DIS:** Application to discharge condition nos. 5, 19, 28, 32, and 35 of planning permission no. 11/00837/FULMAJ which permitted the erection of 2no. distribution centre/industrial buildings (use class b1c, b2, b8) with ancillary office accommodation, service yard areas, car parking, access, internal circulation areas and landscaping. Conditions discharged 25 June 2012

**12/00584/MNMA:** Non-material minor amendment to application 11/00837/FULMAJ for the erection of 2 no. distribution centre/industrial buildings (Use Class B1c, B2, B8) with ancillary office accommodation, service yard areas, car parking, access, internal circulation areas and landscaping. Approved 16 July 2012

**12/00795/MNMA:** Minor non-material amendments to application 11/00837/FULMAJ to include an increase in site levels. Approved 27 September 2012.

**12/00911/FULMAJ:** Variation of condition no.4 (approved plans) of planning permission 11/00837/FULMAJ to allow for minor amendments to the car park and operational area layout and elevations to Plot A for operational improvements. Approved November 2012

**13/00001/FULMAJ:** Section 73 application to vary condition no.4 (approved plans) of planning permission 12/00911/FULMAJ to allow for amendments to the layout of Plot A including relocation of the temporary security barrier, an extension to the staff car park, revised gate detail, kiosk entry point and kerblin. Withdrawn

**13/00239/FULMAJ:** Application for the erection of a security barrier, an extension to the approved car park and the erection of a maintenance store (associated with the Parcelforce building at The Revolution). Pending consideration

**Recommendation: Permit Full Planning Permission Conditions**

1. The proposed development of Plot B must not commence until the landscape planting, referred to in condition 37, has been completed. *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.*
2. The proposed development of Plot B must be begun not later than three years from 5<sup>th</sup> November 2012. *Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

3. The approved plans are:

Plan Ref.	Received On:	Title:
EVAM2000	15th September 2011	Site Location Plan
2028-PL002 Rev B	13 <sup>th</sup> April 2012	Landscape Plan
5257 - 026	10th April 2012	Site Layout Plan (Complete)
<u>Plot A Phase 1</u>		
3500-099 PL-EX-09 Rev A	19 <sup>th</sup> September 2012	Proposed Fencing Details
Phase 1 (Plot A)		
3500-099 SK55 Rev B	19 <sup>th</sup> September 2012	Feature Security Boundary
Treatment (Plot A)		
2028- DL004 Rev A	23 <sup>rd</sup> April 2012	Plot A Cross Sections
3500-099-EX29 Rev A	21 <sup>st</sup> October 2012	Gatehouse Elevations Phase 1
3500-099-MIL-EX03H	19 <sup>th</sup> September 2012	Proposed Site Plan Phase 1
3500-099 EX05B	3 <sup>rd</sup> September 2012	Proposed Site Sections
(Showing levels)		
3500-009-MIL-GA-01 Rev G	19 <sup>th</sup> September 2012	Building Plan
3500-099-MIL-MIL-GA_02 Rev J	19 <sup>th</sup> September 2012	Floor Plans
3500-099-MIL-GA-03 Rev G	19 <sup>th</sup> September 2012	Elevations
<u>Plot A Complete</u>		
3500-099 SK47 Rev A	19 <sup>th</sup> September 2012	Building Plan (Plot A)
3500-099 SK45 Rev A	19 <sup>th</sup> September 2012	Elevations (Plot A)
3500-099 SK31 Rev H	19 <sup>th</sup> September 2012	Office Accommodation (Plot A)
A)		
3500-099 SK59 Rev B	19 <sup>th</sup> September 2012	Proposed Site Plan (Plot A)
<u>Plot B</u>		
5257 - 014	27th January 2012	Building Plan (Plot B)
5257 - 016	27th January 2012	Office Floor Plans (Plot B)
5257 - 019	27th January 2012	Elevations (Plot B)
2028-DL001	27th January 2012	Cross Sections Showing
Proposed Plantings at Year 1		
2028-DL002	27th January 2012	Cross Sections Showing
Proposed Plantings at Year 7		
2028-DL003	27th January 2012	Cross Sections Showing
Proposed Plantings at Year 15		
2028-DL005 Rev B	4 <sup>th</sup> March 2013	Western Boundary
Landscaping Strip		

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

4. The development of Plot A, Phase 1 shall be implemented in full accordance with the surface water drainage plan and Drainage Statement prepared by Curtis Consulting and discharged under application 12/00504/DIS on the 25<sup>th</sup> June 2012. *Reason: To*

*prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained within the National Planning Policy Framework.*

5. Development of Plot A, Phase 2 shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority, notwithstanding the previously submitted plans. The scheme shall include details of the surface water discharge rates from the site in accordance with the Buckshaw Village Drainage Strategy and details of how the scheme shall be maintained and managed after completion. The scheme shall also include details of surface water from yard storage areas, vehicle washing areas, loading and unloading areas. Any areas which are likely to be contaminated by spillage should be connected to the foul sewer. In the absence of a sewerage system, such drainage must go to a tank(s) with no discharge to watercourse.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. *Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained within the National Planning Policy Framework*

6. Development of Plot B shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority, notwithstanding the previously submitted plans. The scheme shall include details of the surface water discharge rates from the site in accordance with the Buckshaw Village Drainage Strategy and details of how the scheme shall be maintained and managed after completion. The scheme shall also include details of surface water from yard storage areas, vehicle washing areas, loading and unloading areas. Any areas which are likely to be contaminated by spillage should be connected to the foul sewer. In the absence of a sewerage system, such drainage must go to a tank(s) with no discharge to watercourse.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. *Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained within the National Planning Policy Framework*

7. In respect of Plot A Phase 1 prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking / servicing areas shall be passed through an oil interceptor in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority, notwithstanding the previously submitted plans. The scheme shall be designed and constructed to have a capacity and details compatible with, the site being drained. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. *Reason: To protect water quality. In accordance*

*with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained within the National Planning Policy Framework*

8. In respect of Plot A Phase 2 prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking / servicing areas shall be passed through an oil interceptor in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority, notwithstanding the previously submitted plans. The scheme shall be designed and constructed to have a capacity and details compatible with, the site being drained. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. *Reason: To protect water quality. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained within the National Planning Policy Framework*
9. In respect of Plot B prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking / servicing areas shall be passed through an oil interceptor in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority, notwithstanding the previously submitted plans. The scheme shall be designed and constructed to have a capacity and details compatible with, the site being drained. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. *Reason: To protect water quality. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained within the National Planning Policy Framework*
10. Before the development of Plot B 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 plans) 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 properties and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
11. Before the development of Plot A Phase 2 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 plans) 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 properties and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
12. Before the development of Plot B commences full details, of the 2.5 metre high acoustic fence to be erected along the car park boundary in accordance with appendix F of the submitted Noise Assessment dated February 2012, shall be submitted to and

approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved plans. *Reason: To protect the amenities of the neighbouring residents and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*

13. Within six months of the first use of the development of Plot A hereby permitted, a Business Travel Plan shall be submitted to and approved in writing by, the local planning authority. The measures in the agreed Travel Plan shall then thereafter be complied with. *Reason: To reduce the number of car borne trips and to encourage the use of public transport and to accord with Policies TR1 and TR4 of the Adopted Chorley Borough Local Plan Review, Policy 3 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
14. Within 6 months of the first use of the development of Plot B hereby permitted, a Business Travel Plan shall be submitted to and approved in writing by, the local planning authority. The measures in the agreed Travel Plan shall then thereafter be complied with. *Reason: To reduce the number of car borne trips and to encourage the use of public transport and to accord with Policies TR1 and TR4 of the Adopted Chorley Borough Local Plan Review, Policy 3 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
15. Before Plot A Phase 1 hereby permitted is first brought into use full details of lighting proposals for the site shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details. *Reason: To protect the appearance of the locality, to prevent light pollution, in the interests of public safety and crime prevention and in accordance with Policy Nos. GN5, EM2 and EP21A of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
16. Before Plot A Phase 2 hereby permitted is first brought into use full details of lighting proposals for the site shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details. *Reason: To protect the appearance of the locality, to prevent light pollution, in the interests of public safety and crime prevention and in accordance with Policy Nos. GN5, EM2 and EP21A of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
17. Before the development of Plot B hereby permitted is first commenced full details of lighting proposals for the site shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details. *Reason: To protect the appearance of the locality, to prevent light pollution, in the interests of public safety and crime prevention and in accordance with Policy Nos. GN5, EM2 and EP21A of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
18. The ground surface materials of Plot A, Phase 1, shall be implemented in full accordance with the plan prepared by Curtis Consulting entitled 'Proposed External

Works Construction Layout' and discharged under application reference 12/00504/DIS.  
*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 and Policy 17 of the Adopted Core Strategy*

19. The development of Plot A Phase 2 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 17 of the Adopted Core Strategy*
20. The development of Plot B 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 17 of the Adopted Core Strategy*
21. Before the development of Plot A Phase 1 hereby permitted is first occupied details of the cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall be in accordance with the approved details. *Reason: To ensure adequate on site provision for cycle parking and in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review and Policy 3 of the Adopted Core Strategy*
22. Before the development of Plot A Phase 2 hereby permitted is first occupied details of the cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall be in accordance with the approved details. *Reason: To ensure adequate on site provision for cycle parking and in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review and Policy 3 of the Adopted Core Strategy*
23. Before the development of Plot B hereby permitted is first occupied details of the cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall be in accordance with the approved details. *Reason: To ensure adequate on site provision for cycle parking and in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review and Policy 3 of the Adopted Core Strategy*
24. The car park and vehicle manoeuvring areas for Plot A Phase 1 shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. 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. TR8 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Core Strategy*
25. The car park and vehicle manoeuvring areas for Plot A Phase 2 shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. 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. TR8 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Core Strategy*

26. The car park and vehicle manoeuvring areas for Plot B shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. 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. TR8 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Core Strategy*
27. The development of Plot A, Phase 1 shall be carried out in full accordance with the BREEAM Pre-Assessment approved under application 12/00540/DIS. *Reason: To ensure the development is in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
28. The development of Plot A Phase 2 shall not begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification. *Reason: To ensure the development is in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
29. The development of Plot B shall not begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification. *Reason: To ensure the development is in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
30. Within 6 months of occupation of each building hereby approved (including Plot A Phase 1 and Phase 2) a 'Post Construction Stage' assessment shall be carried out and a Final Certificate, certifying that a BREEAM standard of minimum 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority. *Reason: To ensure the development is in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
31. The development of Plot A, phase 1 shall be carried out in accordance with the measures outlined in the Halcrow Report submitted and approved under application 12/00540/DIS that proposes the achievement of 15% carbon reduction against baseline stock. *Reason: To ensure the development is in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
32. Prior to the commencement of the development of Plot A Phase 2 full details of the on-site measures to reduce the carbon emissions of the development (related to predicted energy use) by 15% shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details. *Reason: To ensure the development is in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*

33. Prior to the commencement of the development of Plot B full details of the on-site measures to reduce the carbon emissions of the development (related to predicted energy use) by 15% shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details. *Reason: To ensure the development is in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
34. The footpath along the eastern boundary of the site shall be completed in accordance with the details of plan 'Eastern Footpath' approved under application 12/00540/DIS. The footpath shall be edged in either timber or concrete and shall be completed and open to the public prior to the occupation of the building on Plot A. *Reason: To ensure that safe and adequate links for pedestrians and cyclists are incorporated into the development connected to the surrounding area. In accordance with Policy 17 of the Adopted Core Strategy*
35. All planting, seeding or turfing comprised in the approved details of landscaping (excluding the western boundary landscaping strip) 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 27 of the Adopted Core Strategy*
36. All planting, seeding or turfing comprised in the approved details of western boundary landscaping strip shall be carried out during the planting and seeding season commencing in November 2013 (with the preparatory work to the subsoil commencing in summer 2013) 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 other of similar size and species, unless the Local Planning Authority gives written consent to any variation. *Reason: In the interest of appearance of the locality and in accordance with Policy 17 of the Adopted Central Lancashire Core Strategy*
37. The external facing materials detailed on the approved plans shall be used and no others substituted. *Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
38. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans. *Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy 27 of the Adopted Core Strategy*
39. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with. *Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in*



*accordance with Government advice contained in the National Planning Policy Framework*

40. No materials or equipment shall be stored on the site other than inside the building. *Reason: In the interests of the amenity of the area and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.*
41. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 8, Classes A, B and C) or any Order revoking or re-enacting that Order, no extension or alteration (other than Phase 2 of Plot A) shall be carried out in respect of the buildings to which this permission relates. *Reason: To prevent an intensification in the use of the premises, in the interests of the visual amenities of the area and the amenities of local residents and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
42. In the event that Phase 2 of Plot A has not commenced within 3 years of the completion of Phase 1 a scheme for the landscaping and management of the phase 2 land shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be landscaped and managed in accordance with the approved scheme and maintained in perpetuity pending the commencement of phase 2 of Plot A. *Reason: In the interests of the visual amenities of the area in accordance with Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework.*
43. The development hereby permitted shall be carried out in accordance with the submitted ‘Obligations And Maintenance Operations For Landscape Works Post Completion Landscape Management (5 Years) & Woodland Establishment (15 Years)’, dated April 2012. *Reason: In the interests of the proper development if the site. In accordance with Policy EM1a of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Core Strategy*
44. The building on Plot B hereby approved shall be constructed in accordance with the mitigations measures set out within the submitted Noise Assessment, dated February 2012. In particular:
  - the noise limits set out in Table 5.5 of the report should be applied to all service plant;

Table 5.5

Location	Period	Measured Existing L <sub>A90</sub>		Proposed Noise Limit L <sub>A,r</sub> <sup>(1)</sup>	
		Weekday	Weekend	Weekday	Weekend
New Housing	Daytime	44	41	44	41
	Evening	34	41	34	41
	Night	31	37	31	37
Foxglove Drive	Daytime	40	43	40	43
	Evening	38	41	38	41
	Night	39	36	39	36
Euxton Lane	Daytime	47	49	47	49
	Evening	39	40	39	40
	Night	32	33	32	33

Note: <sup>(1)</sup> The proposed noise limits are applicable at a point close to, but at least 4 metres in front of, the relevant façade.

- the external building fabric envelope will be designed to optimise the containment of noise to reduce noise emissions from the site.
- The noise emission limits set out in Table 5.5 shall be incorporated into the building design; and
- intrinsically quiet plant shall be utilised.

Prior to the occupation of the building on Plot B hereby permitted full details of the measures which have been installed to achieve the above measures shall be submitted to and approved in writing by the Local Planning Authority. *Reason: To protect the amenities of the neighbouring residents and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*

45. Prior to the occupation of Plot B by a B2 operator the following noise mitigation measures must be installed/implemented

- Penetrations through the building fabric shall be minimised;
- The number and sizes of doors and windows in noisy areas shall be minimised;
- The building materials shall have sufficient mass to contain the noise generated by any plant or machines that generate low frequency noise;
- The buildings shall be designed such that their natural frequencies do not coincide with the dominant frequencies of the plant;
- All personnel openings shall be fitted with self-closing doors; and
- fast-closing roller doors will be used where large openings are required.

Prior to occupation full details of the measures which have been installed in accordance with the above criteria shall be submitted to an approved in writing by the Local Planning Authority. *Reason: To protect the amenities of the neighbouring residents and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*

46. Prior to the occupation of the building on Plot B hereby permitted full details of any external fixed plant shall be submitted to and approved in writing by the Local Planning Authority. Any fixed plant shall be designed, located and installed to ensure that the recommended noise limits in Table 5.5 of the submitted Noise Assessment, dated February 2012, are achieved.

Table 5.5

Location	Period	Measured Existing $L_{A90}$		Proposed Noise Limit $L_{Ar}^{(1)}$	
		Weekday	Weekend	Weekday	Weekend
New Housing	Daytime	44	41	44	41
	Evening	34	41	34	41
	Night	31	37	31	37
Foxglove Drive	Daytime	40	43	40	43
	Evening	38	41	38	41
	Night	39	36	39	36
Euxton Lane	Daytime	47	49	47	49
	Evening	39	40	39	40
	Night	32	33	32	33

Note: <sup>(1)</sup> The proposed noise limits are applicable at a point close to, but at least 4 metres in front of, the relevant façade.

The development thereafter shall be carried out in accordance with the approved details. *Reason: To protect the amenities of the neighbouring residents and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*

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**Item 4f**                    **13/00076/OUTMAJ**

**Case Officer**            **Nicola Hopkins**

**Ward**                      **Chorley North West**

**Proposal**                **Application for a new planning permission to replace the extant outline planning permission no. 09/00033/OUTMAJ (which permitted the demolition of the existing building and erection of a 4 storey apartment building providing 28 one and two bed roomed apartments with associated car parking) in order to extend time limit for implementation**

**Location**                **Hospital Car Park Preston Road Chorley**

**Applicant**               **W Marsden And Sons**

**Consultation expiry: 6 March 2013**

**Application expiry: 29 April 2013**

**Proposal**

1. The application relates to an extant outline planning permission and seeks to extend the time limit for implementation.
2. Outline planning permission was granted in April 2009 (ref:09/00033/OUTMAJ) to demolish the existing building and erect a 4 storey apartment building providing 28 one and two bed roomed apartments with associated car parking.
3. The building was subsequently demolished and the site is now used for car parking in association with the Hospital. When outline planning permission was granted condition 1 required the submission of reserved matters within 4 years of the permission which expires in April this year. As such the land owners have applied to extend the time period for submitting reserved matters and subsequently commence the development.
4. In October 2009 legislation was introduced, subsequent to the 2008 Planning Act, which allows applicants to extend the time period for implementation of extant planning approvals. This legislation was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. A new planning permission is applied for to replace the existing permission. The original legislation related to all extant permissions granted prior to 1 October 2009 however in October 2012 this was extended to extant permissions granted on or before 1 October 2010.

**Recommendation**

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

**Main Issues**

6. The main issues for consideration in respect of this planning application are:
  - Guidance
  - Principle of the development
  - Affordable Housing
  - Density
  - Parking
  - Sustainability
  - Open Space
  - Section 106 Agreement

**Consultations**

7. **Liberata** have assessed the submitted financial viability assessment on behalf of the Council
8. **The Council's Housing Manager** has commented on affordable housing.

**Assessment**Guidance

9. Guidance issued by the Department of Communities and Local Government states that when determining applications for extensions to time limits the development will by definition have been judged to be acceptable in principle at an earlier date (in this case by permitting application 09/00033/OUTMAJ). While such applications must be decided in accordance with the plan, unless material considerations indicate otherwise, Local Planning Authorities should in making their decision focus their attention on development plan policies and other material consideration which may have changed significantly since the original grant of planning permission.
10. In this case the only physical change to the site is the demolition of the building and the use of the site as a parking area for the hospital. There have been changes to policy that the proposal should be assessed against. Most notably are the publication of the National Planning Policy Framework which cancels specified previous Government guidance and the adoption of the Central Lancashire Core Strategy (July 2012). These are material to the consideration of this application.

Principal of the Development

11. The site is located within the settlement area of Chorley, as allocated within the current and emerging Local Plan, and is considered to be previously developed land.

Affordable Housing

12. The proposal incorporates the erection of a 4 storey apartment building incorporating 28 apartments. In accordance with Policy 7 of the Central Lancashire Core Strategy 30% affordable housing (or 8 units) will be required as part of the development.
13. When the previous application at this site was assessed the applicants submitted a financial appraisal of the scheme. This appraisal demonstrated that the provision of 8 (30%) affordable units as part of the scheme would render the development financially unviable. Additionally 20% affordable housing (or 6 units) was also not financially viable. This was due to the abnormal costs associated with the development including demolition and remediation. As such it was agreed that the maximum number of affordable units which could be achieved on this site was three of the apartments. This was secured via a S106 Agreement
14. Additionally the nature of the market was taken into account when the previous application was approved and the outline permission was granted with a longer time period to submit reserved matters (four years) and a further two years to commence the development.
15. Three of the 28 units equates to 11% of the whole development. Policy 7 of the Core Strategy requires 30% affordable housing within the urban areas of Chorley subject to site and development considerations such as financial viability. As such a reduced percentage of affordable housing may be considered acceptable where financial considerations apply.
16. The supporting information submitted with the application states that since the original date of approval the change in economic climate resulting in reduced property values has impacted on the economic viability of the scheme. The application is supported by a financial appraisal which seeks to demonstrate that the inclusion of any affordable units within the scheme would render it unviable. The applicant is now seeking a 100% market housing scheme.
17. The submitted financial appraisal scheme has been assessed by Liberata on behalf of the Council. They have drawn the following conclusions:

- The sale prices appear to be on the low side however owing to the nature of this scheme and the uncertainty of selling apartments, I would agree with these figures to remain cautious.
  - The construction costs are reasonably low.
  - All other costs such as stamp duty and interest are typical costs.
  - The land value is higher than usual.
  - The developers profit equates to 14.21% which is typical.
18. The Council's Affordable Housing SPD sets out a preference for on-site affordable housing however as this scheme is 100% apartment development and the affordable housing need in the Borough is two bedroom houses not apartments it is considered in this case that a commuted sum for off-site affordable housing provision may be a suitable way forward. This would ensure the site is marketable, being 100% market dwellings, whilst securing some affordable housing benefit. In this regard the Council's Housing Manager has confirmed that the commuted sum, based on the originally approved affordable housing mix (1 x one bedroom ground floor flat (intermediate) and 2 x two bedroom ground floor flats (social rented)), is £77,082.
19. This suggested way forward was sent to the agent for the application who discussed it with his client. He has confirmed that the inclusion of this commuted sum would reduce the developer's profit, set out above, be approximately 3% resulting in approximately 11% profit which would not be considered viable in respect of progressing this scheme. It has been noted that a profit percentage of 9.5% has been accepted on another housing scheme recently where the land is owned by the applicant however this was a mix of houses and apartments where some return can be secured from houses early. Apartments schemes cannot secure any return until the whole development is complete hence a higher rate of return overall is necessary to render the scheme viable.
20. In this case the applicant has agreed to provide a commuted sum of £25,694 (which equates to one affordable unit) for affordable housing which is less than originally secured as part of this scheme however, based on the supporting financial viability assessment, it is considered that this will enable the residential development of this site, secure an affordable housing benefit and allow for a reasonable developers profit.
21. Additionally as part of the original application the applicants agreed to include an overage clause within the Section 106 Agreement. This clause will ensure that 25% of any profit over the envisaged developer profit will be paid to the Council to be spent on affordable units elsewhere in the Borough. This clause still forms part of the S106 Agreement for this site.

#### Density

22. The site is 0.218 hectares in size, the erection of 28 apartments on this site equates to a density of 128 dwellings per hectare. Policy 5 of the Core Strategy relates to Housing densities and states that *The authorities will secure densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land.* This is clearly a very high density however the nature of the development, high density apartment development, and the location of the site is considered to be appropriate development for this site taking into consideration the sustainable location and character of the area.

#### Parking

23. The site fronts onto the A6 Preston Road which is the main route connecting Chorley Town Centre with the M61 motorway, Preston and the Parishes of Chorley. The A6 is a very busy road however visibility is good and the proposal will utilise an existing access point (this access point has been closed to traffic whilst the site has been used as a car park for the hospital). The site is considered to be a very sustainable location.
24. The scheme incorporates 36 parking spaces including 4 disabled parking spaces and cycle storage. The scheme incorporates 20 one bedroom apartments and 8 two bedroom

apartments for which 36 parking spaces is appropriate and in accordance with the parking standards set out within the emerging Local Plan (which is considered to be appropriate to utilise in the absence of adopted parking standards).

#### Sustainability

25. When the previous application was considered the Sustainable Resources DPD had been adopted. This document has not been superseded by the adoption of the Core Strategy and in particular Policy 27 which currently requires dwellings to be built to Code for Sustainable Homes Level 4 with additional carbon emission savings. These are similar requirements as those which were applicable at the time of the previous application apart from the fact that the code level has increased to level 4 and the percentage of emission savings has increased from 10% to 15%.
26. When the previous application was considered it was considered that the sustainable resources requirements would further impact on the financial viability of the scheme and would ensure that no affordable units could be achieved. As such it was considered that, in this situation, the contribution to the Boroughs supply of affordable units and the redevelopment of a derelict site in a prominent location outweighed the need for renewable energy contribution as part of this scheme.
27. The agent for the application has however confirmed that the units will be constructed to Code for Sustainable Homes Level 3 and this will be secured by condition.
28. Taking into account the fact that the scheme has yet to commence and the housing market has not risen significantly since the previous approval, particularly in respect of apartments, it is not considered that the scheme is any more viable now than when the previous application was considered. As such, in this case, the current requirements of Policy 27 will not be attached to the recommendation, although securing Code Level 3 will be.

#### Open Space

29. The previous application secured a contribution of £20,208 for the provision and maintenance of equipped play space in the Borough. This contribution relates to Policy HS21 of the Local Plan and was based on the formula within the Interim Planning Guidelines for New Equipped Play Areas Associated with Housing Developments.
30. Since the previous application was approved the Central Lancashire Councils have been developing its evidence base as part of the Core Strategy and emerging Local Plan. In this regard the Open Space study and Playing Pitch Strategy have been published and the Central Lancashire authorities have produced an Open Space and Playing Pitch Supplementary Planning Document (this document was consulted upon earlier this year). Based on the up to date evidence this scheme would generate the requirement for:
  31. Amenity greenspace  
Local Plan Policy HS21 sets a standard of 0.45 hectares per 1,000 population. There is currently a deficit of provision in the Chorley North West ward in relation to this standard, a contribution towards new provision is therefore required from this development. The amount required is £85 per dwelling.
  32. Provision for children/young people (equipped play area)  
Local Plan Policy HS21 sets a standard of 0.25 hectares per 1,000 population. There is currently a deficit of provision in the Chorley North West ward in relation to this standard, a contribution towards new provision is therefore required from this development. The amount required is £426 per dwelling.
  33. Playing Pitches  
A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan



which identifies sites that need improvements. The financial contribution required is £868 per dwelling.

34. This equates to £11,032 which is less than the original agreement secures however is the maximum which can be secured based on the up to date evidence base.

#### Section 106 Agreement

35. A supplemental S106 Agreement will be entered into in respect of this application as approval of this application results in the issuing of a new planning permission and a supplemental is required to tie this permission into the original obligations. However the obligations have been amended, as set out above, as follows:
36. The total public open space contribution required from this development (8 apartments) is as follows:
- Amenity greenspace = £680
  - Equipped play area = £3,408
  - Playing pitches = £6,944
  - TOTAL = £11,032
37. A commuted sum of £25,694 will be secured for affordable housing and the clauses requiring on site affordable housing will be deleted.

#### **Overall Conclusion**

38. The application site is located within Chorley Town which is identified within Policy 1 of the Core Strategy as a key service centre and an area for growth and investment. It is considered that an extension to the timescale for implementing this permission will enable the housing market to improve.
39. The framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and it is considered that the development of this site has the ability to meet the sustainable principles embodied in the Core Strategy. As such it is considered that the development of this site will secure benefits whilst contributing to the aims of both the framework and the Core Strategy.

#### **Planning Policies**

##### National Planning Policies:

- National Planning Policy Framework (the Framework)

##### North West Regional Spatial Strategy:

- **Policy DP1:** Spatial Principles
- **Policy DP4:** Make the best use of Existing Resources and Infrastructure
- **Policy DP7:** Promote Environmental Quality
- **Policy RDF1:** Spatial Priorities
- **Policy L4:** Regional Housing Provision
- **Policy L5:** Affordable Housing
- **Policy RT9:** Walking and Cycling
- **Policy EM5:** Integrated Water Management
- **Policy EM15:** A Framework for Sustainable Energy in the North West
- **Policy EM16:** Energy Conservation and Efficiency

##### Adopted Chorley Borough Local Plan Review:

- **GN1:** Settlement Policy- Main Settlements
- **GN5:** Building Design and Retaining Existing Landscape Features and Natural Habitats
- **GN9:** Transport Accessibility
- **EP4:** Species Protection
- **EP9:** Trees and Woodland
- **HS4:** Design and Layout of Residential Developments
- **HS6:** Housing Windfall Sites

- **HS21:** Playing Space Requirements
- **TR1:** Major Development- Tests for Accessibility and Sustainability
- **TR4:** Highway Development Control Criteria
- **TR18:** Provision for pedestrians and cyclists in new developments

#### Central Lancashire Core Strategy (adopted July 2012)

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 NPPF. 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 otherwise taking into account Policy MP a) and b).
- **Policy 1** Locating Growth
- **Policy 4** Housing Delivery
- **Policy 5** Housing Density
- **Policy 7** Affordable Housing
- **Policy 22** Biodiversity and Geodiversity
- **Policy 17** Design of new buildings
- **Policy 27** Sustainable Resources & New Developments

#### Supplementary Planning Guidance

- Affordable housing Supplementary Planning Document October 2012
- Design Guide Supplementary Planning Document September 2012
- Interim guidelines - new equipped play areas September 2010
- Trees and development September 1999

#### Emerging Local Plan (2012-2026)

- ST4- Parking Standards
- HS4A- Open Space Requirements in New Housing Developments
- HS4B- Playing Pitch Requirements in New Housing Developments
- BNE1- Design Criteria for New Development
- BNE9- Trees

#### **Planning History**

**03/00958/COU-** Change of use from Nursing Home to Offices (Class B1). Approved 2003

**04/01295/OUTMAJ-** Outline application for the demolition of existing nursing home and erection of new B1 office block and car parking. Refused January 2005

**07/01271/FULMAJ-** Demolition of existing building and erection of four storey apartment building, providing 28 no. one and two bedroom apartments with associated car parking and landscaping. Withdrawn

**08/00232/FULMAJ-** Demolition of existing building and erection of four storey building, providing 28 one and two bedroom apartments with associated car parking and landscaping. Refused June 2008

**09/00033/OUTMAJ-** Outline application for the demolition of existing building and erection of a 4 storey apartment building providing 28 one and two bed roomed apartments with associated car parking. Approved April 2009

**09/00410/FUL-** Change of use to hospital car park for temporary 3 year period. Approved June 2009

**09/00470/DIS-** Application to discharge conditions 3, 8 and 9 attached to planning approval 09/00033/OUTMAJ. Conditions discharged June 2009

**09/00671/DIS-** Application to discharge condition 3 and 4 attached to planning approval 09/00410/FUL. Conditions discharged September 2009

**13/00166/FUL-** Application to extend the temporary permission for the use of the site as a hospital car park for a 3 year period. Pending decision

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

1. Any application for approval of reserved matters (namely external appearance of the building and landscaping of the site) must be made to the Council not later than four years from the date of this decision. The development shall be begun within two years of the date of approval of the last of the reserved matters or within six years of the date of this decision whichever is the later. *Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*
2. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plans. 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 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy.*
3. No development shall take place until a desktop study in order to identify any potential sources of land contamination associated with the development has been carried out and approved in writing by the Local Planning Authority. If the potential for contamination is confirmed further surveys by the developer to assess the risks and identify and appraise the options for remediation shall be carried out prior to the commencement of the development. The surveys shall then be submitted to and approved in writing by the Local Planning Authority identifying the proposed remediation works. The works thereafter shall be carried out in accordance with the approved remediation strategy. *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. 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 and Policy 17 of the Adopted Central Lancashire Core Strategy*
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be

replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. *Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy*

6. The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings (notwithstanding any details shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials. *Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy*
7. 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 and Policy 17 of the Adopted Central Lancashire Core Strategy*
8. Prior to the commencement of the development full details of the proposed bat boxes to be erected shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed location of the boxes, the number proposed and the specification of the boxes. The development thereafter shall be carried out in accordance with the approved details. *Reason: To ensure the continued protection and enhancement of bats on the site and in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review and Policy 22 of the Adopted Central Lancashire Core Strategy*
9. 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 plans) 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 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy*
10. Before the development hereby permitted is first commenced, full details of the gates to be erected to the vehicular entrance to the site (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include information about the operation of the entrance gates. No building shall be occupied or land used pursuant to this permission before the entrance gates have been erected in accordance with the approved details. The entrance gates shall thereafter be retained in accordance with the approved details at all times. *Reason: To ensure a visually satisfactory form of development, to ensure adequate access is provided for refuge vehicles and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy*
11. Prior to the commencement of the development full details of the Management Company and arrangements for the future management and maintenance of the site, including storage and collection of refuse and management of the parking spaces,

shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company in accordance with the approved arrangements. *Reason: To ensure the satisfactory management of the car parking arrangements and refuse storage/ collection at the site and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy*

12. Prior to the commencement of the development full details of the cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall thereafter be provided in accordance with the approved details. *Reason: To ensure adequate on site provision for cycle parking and in accordance with Policies No. TR18 and HS4 of the Adopted Chorley Borough Local Plan Review and Policies 3 and 17 of the Adopted Central Lancashire Core Strategy*
13. Prior to the commencement of the development full details of the bin storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The bin storage thereafter shall be constructed and retained in accordance with the approved plans. *Reason: To ensure that adequate refuse storage is provided on site and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy*
14. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. *Reason: To secure proper drainage and in accordance with guidance contained within the National Planning Policy Framework*
15. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand. *Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy*
16. The car park hereby approved shall be constructed in accordance with the ‘macadam no dig construction’ method detailed on plan reference 09/147/P04, received 19<sup>th</sup> January 2009, within the tree root zone of the trees to be retained on site. The construction of the car park shall be in accordance with the approved method of construction unless otherwise agreed in writing by the Local Planning Authority. *Reason: To ensure the continued protection of existing trees on the site and in accordance with Policy EP9 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy*
17. The hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing Reference	Received date
Proposed Site Layout	08/147/P01A	10 <sup>th</sup> February 2009
Existing Site Layout and Location Plan	08/147/E01	19 <sup>th</sup> January 2009
Proposed macadam no dig construction	09/147/P04	19 <sup>th</sup> January 2009
Existing and Proposed Site Section	08/147/P03	19 <sup>th</sup> January 2009

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

18. All the dwellings hereby permitted 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. In accordance with guidance contained within the National Planning Policy Framework and Policy 27 of the Central Lancashire Core Strategy 2012.*
19. 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. In accordance with guidance contained within the National Planning Policy Framework and Policy 27 of the Central Lancashire Core Strategy 2012.*
20. 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. In accordance with guidance contained within the National Planning Policy Framework and Policy 27 of the Central Lancashire Core Strategy 2012.*

<b>Item 4g</b>	<b>13/00166/FUL</b>
<b>Case Officer</b>	<b>Nicola Hopkins</b>
<b>Ward</b>	<b>Chorley North West</b>
<b>Proposal</b>	<b>Application to extend the temporary permission for the use of the site as a hospital car park for a 3 year period</b>
<b>Location</b>	<b>Hospital Car Park Preston Road Chorley</b>
<b>Applicant</b>	<b>Chorley &amp; South Ribble NHS Trust,</b>
<b>Consultation expiry:</b>	<b>16 April 2013</b>
<b>Application expiry:</b>	<b>6 May 2013</b>

### **Proposal**

1. This application relates to the continuing use of the site as a car park associated with Chorley Hospital. The site was formally occupied by 67 Preston Road (Northolme Nursing Home) however since the property was demolished the site has been used as a car park.
2. Planning permission was granted in July 2009 to use the site for parking. This permission was granted for a temporary period (until 31<sup>st</sup> July 2012) to accord with the approved permanent redevelopment of the site for apartments. This permanent redevelopment has yet to commence, an application has been submitted to extend the time period for commencement, and the site is still being used as a car park.

### **Recommendation**

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

### **Main Issues**

4. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Highway Safety
  - Impact on the neighbours amenities

### **Consultations**

5. **United Utilities** have no objection subject to a condition relating to permeable materials

### **Assessment**

#### Principle of the development

6. The application relates to the continued use of the site for car parking associated with the hospital. It is not intended to formally lay out the site for parking as the use will only be for a further temporary three year period however an indicative plan submitted with the original application demonstrated that 72 cars can easily be accommodated on the site.
7. When planning permission was granted for the decked car park at the hospital in 2005 there were 910 spaces on the site which increased by 99 in respect of the decked car park. Hospitals fall within Use Class C2 however the parking standards within the emerging Local Plan do not include a specific standard for hospitals. Use Class D1 relates to clinics and health centres but specifically excludes hospitals.
8. When the previous application was considered a standard of 1 space per 2 staff and 4 spaces per consulting room was used. At that time there were approximately 2,300 staff which equates to 1,150 parking spaces and 85 consulting rooms which equates to 340 parking spaces. The

main consideration was however that there were issues in respect of parking at the hospital and it was considered that the proposals would help alleviate these problems whilst being within the maximum parking standards for a hospital of this size.

9. The current proposal would not impact on the approval for residential redevelopment at the site, if members are minded to approve the application to extend the time period for implementation of the permission which is recommended for approval on this agenda. If members are minded to approve the application for the residential development this will still be extant when the three year temporary permission, which is being applied for, expires.

#### Highway Safety

10. The car park is accessed from the hospital side of the site and the access onto Preston Road was closed prior to the use of the site for parking. This arrangement is proposed to continue as part of this temporary permission however the access onto Preston Road will reopen when/ if the residential development commences.
11. The access from Preston Road is permanently shut by a 1 metre high close boarded fence which sufficiently stops access and is controlled via condition.

#### Impact on the Neighbours amenities

12. The immediate neighbours to the site are Highgrove House Nursing Home, to the south of the site, and The Oaks, to the north of the site. The Oaks is occupied by office accommodation associated with the hospital and as such the proposal will have no adverse impact on this property.
13. Highgrove House is a nursing home which is at a lower land level than the application site. To avoid disturbance to the occupiers of the nursing homes a 1 metre high close boarded fence was secured, as part of the original application, within the application site to avoid glare from car headlights. The fence and the parking are set away from the common boundary with Highgrove House to avoid any disturbance to the residents.

#### United Utilities request

14. United Utilities have requested that the following condition be attached to the recommendation:

Notwithstanding any details on the submitted plans, the car park shall be constructed & maintained using permeable materials on a permeable base, the details of which shall be submitted to and approved by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the materials and shall be retained thereafter. For the avoidance of doubt, no surface water generated by the site will be permitted to discharge directly or indirectly into existing foul, combined or surface water sewerage systems.

*Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off. In accordance with Policy No.GN5 and EP18 of the adopted Chorley Borough Local Plan Review*

15. The car park is however already in situ and the intention is to continue using the existing arrangement as such it is not possible to attach the suggested condition in this case.

#### Conclusion

16. The proposal will alleviate the current parking problems associated with the Hospital and will facilitate the re-use of this site until the housing market becomes more buoyant and financially viable to erect apartments on the site.

#### **Planning Policies**

##### National Planning Policies:

National Planning Policy Framework

##### Regional Spatial Strategy

Policy RT2: Managing Travel Demand

##### Adopted Chorley Borough Local Plan Review



GN1- Settlement Policy- Main Settlements  
 GN5- Building Design and Retaining Existing Landscape Features and Natural Habitats  
 EP20- Noise  
 TR4- Highway Development Control Criteria  
 PS1- Health and Welfare

Emerging Local Plan (2012-2026)

ST4- Parking Standards

**Planning History**

**Application Site:**

**78/01044/FUL:** Conversion of house to office. Refused 1979

**82/00023/FUL:** Use of ground floor rooms for Nursery School (approximately 20 children, 3 to 5 years old). Approved 1982

**82/00222/FUL:** Change of use to Rest Home. Approved 1982

**84/00751/FUL:** Change of use to nursing home single storey extension and fire escape. Approved 1985

**86/00559/FUL:** Extension to form staff room and minor internal alterations. Approved 1986

**03/00958/COU-** Change of use from Nursing Home to Offices (Class B1). Approved 2003

**04/01295/OUTMAJ-** Outline application for the demolition of existing nursing home and erection of new B1 office block and car parking. Refused January 2005

**07/01271/FULMAJ-** Demolition of existing building and erection of four storey apartment building, providing 28 no. one and two bedroom apartments with associated car parking and landscaping. Withdrawn

**08/00232/FULMAJ-** Demolition of existing building and erection of four storey building, providing 28 one and two bedroom apartments with associated car parking and landscaping. Refused June 2008

**09/00033/OUTMAJ:** Outline application for the demolition of existing building and erection of a 4 storey apartment building providing 28 one and two bed roomed apartments with associated car parking. Approved April 2009

**09/00410/FUL:** Change of use to hospital car park for temporary 3 year period. Approved July 2009

**09/00470/DIS:** Application to discharge conditions 3, 8 and 9 attached to planning approval 09/00033/OUTMAJ. Discharged July 2009

**09/00671/DIS:** Application to discharge condition 3 and 4 attached to planning approval 09/00410/FUL. Discharged September 2009

**13/00076/OUTMAJ:** Application for a new planning permission to replace the extant outline planning permission no. 09/00033/OUTMAJ (which permitted the demolition of the existing building and erection of a 4 storey apartment building providing 28 one and two bed roomed apartments with associated car parking) in order to extend time limit for implementation. Pending consideration

**13/00198/TPO:** Crown lift and thin Sycamore Tree (T1 at 94 Preston Road), remove ivy from Alder Tree and prune branches overhanging the highway (T1 at 67 Preston Road), remove Ash Tree (T4 at 67 Preston Road). Pending consideration

**Hospital Site:**

**04/00168/FULMAJ-** Construction of two-storey car park. Approved August 2005

**Recommendation: Permit Full Planning Permission Conditions**

1. The use hereby permitted shall cease and any material or equipment associated therewith shall be removed and the site restored to its former condition on or before 30<sup>th</sup> April 2016. *Reason: The permission was granted on a temporary basis having regard to the special circumstances advanced in support of the application, however the use would hinder the future redevelopment potential of the site and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Core Strategy.*
2. The vehicular access point onto Preston Road shall remain closed to vehicles for the duration of the permission hereby granted. *Reason: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review and Policy 3 of the Adopted Core Strategy.*



<b>Item 4h</b>	<b>13/00072/FUL</b>
<b>Case Officer</b>	<b>David Stirzaker</b>
<b>Ward</b>	<b>Chorley South West</b>
<b>Proposal</b>	<b>Change of use from Visitors Centre (sui generis) to a mixed use of Visitors Centre (sui generis) and A3 cafe, erection of a canopy to front entrance (4m x 2.5m) and additional flagged area to south and west elevations with drainage to perimeter to be connected to existing surface water system</b>
<b>Location</b>	<b>Visitors Centre Yarrow Valley Country Park Birkacre Road ChorleyPR7 3RN</b>
<b>Applicant</b>	<b>Mr Mark Lawrenson</b>
<b>Consultation expiry:</b>	<b>18 April 2013</b>
<b>Application expiry:</b>	<b>11 April 2013</b>

**Proposal**

1. This application seeks planning permission for the change of use of part of the Yarrow Valley Visitors' Centre to a mixed use comprising a café (Use Class A3) and visitors' centre. The application also proposes the erection of a canopy to the front entrance (4m x 2.5m) and the formation of an additional flagged area to south and west elevations of the building to provide outdoor seating space for cafe customers. The application is being reported to Development Control Committee as the site is Council owned and the applicant has not yet signed a lease for the property. The applicant has been selected to operate the café following a marketing exercise and selection process wherein several applications were submitted from interested parties with proposals to run a café in the park. As part of the proposal to run the café, within the building, there will be a continued provision of educational facilities and exhibition and information space within the Visitors' Centre, accommodation for the Rangers and access to the public conveniences for members of the public.
2. The visitors' centre is adjacent to the car park which serves Yarrow Valley Park, which is located at the southern end of Birkacre Road, Chorley. The existing building is single storey in nature and constructed with brick elevation and a metal sheet roof. Internally, the building currently includes a kitchen, ladies, gents and disabled WC's, a store room, a meeting room and a main visitor's room. The proposed layout retains the kitchen for use as part of the café and the main visitor's room will be partitioned off at the rear to form a quiet room whilst the main space will be changed to the café. The meeting room is detailed as a class room on the proposed plans and the store room behind this is to be retained.
3. The flagged area will flank the west and south facing elevations of the building and bi-fold doors are to be inserted to the classroom in the west facing elevation of the building. The new canopy is proposed over the main entrance which is in the west facing elevation. A retaining wall approximately 850mm high to the side and rear of the southern part of the new flagged area is also proposed.
4. The application forms state that the café will employ 2 full time and 4 part time staff and will open from 7:30am until 9:00pm every day of the week. The Design and Access Statement advises that the existing WC facilities will be retained and public access to the building will not change.

**Recommendation**

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

**Main Issues**

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

**Representations**

7. No letters of objection have been received and no letters of support have been received.

**Consultations**

8. **The Architectural Design and Crime Reduction Advisor** does not raise any objections but recommends that consideration should be given to the canopy area being well lit and covered by a day/night capable CCTV camera, the installation of an alarm system and that the bi-fold doors are of enhanced security.
9. **The Director of People and Places** has not made any comments on the application.
10. **Lancashire County Council (Highways)** do not raise any objections to the application.

**Assessment**Principle of the development

11. Policy LT8 of the Chorley Local plan Review states that development which would detract from the amenity value of the Valley Parks for recreation and wildlife, or which would prejudice the further implementation of the parks will not be permitted. Policy LT8 goes on to state that the development of the Valley Parks will be continued through restoration and enhancement schemes.
12. Policy LT14 of the adopted Local Plan states that ancillary development will only be permitted where specific criteria are met. These are that the development is (a) in connection with and will enhance the recreational and/or amenity value of the open space, (b) is of a size and scale which does not detract from the character of the open space, (c) it will not have a detrimental effect on any site of nature conservation value; and (d) the development will not affect land capable of forming, or forming part of, a sports pitch on the site.
13. In terms of the emerging Chorley Local Plan, Policy HW3: Valley Parks supports proposals to enhance the recreational value of the Valley Parks if it can be demonstrated that such enhancements would not detract from the amenity, recreational and wildlife value of the valley parks. Policy HW2 seeks to protect buildings currently used for purposes ancillary to recreation facilities.
14. With regards to the Framework, paragraph 28 provides broad support for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations.
15. Taking into account the objectives of the above development plan policies, the change of use of part of the building to a café is considered to be acceptable 'in principle'. The provision of a café in part of the building will enhance the facilities available at Yarrow Valley Park and make it a more attractive place to spend time as refreshments and food will be available to park visitors.

Levels

16. The application proposes the formation of a hardstanding area to the front and side of the building to enable the provision of outdoor seating for customers of the café. The hardstanding at the side of the building will necessitate the need for a retaining wall approximately 850mm high as some excavation works will be needed to cut into the embankment and form a level area for the hard standing. These changes to the site levels are not however such that the character and appearance of the site will be detrimentally harmed subject to the retaining wall being constructed from appropriate materials.

Impact on the neighbours

17. There are no immediate neighbours adjacent to the building. The nearest residential property is located approximately 70 metres away to the west of the building. There are also mature trees between this property and the application building and this is the same for all other residential properties close to the building.
18. It is not considered that the operation of the proposed café would be likely to generate levels of noise and disturbance that would have a harmful impact on the living conditions of local residents given the relationship between the application property and nearby dwellings. The opening hours of the café are proposed to be 7:30am to 9:00pm. During the summer months, the park will be used throughout the day until hours of darkness although in the winter months, it is less likely that the park will be used after sunset. However, the opening hours are considered to be acceptable and as already stated, it is not considered that the proposed café will lead to levels of noise and disturbance that would harm the living conditions of the occupiers of the nearest residential properties.

Design

19. The only changes externally to the building comprise the entrance canopy and the insertion of bi-fold doors in the front elevation to the right hand side of the entrance canopy. These changes to the exterior of the building will not detract from its overall character and appearance and are ancillary in scale to the main building.
20. The Design and Access Statement advises that the entrance canopy will be finished in a brown colour to complement the existing windows in the building. The new hardstanding area will be surfaced with permeable buff coloured block pavements which it is stated will provide a tonal contrast with the dark gravel of the car park. A condition is recommended requiring the facing brickwork of the retaining wall to match that of the main building.

Trees and Landscape

21. The formation of a retaining wall at the side of the building will mean reducing the ground level and forming a low 850mm high retaining wall. The plans do not propose the removal of any trees adjacent to it although the trees nearest are young specimens which would not warrant the protection of a Tree Preservation Order. Given the embankment is well populated with trees, it is not considered necessary to require a scheme of landscaping for the land adjacent to the new area of hard standing at the southern end of the building.

Traffic and Transport

22. The site is served by an extensive gravel covered car park which provides car parking for visitors to the park. This car park is adjacent to the visitors centre. It is considered that the existing car parking facilities on the site are capable of sustaining the parking of vehicles on the site and any additional ones that may result from further visitors to the park, as a result of the enhanced facilities making it a more attractive place to spend time. Moreover, LCC (Highways) have not raised any objections to the application in terms of access and car parking.

**Overall Conclusion**

23. It is considered that the proposals are acceptable. The change of use is unlikely to cause detrimental harm to the amenities of local residents given the nearest property is located 70 metres away and the intervening distance contains mature trees.

24. From a highways perspective, the site has the benefit of an extensive car park which already serves the park and there are no objections from LCC (Highways). With regards to the changes to the building, there are no concerns with the design of the entrance canopy or the insertion of the bi-fold doors in the front elevation. Also, the hard surfaced area is immediately adjacent to the building and subject to suitable materials; this will not have a harmful impact on the visual amenities of the site and locality. The same can be said of the retaining wall.
25. The proposed café will also provide enhanced facilities in the park for visitors by enabling the purchase of refreshments and food and is considered to be in compliance with the objectives of the pertinent policies of the development plan, which seek enhancements to existing facilities and improvements to the valley parks.

### **Other Matters**

#### Waste Collection and Storage

26. There is adequate space adjacent to the northern elevation of the building for bin storage and this will not change as a result of the proposals hence there are no issues with this element of the application.

### **Planning Policies**

#### National Planning Policies:

National Planning Policy Framework (The Framework))

#### Adopted Chorley Borough Local Plan Review

Policies: GN5 / DC1 / TR4 / LT8 / LT14

Supplementary Planning Guidance:

- Design Guide

#### Joint Core Strategy

Policy 24

#### Publication Version of Chorley Local Plan

Policies ST4 / EP3 / BNE1 / BNE9 / HW2 / HW3

### **Planning History**

00/00838/CB3 - Regulation 3 application for the construction of new visitor centre – Approved on 13 December 2000

96/00697/CB3 - Regulation 3 Application for the construction of Visitor Centre and provision of disabled parking spaces – Approved on 5 March 1997

94/00889/CB3 - Reclamation of derelict settlement tanks for nature conservation Approved on 13 March 1995

### **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 facing brickwork to the retaining wall 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.*

3. **During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2012 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*
  
4. **The café hereby permitted shall only open between the hours of 7:30am to 9pm.**  
*Reason: In order to protect the amenities of the occupiers of nearby properties*

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Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	23 April 2013

### ENFORCEMENT ITEM

Change of Use of land from agriculture to domestic curtilage land to the rear of 125 Rawlinson Lane, Heath Charnock, Chorley, PR7 4DF.

### PURPOSE OF REPORT

1. To seek authority for the serving of an enforcement notice to cease the use of the land as domestic curtilage and to remove all items that facilitate that use from the land.

### RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice under Section 171A(1) of the Town & Country Planning Act 1990 in respect of the following breach of planning control:

#### i. Alleged Breach

Without planning permission the change in use of land from an agricultural use to domestic curtilage on land at 125 Rawlinson Lane Heath Charnock Chorley PR7 4DF.

#### ii. Remedy for Breach

- a. Cease the use of the land as domestic curtilage.
- b. Demolish the stables and remove the resultant materials from the land.
- c. Remove the hard standing from the land.
- d. Remove all concrete paving slabs from the land.

#### Period of Compliance

3 months

#### iii. Reason

- i. The proposed development would be detrimental to the character and appearance of the Green Belt and would be prejudicial to the purposes of the Green Belt in terms of encroachment into the countryside, contrary to Policy DC1 of the Adopted Chorley Borough Local Plan Review and Paragraph 80 National Planning Policy Framework.

**EXECUTIVE SUMMARY OF REPORT**

3. The land subject of this report is located in Heath Charnock, within an area designated as Green Belt where there is generally a presumption against inappropriate development. Policy DC1 in the Local Plan deals with development in the Green Belt. This policy sets out types of development, which are considered acceptable in the Green Belt. The change of use of land from Green Belt to residential garden curtilage is not listed as a type of such acceptable development.
4. The land in is located to the rear of 125 Rawlinson Lane and is 0.16 hectare in area. The land is currently being used as an extension to the existing rear garden area, the parcels of land separated by a hedge with a gated access on to the land. In 2006 a small two horse stable block was erected on the land which the landowner believed was permitted development as she believed the land was in use as domestic curtilage. It has now transpired that the land was not domestic curtilage and therefore the stables did not benefit as permitted development.
5. The landowner was advised that if she had evidence to substantiate the use of the land as domestic curtilage then she should apply for a Certificate of Lawfulness for the use. To date no application has been submitted. Investigations have continued with aerial photographs being obtained and statements recorded from the immediate neighbours. The photographs are not conclusive but do appear to show no domestic use of the land and the statements recorded from the immediate neighbours provide evidence that the land has not been in use as domestic curtilage. There has been no continuous use of the land as domestic curtilage for a period of ten or more years therefore the unlawful use is not immune from enforcement action.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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**REASONS FOR RECOMMENDATION(S)**

**(If the recommendations are accepted)**

6. It is considered that the proposed change of use would adversely impact on the openness of the Green Belt and the purposes of including land in the Green Belt and as such the proposal is considered unacceptable in terms of Policy DC1 and Paragraph 80 of the National Planning Policy Framework.

**CORPORATE PRIORITIES**

7. 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	x

**BACKGROUND**

8. In 2006 the owner of 125 Rawlinson Lane erected a two bay stable on land to the rear of the property under permitted development rights that were appropriate at that time. The stables were inspected and it was seen that they did fall within the conditions applicable for an outbuilding with regards to its size. The owner stated the land was domestic curtilage and provided written evidence to that effect.

9. The landowner asserted that the land to the rear was used for horse and livestock grazing and for flower growing by her grandfather and that the land had been so used for over 80 years.
10. Further complaints were received regarding the use of the land and the stables erected upon the land and further investigation were carried out that culminated in statements of evidence being recorded from the immediate neighbours that both refuted the assertion the land in question was domestic curtilage. Aerial photographs were obtained showing the condition of the land prior to the stables being erected and whilst not conclusive they do not appear to show any domestic use of the land.
11. Any buildings upon the land that facilitates the unauthorised change in use of the land, in this case the stables, is also unauthorised and is therefore not immune from enforcement action and should be removed from the land to restore the land to its former condition and use.

**IMPLICATIONS OF REPORT**

12. 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**

13. The report sets out the reasons for enforcement which should mean that the process can be contained within existing budgets. Should for any reason this is not the case, budget provision would be requested, but the risk of this is low in this instance.

**COMMENTS OF THE MONITORING OFFICER**

14. The comments in the report are noted and agreed. It is appropriate to confirm that the previous inspection of the stables does not constitute permission and neither does it prevent the Council taking enforcement action.

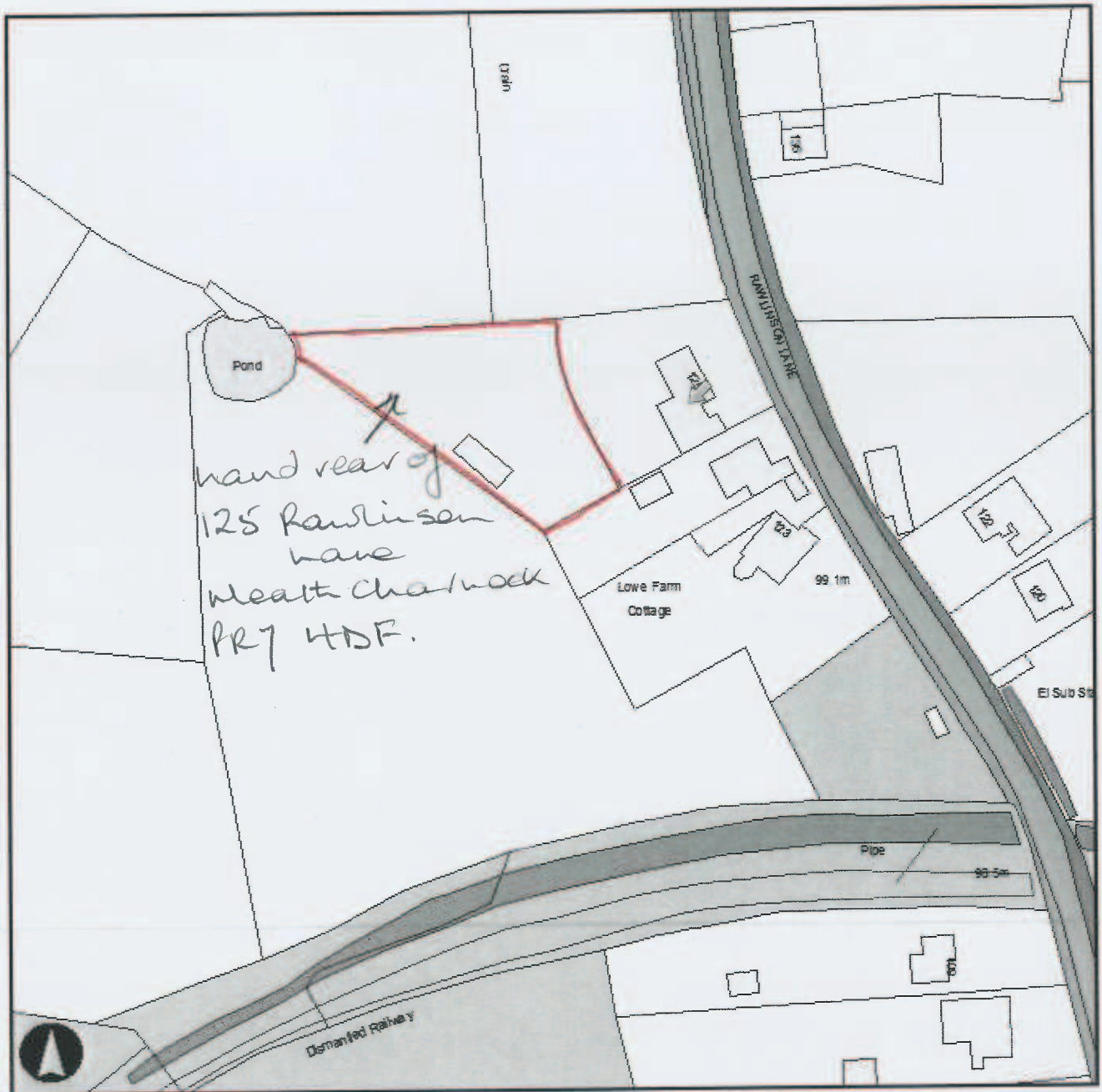
LESLEY ANNE FENTON  
 PARTNERSHIPS, PLANNING & POLICY

There are no background papers to this report.

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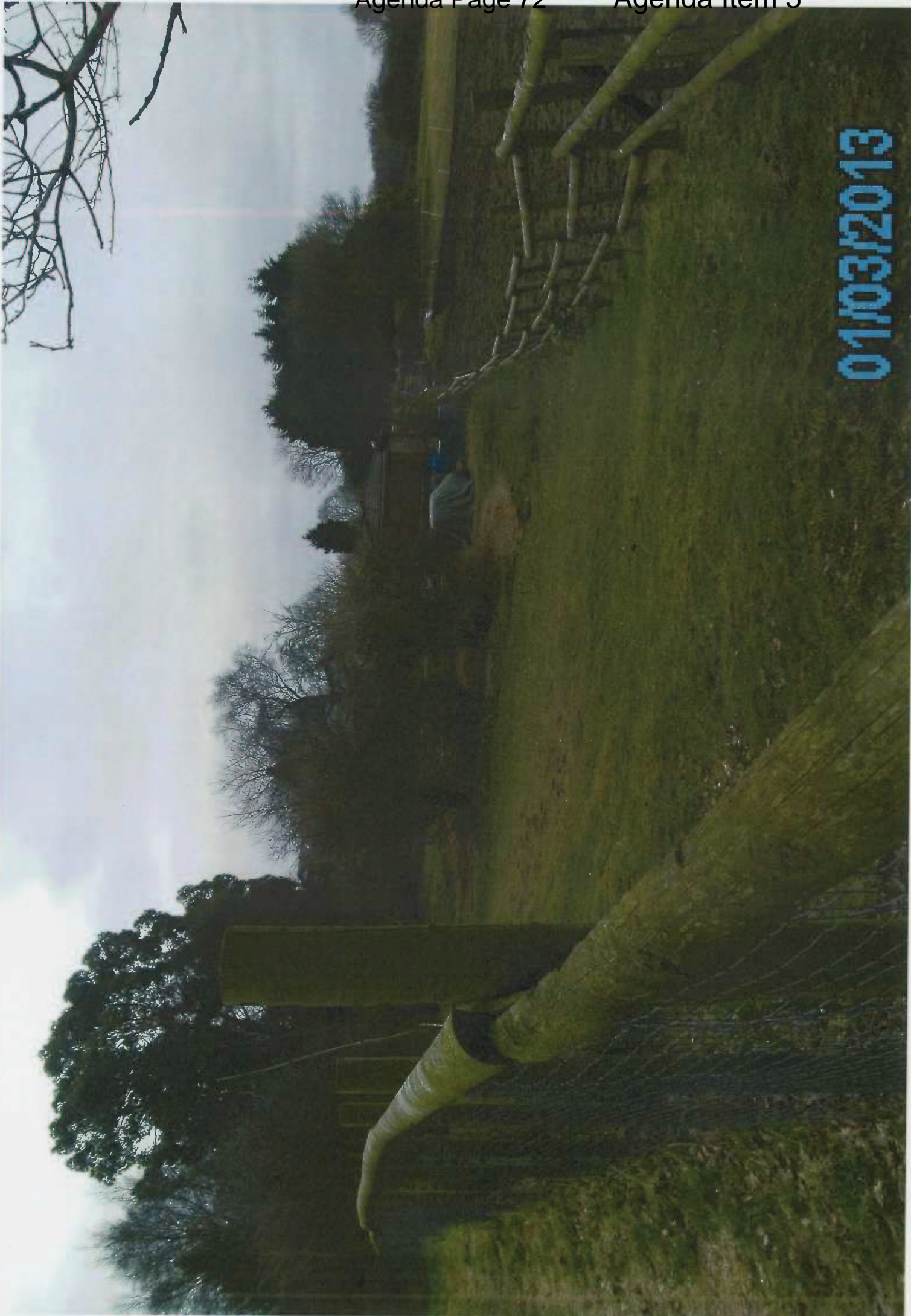
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# Map



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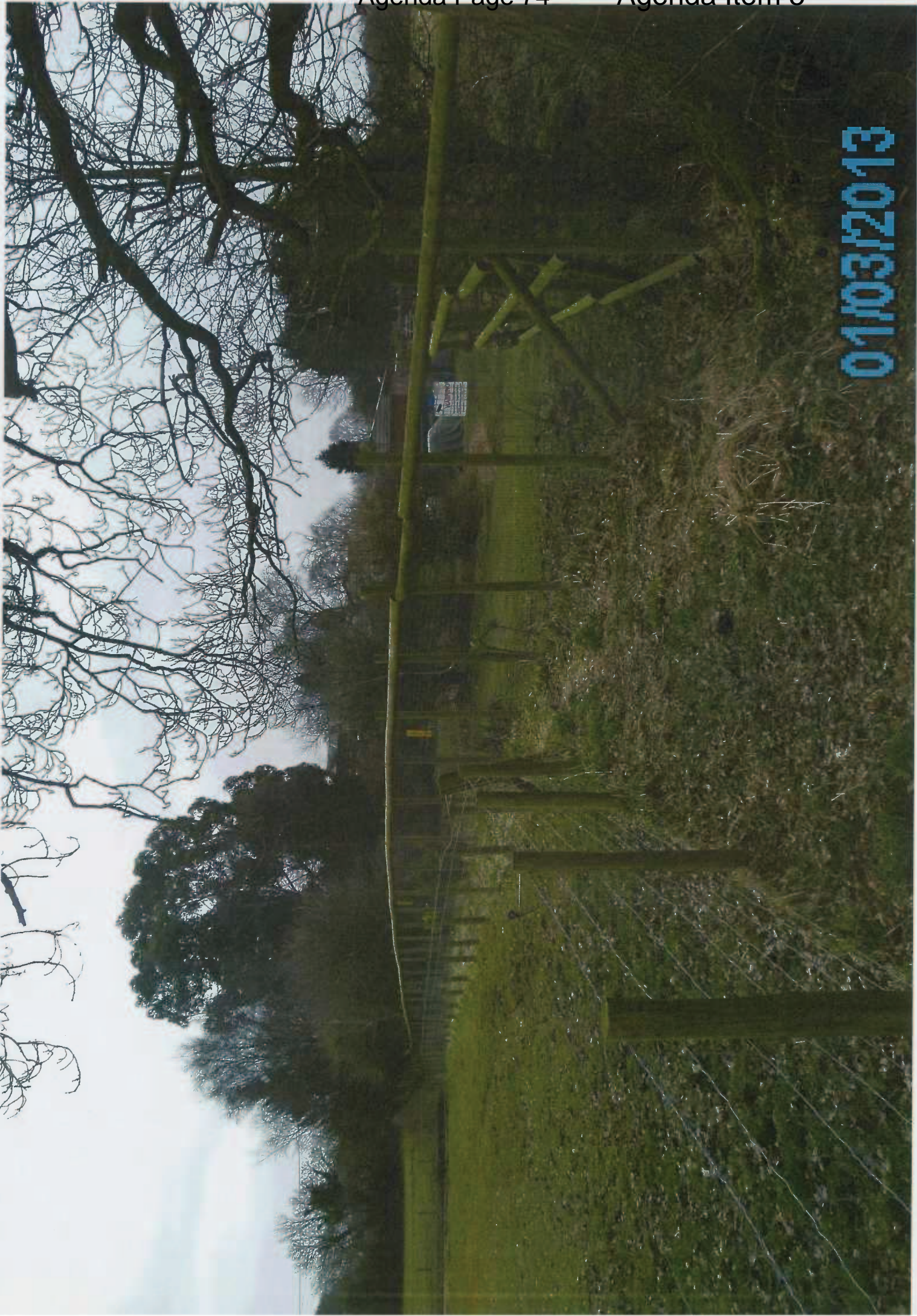
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Report of	Meeting	Date
Director of Partnership, Planning and Policy	Development Control Committee	23 April 2013

**LAND ADJACENT HURST BROOK, CHAPEL LANE, COPPULL, CHORLEY – NON- COMPLIANCE OF PLANNING CONDITIONS OF PLANNING PERMISSION REF. 00/00492/FUL AND PROPOSED SUPPLEMENTAL PLANNING OBLIGATION**

**PURPOSE OF REPORT**

1. To consider whether it is necessary to enforce against conditions numbered 15, 16, 22 or 24 of planning permission reference 00/00492/FUL.
2. Condition no. 15 requires the submission and approval of a landscaping scheme.
3. Condition no. 16 requires the implementation of the approved landscaping scheme and the replacement of trees and shrubs that die or become seriously damaged or diseased within 5 years of the completion of the development.
4. Condition no. 22 requires the submission and approval of a scheme for the provision of public open space and play areas.
5. Condition no. 24 requires the submission and approval of the phasing provision and equipping of the public open space and play areas.

**RECOMMENDATION(S)**

6. The Council does not enforce against the non-compliance of conditions numbered 15, 16, 22 and 24 of the planning permission reference 00/00492/FUL and enters into a supplemental Section 106 agreement that effectively removes the obligation on the developer to lay out an equipped play area and instead pay a commuted sum of £25,000 for the Play and Recreation Fund to be allocated across the borough and in addition a commuted sum of £11,892 as a maintenance contribution for the POS defined as Recreation Land in the original agreement.

**EXECUTIVE SUMMARY OF REPORT**

7. This report details the non-compliance of conditions attached to planning permission 00/00492/FUL and sets out the provisions to be included within a new supplemental Section 106 Obligation.

<b>Confidential report</b> Please bold as appropriate	Yes	No
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**CORPORATE PRIORITIES**

8. 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	X
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

**BACKGROUND**

9. Planning permission was granted in March 2002 for the erection of 70no. dwellings and associated infrastructure on land adjacent to Hurst Brook, Chapel Lane, Coppull, Chorley (Ref: 00/00492/FUL)
10. Permission was granted subject to a number of conditions and also separate obligations contained within a Section 106 Agreement.
11. Of particular relevance here are conditions 15, 16, 22 and 24 that required the submission and approval of a landscaping scheme and its implementation; the submission and approval of a landscaping scheme for the provision of public open space and play areas; and the submission and approval of the phasing provision and equipping of the public open space and play areas.
12. However there is no record held on file that any of these conditions of the planning permission were formally discharged before the development commenced.
13. It is accepted however that the landscaping of the site and the area of public open space indicated on the approved plans has been laid out to the satisfaction of the Council although no play equipment has been provided. According to the Council's Building Control records the development was completed in November 2005 and therefore the time period to require any of the landscaping to be replaced has lapsed in any event.
14. In addition, the terms of the original S106 obligation required the developer to lay out, landscape and provide play equipment on the play area for use as an equipped play area, and lay out and landscape an area of casual open space and amenity space.
15. The Council were obliged to adopt, and thereafter maintain the recreational land comprising the play area, casual open space and amenity open space and accept a transfer of that land from the landowner following the payment of commuted sums.
16. The need for a supplemental s.106 agreement has come to light during the adoption process of the public open space that has been laid out by the developer.
17. Under the provisions of the original Section 106 agreement the developer was obliged to pay a commuted sum of £19,192 as a maintenance contribution for the on-site public open space including the equipped play area that was to be provided.
18. However, it would appear that it was decided, by former employees of the Council, that the equipped play area need not be provided and instead a further commuted sum was to be paid. This approach is now being reported to members for their approval.
19. The Council sent a draft supplemental s.106 agreement to the developer in 2008 which provided for payment of sums totalling £36,892. The developer indicated that such a supplemental s.106 agreement was acceptable in principle.
20. In addition the developer was given the option of pursuing the variation of the conditions by way of a formal s.73 application to regularise the planning position although they were advised that the Council could not insist upon this.

- 21. The developer has chosen not to apply to vary any conditions formally so it is proposed that the Council proceeds directly to a supplemental s.106 and resolves not to take any action with regard to the non-compliance of conditions 15, 16, 22 and 24 of the planning permission.
- 22. It is considered appropriate in this instance to proceed on the basis that the Council makes a formal decision not to enforce the conditions since the landscaping has been provided to an acceptable standard. The supplemental s.106 now proposed will provide the necessary certainty for the adoption of the public open space and will secure the funds for it to be appropriately maintained.
- 23. The proposed supplemental s.106 agreement obliges the Council to adopt the recreation land that has been laid out in return for a commuted sum payment of £25,000 to fund off-site play space provision within the borough of Chorley. The Council will also receive £11,892 to maintain the recreation land and will also be obliged to accept a transfer of the water vole habitat for which a commuted sum of £12,500 has previously been paid to the Council.
- 24. A plan is attached to this report as an Appendix, which shows the parcels of public open space proposed to be transferred to the Council edged red. The plan needs to be amended slightly to exclude some land not owned by Rowland Homes. This revised plan has yet to be received from the developer. However the plan attached is substantially the same as the land to be adopted by the Council. The paths which cross the public open space are excluded from the transfer as they have already been adopted by Lancashire County Council.

**PROCEDURAL MATTERS**

- 25. A planning obligation can be modified by agreement between the Council and the appropriate persons against whom the obligations are enforceable or by application. An application under S106A is the Secretary of State’s preferred method of modifying planning obligations, however it is not necessary provided the parties have consented to the variations and they are agreed by deed.
- 26. The Council would be able to register the Deed in the Local Land Charges Register without the submission of an Application.

**IMPLICATIONS OF REPORT**

- 27. 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**

- 28. If the recommendation to receive a £25,000 commuted sum for play facilities is approved, it would be allocated to projects through the Council’s Play and Recreation Fund mechanism after it is received. Once use of the sum was approved, the relevant projects would be added to the revenue budget or capital programme as appropriate. The commuted sum for maintenance of public open space would be credited to the People and Places revenue budget for that purpose over an appropriate number of years.

**COMMENTS OF THE MONITORING OFFICER**

1. The Council has a discretion not to enforce planning conditions if it would not be in the public interest to do so. A supplemental s.106 agreement is required to give effect to the change in the commuted sums and the removal of the obligation to install a play area agreed with the developer.

Lesley-Ann Fenton  
 Director of Partnerships, Planning and Policy

Report Author	Ext	Date	Doc ID
Iain Crossland	5903	4 April 2013	***

OR

Background Papers			
Document	Date	File	Place of Inspection
Planning Application file	Approved March 2002	00/00492/FUL	Union Street Offices



**CARRINGTON DESIGN**  
 104 HALLGATE ASTLEY VILLAGE, CHORLEY, PRESTON, TEL: 01525 271100  
**PLANNING LAYOUT**  
 PROJECT: CHAPEL LANE, COPPULL  
 SCALE: 1/4000  
 DATE: JULY 01  
 DRAWING NO: ROW-CL-101

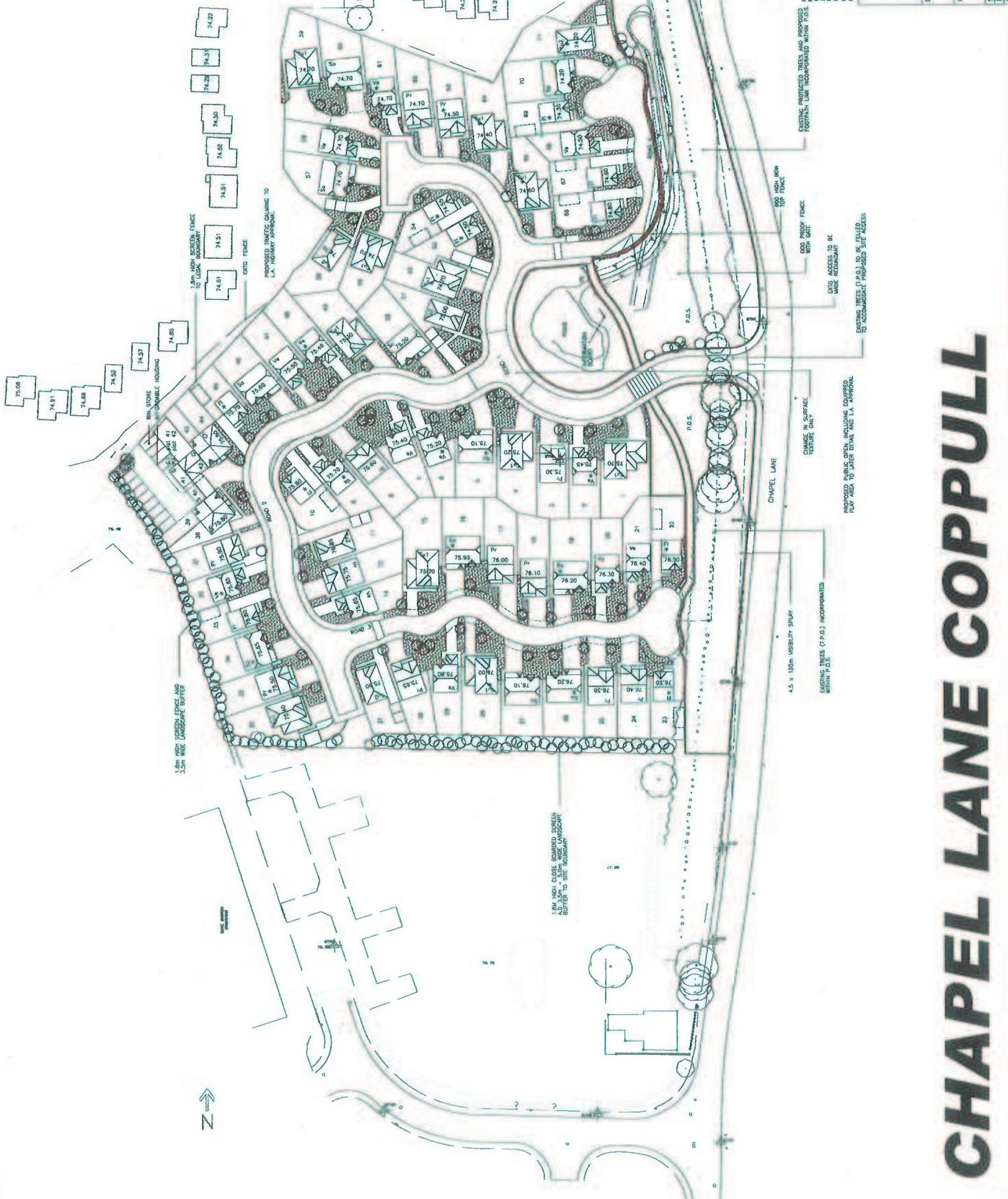
- SCHEDULE**
- S 1 BED 6 FT PLAN
  - S 2 BED CORNER MEWS
  - S 3 BED MEWS
  - S 4 BED MEWS
  - S 5 BED MEWS
- PERFORMANCE**
- F1 FLORENCE
  - Vk VERONA
  - Pk PAVANE
  - Tk TUSCANY
  - Sp SWINGERIE
  - TOTAL 70 No
- P.O.S**
- NEW STORE 0.85 ACRES
  - EXISTING PLAY SPACE 0.33 ACRES
  - EXISTING TOTAL P.O.S 0.45 ACRES (0.180 HECTARES)
  - NEW REQUIREMENT 0.125 HECTARES
- CARRINGTON MATERIALS & FINISHES TO LATER SPECIFICATION AND L.A. APPROVAL**

- REVISIONS**
- REV H: PLATS 22, 23, 45, 47, 48 REPOSITIONED TO SUIT GAS PILES 12/11/02
  - REV I: PROPOSED TRAFFIC CALMING TO L.A. APPROVAL 07/02/07
  - REV J: L.A. APPROVAL 13/02/07
  - REV K: PLANNING/GENERAL AMENDMENTS 15/07/07
  - REV L: PLANNING/GENERAL AMENDMENTS 15/07/07
  - REV M: PLANNING/GENERAL AMENDMENTS 20/07/08

**EXISTING PAVED TREES AND PROPOSED TREES AND PLANTS ARE INDICATED WITH THIS SYMBOL: (SEE ATTACHED SCHEDULE)**

**EXISTING TRUNKS AT P.O.S. TO BE FULLED TO ACCORDANCE WITH L.A. APPROVAL**

**EXISTING TRUNKS AT P.O.S. TO BE FULLED TO ACCORDANCE WITH L.A. APPROVAL**



# CHAPEL LANE COPPULL

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Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	23 April 2013

## **PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 15 MARCH AND 11 APRIL 2013**

### **PLANNING APPEALS LODGED**

1. None.

### **PLANNING APPEALS DISMISSED**

2. None.

### **PLANNING APPEALS ALLOWED**

3. None.

### **PLANNING APPEALS WITHDRAWN**

4. None.

### **ENFORCEMENT APPEALS LODGED**

5. Appeal by Mr John Mawdesley against Enforcement Notice EN647 - Without planning permission the material change of use of the land from agriculture to use of the land for storage purposes and as a builders yard at Towngate Works, Dark Lane, MawdesleyL40 2QU. (Inspectorate Reference APP/D2320/C/13/2194526). Planning Inspectorate letter received 25 March 2013.

### **ENFORCEMENT APPEALS DISMISSED**

6. None.

### **ENFORCEMENT APPEALS ALLOWED**

7. None.

### **ENFORCEMENT APPEALS WITHDRAWN**

8. None.

### **LANCASHIRE COUNTY COUNCIL DECISIONS**

9. None

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

Lesley-Ann Fenton  
DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

There are no background papers to this report.

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Robert Rimmer	5221	11.04.2013	***