

03 June 2013

Development Control Committee

You are invited to attend a meeting of the Development Control Committee to be held in the Lancastrian Room, Town Hall, Chorley on Tuesday, 11th June 2013 commencing 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.

AGENDA

1. **Apologies for absence**
2. **Minutes (Pages 1 - 4)**

To confirm the minutes of the Development Control Committee held on 21 May 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 ten reports for planning applications to be determined (enclosed).

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

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

- a) 12/00643/FUL - Land West of Oak View Leyland Lane Ulnes Walton (Pages 5 - 16)

Proposal

Proposed new earth banked slurry store/lagoon

Recommendation

Permit full planning permission

- b) 12/01150/FUL - Play Area South of 44 Canal Walk (Pages 17 - 28)

Proposal

Erection of two detached dwellings on land presently used as a recreation ground.

Recommendation

Permit (Subject to Legal Agreement)

- c) 13/00218/FUL - Rectory Farm, Town Road Croston Leyland PR26 9RA (Pages 29 - 42)

Proposal

Revision of part existing planning approval 08/00715/FUL to include part demolition of barn and creation of three houses within remaining part, revision of house types A and C, removal of social housing and revision of site layout.

Recommendation

Permit (Subject to Legal Agreement)

- d) 13/00178/FULMAJ - Duxbury Park Phase 2, between Myles Standish Way and Duxbury Gardens, Myles Standish Way, Chorley (Pages 43 - 60)

Proposal

Erection of 70 residential dwellings, associated garaging, car parking, access arrangements and landscape works

Recommendation

Permit (Subject to Legal Agreement)

- e) 13/00397/FUL - Land 40M South West of 17 Buttermere Avenue, Chorley (Pages 61 - 66)

Proposal

Erection of single storey Community Centre

Recommendation

Permit full planning permission

- f) 12/00622/OUT - Rear of 241 Southport Road Ulnes Walton (Pages 67 - 74)

Proposal

Outline application for demolition of existing former workshop/distribution buildings and erection of three detached bungalows (resubmission of application 12/00240/FUL)

Recommendation

Permit outline planning permission

- g) 13/00364/FUL - Land 40M South of Euxton Youth Club, Laurel Avenue, Euxton
(Pages 75 - 78)

Proposal

Change of use of land from existing garden area to create 3 car parking spaces

Recommendation

Permit full planning permission

- h) 13/00348/FULMAJ - Formerly Multipart Distribution Limited, Pilling Lane, Chorley
(Pages 79 - 86)

Proposal

Re-plan of plots B1-B65 (previously approved as part of planning approval 07/01226/REMMAJ) to replace the approved apartments with 16 houses and 24 apartments (40 units in total) including an amended vehicular access arrangement and parking accessed of Pilling Lane.

Recommendation

Permit (Subject to Legal Agreement)

- i) 13/00418/FUL - Stanworth Farm Barn, Bolton Road, Withnell (Pages 87 - 92)

Proposal

Conversion of disused barn into four residential units

Recommendation

Permit (subject to Legal Agreement)

- j) 13/00419/LBC - Stanworth Farm Barn, Bolton Road, Withnell (Pages 93 - 98)

Proposal

Conversion of disused barn into four residential units

Recommendation

Grant Listed Building Consent

5. **Certificate of Lawfulness - Yew Tree Farm, Coppull Hall Lane, Coppull**

Report of the Director of Partnerships, Planning and Policy (to follow)

6. **Objection to Tree Preservation Order No: 3 Hoghton**

Report of Director of Partnerships, Planning and Policy (to follow)

7. **Planning Appeals and Other Decisions Report (Pages 99 - 100)**

Report of Director of Partnership, Planning and Policy (enclosed)

8. **Exclusion of the Public and Press**

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Local Government Act 1972.

9. **Enforcement Report**

Report of Director of Partnerships, Planning and Policy (to follow)

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

Yours sincerely



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Chief Executive

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Distribution

1. Agenda and reports to all Members of the Development Control Committee (Paul Walmsley (Chair), Dave Rogerson (Vice-Chair) and Henry Counce, Jean Cronshaw, John Dalton, David Dickinson, Graham Dunn, Dennis Edgerley, Christopher France, Danny Gee, Harold Heaton, June Molyneaux, Mick Muncaster and Geoffrey Russell for attendance.
2. Agenda and reports to Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), Alex Jackson (Senior Lawyer) and Cathryn Filbin (Democratic and Member Services Officer) for attendance.
3. Agenda and reports to Development Control Committee reserves for information.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

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.

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Development Control Committee**Tuesday, 21 May 2013**

Present: Councillor Paul Walmsley (Chair), Councillor Dave Rogerson (Vice-Chair) and Councillors Henry Counce, John Dalton, David Dickinson, Graham Dunn, Dennis Edgerley, Danny Gee, Harold Heaton, Mick Muncaster and Geoffrey Russell

Substitutes: Councillor Matthew Crow

Also in attendance:

Councillors: Julia Berry, Doreen Dickinson, Keith Iddon and Paul Leadbetter

Officers: Jennifer Moore (Head of Planning), Alex Jackson (Senior Lawyer), Adele Hayes (Principal Planning Officer), Nicola Hopkins (Principal Planning Officer (Major Projects)) and Cathryn Filbin (Democratic and Member Services Officer)

13.DC.33 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Jean Cronshaw, Christopher France and June Molyneaux.

Councillor Matthew Crow attended the meeting as Councillor June Molyneaux's substitute.

13.DC.34 MINUTES

RESOLVED – That the minutes of the Development Control Committee held on 23 April 2013 be confirmed as a correct record and signed by the Chair.

13.DC.35 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest submitted for any items listed on the agenda.

13.DC.36 PLANNING APPLICATIONS TO BE DETERMINED

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

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

- a) **Application:** 13/00218/FUL - **Proposal:** Revision of part of existing Rectory Farm, Town Road, Croston, Leyland, PR26 9RA planning approval 08/00715/FUL to include part demolition of barn and creation of three houses within remaining part, revision of house types A and C, removal of social housing and revision of the site layout

RESOLVED (unanimously) – That the decision be deferred to allow necessary ecological surveys to be carried out so the application can be returned to a future Committee.

- b) **Application:** 13/00168/FUL - Naylor & Walkden Hatton House, 15 Hatton Street, Adlington, Chorley
Proposal: Change of use of an existing vacant office building to a Bed & Breakfast Guest House (Use Class C1) with proprietor's accommodation

Speaker: applicant's agent

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

- c) **Application:** 13/00156/FULMAJ - The Carrington Centre, New Mill Street, Eccleston
Proposal: Erection of a replacement local centre including associated parking and servicing areas and the erection of 62 residential dwellings

Speakers: objector – Neil Darbyshire, supporter – Bob Olive and the applicant's agent.

RESOLVED (11:1:0) – That planning permission be approved subject to a Section 106 legal agreement, the conditions detailed within the report in the agenda, the amended and additional conditions detailed in the addendum.

- d) **Application:** 12/00643/FUL - Land 170m west of Oak View, Leyland Lane, Ulnes Walton, Lancashire
Proposal: Proposed new earth banked slurry store/lagoon

Speakers: objector – Dr Donovan Ross, Ward Councillor – Councillor Doreen Dickinson and the applicant's agent.

RESOLVED (unanimously) – That the decision be deferred to allow Members of the Committee time to visit the site of the proposed development and for officers to request the applicant consider relocating the proposed slurry lagoon further away from residential properties.

- e) **Application:** 13/00056/FUL - The Legacy Rainbow House, Salt Pit Lane, Mawdesley, Ormskirk
Proposal: Demolition of single storey part stable/part hobby room building and construction of classroom, recreational and associated single storey building, closure of existing access, creation of new access and formation of new car parking area

Speakers: Ward Councillor – Councillor Keith Iddon and the applicant.

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.

- f) **Application:** 13/00245/REM - Park Road Methodist Church, Park Road, Chorley, PR7 1QN **Proposal:** Reserved matters application for the demolition of Park Road Methodist Church and the erection of 7 No. dwellings

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

The Chair announced that the following two items which related to Wheelton House, Brinscall Mill Road, Wheelton would be taken as one item but that the decisions would be voted on separately.

- g) **Application:** 13/00265/FUL - Wheelton House, Brinscall Mill Road, Wheelton **Proposal:** Renovation of existing farmhouse and cottage with conversion of barn to form four family homes

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

- h) **Application:** 13/00266/LBC - Wheelton House, Brinscall Mill Road, Wheelton **Proposal:** Renovation of existing farmhouse and cottage with conversion of barn to form four family homes

RESOLVED (unanimously) – That listed building consent be granted subject to the conditions detailed within the report in the agenda.

- i) **Application:** 13/00130/FUL - Home Care Publicity The Courtyard 13 - 17 Anderton Street Chorley PR7 2AY **Proposal:** Change of use of Units 13, 15/17 and 19 from office/storage accommodation to 3 no. three bedroom duplex apartments including construction of pitched roof above Unit 19

RESOLVED (unanimously) – That full planning permission be approved subject to the conditions detailed within the report in the agenda.

- j) **Application:** 13/00347/FUL - Formerly Multipart Distribution Limited, Pilling Lane, Chorley **Proposal:** Retrospective application for the substitution of house types on plots B66-B74 (9 dwellings in total) previously approved as part of planning approval 07/01226/REMMAJ

RESOLVED (unanimously) – That full planning permission be approved subject to the conditions detailed within the report in the agenda.

- k) **Application:** 12/01150/FUL - Play area south of 44 Canal Walk, Chorley **Proposal:** Erection of two detached dwellings on land presently used as a recreation ground

Speakers: objector – David Chadwick, Ward Councillor – Councillor Julia Berry.

RESOLVED (6:5:1) – That the decision be deferred to allow Members of the Committee time to visit the site of the proposed development.

13.DC.37 TREE PRESERVATION ORDER NO.1 (ECCLESTON) 2013

The Director of Partnerships, Planning and Policy submitted a report which sought instruction on whether to confirm Tree Preservation Order No. 1 (Eccleston) 2013 without modification in light of objections being received from the owner of the site.

RESOLVED (11:0:1) – That the Tree Preservation Order No. 1 (Eccleston) 2013 be confirmed without modification.

13.DC.38 CONFIRMATION OF TREE PRESERVATION ORDER NO 4 CHORLEY 2013

The Head of Governance submitted a report which sought instruction on the formal confirmation of Tree Preservation Order No. 4 (Chorley) 2011 without modification.

RESOLVED (unanimously) – That the Tree Preservation Order No. 4 (Chorley) 2011 formally be confirmed without modification.

13.DC.39 CONFIRMATION OF TREE PRESERVATION ORDER NO 5 (WHITTLE-LE-WOODS) 2012

The Head of Governance submitted a report which sought instruction on the formal confirmation of Tree Preservation Order No. 5 (Whittle-le-Woods) 2012 without modification.

RESOLVED (unanimously) – That the Tree Preservation Order No. 5 (Whittle-le-Woods) 2012 formally be confirmed without modification.

13.DC.40 PLANNING APPEALS AND DECISIONS

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

Chair

Item 4a	12/00643/FUL
Case Officer	Caron Taylor
Ward	Lostock
Proposal	Proposed new earth banked slurry store/lagoon
Location	Land 170M West Of Oak View Leyland Lane Ulnes Walton Lancashire
Applicant	Mr Andrew Deacon

Consultation expiry: 16 May 2013

Application expiry: 20 August 2012

Members will recall that this application was reported to Development Control Committee on 21st May 2013 with a recommendation that planning permission should be granted. Members deferred the application for a site visit which took place on 28th May. The recommendation remains as per the original report wherein it is recommended that planning permission should be granted. The contents of the addendum presented at the Development Control Committee meeting have been incorporated into this report and the additional condition recommended has been added to the list of recommended conditions.

Proposal

1. Proposed new earth banked slurry store/lagoon.

Recommendation

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

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Background information
 - Impact on the neighbours
 - Ecology
 - Safety

Representations

4. 21 letters of objection have been received on the following grounds:
 - It is too close to residential properties and would be harmful to their amenity;
 - Concerns over threats to health;
 - The Council need to assess whether an EIA is required;
 - The site is close to a watercourse which flows into the River Lostock via Holker Brook therefore any seepage of spillage will impact on the environment;
 - Concern over construction and design in relation to the permeability of the ground. Will it be line? No leakage system is incorporated.
 - There will be HGVs coming and going;
 - Concerned about TB;
 - Will it be close enough to the farm to be properly monitored?;
 - It will increase the fly population;
 - Screening of the plot should be imposed;
 - Their health conditions requires them to breathe clean fresh air;
 - The lagoon will result in toxic airborne compounds harmful to health;
 - Impact on ecology. Water voles are known to have been sited previously in Holker Brook. Has an ecological assessment been undertaken to assess their current population at the site to assess the impact of the development?;

- The lagoon appear larger than necessary;
- Rodents will be attracted;
- Safety – people and wildlife may fall in and drown.
- Is there contingency for overflow should flooding occur?
- The proposal will only be 130m from their property which is not sufficient for odour and insect pollution not to cause severe amenity harm;
- It could cause a fly infestation;
- Best farming practice indicates it should be close to the point of production i.e. the farm buildings;
- It will contribute to global warming;
- Agencies may have to issue an abatement notice;
- The proposal would be contrary to the Environmental Protection Act 1990, the Environment Act and British Standard and DEFRA Code of Agricultural Practice;
- Proximity to a public rights of way;
- Good practice dictates the lagoon should be close to the point of slurry arisings and more than 400m away from residential areas and amenities, which is not the case here;

One letter is an objection with conditions. It states that a correctly designed and managed holding facility could offer an opportunity to solve a long standing issue. If the farmer could demonstrate an overall vast reduction in odour, residents would be more inclined to welcome a well-planned and managed application.

5. A petition signed by 32 people has also been received asking that the application be refused on the grounds of pollution and environmental risks.
6. Following a re-notification to neighbours (notifying them of the Odour Assessment) a further four letters of objection have been received on the following grounds:
 - ADAS who carried out the report is a private company offering services to the agricultural community, they therefore question its impartiality;
 - They question the comparison with an assessment of a dairy farm in Pembrokeshire, for a planning application whose outcome is yet to be fully determined;
 - Other applications in Pembrokeshire have been refused on nuisance caused by odours;
 - At Boys Farm the properties are in the path of the prevailing wind;
 - What if the management necessary referred to is not kept to?;
 - They are more worried about the likelihood that the prevailing winds will carry flying insects from the slurry to their garden and home that the threat of stronger smells
 - Best practice puts slurry storage close to its source, within the confines of the farmyard area and 400m from buildings. There do not seem to be any extenuating circumstances that exclude Boys Farm from this consideration;
 - The report suggests that the extraction of slurry would only occur and spring and would be emptied by the end of May and only returned to use in autumn. However, slurry spreading at Boyes Farm is all year round and therefore will not be short term as suggested;
 - Only by the use of tanks where input and extraction is always below surface can the recommended management conditions be met;
 - Where will slurry be stored during May to October when the lagoon is not in operation?;
 - The farm is not in an NVZ as was originally implied, therefore there is no legal requirement for such slurry storage;
 - Have the Environmental Health Department been consulted;
 - The Council appears to be cherry picking and being selective in what it accepts or doesn't accept as part of what should be a public consultation;
 - The Odour Assessment seems to be a delayed recognition on the part of the applicant that odour is something which may well constitute a concern to residents and explains why it is proposed that the slurry be placed as far as possible from the farm house [it should be noted the Odour Assessment has been commissioned by the Council and has not been submitted by the applicant].
 - It is stated by a local resident that they fail to see that residents may draw comfort from the late submitted report which tries to mitigate just one of the many objections raised previously by residents. DEFRA's best practice for farmers is obviously being disregarded as if the lagoon is justified it should be closer to the point of slurry production near the farmhouse.

7. A further letter received from the Chairman of the Friends of the River Yarrow can be summarised as follows:

- Concern about the dangers to the nearby water course Holker Brook, which runs into the River Yarrow further west. The group have worked with the Council to improve the river habitat and indeed have had sightings of sea trout up beyond Birkacre. There is nothing in the report that reassures them that pollutants will not run off into Holker Brook. Who will monitor that? It would seem that one half of the Council is seeking to undo what the other half is doing;
- As a resident they state the possibility of 1.2 Million Gallons being "lagooned" in the open just round the corner less than 150metres from people's homes fills them with dread;
- Justification of the lagoon seems to rely on a study commissioned from a company called ADAS who generally work for the farming community (hardly independent). A study based on an application in Pembrokeshire which is still not approved by the local authority and where the topography is completely different; A study which notwithstanding the above "suggests" there will be no problems for neighbours or no "unacceptable odour impact" PROVIDED the "lagoon " is managed in accordance with good practise" Can someone advise me exactly who in Chorley's slim line workforce will monitor this "good practise"; A study which talks of "short term odour impacts" when the "lagoon " is emptied "when the wind is blowing to the nearest dwelling" How short is short term? How does one measure an odour impact?; A study which states that the "lagoon" must not be stirred or agitated when to function effectively it MUST be stirred and agitated; A study which says that the "lagoon" "should be completely emptied each year by the end of May" Presumably so that the 1.2 million gallons can be spread on the fields .in summer when flies abound!; Slurry is already spread in Autumn and spring so residents are going to be faced with the inevitable smell, flies etc. all year round;
- The Planning Authority seem to ignore the following; The Environmental Protection Act 1990 which suggests no slurry storage within 400m of a residential building. This lagoon is less than 200m away from a residence; There is evidence from Government that slurry can cause nuisance not just by odours but by harmful gases such as Ammonia, Carbon Dioxide, and Methane; Lancashire County Council suggestion that there are other (and better) sites to create the "lagoon" within the applicants land holding equally well served by tracks. Why can't the applicant use consider these. perhaps it's inconvenient; Other advice very well researched and documented by nearby residents giving very clear evidence of why this should be refused; The decision of Lancaster City Council who have refused a similar application on the grounds of loss of amenity and odour nuisance to nearby residents; The possibility of the applicant being encouraged to invest in some proper modern slurry storage tanks closer to where he keeps his cows; Or perhaps a more modern way by way of aerobic digestion. Again ,perhaps a solution with cost implications but one which might have benefits to the Community rather than inflicting "odour impacts" on residents all year round

8. Ulnes Walton Parish Council

Object to the planning application on the following grounds:

- Concern as to where the waste could potentially leak and the potential risk of pollution to local watercourses such as tributaries of the River Lostock;
- Concern was raised with regards to noxious odours that would emanate from the slurry lagoon on a permanent basis. The Parish Council consider this to be a loss of well-being to local residents by the fact that many will be unable to open their windows and doors;
- Concern was raised that the slurry lagoon would create a fly pollution and this would cause a nuisance to local residents resulting in a loss of well-being. The Parish Council suggest that guidance is sought from Environmental Health in this regard;
- Concern was raised with regards to heavy rain flooding the area and the slurry escaping. The River Lostock has recently flooded at Ulnes Walton Lane and if this occurred again in the future, slurry may potentially end up on the public highway and surrounding land;
- There is a public right of way which is nearby to the proposed site. There is no security or fencing considered in the application and concern was raised with regards to children approaching the slurry lagoon;

- Concern was raised as protected and endangered species such as water voles and great crested newts are known to have been sited in the area. The Parish Council suggest an ecological assessment be completed to assess the position;
- There is a potential of noise and impact to neighbouring residents from the machinery - agitator in slurry lagoon;
- Extreme concern was raised regarding the slurry lagoon producing toxic airborne compounds and other gasses such as methane which would impact the health and environment. The Parish Council would strongly suggest a full environment assessment be undertaken with substantial consultation with the Environment Agency;
- The Parish Council would request the applicant look at alternative designs for the storage of slurry;
- Concern was raised regarding vehicle access and emptying of the tank which potentially could cause highway safety issues. The risks of spills and leakage was also of concern;
- There is a lack of landscaping considerations in the proposal;
- There is lack of consideration in the proposal for the breakdown of the slurry lagoon and the possibility of it overflowing and the implications and remedies that would need to be undertaken.

9. A second letter of objection has been received from Ulnes Walton Parish Council:

- The Parish Council wishes to reiterate its original objections to the application and would ask whether the Environmental Health Department has been consulted and whether an environmental assessment has been conducted in consultation with the Environment Agency.
- With reference to the Odour Assessment the Parish Council has grave concerns that, what appears to be a desktop study, is being presented as hard evidence in this instance. The purported 'similar application in Pembrokeshire' is also as a modelling study and it would appear there is little firm evidence presented to support the Assessment. Furthermore there is no reference to climate and topological differences between the two sites.
- The Parish Council would also query whether the provision in planning regulations which 'normally prevent livestock waste storage facilities to be located within 400m of a protected building (i.e. a building normally occupied by people which are not part of the agricultural building)' remains in force.

10. Ulnes Walton Residents Group

Object to the application on the following grounds:

- Boyes Farm is not in an NVZ and therefore there are no legal obligations to store slurry other than the recommendations provided by DEFRA that advises a requirement of 4 months;
- The proposal is purely a cost saving exercise;
- The majority of the land cannot be serviced by an umbilical spreading system and therefore negates the reason stated to the position of the lagoon;
- The proposal does not accord with any of the relevant guidelines provided by the agricultural industry advisory bodies;
- The size of the lagoon is in excess of the applicant's requirement and is not proportionate to the herd size.

11. **The Environment Agency**

Have no objection in principle to the proposed development but make the following comments:

12. The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 and The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA).
13. They are committed to reducing both point source and diffuse pollution from agriculture through compliance with legislation such as The Nitrate Pollution Prevention Regulations 2008 and Code of Good Agricultural Practice and by encouraging best farming practice and the use of both nutrient management and manure management plans.

14. The construction of lagoons in natural in situ clay requires a permeability test to be carried out. The results of this test should be submitted to us to demonstrate that the clay is suitably impermeable and fit for purpose. This test has been carried out and the results show the permeability of the clay in situ to be 1.6×10^{-10} metres per second which is suitable for the construction of an earth banked lagoon for the storage of slurry produced on the farm. The permeability test and letter from us dated 9 December 2011 confirming the suitability of the ground have been submitted as part of the planning application.
15. The published geological mapping for this area shows the site to be located above mudstones at rockhead. These are mapped as being overlain by superficial deposits with glacial till shown to occur at surface. We have no logs in the area that give us an indication of the thickness of the drift, but there does seem to be ponding on the OS mapping in the general area and this is a reasonable indication that the clay is of low permeability and could provide good in-situ containment.
16. We have no records of any groundwater supplies in the area and the site can be considered as being low risk from a groundwater perspective.
17. The store should incorporate sufficient capacity to allow for annual rainfall, stock numbers and any yard areas and effluent or washing collection systems which are not collected separately and drain to the slurry system such as silage effluent and dairy washings. It is good practice to have a certain amount of excess capacity that will offer added security should regulations change or stock numbers increase in the future.
18. All land drains in the area of the lagoon should be diverted by means of a ring drain set 10 metres away from the edge of the lagoon banks to prevent water ingress and a pathway for slurry to escape.
19. Concrete pads should be used to protect the base where stirring prior to spreading is to be employed at designated stirring points and any access ramps should also be concrete to prevent damage to the structure but allow machine access for cleaning or maintenance. A solid barrier to protect the bank where the inlet pipe is situated will also help prevent bank erosion.
20. They must be informed of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before the structure is brought into use. Further guidance is available on our website and the applicant will need to complete form WQE3 'New or improved agricultural structures form which can be obtained from the Environment Agency'. The lagoon will be inspected before being put into use under the requirements of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010.
21. **County Council Land Agency**
22. The applicant and his family have been farming Boys Farm for over 50 years.
23. The principal enterprise of the unit is that of a commercial dairy herd consisting of approximately 275 milking cows with a further 250 followers on site of which 160 are heifer replacements. The applicant's bull calves are sold at a young age. In addition to the dairy herd, the applicant allows sheep to graze his land over the winter months.
24. The applicant advises them that the earthed bank slurry store is required for a number of reasons, including the need to meet his requirements for slurry storage under Government guidelines, to provide a greater degree of storage to cope with the expansion of his herd, to replace the existing deteriorating slurry storage facilities located at the farm and to facilitate a longer storage period for slurry, therefore allowing the applicant to spread his manure at the most effective time of year.
25. There has been significant expansion over recent years in the scale of the applicant's dairy herd operations which has been facilitated by new cattle accommodation. Whilst this new cattle accommodation has provided some additional slurry storage area i.e. underfloor storage, it is evident that this, together with the slurry storage currently available upon the unit, does not

provide sufficient storage for the number of cattle kept or for the duration required. As such, they consider that a storage facility is justified as adding extra capacity as well as replacing his existing above ground ring store located with the farmstead. Clearly this is an aged facility and one which they feel will soon be approaching the end of its design life. As such, they feel it reasonable to plan towards replacing the existing facility and feel the applicant's decision for a single facility will be down to cost.

26. Such extra storage capacity is required as a large proportion of the farm is situated in a Nitrate Vulnerable Zone (NVZ) [see the section on background information below for more information on the current NVZ position], with Government guidelines stipulating that farms within NVZs must provide at least 5 months storage capacity for slurry. They therefore consider that further storage upon the unit is necessary to meet this obligation.
27. In addition to meeting his obligations, the applicant's ability to store a greater volume of slurry for longer, within a purpose built facility, will permit him to spread manure at appropriate times of year, therefore possibly reducing fertiliser costs upon the unit and improving the effective use of his slurry.
28. They consider the size of the storage proposed is necessary upon the unit and they consider that it is proportionate to the applicant's herd size.
29. In terms of design, a slurry lagoon is one type of facility suitable for the storage of slurry. Other facilities include a slurry tower, underground lagoons and concrete lagoons. Whilst a slurry tower, such as that situated upon the unit, is a typical facility for the storage of slurry, with the significant growth of the applicant's herd over the past few years, this type of facility, in their opinion, is no longer suitable given that the storage capacity of a slurry tower is far less than a lagoon.
30. In considering other alternative storage facilities, in view of the storage capacity required by the applicant, they consider that an earth banked slurry lagoon is the most economically viable method for the storage of slurry upon the unit, with an underground storage chamber or concrete lagoon of the size needed to be disproportionately expensive.
31. They state the advice of the Environment Agency should be sought with regard to the siting and design of the lagoon, e.g. in connection to the soil permeability and whether a membrane is required.
32. The applicant advised that the position of the lagoon was due to its proximity to the majority of the land as they intend to use an umbilical system to spread the manure and he believes the siting of the lagoon would better facilitate this method of spreading.
33. Due to the design of an earth banked slurry lagoon, having wide banking and a fairly shallow depth, a large area is required for such a facility, limiting its ability to be sited upon the farmstead, unlike a slurry tower. This therefore means that the proposed development would have to be sited upon a greenfield site.
34. Whilst not operationally inappropriate, the proposed development, in their opinion, is not restricted to the position put forward and there are alternative greenfield sites upon the unit, including some nearer the main farmstead, where the proposed lagoon could be sited and which are equally well serviced by existing farm tracks.
35. **Environmental Health**
In order to assess the potential of odour nuisance being caused to nearby residential properties from the proposed slurry lagoon, a report was commissioned by Chorley Council from Steve Peirson, Principal Odour Consultant at the Agricultural Development and Advisory Service (ADAS).
36. The potential odour impact of the proposed lagoon is assessed by comparing it with a lagoon of a similar type and size, located at a farm in Pembrokeshire, which ADAS have recently carried out a detailed odour assessment for.

37. The report concludes that the proposed lagoon will not result in unacceptable odour impact, provided that the lagoon is managed in accordance with DEFRA guidance. The report states that there may be some short term odour impacts when the lagoon is emptied at spring time, however short term impacts would not normally constitute a statutory nuisance under the provisions of the Environmental Protection Act 1990.
38. It is emphasised that the most important factors in minimising odour emissions from cattle slurry lagoons relate to the formation of a natural “crust” on the surface of the lagoon, ensuring that the crust is not disturbed until the store is emptied and that the lagoon is managed in accordance with DEFRA guidance.
39. An informal discussion took place between Chorley Council and Barbara Bell, Principal Environmental Consultant at ADAS and specialist entomologist, with a view to commissioning a report on flies/insects. We were informed that in her experience, issues with flies or other insects connected with slurry lagoons were rare and that a report may be of limited value, therefore a decision was made not to proceed with the report.
40. Issues arising from flies or insects at industrial, trade or business premises can be controlled using the statutory nuisance provisions of the Environmental Protection Act 1990.
41. They accept the recommendations contained within the odour report which are that a management plan should be agreed by the planning authority with the applicant to ensure that:
- The lagoon is managed to ensure that crust is formed and maintained each year, with no stirring or agitation until the lagoon is to be emptied.
 - The lagoon is filled at low level to avoid surface disturbance of the lagoon contents.
 - The lagoon is completely emptied each year by the end of May unless, in exceptional circumstances, otherwise agreed in writing with the Authority.
 - The lagoon and slurry applications should be managed in accordance with the DEFRA Code of Good Agricultural Practice
42. **United Utilities**
Have no objection to the proposed development.

Applicant's Case

43. Further to the recent modernisation and expansion of the existing dairy unit there is a requirement for increased capacity/storage of slurry effluent to service the expanding dairy unit. The current range of dairy/livestock buildings provides for accommodation for approximately 280 adult cows, with associated dairy/parlour building incorporating wash rooms, chemical room and office etc. In terms of farm acreage, the Deacon family has direct control via tenancy/ownership of 334 acres, in addition to which they have cropping agreements with various neighbours to provide up to an additional 75-80 acres, providing a total acreage of well over 400 acres.
44. The proposal is for a new earth banked slurry store/lagoon which will provide sufficient capacity to accommodate the expanding needs of the dairy unit, and provide storage of slurry in accordance Environment Agency and DEFRA regulations. The applicants existing ring type slurry store is no longer adequate to accommodate the slurry/dirty wash down water requirements of the dairy unit.
45. The existing tower does not provide enough storage. The issue is the lack of storage leads to over topping structures during winter months (closed period or inappropriate spreading conditions). The result can be pollution. An additional issue can therefore be land spreading in inappropriate conditions resulting in pollution, crops not taking up nutrients and is also a wasted resource (to buy fertiliser is about £300 tonne).

Assessment

Principle of the development

46. The proposal relates to agricultural development which is appropriate in the Green Belt in accordance with the National Planning Policy Framework and Local Plan Policy DC1.

Background Information

47. Spreading of natural fertilisers on land reduces the use of artificial fertilisers and is, therefore, a normal part of good agricultural practice.
48. The proposed lagoon is required to provide a greater degree of storage to cope with the expansion of the herd, to replace the existing deteriorating slurry storage facilities located at the farm and to facilitate a longer storage period for slurry, therefore allowing the farmer to spread manure on the land at the most effective time of year.
49. Too much nitrate in fresh water can cause a wide range of harmful effects to rivers, streams and lakes. The EU Nitrates Directive recognises that most of the nitrate in fresh water (between 50% and 60% in England) comes from agricultural sources. So where there is too much nitrate, farmers need to do things in ways which reduce the risk that nitrates will pollute watercourses. The measures apply in designated Nitrate Vulnerable Zones (NVZs) – locations where the threat of run-off into watercourses is most severe.
50. In a NVZ there is a mandatory requirement for five months slurry storage.
51. At the time the application was made approximately 50% of the farm was in an NVZ, however from the 15th May 2013 the farm will come out of such a zone.
52. However, even if a farm is outside an NVZ, it is still a good practice to follow DEFRA's Code of Good Agricultural Practice to keep nitrate levels down and make it less likely the farm will be designated as an NVZ in the future.
53. Even if the farm is wholly outside an NVZ the Water Resources (Control of Pollution, Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SSAFO) require any new or substantially enlarged facility to have at least four months slurry storage.
54. Therefore the difference of being in an NVZ and outside one is the requirement for five rather than four month's storage. The County Land Agent has advised that it would be good practice for farmers building a new slurry store to build it to hold five rather than four months slurry as NVZ areas are reviewed and therefore a farm may be put back into and NVZ in the future and require a farmer to have five months storage.
55. The Environment Agency advise that even if the farm is completely outside an NVZ, although a farmer does not have to comply with the NVZ rule on storage, they are still strongly advised to do so to maximise the value of nitrogen in the livestock manure; minimise nitrogen loss to groundwater and surface water and avoid the risk of a pollution incident.
56. The NVZ storage rules are therefore seen as best agricultural practice.

Impact on the neighbours

57. The main issue with the proposal is possible impact on the surrounding properties.

Odour

58. To some extent smells are an inevitable consequence of living in a rural community but order to assess the potential of odour nuisance being caused to nearby residential properties from the proposed slurry lagoon, a report was commissioned by Chorley Council from Steve Peirson, Principal Odour Consultant at the Agricultural Development and Advisory Service (ADAS).
59. The consultant assessed the potential odour impact of the proposed lagoon by reference to a comparable and detailed odour impact assessment recently carried out for a similar application in Pembrokeshire. This was also for a dairy farm slurry lagoon of a size more or less equivalent to the proposed slurry lagoon at Boyes Farm. It is thus reasoned that the Pembrokeshire modelling assessment provides a good odour analogy for the proposed lagoon at Boyes Farm. It was proposed that the Pembrokeshire lagoon would be filled more than once each year, so that the odour modelling was based on continuous odour emissions around the year. Therefore scenario was more testing than at Boyes Farm as the Boyes Farm lagoon will be emptied in the

spring and completely after first cut silage in May, it will then be empty of slurry over the summer before being returned to use during the autumn and winter each year. This means that the Boyes Farm lagoon will be empty of slurry during the higher odour risk summer months. Therefore the all year round odour emissions modelled for the Pembrokeshire lagoon can be expected to predict an appreciably higher odour impact than will occur from the proposed Boyes Farm lagoon.

60. The target odour exposure or impact standard for modelling the odour impact of agricultural odour sources is widely recognised as a 98th percentile annual hourly mean odour exposure of 3.0 ouE/m³, as set out in the Keeston Hill report. The impact of the proposed lagoon at Boyes Farm has been assessed, by analogy, using this benchmark.
61. The proposed lagoon at Boyes Farm is approximately 130m metres from the closest residential dwellings or receptors which are situated to the East of the application site.
62. It can be scaled from Figure 5 of the report at Annex 1 that at Keeston Hill the odour contour representing the 98th percentile, 3 ouE/m³ odour exposure extends, at most, up to approximately 100m from the centre of the lagoon towards the south east. If the 3 ouE/m³ odour contour extends a similar distance (100m) from the Boyes Farm lagoon, but as a worst case in the direction of the closest dwellings to the East, then a contour with a “radius” of 100m will not reach the dwellings. Thus, by comparison, it is concluded that the proposed lagoon will not result in unacceptable odour impact, providing the lagoon is managed in accordance with good practice guidelines. The potential for off-site impact further is minimised, as the lagoon is to be emptied each spring and then not re-filled over the summer months.
63. There may be some short term odour impacts when the lagoon is emptied each spring as slurry is disturbed and spread to land, but these events will be of limited duration and when practicable should be undertaken when the wind is not blowing towards the closest dwellings as set out in the CoGAP. Slurry removal (from the lagoon) and land applications should in any case be managed in compliance with the CoGAP guidance to minimise the impact of these activities.
64. The consultant’s report concludes that the proposed lagoon will not result in an adverse odour impact providing that it is managed in accordance with DEFRA guidance.
65. The most important management factors in minimising odour emissions are establishing and maintaining a floating “crust” on the lagoon each year and ensuring that the lagoon is effectively emptied each spring in accordance with DEFRA guidance.
66. The report states that there may be some short term odour impacts when the lagoon is emptied at spring time, however short term impacts would not normally constitute a statutory nuisance under the provisions of the Environmental Protection Act 1990. Although the planning authority needs to consider the issue of amenity rather than the more stringent statutory nuisance test its impact is considered acceptable subject to a management plan being agreed with the Council to ensure that:
 - a) The lagoon is managed to ensure that crust is formed and maintained each year, with no stirring or agitation until the lagoon is to be emptied;
 - b) The lagoon is filled at low level to avoid surface disturbance of the lagoon contents;
 - c) The lagoon is completely emptied each year by the end of May unless, in exceptional circumstances (abnormal circumstances could arise in the rare event of, for example, a notifiable disease outbreak or very exceptional weather conditions), otherwise agreed in writing with the Authority;
 - d) The lagoon and slurry applications should managed in accordance with the DEFRA Code of Good Agricultural Practice
67. It is therefore considered that subject to conditions controlling appropriate management of the lagoon the proposal is acceptable in terms of odours.

Flies/Insects

68. An informal discussion took place between Chorley Council and Barbara Bell, Principal Environmental Consultant at ADAS and a specialist entomologist, with a view to commissioning a report. The Council were informed that in her experience, issues with flies or other insects connected with slurry lagoons were rare and that a report would be of limited value, therefore a decision was made not to proceed with the report.
69. Issues arising from flies or insects at industrial, trade or business premises can be controlled using the statutory nuisance provisions of the Environmental Protection Act 1990.

Ecology

70. It is not considered the proposal will have an unacceptable impact on ecology. The site of the lagoon is currently managed grassland that will have low ecological value. In addition, it will be accessed by tracks already in place.
71. The comments raised in representations regarding water voles in Holker Brook are noted, however the whole point of the application is to prevent pollution to watercourses through slurry being spread at unsuitable times of year and therefore preventing run-off. The proposal should therefore improve the quality of the surrounding water courses in terms of ecology.

Safety

72. Public Footpath 10 runs north to south approximately 35m to the west of the field where the lagoon will be situated.
73. The Health and Safety Executive have produced guidance on preventing access to effluent storage and similar areas on farms which gives assistance on the standards of fencing recommended to deter access by unauthorised people, in particular children, into areas used for storing slurry on farms. This requires fencing to have an overall minimum height of 1.3 m including at least two strands of barbed wire spaced 100 - 150mm apart at the top and two strands of barbed wire at the bottom to prevent it being pushed up from the bottom by stock. If barbed wire is not used at the top, the fence should be 2m high.
74. The applicant has agreed to implement the 1.3m plus barbed wire fencing around the lagoon as recommended by the Health and Safety Executive. The application is therefore considered acceptable in relation to safety subject to a condition controlling this.

Traffic and Transport

75. The lagoon will be accessed via an existing access track from the farm.

Other Issues

76. A neighbour has questioned the impartiality of the consultant's that carried out the assessment as they are involved with the industry. However this has been commissioned and paid for by the Council. It is considered essential that such a report is carried out by a company with experience in such matters.
77. A neighbour raises the issue that the report suggests that the extraction of slurry would only occur and spring and would be emptied by the end of May and only returned to use in autumn. However, slurry spreading at Boyes Farm is all year round and therefore will not be short term as suggested. To respond to this, the reason that spreading currently occurs all year round is because there is not enough slurry storage at the farm at present.
78. Neighbours have stated that regulations stage slurry storage cannot be within 400m of a protected building (a building not associated with the farm holding). However, this relates to the Town and Country Planning General Permitted Development Order which sets out, amongst other things, what development farmers can carry out without the need for planning permission. The 400m distance is one of the criteria for when development associated with the accommodation of livestock or for the storage of slurry or sewage sludge requires planning permission.

79. During May to October slurry will be spread on the fields as it is now. The lagoon is to store slurry at times of year when it is not appropriate to spread it on the land.
80. The Council have considered whether the proposal requires an Environmental Impact Assessment under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and have concluded it does not.

Overall Conclusion

81. The application is recommended for approval subject to conditions.
82. In addition the Environment Agency will inspect the lagoon before it is brought into use and the applicant is required to give them 14 days' notice to allow this to take place. An informative note will be placed on any permission informing the applicant of this.

Planning Policies

The National Planning Policy Framework

Local Plan Policy DC1

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. Any land drains within 10m of the lagoon banks should be diverted by means of a ring drain set 10 metres away from the edge of the lagoon banks. *Reason: To prevent water ingress and a pathway for slurry to escape and therefore prevent pollution of watercourses and in accordance with the National Planning Policy Framework.*
3. Before the development commences details of concrete pads to protect the lagoon base where stirring prior to spreading is to be employed at designated stirring points shall be submitted to and approved in writing by the Local Planning Authority. The development shall then only be carried out in accordance with the approved details. *Reason: To protect the lagoon base and therefore minimise damage to it and prevent pollution to watercourses and in accordance with the National Planning Policy Framework.*
4. The access ramp to the lagoon hereby permitted shall be constructed of concrete. *Reason: To prevent damage to the structure but allow machine access for cleaning/maintenance and in prevent pollution to watercourses and in accordance with the National Planning Policy Framework.*
5. Before the development hereby permitted commences a Management Plan should be submitted to and agreed in writing by the Local Planning Authority detailing the following:
 - a) How the lagoon will be managed to ensure that crust is formed and maintained each year, and that no stirring or agitation will take place until the lagoon is to be emptied;
 - b) How the lagoon will be filled at low level to avoid surface disturbance of the lagoon contents;
 - c) Confirmation that the lagoon will be completely emptied each year by the end of May, unless in exceptional circumstances. Such exceptional circumstances shall be notified in writing to the Local Planning Authority in advance quoting this application number.

The development shall then only be carried out in accordance with the approved details and shall be maintained in accordance with them at all times thereafter.

Reason: To minimise odour emissions from the lagoon in relation to surrounding properties and in accordance with the National Planning Policy Framework.
6. Before the lagoon is filled the fencing shown in the position as shown on drawing ref: BS_11-037/02 Rev A shall be erected and shall be maintained at all times thereafter. The fencing shall be erected in accordance with Figure 1 of the Health and Safety Executive Information Sheet

'Preventing access to effluent storage and similar areas on farms' (copy attached). It shall have overall minimum height of 1.3m (with a maximum height of 2m) including at least two strands of barbed wire spaced 100 to 150mm apart at the top and the same specification of two strands of barbed wire at the bottom. *Reason: To ensure safety and prevent unauthorised access to the lagoon and in accordance with the National Planning Policy Framework.*

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

Title	Drawing Reference	Received date
Location Plan	BS.11-037/01 Rev A	25 th June 2012
Proposed Site Plan	BS.11-037/02 Rev A	25 th June 2012
Proposed Plan, Section & Elevation	BS.11-037/03 Rev A	25 th June 2012

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

8. The slurry lagoon/store hereby permitted shall only be used for the storage of slurry generated by Boys Farm. No slurry or associated waste shall be brought in from any other farm or source. *Reason: The size of the proposal has been considered in terms of the need for slurry storage for Boyes Farm, it would not be acceptable for additional waste to be brought in from other sources that may leave the farm without sufficient storage and have highway implications, and in accordance with the National Planning Policy Framework.*

Item 4b 12/01150/FUL

Case Officer Mr David Stirzaker

Ward Chorley East

Proposal Erection of two detached dwellings on land presently used as a recreation ground

Location Play Area South Of 44 Canal Walk Chorley

Applicant Places For People

Consultation expiry: 8 March 2013

Application expiry: 27 March 2013

Members will recall that this application was reported to Development Control Committee on 21st May 2013 wherein Members deferred the application for a site visit which took place on 28th May. The recommendation on the application remains as per the original report which is to grant condition planning permission subject to a Section 106 Legal Agreement. The contents of the addendum presented to Development Control Committee on 21st May have also been incorporated into this report.

Proposal

1. This application, submitted by Places for People, proposes the erection of 2 no. detached dwellings on land located at the southern end of Canal Walk which is within the settlement of Chorley.
2. Each of the dwellings will have 5 bedrooms spread over 3 floors and an integral double garage. Access to the site is via Canal Walk and the dwellings face east with the rear gardens located to the west of the dwellings.
3. The application site comprises an area of open grassed space which is bounded by The Moorings and 44 Canal Walk to the north. The site did previously include play equipment but this has been removed in the past. The site slopes from west to east wherein there is a fall across the site of approximately 2m.

Recommendation

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

Main Issues

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

Representations

6. Letters of objection have been received from 2 local residents, the contents of which can be summarised as follows: -
- The proposals will seriously infringe on our property
 - With a Family with 4 Small Children I object to the loss of the safe recreation area as there is no safe Play area next to our property only at the end of Grey Heights View, which is over whelmed with teenagers drinking and swerving at passers by
 - The recreation area as it is, is a joy for my family to enjoy family activities together
 - The loss of this area would mean a safe playing area is taken from us
 - Also access to the proposed houses would mean cars passing our house and would become a big safety hazard for my children
 - Also it would mean the loss of privacy with my garden being overlooked and day light obscured
 - Tatton Recreation Ground is too far away
 - There is no demand for extra houses the Morris Homes development across the road can't sell!
 - Places for people have upped charges on the estate and have the nerve to sell recreation land that we pay to use?
 - There is a high demand for the use of this field for the children on the estate there are a lot of families on canal walk, grey heights and the moorings I know because I live directly next to the field and see them on it.
 - Despite the lack of care Places For People (PfP) have given to this site it is a well-used community facility and the only place for children to safely play in the local area.
 - PfP sold my house to me by featuring the play facilities available i.e. this site. As an alternative Tatton Rec is too far for children to go (across a busy road) & the area at the end of Grey Heights View is too small & only suitable as a rest area although being well maintained.
 - By selling the land to another developer PfP have abdicated their responsibility to the local community & did not notify anyone of their intent - ground maintenance fees have increased despite offloading this valuable community asset.
 - This blatantly contradicts their stated corporate responsibility & I believe that through their greed we could be denied a valuable community play facility which would leave many children with the only option of playing in the streets. We must not lose another play area.
 - The play area should remain as a safe haven for children to play as it was originally designed. The area has enough houses, specifically those across the canal. The area is also chock full of vehicles and this is only going to make that situation worse.
 - Places for People raise fees year on year but the money is used mainly for administration, certainly nothing we can see. They have not even had the decency to write to the local residents about this.
 - I use the play area with my grandchildren; along with walking by the canal. I moved here because I like the greenery and the wildlife.
7. No letters of support have been received.
8. Two letters have been received from **Lindsay Hoyle MP**. The first letter raises concerns that it appears that no regard has been given to the original agreement to place a play area/open space on the land. It is also stated that Places for People (PfP) removed the equipment some time ago and residents feel that the play area is needed in the area and indeed a maintenance charge is being paid. Residents have also advised that the nearest play area is already well used and is too small. It is also requested that the application be deferred to allow further consideration to be given to this matter. The second letter from Lindsay Hoyle MP was received on the day of the Development Control Committee meeting (21st May 2013) and states no limit or life span was placed on the provision of the play area/space hence the area should continue to be designated as a play area/space. The letter also states that no clarification has been provided on the S106 agreement as to whether or not the play space should be maintained or is no longer required. The letter reiterates the request for the application to be deferred to enable the terms of the previous agreement to be clarified as well as determining the real need for play space in this part of the local community.

Consultations

9. **The Canal and River Trust** do not raise any objections and recommend an informative advising the applicant to contact the Canal and River Trust before works commence to ensure any necessary consents are secured.
10. **The Architectural Design and Crime Reduction Advisor** does not raise any objections subject to suitable rear boundary fencing to 1.8m high, suitable rear lighting to BS5489 and suitable external doors to PAS 24 standard.
11. **Director People and Places** does not raise any objections in relation to waste storage and collection issues on this site. In terms of ground contamination, an informative is recommended advising that the applicant submits to the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.
12. **United Utilities** do not raise any objections and recommend that if possible the site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.
13. The **Streetscene Assistant Manager** does not raise any objections to the application but recommends that the boundary fence should be sited 2m from the trees at the back of the site.
14. **Lancashire County Council (Highways)** do not raise any objections to the application.

Assessment**Background Information**

15. The original planning permission for the development which included the play area (Ref No. 97/00499/FUL) included a condition which required any areas of open space to be provided before any dwellings bounding these areas were occupied. The condition does not however prevent the play area/equipment from being removed as it does not stipulate its retention once it has been provided.
16. As already stated, the existing play equipment has been removed from the site and Places for People (PfP) advise that the action to remove the play area came about as a result of complaints from residents about youths congregating around the play area/anti-social behaviour and its condition. PfP advise that they conducted a full Health and safety assessment of the area and as a result cordoned off the area. PfP advise that they then wrote to residents advising them of the complaints and the action to cordon off the play area on the 2nd August 2010. PfP also advise that confirmation was sought from the Council as to restrictions which might prevent the removal of the play area by e mail on the 25th August 2010. Confirmation was received (26th August 2010) confirming that the site was under the control of PfP. Residents were subsequently written to on the 28th September requesting them to vote on either the reinstatement of the play area or its removal. On the 22nd November residents were notified of the results of the voting and the intention of PfP to remove the play area. Residents were then notified that PfP had identified funding for the removal of the play area which meant that no service charge would be administered for its removal. The play area was removed on or about Jan 2011.

Principle of the development

17. The application site is presently a rectangular area of open space located at the southern end of Canal Walk, Chorley. In the Local Plan, the site is part of the GN1 main Chorley settlement. The play equipment on the site has been removed and all that remains is the safety surfacing underneath. The rest of the site is grassed. The Open Space Study does not identify the site as a play area given the equipment has been removed and it is no longer being used as such. Given the last use of the site, the pertinent Policy in the Local Plan is Policy LT14. As there is currently a deficit of equipped play areas in the Chorley East ward in relation to the current

Local Plan standard of 0.25 hectares per 1,000 population, in order for this proposal to be acceptable 'in principle', an equivalent or enhanced new facility must therefore be provided to serve the catchment in accordance with criterion ii) of Policy LT14.

18. Policy HW2 of the emerging Chorley Local Plan is also pertinent although it cannot be afforded as much weight as Policy LT14. Policy HW2 protects existing open space, sport and recreational facilities unless alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facility ceases to be available or it can be demonstrated that the loss of the site would not lead to a deficit of provision in the local area in terms of quantity and accessibility; and the site is not identified as being of high quality and/or high value in the Open Space Study; and it can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area; and the site does not make a significant contribution to the character of an area in terms of visual amenity.
19. With regards to Policy HW2, a commuted sum payment of £6091.20 will enable the provision of an alternative equipped play area to be provided in Chorley East Ward to mitigate the loss of the play area which previously stood on the site. In addition to this, a commuted sum of £2758 (£1379 per dwelling) will also be secured comprising of £170 for amenity greenspace, £852 for off-site equipped play areas and £1736 for playing pitches.
20. The site has not been identified in the Open Space Study due to there not being any play equipment on it. As stated, whilst the Open Space Study identifies a shortfall of equipped play areas in the Chorley East Ward, it also identifies that there is an over provision of amenity open space in the Chorley East Ward of 0.37 hectares per 1000 population in relation to the current Local Plan standard. In terms of visual amenity, the site is grassed over and is fenced off to the north whilst there is a grassed bund to the south. All that remains of the play equipment on the site is an area of hardstanding hence it is not considered that the site makes a significant contribution to the character of the area. There is also a further existing play area located at the northern end of Canal Walk approximately 220m north of this site.
21. Policy HW2 of the emerging Chorley Local Plan seeks to protect existing open space, sport and recreational facilities and this policy has not been the subject of any objections during the preparation of the emerging Chorley Local Plan. Specifically, criterion a) of Policy HW2 requires alternative facilities of an equivalent or enhanced standard to be provided before the existing facilities cease to be available. This reflects criterion ii) of Policy LT14 of the existing Local Plan which requires that an equivalent or enhanced new facility is provided in a convenient location to serve the catchment before the existing facilities cease to be available.
22. As already mentioned, the play equipment on the site has already been removed by Places for People for the stated reasons. This being the case, in accordance with the requirements of criterion a) of Policy HW2 and criterion ii) of Policy LT14, the applicant has agreed to pay a commuted sum towards the provision of an alternative equipped play area in the Chorley East Ward to mitigate the loss of the play equipment which previously stood on the site. In terms of the actual open space on the site which now only serves as amenity open space, there is currently a surplus of amenity open space in the Chorley East Ward of 0.37 hectares per 1,000 population in relation to the current Local Plan standard. Given the existing play equipment has already been removed from the site, it is considered that securing a commuted sum towards the provision of an alternative facility in the same ward means the proposal complies with criterion a) of Policy HW2 of the emerging Chorley Local Plan and criterion ii) of Policy LT14 of the Adopted Local Plan.
23. As stated, the cost of an equivalent facility is £6091.20 so a requirement for this sum to be paid to the Council will be set out in a S106 agreement. This money can then be used to cover the cost of providing a similar equipped play facility to mitigate the loss of the one which formally sat on this site. Subject to securing this sum of money to cover the cost of an alternative site, it is considered that the principle of the proposed dwellings on this site is an acceptable one.

Density

24. The site extends to an area of 1045 square meters or just over 0.1 hectares. The density therefore equates to 19 dwellings per hectare. The development to the north is at a slightly higher density although the development to the east (Rivington View) does include areas of large detached properties of a similar density to that proposed. Therefore, it is not considered that the density of the development proposed is dissimilar to the density of the modern developments to the north and east hence is considered to be acceptable.

Levels

25. The site slopes from west to east with a fall of approximately 2m across the site. The slab levels of the dwellings are detailed on the proposed site plan and have been reduced by 1m from 96.6m to 95.6m to reduce the impact of the dwellings. The dwellings will therefore utilise some cut and fill works but they will not sit significantly above the existing ground level of the site on which they are proposed. The relationship with the dwellings to the north of the site is considered to be acceptable and is examined in more detailed in the next section of this report.

Impact on the neighbours

26. The properties most affected by the proposed dwellings are located to the north of the application site. Immediately north is 44 Canal Walk, the gable end of which faces the northern boundary of the site. Behind this property to the west are a pair of semi-detached properties (1 and 2 The Moorings) and the rear elevation of these properties face the site. The slab level of 1 and 2 The Moorings is approximately 1.5m above that of the proposed dwellings and 1 the Moorings is presently being extended with a two storey side and single storey rear extension which will project 3m from the rear elevation of the property. The windows in this ground floor extension will be 11.5m from the side elevation of plot 1. This distance is sufficient to safeguard the amenities of the occupiers of 1 The Moorings, more so given the slab level of plot 1 will be 0.5m below that of 1 The Moorings.
27. The slab level of 44 Canal Walk is approximately 0.8m below the level of the proposed dwellings. The proposed dwellings originally had a slab level 1.8m higher than 44 Canal Walk but this has been reduced to improve the relationship between 44 Canal Walk and the proposed properties.
28. The rear of 44 Canal Walk faces the same direction as the rear of the proposed properties and the gable end of 44 Canal Walk contains only secondary windows to a lounge and kitchen/dining room at ground floor which look out onto a timber boundary fence which demarcates the boundary between this property and the site. The proposed dwelling on plot 1 will be located at its nearest point 12m south of 44 Canal Walk wherein the front elevation of plot 1 lines through with the rear elevation of this property. This offset relationship means that the difference in levels of 0.8m between the two properties would not result in the dwellings causing detrimental harm to the living conditions of the occupiers of 44 Canal Walk in terms of outlook, natural light and overshadowing.
29. There are windows in the gable end of plot 1 and these serve a wc at ground floor level and stairs at first and second floor level. A condition will require these windows to be fitted with obscure glazing and be non-opening to mitigate overlooking and therefore protect the amenities of the occupiers of 44 Canal Walk and 1 The Moorings.

Design

30. The dwellings have been designed to be modern in character incorporating accommodation over 3 floors. The roof plane incorporates a dormer window in the front and roof lights in the rear to provide light to the bedroom. At the side of each property is an attached garage and each property also have a chimney which adds interest to the overall appearance of each dwelling. The modern design of the dwellings means they will sit comfortably alongside the existing modern development running along Canal Walk to the north.
31. Having accommodation over 3 floors results in the scale of the dwellings being greater than those on Canal Walk to the north. However, the design characteristics means the dwellings will sit comfortably alongside the properties to the north and suitable materials will ensure further that the proposed dwellings do not appear incongruous in the streetscene.

32. Each property will have a sufficiently sized garden to meet the needs of each household. Due to the proposed slab levels of the dwellings, retaining walls will be required to the rear and sides of the properties so the details of these can be secured via suitably worded conditions.

Open Space

33. As already stated, the application site is an area of open space at the end of Canal Walk. The site did previously accommodate play equipment but this has now been removed from the site. The Open Space Study has not identified the site as a play area as a result of this and the site is also washed over by the general settlement Policy GN1. However, Policy LT14 of the Local Plan is applicable as its last use was as a play area so the S106 agreement will include the requirement for the applicant to pay the Council a commuted sum of £6091.20 to enable the provision of a replacement facility.
34. With regard to other facilities in the local area, there are three equipped play areas within the accessibility catchment of this site (800m). There is an equipped play area on Grey Heights View which is approximately 250m from the site. This site is identified as being of low quality and high value in the Council's Open Space Study. Tatton Recreation Ground is located within 400m of the site. This site is identified as being of high quality and high value in the Council's Open Space Study. There is also an equipped play area at Fell View which is within 750m of the site. This site is identified as being of low quality and high value in the Council's Open Space Study.

Trees and Landscape

35. There are trees to the western boundary of the site which are to be retained and a condition is recommended requiring full details of the fence construction to ensure the health of the trees is not damaged by the fencing adjacent to them. There are also smaller less mature trees adjacent to the access point into the site from Canal Walk that will be removed. However, these do not make a significant contribution to the character and appearance of the locality that they should be made the subject of a Tree Preservation Order and therefore prevent the development taking place. A condition requiring the submission of a landscaping scheme is recommended to ensure the development provides some replacement planting to mitigate the loss of the trees to facilitate access to the site.

Ecological Impacts

36. The applicant has submitted an Ecological Appraisal for the site. This concludes that whilst none of the habitats on the site are of particular ecological significance, trees and scrub do provide suitable habitat for nesting birds. The report also states that there is a pond within 150m of the site which is separated by the Leeds – Liverpool Canal and two minor roads. The pond is considered to be of average suitability for great crested newts. However, due to the largely low level habitat present within the application site and the abundance of high value terrestrial habitat adjacent to the pond and the surrounding landscape adjacent to the canal, it is considered unlikely that great crested newts would be present in the application site so the likelihood of an offence being committed in respect of this species is extremely unlikely. Therefore no further survey is recommended.
37. The Ecological Appraisal recommends mitigate in the form of works taking place outside of the bird breeding season (March to July inclusive) and if this is not possible, a suitable ecologist should check for breeding bird activity not more than 48 hours before any clearance works. If nesting birds are present they should be left in situ until all dependent young have left the nest.
38. Natural England Standing Advice recommends the use of an informative when determining an application which is accompanied by a report which does not identify that protected species are using the site. This is the case with the application site as the report concludes that it is highly unlikely that great crested newts would be present on the site. In respect of breeding birds, whilst it is considered that the habitats on the site would be suitable for breeding birds, mitigation measures in the form of checking for breeding birds before works start would ensure they are not disturbed. A condition is therefore recommended to require a check to be undertaken if works are to start between March and August (inclusive) and the details of the check to be submitted to and approved in writing by the Council.

Flood Risk

39. The application site is outside of Flood Zones 2 and 3 so a Flood Risk Assessment is not required to accompany the application nor is consultation with the Environment Agency required. On this basis, there are no concerns with regards to flooding.

Traffic and Transport

40. Each property will benefit from adequate off road car parking. At the front of each property there are 2 off road spaces and each property also has an integral double garage. A turning head is incorporated into the layout and vehicles will be able to enter and leave the site in a forward gear. LCC (Highways) do not raise objections to the application.

Public Right of Way

41. There is a path at the eastern end of the site but this is not a public right of way. It appears on site that this is an informal means of cutting through to Haworth Road to the south through a fence. The proposed site plan does not propose the retention of this informal path through to Haworth Road to the south. However, access is still available to Haworth Road via the canal towpath.

Contamination and Coal Mines

42. The Waste and Contaminated Land Officer recommends that due to the sensitive end-use of the development (residential housing with gardens), the applicant should submit to the Council a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. An informative is recommended drawing the applicant's attention to this matter.

43. In terms of coal mines, the application site is in a low risk area so an informative is recommended drawing the applicant's attention to the possible risk from coal mines.

Drainage and Sewers

44. United Utilities advise that if possible, the site should be drained on a separate system, with only foul drainage connected into the foul sewer whilst surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. United Utilities also advise that if surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Section 106 Agreement

45. A payment of £6091.20 to enable the provision of a new play facility in lieu of the facility which formerly occupied the application site will be secured through a S106 agreement. This will mitigate the loss of the play area which previously stood on the site.

46. In addition to this, a commuted sum of £2758 (£1379 per dwelling) will also be secured comprising of £170 for amenity greenspace, £852 for off-site equipped play areas and £1736 for playing pitches.

Overall Conclusion

47. Subject to the payment of the commuted sum to cover the cost of a replacement play area, the 'principle' of the dwellings on this site is considered to be an acceptable one.

48. The design and scale of the dwellings are considered to be acceptable in terms of how they will relate to the locality and reduction in the proposed slab levels of the dwellings will ensure they do not harm the character and appearance of the locality and the amenities of neighbours. There are no objections from LCC (Highways) as adequate off road parking proposed to serve the properties and likewise, there are no concerns with an additional 2 dwellings being served by Canal Walk. Subject to the recommended conditions and the signing of a S106 agreement, it is recommended that planning permission be granted for the proposed dwellings.

Other MattersSustainability

49. In line with Policy 27 of the Core Strategy, the dwellings will be required to be constructed to meet Level 4 of the Code for Sustainable Homes and conditions are recommended requiring this to be the case.

Waste Collection and Storage

50. The site layout contains adequate space for the storage of waste bins and kerbside collection will be achievable adjacent to the dwellings at the end of Canal Walk. No objections have been raised by the Waste and Contaminated Land Officer.

Planning Policies

National Planning Policies:

National Planning Policy Framework (NPPF)

Adopted Chorley Borough Local Plan Review

Policies: GN1 / GN5 / HS4 / HS6 / HS21 / TR4 / LT14

Supplementary Planning Guidance:

Design Guide

Joint Core Strategy

- Policy 1
- Policy 4
- Policy 5
- Policy 17
- Policy 22
- Policy 27

Publication Version of Chorley Local Plan (2012)

ST4 / HS4A / HS4B / BNE1 / BNE9 / BNE10 / HW2

Planning History

97/00499/FUL - Erection of 18 houses, formation of children's play area and footpath link to Portsmouth Drive – Permitted on 05/11/1997

Recommendation: Permit (Subject to Legal Agreement) Conditions

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

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

Title	Plot	Drawing Reference	Received date
Location Plan	-----	P3561 001	26 th November 2012
Topographical Survey	-----	SSL:14916:200:1:1	26 th November 2012
Site Plan Existing	-----	P3561 001	26 th November 2012
Site Plan & Elevations	-----	P3561 - 002 B	25 th March 2013
House Type Plans	Plot 1	P3561 - 003	26 th November 2012
House Type Elevations	Plot 1	P3561 - 004	26 th November 2012

House Type Elevations	Plot 2	P3561 - 005	18 th December 2012
House Type Elevations	Plot 2	P3561 – 006	18 th December 2012

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

3. A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development]. These details shall include 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 and proposed garden levels. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

All hard and soft landscape works shall be carried out in accordance with the approved details within 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. *Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.*

4. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved. *Reason: To ensure that the materials used are visually appropriate to the locality.*

5. Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls (including retaining walls) and gates to be erected (notwithstanding any such detail shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. The submitted fencing scheme shall include details of how the fencing adjacent to the trees on the eastern boundary will be installed in a manner which safeguards the health of these trees. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development and all fences, gates and walls shall be retained and maintained as such at all times thereafter. *Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.*

6. No dwellings hereby permitted shall be occupied until the means of vehicular access and the footway, has been constructed in accordance with the approved plans. *Reason: In the interests of highway and pedestrian safety*

7. Notwithstanding the provisions of the Town and County (General Permitted Development) Order 1995 (as amended), the integral garages shall not be converted to living accommodation. *Reason: In order to safeguard the residential amenity and character of the area and in the interest of highway safety.*

8. The dwellings shall 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.*

9. Prior to the commencement of the development hereby permitted, 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*

10. 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*

11. All first and second floor windows in the north facing elevation of plot 1 shall be fitted with non-opening obscurely glazed windows using Pilkington privacy level 5 glass (or a glass from an alternative manufacturer with the same level of obscurity). Non-opening obscurely glazed windows shall be retained at all times thereafter in the north facing elevation of plot 1. *Reason: In the interest of the amenities of the occupiers of the adjacent properties to the north.*

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

13. The existing soil levels around the base of the trees to be retained shall not be altered. *Reason: To safeguard the trees to be retained*

14. Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority. *Reason: In the interests of highway safety and to prevent flooding*

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 BS5837:2012 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*

16. The development hereby permitted shall only be carried out in accordance with the Arboricultural Impact Assessment submitted with the application carried out by Bowland Ecology

dated 15th January 2013. *Reason: To define the scope of the tree works and tree protection on the development site.*

17. The Finished Floor Levels (FFL's) of the dwellings hereby permitted shall only be in accordance with the approved site plan which details FFL's of 95.60 and before the development hereby permitted is first commenced, full details of existing and proposed ground levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on the approved plans. The development shall be carried out strictly in conformity with the approved details. *Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.*

18. Vegetation clearance works, development work or other works that may affect nesting birds shall be avoided between March to August inclusive, unless further surveys or inspections are carried out by a suitably qualified ecologist which confirm the absence of nesting birds, the details of which shall have first been submitted to and approved in writing by the Local Planning Authority. If the further surveys or inspections confirm the presence of breeding birds, mitigation measures shall be proposed to safeguard breeding birds and the development shall only thereafter be carried out in accordance with the approved mitigation measures. *Reasons: To safeguard breeding birds and in accordance with Policy No. EP4 of the Adopted Chorley Borough Local Plan Review, Policy No. 22 of the Central Lancashire Core Strategy and the NPPF (National Planning Policy Framework).*

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Item 4c	13/00218/FUL
Case Officer	Caron Taylor
Ward	Lostock
Proposal	Revision of part of existing planning approval 08/00715/FUL to include part demolition of barn and creation of three houses within remaining part, revision of house types A and C, removal of social housing and revision of the site layout.
Location	Rectory Farm Town Road Croston LeylandPR26 9RA
Applicant	R P Tyson Construction Ltd
Consultation expiry: 17 April 2013	
Application expiry: 9 May 2013	

Members will recall this application was reported to Development Control Committee on 21st May 2013. In the addendum, a recommendation was made to defer the determination of the application until the 11th June meeting to enable the applicant sufficient time to carry out further ecological survey work and submit the results to the Council for consideration. It is anticipated that this information will be submitted to the Council sometime before 11th June Development Control Committee meeting.

It is therefore recommended that planning permission be granted for the development proposed subject to a legal agreement and the receipt of satisfactory ecological survey information and mitigation measures, if deemed necessary, which demonstrate to the Council that European protected species will not be harmed as a result of the development. The contents of the addendum presented at 21st May Development Control Committee have been incorporated into this report.

Proposal

1. Revision of part of existing planning approval 08/00715/FUL to include part demolition of barn and creation of three houses within remaining part, revision of house types A and C, removal of social housing and revision of the site layout.
2. Members will recall this application was deferred at the previous committee to allow further ecology surveys to be submitted.

Recommendation

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

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Background information
 - Viability
 - Principle of the development
 - Changes to the approved scheme
 - Impact on the neighbours
 - Design
 - Open Space
 - Ecology
 - Flood Risk
 - Traffic and Transport

- Drainage and Sewers

Representations

5. One letter of objection has been received on the following grounds:

- This development will have an adverse effect on residents that live at the end of Yarrow Close - on properties that lie within the Croston Conservation Area - adjacent to the land of the proposed development, due to reasons of increased noise and disturbance. They would be overlooked by the proposed development and in turn have a loss of privacy. They would also be overshadowed resulting in a loss of light in their lounge, bathroom and drive area;
- Unacceptably high density overdevelopment of the site, especially as the proposal is within the Conservation Area. The existing properties at the east end of Yarrow Close are all bungalows and the scale of the proposal would certainly not be in keeping with the surrounding development. The proposed development is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing development in the vicinity. To emphasis this point the 3 bungalows that were built adjacent to the land are built on at least, if not more land, than all of the proposal and were built as bungalows by local builders to fit in with conservation area aspects. This proposal does not "fit in" to the conservation area;
- The development would tower over the existing properties that lie within the Croston Conservation Area at the east end of Yarrow Close;
- Visual impact of the development on the existing views across the Croston Conservation Area. The current views looking east down Yarrow Close are across open aspects to traditional building that are in scale to the land that they are on. These views are seen by all residents that drive or walk east down Yarrow Close and the loss of visual amenity from neighbouring properties would seriously and adversely affect the residential amenity of neighbouring owners;
- Partial demolition of the barn. The land of proposed development is on previously farm land and the barns are a reminder that this. This area is of considerable historic interest as a previously working farm within a central village location and as such the barns add to the character and appearance of this part of the Croston Conservation Area.

6. Croston Parish Council

Have no objections to the proposals however the extant application granted a larger area of land to the Community Centre. The Parish Council would request consideration be given to providing access for deliveries to the rear of the Community Centre and 1 no. disabled parking space also to the rear.

Consultations

7. **Lancashire County Council Ecology** have been consulted on the update survey. They advise that although information submitted with the planning application indicates that protected species may be present and may be affected by the proposed development, surveys are not yet complete and proposals for mitigation have not been submitted. Chorley Council is a competent authority for the purposes of the Conservation of Habitats and Species Regulations 2010 (as amended), and therefore needs to have regard to the requirements of the Regulations (and the Habitats Directive) in the making of this planning decision, i.e. if the proposals would result in a breach of legislation, Chorley Council would need to come to a view on the likelihood of a European protected species licence being granted (and the licensing tests being met). In this case the applicant has not carried out sufficient surveys (as recommended by two separate ecological consultants) to establish the presence or absence of bats/bat roosts or the extent to which bats might be affected. The applicant has not demonstrated that offences would be avoided or, if impacts are unavoidable, that there would be adequate mitigation to fully offset impacts. There is therefore insufficient information to enable Chorley Council to come to a view regarding potential impacts on European protected species.

8. **The Environment Agency**

Note that the proposed additional three houses [in the barn] are just outside of Flood Zone 2 and the finished floor levels will set as previously agreed. They therefore have no further comments to their previous comments dated 2008.

9. Police Architectural Liaison Officer

State they have conducted a crime and incident search of the above location and during the period 20/03/2012 to 20/03/2013, there have been reports of criminal activity in the immediate vicinity of this location including distraction burglary in a dwelling and burglary in a building other than a dwelling.

10. In order to prevent the opportunity for criminal activity they recommend the following measures be incorporated:

- That the scheme be developed to Secured by Design standards;
- The Design and Access Statement should incorporate detail as to how the opportunity for criminal activity will be designed out at the site;
- The car parking area at the end of the site that adjoins the land to be gifted to the British Legion should be afforded maximum natural surveillance from the Farmhouse and House Type B. There should be a buffer between the Legion open space and the car parking area for 8 vehicles e.g. railing or fencing arrangement;
- House Number 3 in the barn conversion directly abuts a public highway identified as pedestrian access on the plans. This area at the side of the dwelling should incorporate some defensible space e.g. low level shrubbery or 1m high fencing arrangement so as to clearly define public and private space.
- It is recommended that the gating arrangement leading to the rear of house type A and B should be brought forward so that it is flush with the front of the building line.
- Rear gardens should be protected with a secure fencing arrangement e.g. 1.8m close boarded fencing to prevent unauthorised access to the vulnerable rear of the dwellings. Access to the rear of the dwellings should be restricted with a secure gating arrangement. Fencing at the rear of houses 1 to 3 should ideally incorporate a trellis topping to allow natural surveillance over the car parking area e.g. close boarded to 1.5m with a trellis top.
- Blank elevations are indicated in some house types e.g. A. It is recommended that Blank elevations are avoided. A window in the upper floor allows the opportunity for natural surveillance across the site.
- It is recommended that the dwellings are fitted with an intruder alarm system.

11. Chorley's Conservation Officer

The application site is located at the heart of the Croston Conservation Area, a designated heritage asset. The NPPF recognises that development has the potential to cause harm to the significance of any heritage asset, designated or otherwise, and also to the setting of those assets. Whilst the site does not include any formally recognised heritage assets, designated or not, it nonetheless includes buildings of some local significance.

12. The larger barn is in what appears to be a stable but steadily deteriorating condition, whilst the smaller barn is in poor physical condition.

13. The proposal under consideration is to retain the larger, later, element of the barn building and to demolish the smaller, older, part that is in poor condition, which follows advice that they have given previously.

14. In relation to the proposed new houses, type A, B and C and the impact that this development could have on the significance of the Croston Conservation Area, it is their opinion that given the position of these units within the site their impact will be small. Furthermore the chosen design has clearly taken references from the local vernacular tradition, plus the choice of materials will match that of the Methodist Church extension. It is particularly pleasing to see the inclusion of chimney stacks within the development, again matching a feature of the vast majority of local buildings. Consequently they conclude that the proposed new housing development is acceptable.

15. The provision of parking using a variety of covered and open bays in locations peppered around the site will help to reduce the usually negative visual impact of parked vehicles both within and when viewed from outside the site from within the wider conservation area. This arrangement is considered to be acceptable. The only unanswered question is the material to be used to surface these areas. Perhaps a continuation of the permeable surfacing used adjacent to the Methodist Church would be appropriate.

16. They note that LCC Archaeology has requested that an Archaeological Record be required as a pre-commencement condition to any permission that may subsequently be granted. They agree that this should be required.
17. In summary they consider the proposed development to accord with both national and local policy guidance with respect to both the historic environment and design and consequently consider the application to be acceptable.
18. **Planning Policy**
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 Croston in relation to this standard, a contribution towards new provision is therefore required from this development. The amount required is £85 per dwelling totalling £765.
19. 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 Croston in relation to this standard, a contribution towards new provision is therefore required from this development. The amount required is £426 per dwelling totalling £3,834.
20. 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 totalling £7,812.
21. The total financial contribution required from this development is therefore £12,411.
22. **United Utilities**
Have no objection to the proposal provided that the following condition is met: -
This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.
23. **Chorley's Waste & Contaminated Land Officer**
Requests an informative note is added to any permission.
24. **LCC Archaeology**
The 1st Edition Ordnance Survey, 1:10560 map, Lancashire Sheet 76, surveyed between 1845-46, shows the buildings of Rectory Farm, comprising a building which corresponds in plan, scale and position to the barn and a range of buildings along the Town Road frontage of the site, although these do not correspond in plan to the range which currently occupies this part of the site. This may indicate that these buildings have been replaced or extensively altered during the working life of the farm. There appears to have been a small building in the North West corner of the farm. The farmhouse is absent from this map but is on the 1st Edition 1:2500 OS (surveyed 1892-3) and therefore dates to the period 1846-93.
25. The farmstead shows an historical development therefore, with a mixture of earlier and later buildings, originating in the first half of the 19th century or earlier (a mid-18th century date is suggested for Barn A in the Structural Survey), and evidence for the extension of the early buildings and additions to the farmstead. The farmstead is therefore of some historical interest, demonstrating responses to changes in agricultural technology and economics over time.

26. Should the Local Planning Authority be minded to grant planning permission to this or any other scheme, Lancashire County Archaeology Service would recommend that an archaeological record of the buildings be made prior to conversion works commencing.
27. **Chorley's Strategic Housing**
State the policy [7 of the Core Strategy] requests 35% affordable homes on rural sites of 5 dwellings or more unless the developer can prove that to provide the affordable element would render the scheme not viable, they would expect this revised scheme of 6 residential units to contain 2 affordable homes.
28. They understand that the previous proposal on this site was for the developer to provide 2 affordable homes for shared ownership - 1 x 2bed house and 1 x 4bed house and this would be the minimum they would expect, unless viability issues are proven.
29. **LCC Education**
No response received.
30. **Chorley's Building Control**
Confirm that they can see no justification for the barn to be retained based on the Structural Survey submitted.

Assessment

Background Information

31. In 2007 Committee granted planning permission (ref: 06/01341/FULMAJ) for the redevelopment of Rectory Farm creating 5 no. four bedroom dwellings and 1 no. two bedroom dwelling, conversion of the existing barn to create 3 no. three bedroom apartments with associated garage space and visitor parking. It also permitted the erection of an extension to Croston Trinity Methodist Church to create Sunday school/community facilities with associated car parking. There were a number of pre-commencement conditions attached to the permission that were required to be discharged prior to the commencement of the development.
32. In 2008 permission was granted (ref: 08/00715/FUL) to vary the conditions on the above planning permission to allow the Methodist Church extension and parking to be commenced before the housing development and barn conversion, including the creation of the access onto Westhead Road.
33. The Methodist Church extension, access and car parking have all been built resulting in the 2008 permission for the housing remaining extant (i.e.it could still be built), subject to the conditions being discharged.
34. For information, the former farmhouse on site will be brought back into use as part of the scheme, but it is not considered that the residential use of this has been abandoned in planning terms and therefore this does not require planning permission. The farmhouse and its garden are not therefore within the site area of this application.

Principle of the development

35. The principle of housing on the site and the conversion of the barn have already been established by the earlier permissions. The issue is therefore the proposed changes to the scheme.

Viability

36. The viability assessment submitted with the application was sent to the Council's property service provider. They state the figures for revenue, costs, land price and profit etc. appear usual. Because there are relatively proportionate higher costs for carparking, garages, refurbishing barn units and farmhouse, the appraisal would be too cost sensitive for any further costs for low cost housing. The revenue is reasonably comparable but in light of a difficult market and small scheme, not easy to price any higher. The developer is proposing to meet the policy requirement of Level 4 of the Code for Sustainable Homes and 15% carbon reduction as well as a public open space requirement.

37. The viability appraisal and therefore the loss of affordable units on the site is therefore accepted.

Changes to Approved Scheme

38. The current application proposes a number of changes from the extant permission granted in 2008:

- Part demolition of barn and creation of three houses within remaining part;
- Revision of house types A and C;
- Revision of the site layout.
- Removal of the previous approved social housing;

39. Part demolition of barn and creation of three houses within remaining part

The existing barn on site has two distinct parts, the larger element with its gable end facing Westhead (referred to as Barn B in the Structural Report accompanying the application) and the smaller but older element attached to the southeast corner of Barn B (known as Barn A). The 2008 permission proposed to convert the whole of the barn to 3 no. three bedroom apartments. The current proposal proposes to demolish Barn A and retain only Barn B to be converted into three town houses.

40. The Structural Report submitted with the application recommends the demolition of Barn A. The Council's Conservation Officer advises that the larger barn (B) is in what appears to be a stable but steadily deteriorating condition, whilst the smaller barn is in poor physical condition. He advises that retaining the larger, later, element of the barn building and demolishing the smaller, older, part that is in poor condition follows advice that he has given previously - it involves the introduction of the minimum number of new openings needed to create usable living spaces whilst at the same time retaining the essential character of the building. In providing a sustainable long term use for the building its future will be secure.

41. Barn B to be retained is the most visible element of the site in Croston Conservation Area prominent particularly from Westhead Road. Barn A is visible from Westhead Road and Town Road over the former brick animal stalls on the site. Although the loss of Barn A is regrettable its poor structural condition has been properly confirmed and the retention and conversion of Barn B is to be welcomed. It should be noted that the Structural Report states that an early decision needs to be made before the condition of building Barn B also deteriorates to the point of being impossible to retrieve. The conversion of Barn A is to be welcomed as retaining a building that makes a positive contribution to the Conservation Area.

42. Revision of house types A and C

House type A was previously approved as a pair of semi-detached houses that were allocated as the affordable units on the site (1 no. two bed and 1 no. four bed). The current proposal removes the affordable units from the site and therefore these are now proposed as 2 no. four bed properties. The design of the proposed properties are now the same as the semi-detached properties on the adjacent plot (house type B) but are handed (a mirror image).

43. House type C will remain as per the previously approved plans except some of the window positions have changed. The rear windows in the property nearest to Town Road will be moved so they are in the east gable facing Town Road and has resulted from the change to the site layout discussed below.

44. The changes to the two house types are considered acceptable in design terms.

45. Revision of the site layout

The proposed changes to the house types and demolition of Barn A have resulted in amendments to the overall layout of the previously approved scheme. As the pair of semi's that make up house type A are larger than previously approved it will result in house type B being further south on the site. This is considered acceptable.

46. The conversion of Barn B to 3 no. town houses rather than 3 apartments will result in the creation of domestic curtilages to the north and west of the barn. In this case this is considered acceptable as the garden areas for the properties in the barn will not be readily visible from

outside the site as they will be screened by the surrounding development and the existing brick wall to Westhead Road. The garden to town house number one in the barn will be large and will wrap around the side of the building and Westhead Road frontage maintaining the openness from the most visible vantage points.

47. The Council's Conservation Officer advises whilst under normal circumstances the creation of such areas within the setting a traditional farmstead would not be considered favourably, in this case he considers the fact they will be largely screened from view by the site boundary wall means that such delineation is acceptable.
48. Another revision is the position of house type C which is now located closer to Town Road and a change to the garden size of the proposed property nearest Town Road. This has been amended to include more of the existing garden of the farmhouse to give it more side garden as the Diocese have sold land to no. 20 Town Road since the previous application was approved in 2008 (who have built a detached outbuilding on the land). This is considered acceptable.
49. To the south of the site there is now more room for car parking for the proposed properties. As part of the original application there was a legal agreement requiring land to the west of the site to be gifted to the Methodist Church (for the now complete extension and car park) and land to the south to be gifted to Croston Community Centre. The Community Centre have confirmed that they have been gifted the land although it is a smaller area than originally envisaged (see other issue section). On the previous approval 5 no. dual pitch garages were to be provided in this part of the site. This is now proposed as 10 no. parking spaces. Views of this part of the site are limited and therefore parking spaces rather than garages are considered acceptable.
50. Along the boundary with Town Road the previous application proposed to demolish part of the former brick animal stalls with slate roof and convert the remaining to 3 no. garages. The current scheme proposes to retain all the stalls as 6 no. covered parking spaces. This is seen as a better solution than the previously approved scheme as it will retain the covered stalls which from the boundary with Town Road and are visually important in the Conservation Area.
51. The changes to the layout will also allow an increase in the number of parking spaces previously approved opposite house types A and B from 6 no. to 9 no. of spaces.
52. Overall, the changes are considered acceptable.
53. Removal of social housing
The original approval secured 2 no. affordable houses. Since the previous application was approved there has been a change in policy as the Core Strategy has been adopted. Policy 7 of this document requires 30% affordable housing contribution in urban areas and 35% in rural areas in or adjoining villages which have a suitable range of services, however this is subject to considerations including financial viability.
54. The current proposal proposes to delete the two originally proposed affordable houses from the scheme and replace them with 2 no. market houses. A viability appraisal has been submitted with the application.
55. It has been established on other sites within the Borough that the financial viability of the site is a material consideration and a reduced percentage of affordable units have been accepted where supported from a financial viability perspective.
56. The viability assessment submitted with the application was sent to the Council's property service provider. They state the figures for revenue, costs, land price and profit etc. appear usual. Because there are relatively proportionate higher costs for carparking, garages, refurbishing barn units and farmhouse, the appraisal would be too cost sensitive for any further costs for low cost housing. The revenue is reasonably comparable but in light of a difficult market and small scheme, not easy to price any higher. The developer is proposing to meet the policy requirement of Level 4 of the Code for Sustainable Homes and 15% carbon reduction as well as a public open space requirement.

57. The viability appraisal and therefore the loss of affordable units on the site is therefore accepted.
58. It must also be considered that although the scheme will not provide affordable housing in the village it will secure the future of Barn B which is in a prominent location and makes a positive contribution to the conservation area. The Structural Survey notes that an early decision is needed made before the condition of building Barn B deteriorates to the point of being impossible to retrieve. The loss of the barn would have a negative impact on Croston Conservation area and its retention in the current scheme is a material consideration that is given significant weight.

Impact on the neighbours

59. It is not considered that the changes to the scheme will have a detrimental impact on the surrounding properties. There will be at least 10m to the boundary with 31 Yarrow Close the nearest property to the west.
60. To the south of the site is the side of no. 20 Town Road. This has a large outbuilding adjoining the site boundary. The only habitable room windows at first floor in house type C serve a bedroom. There will be over 10m from the window in the gable end to the boundary with no. 20 Town Road. The other window will have only 2.2m to the boundary with this property (due to the land gifted to this property by the Diocese which previously formed part of the application site). However, the 10m guideline from this window extends onto the roof of a large outbuilding erected on the gifted land. For this reason the relationship is considered acceptable.
61. To the east are the properties on the other side of Town Road. House type C has main windows in its side elevation but there will be approximately 23m between these windows and those in the front elevation of the properties on Town Road which exceeds the Council's interface guidelines.
62. In the north elevation of the barn at first floor level will be the existing bull's eye that will serve as a window to a bedroom. This is as per the previously approved scheme and there will be 21m to the boundary with the alms-houses, which exceeds the interface guideline of 10m.
63. As originally submitted house types A and B had a main first floor window serving a bedroom in the facing gable end elevations with only 2m between them that would be contrary to policy. This has been amended during the course of the application so these windows are now on the rear elevation (they meet the interface requirement to the rear boundary).

Design

64. The proposed conversion of the remaining barn to form three houses follows advice previously given by the Council. The Conservation Officer advises it involves the introduction of the minimum number of new openings needed to create usable living spaces whilst at the same time retaining the essential character of the building. In providing a sustainable long term use for the building its future will be secure. The proposal for the conversion of this barn and its design is therefore considered to be acceptable.
65. The comments of the neighbour are noted, however it is not considered the proposal is overdevelopment as the density of the proposal is in line with the older parts of the village. The existing properties on Yarrow Close could be said to be out of keeping in terms of their low density. The density of the proposed development has also been established by the previous permission, and it is not considered the changes to the current proposal impact on this. The density is considered acceptable in relation to Policy 5 of the Core Strategy.
66. It is considered most of the points raised by the Police Architectural Liaison Officer can be controlled through a condition relating to boundary treatment details. The other comments are noted (regarding blank elevations and that the barn abuts a highway), but these aspects have been approved previously under the previous scheme and it is not considered it could be justified for them to be changed under the current application. The Council cannot require the scheme to be constructed to Secured by Design standard or for intruder alarms to be fitted.

67. The applicant has confirmed that the development will be constructed of the same brick as that used to build the extension to Croston Methodist Church. The access into the site will be TarmacDry Porous Asphalt and the parking bays will be Piora Permeable paving also to match the Methodist Church Car Park. These are both considered acceptable.

Open Space

68. The original application secured a payment of £21,591 for amenity green space, equipped play areas and playing pitches. Since this time an updated evidence base has been undertaken. This now requires a financial contribution of £12,411 from the development. The applicant is aware of this and this will need to be secured via a supplemental legal agreement to the original one for the site.

Ecology

69. As Members will be aware, and in light of the comments from LCC (Ecology), the application was deferred at 21st May Development Control Committee to allow further ecological survey work to be undertaken and any mitigation measures put forward, if deemed to be necessary. This was on the basis that the updated ecological survey did not provide sufficient information for the Council to be able to assess whether or not the development would result in harm to European protected species.
70. As already stated, the applicant advises this further information will be submitted to the Council sometime before the next Development Control Committee meeting on 11th June hence the issue of ecological impacts will be fully reported to Members in the addendum.

Flood Risk

71. Part of the site is within a flood zone as identified by the Environment Agency (EA), however a Flood Risk Assessment was carried out for the previous application at the site to the satisfaction of the EA and a condition controlling the site being developed in accordance with this applied to the permission. The EA have no comments to make on this application beyond those they made last time. Subject to a condition requiring this application to be built in accordance with this (notably the finished floor levels) the proposal is considered acceptable in this respect.

Traffic and Transport

72. The access to the site is already in place, having been constructed as part of the Methodist Church extension and car park, and has been considered as part of the previous application to be acceptable for the number of dwellings now proposed.
73. The parking for the proposed properties complies with the Council's parking standards, which require 24 spaces to be provided based on the number of bedrooms provided. The layout provides for 24 spaces and 1 disabled space. 6 of the spaces are to be provided in the former covered animal stalls. These will not have doors on them but be left open. This is considered favourably as it is more likely they will be used on a day-to-day basis as parking spaces rather than if they were garages. A condition is proposed preventing the addition of garage doors to these spaces to ensure they are readily available for easy access parking, as there is limited alternative parking on the site and the Council would not want to encourage parking on Westhead Road. Subject to the condition the parking is considered acceptable at the site.

Other Issues

74. The land gifted to the Community Centre has changed in shape from the previous application, however the Council has confirmed with that the Trust of the Community Centre have signed a legal document relating to amount of gifted land as shown in the application.
75. Lancashire County Council as the Education Authority has been consulted on the application but no response has been received. They did not respond to the consultation to the original application in 2006. The previous application permitted 9 no. properties on the site with a total of 31 bedrooms. The current application also proposes no. properties on the site with a total of 29 bedrooms. Given that the original permission could still be constructed as it has already

been implemented and no consultation response has been received from LCC Education it is not considered the Council could require a contribution towards school places.

76. The Parish Council have requested consideration be given to providing access for deliveries to the rear of the Community Centre and 1 no. disabled parking space also to the rear. The scheme does not allow for this and access would result in fewer parking spaces being provided for the houses that it is not considered this would be acceptable.

Drainage and Sewers

77. It is considered that acceptable foul and surface water drainage can be secured at the site and conditions are proposed in relation to this.

Section 106 Agreement

78. There was a legal agreement related to previous applications at the site. This secured affordable housing, the gifting of the two pieces of land and a commuted sum towards public open space. As the affordable housing is no longer proposed and the land gifts have been completed, the only matter still required via a legal agreement is the change to the public open space financial contribution. The application is therefore recommended subject to this being signed.

Sustainable Resources

79. Policy 27 of the Core Strategy requires new dwellings to be built to Level 4 of the Code for Sustainable Homes and schemes of 5 dwellings or more to reduce the carbon emissions of predicted energy use by at least 15% by either additional building fabric insulation measures or by the installation of appropriate decentralised, renewable or low carbon energy sources.
80. The agent advises that the applicant accepts the requirements of Policy 27 of the Core Strategy which requires new dwellings to be built to Level 4 of the Code for Sustainable Homes and schemes of 5 dwellings or more to reduce the carbon emissions of predicted energy use by at least 15% by either additional building fabric insulation measures or by the installation of appropriate decentralised, renewable or low carbon energy sources. Conditions are proposed to control this. The conditions set out in the addendum to the 21st May Development Control meeting have been incorporated into the main list of recommended conditions.

Overall Conclusion

81. Subject to ecology issues being satisfied the application is recommended for approval subject to a legal agreement.

Planning Policies

National Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: GN4, HS4, TR4

Joint Core Strategy

Policies 5, 7, 17 and 27

Planning History

06/01341/FULMAJ Proposed redevelopment of Rectory Farm creating 5 No. four bedroom dwellings and 1 No. two bedroom dwelling, conversion of existing barn to create 3 No. three bedroom apartments with associated garage space and visitor parking. Also, erection of rear extension to Croston Trinity Methodist Church to create Sunday school/community facilities with associated car parking. Approved May 2007.

08/00715/FUL Application to vary the conditions on planning permission 06/01341/FULMAJ (Rectory Farm Development) to allow the Methodist Sunday School extension to be commenced before the housing development and barn conversion (to include the creation of the access onto Westhead Road, temporary access road and creation of Methodist Church car park). Approved December 2008.

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

1. The proposed development must be begun not later than three years from the date of this permission. *Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004*
2. The development hereby permitted shall not 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 and HT7 of the Adopted Chorley Borough Local Plan Review.*
3. 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 or the completion of the housing development (defined as the development within the land edged purple on Drawing No. 1630/01/02 Rev E, stamp dated 9th December 2008), 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 and HT7 of the Adopted Chorley Borough Local Plan Review.*
4. The development hereby permitted shall only be carried out in conformity with the proposed finished floor levels shown on the approved plan ref 2882.01 Rev C. *Reason: To protect the development from flooding and in accordance with the National Planning Policy Framework.*
5. Before the housing development hereby permitted commences, full details of the treatment of all the proposed windows and doors shall have been submitted to and been approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The submitted details shall include the proposed method of construction, the materials to be used, fixing details (including cross sections) and their external finish including any surrounds, cills or lintels. The development shall only be carried out in accordance with the approved details. *Reason: In the interests of the character and appearance of the building and in accordance with Policy No. HT7 of the Adopted Chorley Borough Local Plan Review.*
6. Before the development hereby permitted commences, full details of the proposed rainwater goods, including the eaves detail, to be used on the buildings shall have been submitted to and been approved in writing by the Local Planning Authority. *Reason: In the interests of the character and appearance of the building and in accordance with Policy No. HT7 of the Adopted Chorley Borough Local Plan Review.*
7. Notwithstanding the details already submitted, this consent relates to the use of 'flush' fitting roof lights. These shall only be in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The details shall include the model/make, exact dimensions and the fixing detail (including a cross section) of the roof light(s) to be used. *Reason: To protect the character and appearance of the building and in accordance with Policy No. HT7 of the Adopted Chorley Borough Local Plan Review.*
8. The development hereby permitted shall be carried out using the hard ground- surfacing materials as detailed on drawing reference number 2882.01 Rev C (Proposed Site Layout). *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 HT7 of the Adopted Chorley Borough Local Plan Review.*

9. The fences and walls to the development shall be carried out in accordance with drawing ref: 2882/13 (Proposed Garage Details & Boundary Fence & Wall Details). No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times. *Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 and HT7 of the Adopted Chorley Borough Local Plan Review.*

10. Before the development hereby permitted commences the applicant, or their agent or successors in title, have secured the implementation of a programme of building recording and analysis, unless otherwise agreed in writing with the Local Planning Authority. This must be carried out by a professionally qualified archaeological/building recording consultant or organisation in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority. Upon completion of the programme of building recording and analysis it shall be submitted to the Local Planning Authority. *Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historic importance associated with the building and in accordance with Policy No. HT7 of the Adopted Chorley Borough Local Plan Review.*

11. Notwithstanding the provision of the Town and County Planning (General Permitted Development) Order 1995 (as amended) or any subsequent re-enactment thereof, no garage doors shall be added to the covered parking spaces hereby permitted. *Reason: To ensure residents of the dwelling have easy access to parking and to discourage parking elsewhere on the site in non-designated spaces, in order to safeguard the residential amenity and character of the area and in accordance with Policy Nos. HS4 and HT7 of the Adopted Chorley Borough Local Plan Review.*

12. The covered parking spaces hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995. *Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any subsequent re-enactment thereof, no extension to the dwelling, outbuilding, or other works permitted by Schedule 2, Part 1, Class A, B, C, D, E, F and G shall be constructed or erected without express planning permission first being obtained (other than those expressly authorised by this permission). *Reason: To protect the appearance of the locality and in accordance with Policy No. HS7 of the Adopted Chorley Borough Local Plan Review.*

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 1, Class A and Schedule 2, Part 2, Class C) or any Order revoking and re-enacting the Order, no external wall(s) of the building(s) to which this permission relates shall be painted, rendered or otherwise surface treated (other than as may expressly be authorised by this permission). *Reason: To protect the character and appearance of the locality and in accordance with Policy No. HT7 of the Adopted Chorley Borough Local Plan Review.*

15. Before the development hereby permitted commences, a scheme for the provision and implementation of a surface water regulation system shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented. *Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.*

16. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. *Reason: To secure proper drainage and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.*

17. The development hereby permitted shall be undertaken in strict accordance with the flood risk mitigation recommendations as identified in the Flood Risk Assessment (FRA) prepared by Hamilton Technical Services (dated August 2006) submitted with the application. *Reason: To ensure that the development will not be at an unacceptable risk of flooding.*

18. Prior to the first occupation of any of the approved dwellings a 2.0m footway to adoptable standard shall be provided across the full frontage of the site to Westhead Road. The footway shall be constructed to the Lancashire County Council 'Specification for Construction of Estate Roads'. *Reason: To secure adequate vision from the site access and in the interest of pedestrian safety.*

19. Before the development hereby permitted is first occupied, the access road shall be implemented to the standard as shown on the approved site layout. This shall include any approved ancillary development (such as walling and pavement). *Reason: To ensure that satisfactory access is provided to the housing development before it becomes operative and in accordance with Policy 17 of the Core Strategy.*

20. The car parking spaces and manoeuvring areas hereby approved shall be provided and marked out in accordance with the approved plan, before the dwellings within this area are occupied. The car parking spaces and vehicle manoeuvring area shall not thereafter be used for any purposes other than the parking and manoeuvring of vehicles. *Reason: To allow for the effective use of the parking area and in accordance with TR4 of the Adopted Chorley Borough Local Plan Review.*

21. The new dwellings hereby permitted shall be constructed of Furness Brick Old Chapel Blend brick. The development hereby permitted shall not commence until samples of all other (excluding the above bricks) external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials. *Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HT7 of the Adopted Chorley Borough Local Plan Review.*

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be inserted or constructed at any time at first floor level or above in the south elevation of the house type C dwellings hereby permitted. *Reason: To protect the amenities and privacy of the adjoining property and in accordance with Policy 17 of the Core Strategy.*

23. No works of tree felling, hedgerow clearance or demolition shall take place between from the beginning of March to the end of August unless the absence of nesting birds has been confirmed by surveys that have been submitted to and approved in writing by the Local Planning Authority. *Reason: To protect protected species and in accordance with the National Planning Policy Framework.*

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

Title	Drawing Reference	Received date
Site Location Plan	2882/LP1	6 th March 2013
Proposed Site Layout	2882.01 Rev C	15 th April 2013
House Type A – Plans & Elevations as Proposed	2882.08 Rev A	15 th April 2013
House Type B – Plans & Elevations as Proposed	2882.09 Rev A	15 th April 2013
House Type C – Plans & Elevations as Proposed	2882.10 Rev A	15 th April 2013
Proposed Barn Conversion Ground & First Floor Plans	2882.02 Rev L	6 th March 2013
Proposed Barn Conversion	2882.04 Rev K	6 th March 2013

Elevations		
Proposed Garage Details & Boundary Fence & Wall Details	2882/13	6 th March 2013
Fred Tandy Structural Report	Ref: 1106	6 th March 2013
Hamilton Technical Services Flood Risk Assessment	N/A	6 th March 2013

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

25. The development hereby permitted shall be constructed in accordance with the Fred Tandy Structural Report (ref: 1106) received 6th March 2013. *Reason: Permission has been granted for conversion of Barn B and to ensure that only rebuilding works necessary to this building are undertaken and in accordance with the National Planning Policy Framework.*

26. All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority. *Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Core Strategy.*

27. Prior to the commencement of the development a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level. *Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Core Strategy.*

28. No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority. *Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Core Strategy.*

29. Prior to the commencement of [*the development/ each phase or sub-phase of the development*] a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant [*Code Level/BREEAM*] rating. *Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Core Strategy.*

Item 4d	13/00178/FULMAJ
Case Officer	Mr Matthew Banks
Ward	Chorley South East
Proposal	Erection of 70 residential dwellings, associated garaging, car parking, access arrangements and landscape works.
Location	Duxbury Park Phase 2 Between Myles Standish Way And Duxbury Gardens Myles Standish Way Chorley
Applicant	United Utilities

Consultation expiry: 30 May 2013

Application expiry: 24 May 2013

Proposal

1. Erection of 70 residential dwellings, associated garaging, car parking, access arrangements and landscape works.

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. To date, a total of 6 letters of representation have been received concerning this application. This has resulted in 4 letters of objection and 2 letters of support.
5. The 4no. letters of objection can be summarised as follows:
 - Plots 14 and 15 at the adjacent site would experience a loss of light from the position of the detached single garage at plot 39.
 - Light to the front bay window at plot 14 is already reduced because of its orientation and the tall boundary treatment separating it from the application site.
 - The property type at plot 39 could be altered to include an integral garage which would reduce the impact. If not, then moving the garage away from the fence, including altering the roof design, would enable more natural light to come through.
 - No trees should be planted in the vicinity of plot 39 as this would further reduce light.
 - Affordable units should be away from Shireburne Drive because of problems with the affordable housing on the existing development.
 - If affordable housing is to remain, strict rules should be enforced by the Housing Association.
 - Horrible.
 - Following the public meeting held with United Utilities, major concern is raised around social issues. The local doctors are already vastly over-subscribed as it takes 5-10 days to get an

appointment. If you count the on-going Arley Homes development plus this, serious concern is raised about the timescale for securing an appointment.

- Families cannot get their children into St Georges Primary School and are having to travel further afield. This situation will become worse if permission is granted.
 - A new school or medical centre should be built instead of new homes.
 - People in the area have been trying to sell their property for over 2 years due to the area being saturated with new homes (Piling Lane, Arley Homes and Birkacre Park). Why does this area need more new homes when there are so many still unsold?
6. The 2no letters of support can be summarised as follows:
- Arley Homes are currently developing a scheme of 126 homes to the North of the application site.
 - Arley Homes are in support of the proposal to redevelop the frontage land at Duxbury Park for housing rather than commercial uses.
 - There is an abundance of better located commercial sites elsewhere in the borough, Duxbury Park is a predominantly residential area of South East Chorley.
 - The scheme is to be developed on a sustainable brownfield site more suited to residential development than many other greenfield sites currently under consideration by the Council.
 - The land has been marketed for twelve months for commercial purposes with no interest fulfilling the Councils planning policy.
 - Approval of this scheme will remove a lot of uncertainty for local residents and bring forward the development of this brownfield site.
 - This application should be recommended for approval at the earliest possible committee which is the 21st May 2013.

Consultations

8. **Lancashire County Council Highways** – raise no objection to the application, however, have requested that a number of highway conditions are imposed should permission be granted.
9. LCC Highways have also requested a contribution of £130,620 to fund the investigation and potential operation of an additional bus service in the area.
10. **Lancashire County Council Education** – Consider that a contribution of £201,968 is required for the provision of 17no. primary school places. This should be secured through a Section 106 legal agreement.
11. **Architectural Liaison Officer** – The applicant's Design and Access Statement makes reference to Secured by Design, which deals with the natural surveillance of the development, parking of vehicles in provided garages/within the curtilage of the property, gated pathways leading to the rear of certain properties. It is of interest that no mention is made of the Secured by Design requirements being part of the house build, which is disappointing. On that basis Secured by design is not applicable to the site and would therefore not qualify for certification.
12. **CBC Waste and Contaminated land officer** – raises no objection to the development provided the development proceeds in full accordance with the recommendations made in section 8 of the supporting report. This includes validation of remedial work.
13. **CBC Housing Team** – The development proposes 30% affordable housing split as: 13 x 2 bedroom houses (social rent); 2 x 3 bedroom houses (social rent) and; 6 x 3 bedroom houses-intermediate sale (shared ownership). This should be secured by Section 106 Agreement and all affordable homes transferred to one Affordable Housing Provider which has a presence in the borough and is a member of the Select Move choice based lettings scheme.
14. **CBC Planning Policy** – In accordance with Local Plan Policy HS21 a contribution of £60,760 is required for the improvement of existing playing pitches.
15. CBC Planning Policy considers that the applicant has fully covered the requirements of Core Strategy Policy 10 a) – e). Additionally, as the application is for housing it is considered the site has been fully marketed in excess of 12 months and has satisfied the requirements of Core Strategy g) and h) and the relevant SPD – controlling re- use of employment premises.

16. **Environment Agency** – initially objected to the application. This is addressed below
17. **Public Right of Way Officer** – Raise no objection.
18. **United Utilities** – Raise no objection subject to the following conditions:
19. A public sewer crosses this site and United Utilities will not permit building over it. An access strip width of 10 metres, 5 metres either side of the centre line of the sewer will be required in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.
20. The site must be drained on a separate system, with only foul drainage connected into the foul sewer.
21. Surface water should discharge to the soakaway/Suds, watercourse or surface water sewer. If surface water is allowed to be discharged to the public surface water sewerage system United Utilities will require the flow to be attenuated to 50l/s.

Assessment

Principle of the development

22. The application site is part of a larger area previously granted outline approval under the application 08/01044/OUTMAJ for a mixed use development comprising 200 residential units and 10,800m² gross floor area of B1 employment use. The current application relates to the previously approved area for B1 employment use.
23. In 2011, a reserved matters application (10/00946/REMMAJ) was granted consent for the development of 135 dwellings on the residential part of the site. Development of this part of the site is currently in progress.
24. The application site itself lies between Duxbury Gardens, the residential estate to the north (currently under construction) and is separated by the A6 from a number of trees to the east. To the south of the site is Myles Standish Way, from which the site already has an established vehicular access.
25. The current application seeks to move away from 10,800m² of B1 employment use and proposes 70 dwellings including 30% affordable units.
26. The application site is allocated in the Adopted Chorley Borough Local Plan Review (Policy EM1.16). The site was ranked by the Employment Land Review as a "Good Urban" site and allocated in the Emerging Local Plan (EP1.4) for employment uses (B1, B2, B8 and A2 uses). The site also has a number of permissions for B1 use.
27. Policy 10 (Employment Premises and Sites) of the Adopted Central Lancashire Core Strategy states that there will be a presumption that "Best Urban" and "Good Urban" sites will be retained for employment uses. Proposals on employment sites/premises for re-use or redevelopment other than B use class (employment uses) will be assessed under criteria (a)-(h) of Policy 10.
28. The National Planning Policy Framework (the framework) states that Local Planning Authorities should support economic growth through the planning system as the planning system should do "*everything it can to support sustainable economic growth*".
29. The Emerging Local Plan allocates 110.65 hectares for B uses in Chorley (including this site). Policy 9 (Economic Growth and Employment) and Table 5 of the Adopted Central Lancashire Core Strategy requires the provision of 112ha of employment land for Chorley.
30. Taking into account the completions in Chorley, the residual requirement for B uses is now 105.65ha which was identified at the Examination in Public of the Emerging Local plan

(Examination Change EC21A). The Local Plan is in conformity with the Adopted Central Lancashire Core Strategy employment provision figure.

31. The Framework states that planning policies should “*avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose*”. Policy 10 of the Adopted Central Lancashire Core Strategy and the Central Lancashire Controlling the re –use of employment premises Supplementary Planning Document (SPD) supports this, as land allocations will be reviewed.
32. Applications for alternative uses of land will therefore be treated on their own merits and will have regard to market signals. Policy 10 of the Adopted Central Lancashire Core Strategy states that proposals for housing on employment sites will be considered if specific criteria are met and the site has been subject to 12 months marketing period for employment re –use.
33. Having regard to the information submitted with this application it is considered the applicant has fully covered the requirements of the Adopted Central Lancashire Core Strategy Policy 10 (a)-(e). Additionally, as the application seeks permission for housing, it is considered the site has been fully marketed in excess of 12 months and has satisfied the requirements of Adopted Core Strategy criterion (g) and (h) and the relevant SPD – controlling re- use of employment premises.
34. As such, it is considered that there is no evidence before the Council that employment uses will come forward on this part of the site and as such alternative uses can be considered.
35. In terms of housing supply, the framework requires local planning authorities to boost significantly the supply of housing. This includes a requirement for the identification of a five-year supply of deliverable housing sites with an additional buffer of 5%. Policy 4 of the Adopted Central Lancashire Core Strategy sets out a minimum requirement for the delivery of 417 new dwellings per year in Chorley over the period 2010 – 2026, this minimum requirement is based upon a robust evidence base and has been found sound by an independent planning inspector at examination.
36. The Core Strategy identifies Chorley Town as a Key Service Centre, which is a sustainable location where growth and investment should be concentrated; therefore strategic policy directs housing development to the town. The development of housing on this site would help to meet the strategic policy objectives

Density

37. Policy 5 (Housing Density) of the Adopted Central Lancashire Core Strategy states that national policy no longer sets out an indicative density of 30 dwellings per hectare (dph). However, in suburban and rural locations a density of 25-35 dph is typical.
38. Policy 5 also states that density is an important consideration in any proposed housing scheme, however, the key objective is to achieve high quality design that responds to the character of the area in terms of existing density.
39. The application site extends to an area of approximately 2.4 hectares. The provision of 70 dwellings on the site therefore equates to a density of 29 dwellings per hectare (dph). The density of the scheme allows for the construction of family dwellings with private amenity space reflecting current market trends. This density also takes into account the topography of the site which has significant implications on the layout of the site.
40. The Arley Homes scheme to the north comprises 126 dwellings and covers an area of approximately 4.7 hectares equating to a density of approximately 26dph. The proposed densities are shown to be comparable and the density proposed at the application site would therefore reflect that already established in the surrounding area. As such, the proposed density of the development is considered to be in accordance with Policy 5 of the Adopted Central Lancashire Core Strategy.

Impact on neighbour amenity

41. The immediate neighbours to the proposed development are the properties to the north and west of the application site. The majority of these properties comprise the newly constructed Arley Homes dwellings at the adjacent part of the site (to the north and west) and a number of older dwellings on a site known as Duxbury Gardens.
42. Firstly, turning to the western extremity of the site, it has been noted that an intimate relationship would be created through higher density properties proposed to the west, sat alongside lower density properties bordering the site. At this point plots 30-32 on the approved Arley Homes site are set at a higher land level than the plots 21-29 at the application site. However, these properties are orientated as such that this relationship will remain acceptable, providing adequate amenity space to each plot and sufficient distances between habitable room windows and their respective site boundaries.
43. Turning to the north-west of the site, it is relevant to note that amended plans have been received to re-position some of the plots situated at this part of the site amid concerns regarding changes in land levels and insufficient distances between habitable room windows. The amended plans now result in the gable end of proposed plot 30 now facing plots 23 and 24 on the approved Arley Homes site and their gardens extending in an easterly direction. Proposed plots 30-33 have also been lowered to lessen the visual impact of the gable of plot 30 when viewed from the properties to the north. As a result, this relationship is now considered to be acceptable.
44. Plots 34 and 35 have been re-positioned further south than originally proposed to increase the interface distance between plots 19-21 on the approved Arley Homes site taking account of the change in levels. This relationship is also now considered acceptable.
45. Plots 36-39 would be constructed at a comparable land level to those at the adjacent site and are considered to maintain adequate interface distances in this respect.
46. Turning to the north-eastern portion of the site, the proposed dwellings would have relationships both with dwellings at the Arley Homes site and some of the properties at Duxbury Gardens.
47. Plots 40-44 would be set at a lower level than plots 130-134 on the approved Arley Homes site, however, are considered to maintain an acceptable relationship and adequate interface distances taking into account finished floor levels.
48. Plots 44 and 45 would be positioned closest to the properties at Duxbury Gardens. However, both these dwellings would front the properties at Duxbury Gardens gable on and have no windows in the side elevation facing these properties. Additionally, both plots would be set in from the boundary and so would maintain an acceptable relationship in this case.
49. Plots 47-49 would also interact with properties at Duxbury Gardens. However, these plots would maintain acceptable distances between habitable room windows and so are not considered to result in any significant detrimental harm to neighbour amenity.
50. Plots 49-53 would all have gardens facing in an easterly direction, however, would overlook mature woodland and so would not result in any significant detrimental harm to neighbour amenity.
51. It has been noted that 3 letters of objection have been received concerning this application and that some of the concerns raised relate specifically to relationships between some of the existing and proposed plots.
52. This is with specific regard to No. 13 Shireburne Drive (plot 14 on the approved Arley Homes) and the position of plot 39 and its associated detached single garage. The occupier of No. 13 has raised concerns that light to the front bay window of their property is already reduced because of the orientation of the dwelling, the tall boundary treatment separating their house from the application site and an existing detached garage serving plot 13 at the adjacent site.

53. The occupier of this property has suggested ways in which this relationship could be improved which includes altering the house type at plot 39 to include an integral garage, moving the garage away from the fence, addressing level changes or altering the roof design. Additionally, the occupier of No. 13 states that no trees should be planted in the vicinity of plot 39 as this would further reduce light.
54. The applicant has been contacted outlining the above concerns. However, has chosen not to amend the plans in respect of this relationship. The applicant has responded stating that a letter was received from the occupier of No. 13 of the 10th March 2013 raising concerns about the loss of light to their property as a result of the proposed single garage at plot 39. The applicant advises that significant alterations to the scheme design have already been made to accommodate concerns from this resident, which included the loss of a two storey dwelling unit.
55. The applicant has also confirmed that the slab level for the single storey garage at plot 39 will be no higher than 78.25m above ordnance datum (AOD). This would result in the garage being lower than the garage serving plot 13 on the approved Arley Homes (78.75m AOD) and lower than the finished floor level of No. 13 Shireburne Drive (79.5m AOD). On this basis, the applicant considers no further changes to the scheme are required and the garage would not result in significant detrimental harm.
56. In terms of the Council's assessment of this relationship, it must firstly be noted that the proposed single garage would reach a maximum height of approximately 3.8m and would be set approximately 1.25m lower than the finished floor level of No. 13 Shireburne Drive. Additionally, it is relevant to note that both sites are separated at this point by a 1.8m high close boarded fence and the garage would be positioned approximately 9m from the bay window of No. 13. Taking into account the difference in levels and the existing boundary treatment in situ, it is considered that only approximately 0.75m of the garage would be visible above the fence.
57. On the basis of the above, it is not considered the proposed garage serving plot 39 would result in loss of light so significant to warrant refusal of the application on these grounds.
58. Internally, each plot is now considered to maintain an acceptable relationship and would retain sufficient private amenity space proportionate to what would be expected depending on the house type.
59. As such, the development is considered to retain acceptable neighbour relationships both within and surrounding the application site.

Levels

60. There are significant changes in levels across the application site which have informed the layout of the development. The Council's spacing standards in respect of dwelling houses increase where there is a significant level difference between dwellings. Due to the topography of the site there are inevitably significant level differences between the proposed dwellings. There are also differences in levels between some of the plots under construction at the adjacent Arley Homes site to the north and some of the plots proposed to the northern site boundary.
61. The Council's Adopted spacing standards are applied to ensure that an adequate amount of privacy and amenity is provided for the existing and future residents. The application is supported by a levels plan which demonstrates the difference in levels between the proposed dwellings.
62. The general topography of the site means the land raises relatively steeply to the north west from the existing main access road and would maintain more of a level relationship to the east. Plots 1-5 would face the main access road and would, in the most extreme case, have a finished floor level (FFL) approximately 10.5m lower than some of the plots (plots 28 and 29) to the western extremity of the site. The levels to the east of the main access road would vary over 2m depending on plot positions.

63. On the basis of the information submitted with the application, it is considered the proposed layout can be accommodated on the site at the proposed FFL's and would ensure the amenities of future residents are protected. Permitted development rights will be removed to ensure that future extensions to the dwellings do not adversely impact on the amenity of neighbouring residents.
64. To the west of the application site, plots 19-20 and 24-29 would have rear gardens abutting the rear garden of plot 33 on the approved Arley Homes site. However, at this point, the land levels are comparable and so there would be no demand for an increase in interface distances. All plots in this relationship would maintain a distance of at least 10m to their respective site boundaries and so this relationship is considered to be acceptable.
65. To the north-west of the application site, plots 30-33 have now been reoriented so the gable end of No. 30 faces the rear gardens of plot 22-24 on the approved Arley Homes site. At this point, the dwellings at the application site would be set approximately 0.5m higher than those at the adjacent site, meaning an increase in interface distances is not required. As such, given the amended orientation and siting of the dwellings it is not considered any detrimental relationship would occur.
66. To the north east of the site a number of plots would face dwellings on both the adjacent Arley Homes site and Duxbury Gardens to the north. Plots 42-44 would have rear windows facing plots 130-132 on the approved Arley Homes site, however, these properties would be set at a lower level than those at the adjacent site and would maintain a distance of at least 10m to their respective site boundaries. This relationship is therefore considered to be acceptable.
67. To the north-east, a number of dwellings at Duxbury Gardens face the application site. The land levels between the two sites at this point are comparable with no significant changes in levels. The relationship of plots proposed at this part of the site ensures that the properties at Duxbury Gardens will only view the gable ends of plots 44 and 45. Both plots 44 and 45 have no windows in the side elevation facing Duxbury Gardens and so this relationship is therefore considered to be acceptable.
68. The proposed levels are therefore considered to be acceptable when viewed internally and when compared to those at neighbouring properties which already exist in the area.

Design and layout

69. The applicant has carried out an appraisal of the surrounding area which highlights that the use of the surrounding area is predominately residential. Features which have been considered include the layout of surrounding buildings and spaces and how the layout and design relate to the existing built environment.
70. The applicant considers there to be a range of housing styles in the area ranging from linear terrace rows to cluster cul-de-sacs. Large blocks of residential development are broken up by establishments such as Holy Cross School and industrial buildings to the north east.
71. A large wooded area is to the south of the site and further to that more residential development. The applicant considers the predominant style throughout the immediate area to be defined by streets with curvature, lined with semi-detached and detached properties.
72. The layout of the proposed development would involve access from a singular source serving both the proposed development and the Arley Homes development to the north. The access would be from Myles Standish Way and would incorporate a crossroad type arrangement approximately 50m into the site. This would provide secondary access to the proposed development in an east and west direction and link through to the Arley Homes site to the north.
73. Plots would have defined areas, including off-road parking and private amenity space to define ownership and responsibility which would also mean areas are less likely to become neglected and abused. In the main plots will benefit from frontage and in-curtilage parking to improve self-surveillance and give a safer feel to the site.

74. The position of plots has somewhat been dictated by the topographical constraints of the site and amended plans have been received to ensure both proposed and existing dwellings maintain adequate relationships between one another to ensure sufficient private amenity space.
75. The main streetscene view of the site would be from Myles Standish Way and so a number of plots have been orientated to face this way, creating visual interest to this part of the site and to help respond to local character. Equally, because of the curved nature of the secondary roads serving the development, where plots are positioned in prominent locations, many have been afforded a dual aspect to bring visual interest. This has been achieved through introducing the H and H-Special House Types.
76. The development will also incorporate elements of a shared surface, giving equal priority to cars and pedestrians in an attempt to create an active frontage.
77. To the north west of the site, the development will physically link to the Arley Homes development, providing access to green spaces already granted consent.
78. The proposed development would result in the erection of 70 dwellings all of which would be 2 stories in height. This would equate to the erection of 21 two bedroom dwellings, 14 three bedroom dwellings and 35 four bedroom dwellings. The split of dwelling types across the site includes 17 terraced properties, 18 semi-detached properties and 35 detached dwellings.
79. The applicant has confirmed that the range of house types proposed would provide family accommodation to suit market demand. Additionally, in design terms the applicant has tried to take lead from traditional details found throughout Chorley, and in particular the adjacent development, to influence the elevation designs of this scheme.
80. The design and scale of the proposed dwellings and the plot sizes are considered to be acceptable as they are similar to the dwellings in the surrounding area and other house types found at the adjacent site.
81. Amendments have been sought during the application process to ensure the front driveways form usable parking areas and to clarify the house types proposed at each plot. The site would include a number of integral and detached garages to achieve the required parking standards and are considered appropriate in this context.
82. Having regard to the above, the design and layout of the site is considered acceptable.

Affordable housing

83. In accordance with Policy 7 of the Adopted Central Lancashire Core Strategy the development is required to provide 30% affordable housing. The proposed development would result in 70 new dwellings and so in accordance with current policy, the scheme should provide 21 affordable units.
84. The development would provide 21 affordable homes comprising 13 two bedroom dwellings and 8 three bedroom dwellings. This would be split as 15 social rented units (13x2 bed roomed dwellings and 2x3 bed roomed dwellings) positioned to the western portion of the site and 6x3 bed roomed intermediate units positioned to the eastern portion of the site.
85. An objection letter received from a local resident states that affordable units should be away from Shireburne Drive because of problems with the affordable housing on the Arley Homes site and if affordable housing is to remain, strict rules should be enforced by the Housing Association.
86. With regard to the above, it is considered the affordable housing is located appropriately in the context of the site. The purpose of the planning system in the context of affordable housing is to secure it where the policy requires. However, it is not the role of the planning system to look at

management rules enforced by the Housing Association or indeed who will occupy the affordable housing. This is a separate issue for consideration by the Housing Association.

87. As such, it is considered the proposed development would provide adequate affordable housing on site in accordance with Policy 7 of the Adopted Central Lancashire Core Strategy.

Public Consultation

88. In accordance with the Council's Statement of Community Involvement the applicant has undertaken consultations with the community prior to submitting the formal application. The prime purpose of consultation was to improve the design and layout by involving a wide range of interested parties and individuals.
89. The first public consultation event was held on the 15th January 2013 at The Hop Pocket Public House and the second on the 17th January 2013 at Albany Academy.
90. Comments were made with regard to the relationship between the boundary of the site and the housing nearest it. To resolve this, the applicant rotated a property and moved the affordable housing away from the northern site boundary.
91. The applicant states that key stakeholders such as Ward Councillors and the Council were consulted prior to submitting the application. This was with a view to providing the design team with the opportunity to address any additional concerns and make any necessary amendments.
92. It is considered that the community involvement undertaken is in accordance with the Council's Statement of Community Involvement. Additionally this involvement resulted in changes which are reflected in the submitted application.

Sustainability

93. In accordance with Policy 27 (Sustainable Resources and New Developments) of the Adopted Central Lancashire Core Strategy, the application is accompanied by an Energy Statement. The submitted Energy Statement outlines the how the development will achieve the requirements of Policy 27.
94. It firstly concludes that the development will be constructed to comply with level 4 of the Code for Sustainable Homes. This will be done through incorporating features such as effective insulation, low energy lighting and using quality construction materials in addition to passive measures such as orientation and ventilation to take advantage of solar gains.
95. In respect of appropriate decentralised, renewable or low carbon energy sources, the Energy Statement indicates that it is proposed that the carbon emissions of the proposed dwellings will be reduced by 15% through the use of appropriate low/zero carbon technology.
96. Whilst the full details of such technology are not yet known at this stage, it is anticipated a combination of high efficiency boilers, solar water heating and solar photovoltaic panels will be utilised to achieve the 15% target outlined in Policy 27.
97. As such, the development is therefore considered to be in accordance with Policy 27 of the Adopted Central Lancashire Core Strategy subject to appropriately worded conditions.

Trees and landscape

98. The application site is essentially split into two sections, the first being to the west and the second to the east of the existing access road.
99. The part of the site to the west is that which involves the greatest change in levels and rises significantly in an east-west direction, parallel with the properties already erected to the north of the site. This part of the site has already been cleared of any vegetation and is currently vacant.

100. The part of the site to the east has been left in more of a natural state and currently includes a number of trees, shrubs and grassland. An Arboricultural Survey has been submitted with the application which includes details of all the trees on site and a proposed schedule of works.
101. The report identifies which trees are worthy of retention. In summary, the report identifies 8 trees/groups which have been recommended for removal for Arboricultural reasons, these are either considered unsafe or are to be removed to benefit adjacent trees. 49 trees/groups have been recommended for removal because they are either within the development footprint or too close to the proposed development to be practically protected during construction. The majority of the trees to be removed to accommodate the development are identified as category 'C' trees which have a low amenity value. 22 of the 33 Category 'B' trees are to be felled, however as part of the development landscaping will be provided to mitigate for the loss.
102. The trees which have the highest amenity value are located within the woodland along the eastern extremity of the site. This area also adjoins a Biological Heritage site. None of these trees will be affected by the development and will be protected by Tree Preservation Order.
103. As such, it is considered that provided the Arboricultural Survey is implemented in full and a suitable landscaping scheme is required and implemented via planning condition, the development will be in accordance with Policy EP9 of the Adopted Chorley Borough Local Plan Review.

Ecology

104. Bowland Ecology Ltd have been commissioned by United Utilities to undertake an extended Phase 1 Ecology Survey and desk study of the site at Duxbury Park. The survey aims to update and build on a phase 1 survey previously undertaken in 2008 by United Environmental Services.
105. The majority of the western part of the site currently comprises worked ground, hardstanding and is adjacent to the Arley Homes development currently being constructed to the north. Given the characteristics of this part of the site and its current appearance, it is not considered to harbour features suitable for protected species. Equally, this part of the site is not considered to have a high ecological value.
106. The eastern part of the site is different and includes various habitats which have been identified by the Ecological Survey. This part of the site is boarded to the north by residential development and to the east by industrial development and a Biological Heritage Site.
107. As such, the proposal could have possible impacts on the Biological Heritage site, bats and nesting birds, as well as the fragmentation/isolation of habitats. There is also the possibility that giant hogweed will be spread.
108. The Ecological Survey concludes there are no Great Crested Newts on the site and as such, there will be no impact in the case of the proposed development.
109. In terms of bats, the Ecological Survey recommends that the bat boxes already sited on the trees to the eastern site boundary (which were installed as part of the mitigation for the loss of roost sites within the original buildings) should remain in situ. Additionally, the Survey identifies a tree within the woodland to the east to be of moderate risk for use by roosting bats. As such, if the tree is to be felled, it is recommended a method statement within the Survey is followed. The Ecological Survey recommends that bat boxes should be provided to compensate for the loss of any confirmed tree roosts or the loss of trees with roosting potential.
110. Appropriate conditions can be attached to ensure the proposal does not adversely impact on breeding birds and eradication of evasive plant species on the site. Additionally, loss of the semi-improved grassland could also be mitigated through an enhanced landscaping scheme.
111. The area of woodland to the east of the site is designated as Biological Heritage Site (Duxbury Woods Biological Heritage Site (BHS 51NE13)). The Survey states that no detrimental

harm would come to the BHS in this case provided a number of conditions are enforced with any consent, these relate in the main to chemical storage.

112. The Ecological Survey also notes that many of the trees within the site are to be removed to make way for the development. This includes a number of oak trees within close proximity to plots 132-134 at the adjacent site. The assessment suggests these trees should be retained as they have moderate ecological value. However, retention of these trees this would significantly compromise the layout of the scheme. Additionally, it is relevant to note that these trees were not protected by Tree Preservation Order at outline stage during consideration of the former mixed use application, in which the whole site could have been developed. The trees are considered to have limited amenity value and are not worthy of protection. However, their loss can be mitigated through a replacement planting scheme.
113. Following a high court decision (*R (on the application of Simon Woolley) v Cheshire East Borough Council*, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
- (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
 - (b) there must be no satisfactory alternative and
 - (c) favourable conservation status of the species must be maintained.
114. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.
115. As set out above the ecological impacts of the proposals have been fully considered and as such it is considered that the Council, subject to suitable conditions, has discharged its obligations in respect of the above tests.

Impact on highways, access and parking

116. The proposal would result in the development of the site for residential purposes and the site currently benefits from outline consent for a mixed use scheme comprising 200 dwellings and 10,800m² of B1 employment use.
117. The site has previously been used for a number of purposes including a training centre which, when it was fully operational, would have attracted a significant number of traffic movements. Additionally the site accommodated large parking areas for the existing facility.
118. The original vehicular access to the site was from Little Carr Lane which comprises a residential street. However, the access created in relation to the adjacent Arley Homes development and that which would serve the application site is from Myles Standish Way, with only emergency and pedestrian/ cycle access achieved through the current Little Carr Lane access.
119. Comments have been received from Lancashire County Council (LCC) Highways in respect of the proposed layout which are outlined in more detail below.
120. LCC Highways have noted that the existing access from Myles Standish Way has been previously approved under the original consent and was designed to accommodate both HGV's (associated with the B1 use) as well as cars to serve the dwellings.
121. LCC Highways consider that the existing access will accommodate the proposed residential development without any issues of capacity, but have stated that the width of the main access road is excessive.
122. However, in considering this issue, it is relevant to note that the access road itself was designed and constructed by LCC Highways and has sufficient capacity to serve the development. Additionally, the access has served the adjacent Arley Homes site for some time now without issues arising. As such, it would be unreasonable to request alterations to the main

access in light of the current application. Furthermore, LCC Highways advise that in terms of trip generation and distribution, the number of journeys created by the proposed development would be less than that which approved the previous B1 use which further supports this position.

123. In terms of permeability from the site to the surrounding area, LCC Highways consider that the development should include greater cycle and pedestrian links to Myles Standish Way. The applicant has been contacted to this effect but is still considering this request. The development includes connectivity to the adjacent Arley Homes site and more importantly an area of open space to the north-west. Aside from this and the connectivity to Myles Standish Way, additional permeability is not considered to be appropriate in this case to the adjacent Arley Homes site or Duxbury Gardens development because of changes in land levels and the layout of the adjacent sites.
124. In terms of the internal layout, LCC Highways consider the development to be in general accordance with the principles of Manual for Streets. The development should therefore be acceptable for adoption under Section 38 of the Highways Act 1980.
125. In terms of off-road parking provision, the proposed layout has been amended to ensure 2 or 3 bedroomed properties have 2 off-road parking spaces and properties with 4 or more bedrooms have 3 off-road parking spaces. The internal sizes of both detached and integral garages are also considered to be sufficient in this case to count towards off-road parking provision.
126. Aside from the above, LCC Highways have requested a contribution of £130,620 to investigate and fund operation of an additional bus service in the area. The applicant is currently considering this information and will respond before the application is heard at Development Control Planning Committee. Any additional comments will be reported on the Addendum.
127. 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

128. Part of the site falls within a Flood Zones 2 and 3. As such a Flood Risk Assessment (FRA) and accompanying letter have been submitted as part of the application.
129. The initial comments received from the Environment Agency raised concern that that the FRA submitted with the application did not properly determine how surface water run-off would be effectively managed and restricted. As such, the applicant engaged with both United Utilities and the Environment Agency to try and resolve the situation.
130. This resulted in a supplementary letter which includes discussions from both United Utilities and the Environment Agency concerning allowable rates for surface water discharge from the site. Discussions with United Utilities confirm that they will accept a maximum flow of 50l/s from the development into their surface water sewerage, this being the proportion allocated in previous discussions at the adjacent Arley Homes site, which agreed a maximum rate of discharge for the combined sites of 150/s.
131. United Utilities have also commented stating that a number of standard conditions should be enforced with any consent, including a scheme for the disposal of foul and surface water to be submitted before commencement; that surface water must drain separate from the foul; that no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems and; any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 50l/s.
132. Discussions between the applicant and the Environment Agency indicate they will accept a maximum flow to the River Yarrow of approximately 33l/s. However, the Environment Agency are prepared to accept a higher discharge rate if it can be shown that the rate of runoff at the

100-year storm event from this site and the adjacent Arley Homes site combined, does not exceed that which was discharged from the former training centre.

133. As such, no objection is raised to the development from United Utilities in this case and although updated comments have not been received from the Environment Agency, the supplementary letter includes copies of email correspondence from representatives at the Environment Agency indicating that the proposed arrangements are considered acceptable.
134. Should further comments be received from the Environment Agency these will be reported to committee on the Addendum.

Open Space

135. 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.
136. There is currently a surplus of amenity open space in the Chorley South East ward and as such a contribution towards new provision is therefore not required from this development.
137. There is currently a deficit of equipped play space provision in the Chorley South East ward and therefore a contribution towards new provision is required from this development. The amount required is £426 per dwelling. However, an equipped play area was secured as part of the adjacent development for 126 dwellings which provided 0.35 hectares of open space provision including the aforementioned equipped play area. Furthermore, the minimum size of play area required for the adjacent development was 0.08 hectares which meant that extra provision was made in that case. As such, taking into account the clear link shown to the north west of the site between the application site and the play area at the adjacent site, it is not considered a contribution in respect of equipped play space is required in this case.
138. 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.
139. With regard to the above, a Section 106 Agreement is therefore necessary to secure the requisite contribution in lieu of the above. This has amounted to a total of £60,760 for the improvement of existing playing pitches borough wide.

Education provision

140. 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 17 primary school place and no secondary school places.
141. The latest projections for local primary schools show there to be a shortfall of 57 primary school places in 5 years' time. These projections take account of the current numbers of pupils in schools, the expected take up of pupils in future years based on local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and housing development within the local 5 year Housing Land Supply document.
142. The proposed development is considered to produce a yield of 17 places which would increase the local shortfall to 74 primary school places.
143. As such, LCC Education advise that a contribution of £201, 968 is required in this case, calculated at the current rate.

144. Based on the information submitted, this figure is considered to be justified in this case and will be incorporated into the Section 106 Agreement.

Contamination and Coal Mines

145. Due to nature of the type of training that took place on site for both water and electricity industries there may be issues with contaminated land in some parts of the site. In addition to this there are thought to be mine shafts across the site. As such a preliminary risk assessment and mine shaft assessment was submitted with earlier applications.

146. The reports suggest further work is required in respect of contaminates, gas and coal mine shafts on site. The Council's Environmental Services Section and the Environment Agency have previously reviewed the documents and no objection is raised on the proviso that the proposed remedial measures and further investigation works are carried out in accordance with the report recommendations. This will be dealt with by suitably worded conditions.

Overall Conclusion

147. 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

There is no relevant history concerning the application site.

Application Number – 13/00178/FULMAJ

- Erection of 70 residential dwellings, associated garaging, car parking, access arrangements and landscape works.
- Approve subject to conditions and associated Section 106 Agreement.
- 24th May 2013.

Recommendation: Permit (Subject to Legal Agreement) Conditions

1. Surface water run-off from the site shall be restricted to 50 L/S. *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.*

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

Title	Drawing Ref	Revision	Received date
Planning Site Layout	SK01	F (10-05-2013)	20/05/2013
Planning Site Layout	SK01	F (10-05-2013)	23/05/2013
Location Plan	-	-	25/02/2013
Proposed plans and	P-1001	-	25/02/2013

elevations Type A			
Proposed plans and elevations Type B	P-1002	-	25/02/2013
Proposed plans and elevations Type C	P-1003	-	25/02/2013
Proposed plans and elevations Type D	P-1004	-	25/02/2013
Proposed plans and elevations Type E	P-1005	-	25/02/2013
Proposed plans and elevations Type F	P-1006	-	25/02/2013
Proposed plans and elevations Type G	P-1007	-	25/02/2013
Proposed plans and elevations Type H	P-1008	-	25/02/2013
Proposed plans and elevations Type H-Special	P-1009	-	25/02/2013
Proposed plans and elevations Type J	P-1010	-	25/02/2013
Proposed plans and elevations Type K	P-1011	-	25/02/2013
Proposed plans and elevations Type L	P-1012	-	25/02/2013
Garage Type A	P-1013	-	25/02/2013
Garage Type B	P-1014	-	25/02/2013
Garage Type C	P-1015	-	25/02/2013
Garage Type D	P-1016	-	25/02/2013

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

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

4. 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 other than those expressly authorised by this permission, or as subsequently agreed in writing by the local planning authority, shall be inserted or constructed at any time at first floor level or above in the rear elevations of the dwellings occupying plots 6 and 18 hereby permitted. *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 No. HS4 of the Adopted Chorley Borough Local Plan Review.*

5. The slab of the detached single garage serving plot 39 shall be built no higher than 78.25m above ordnance datum. *Reason: In the interests of the amenities of local residents and in particular the occupier of No. 13 Shireburne Drive. In accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

6. Prior to the commencement of development, full details of the Management Company to deal with the future management of 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;

- 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.*

7. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- hours of operation (including deliveries) during construction
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: in the interests of highway safety and to protect the amenities of the nearby residents in accordance with the National Planning Policy Framework and Policy TR4 of the Adopted Chorley Borough Local Plan Review.

8. 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. In accordance with the National Planning Policy Framework and Policy Nos. HS4 and TR4 of the Adopted Chorley Borough Local Plan Review.

9. Before any development hereby permitted is first commenced full details of the means of both foul and surface water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for both foul and surface water drainage/disposal have been completed in accordance with the approved details.

Reason: To ensure a satisfactory means of both foul and surface water drainage in accordance with the National Planning Policy Framework and Policy EP18 of the Adopted Chorley Borough Local Plan Review.

10. The development shall be carried out in full accordance with Section 8 of the approved updated geo-environmental investigation and risk assessment report “*Land at Duxbury Park Chorley (southern & eastern section - proposed residential development)*”, dated 12th April 2013.

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.

11. 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. 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 and to protect the amenities of occupiers of nearby properties. In accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy Nos. GN5, and HS4 of the Adopted Chorley Borough Local Plan Review.

12. 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.*

13. 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.*

14. 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.*

15. 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.*

16. 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.*

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

18. 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.*

19. 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 Site Layout'; Drawing number SK01; Revision F (10-05-2013); Received 23rd May 2013. *Reason: To protect the appearance of the locality and in the interests of the amenities of neighbouring properties and in accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

20. 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.*

21. The development hereby permitted shall be carried out in accordance with paragraphs 4.1 - 4.7 (inclusive) and paragraphs 4.9 - 4.18 (inclusive) of the Ecological Phase 1 Survey Report, dated April 2012. *Reason: In order to avoid impacts on protected species (which have been recorded in the area and may be on the site) and to provide mitigation and compensation for the loss of potential habitats. 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.*

22. Prior to the commencement of the development, a scheme for the landscaping of the development and its surroundings shall be submitted. These details shall include 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 and those areas to be seeded, paved or hard landscaped. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

All hard and soft landscape works shall be carried out in accordance with the approved details within 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. *Reason: To ensure that a satisfactory landscaping scheme for the development, mitigate the loss of potential habitats and secure a high quality design. In accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy No. GN5 and EP4 of the Adopted Chorley Borough Local Plan Review.*

23. 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.*

24. Prior to the commencement of the development hereby permitted the proposed remedial measures and further investigation works shall be carried out in accordance with the recommendations set out in the submitted Preliminary Risk Assessment (Phase 1 Desk Study) by Leyland Kirby Associates dated 9th June 2008, the Ground Investigation and Risk Assessment (Ref CL1301 and CL1302) dated 11th August 2008 and Investigation of Mine Shafts dated 25th July 2008 (filed under the application 08/01044/OUTMAJ). *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.*

Item 4e	13/00397/FUL
Case Officer	Mrs Nicola Hopkins
Ward	Chorley South West
Proposal	Erection of a single storey community centre
Location	Land 40M South West Of 17 Buttermere Avenue Chorley
Applicant	Redrow Homes / Taylor Wimpey

Consultation expiry: 4 June 2013

Application expiry: 26 June 2013

Proposal

1. The application relates to the erection of a single storey community centre on an open area of grassed land opposite the existing residential dwellings on Buttermere Avenue.
2. The application is a joint submission from Redrow Homes and Taylor Wimpey Homes, who are currently developing the Gillibrands Housing Estate, for the community centre on land which is owned by the Council.
3. The new development will provide a community hall, meeting rooms and changing facilities for use with sports and activities associated with the nearby playing fields. The new community centre has approximately 240 square meters of internal floor space. The building is single storey with a pitched roof. The plan form is rectilinear in shape and measures approximately 10m x 28m.

Recommendation

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

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Background information
 - Planning Policy
 - Location
 - Impact on Neighbours
 - Design
 - Security
 - Traffic and Transport
 - Contamination
 - Sustainability

Representations

6. **4 letters of objection** have been received raising the following points:
 - This building is in the wrong place it should be put next door to the school on Yarrow Valley Way.
 - It would mean widening the road on Buttermere Road which is a single track road
 - This building needs to go back to the site on Redrow's housing estate were it was originally planned.
 - The centre will cause more anti-social behaviour in the area and takes away part of the playing field.
 - There is enough traffic in the area
 - Will generate noise
 - Will increase vandalism and graffiti
 - Safety concerns from increased traffic

- Will destroy playing fields
- Will be an eyesore
- Money would be better spent on a new play area
- There is a better location between Buttermere Avenue, Scawfell Road and Derwent Road.
- The old children's home on Derwent Road could be converted into a community centre.
- Lead to youths congregating

7. **1 letter of support** has been received. This letter queries whether open land within the area will be tidied up and whether the fence dividing the land will remain however these issues are separate to the consideration of this application.

Consultations

8. **United Utilities** have no objection to the proposed development

9. **Chorley's Waste & Contaminated Land Officer** has confirmed that due to the proposed sensitive end-use and the proximity of the development site to land that is potentially affected by contamination any potential sources of contamination need to be addressed. This can be secured via condition.

Assessment

Background Information

10. The Gillibrand housing development is subject to a Development Agreement between the developers and the Council. The Development Agreement covers various matters, most of which were addressed out as the development advanced. One matter that remains to be implemented is the provision of a community centre. The Agreement included a design and specification for a community centre as well as an indication of approximately where it would be located, plus a commuted sum for its on-going maintenance and repair.
11. Since the Development Agreement was signed the design of the proposed centre has been updated and it has also become clear that the type of community centre now needed would not fit well on the original site.
12. Members will recall that an alternative location was sought which would better accommodate a modern community building and that would be more centrally located to be closer to the long established wider community as well as to the Gillibrand housing estate. This alternative location, on playing fields adjacent to Lakeland Gardens, was approved by the Council's Executive Cabinet on 22 February 2007 and subsequently granted planning approval in January 2012.
13. Members will recall that over several years there has been extensive public consultation regarding the location of the community centre. Various sites were considered and the subject of detailed consultation. The preferred option was identified as the land at Lakeland Gardens which has planning permission. However following the grant of planning permission it was identified that the Council do not own all of the land within the application site and as such the developers could not secure permission to construct the facility on third party land.
14. In this regard the current application proposes to relocate the community centre within the same area of grassed land as the planning approval although closer to Buttermere Avenue. This is wholly on Council owned land.

Planning Policy

15. The Council's Adopted Chorley Borough Local Plan Review policy PS2 relates to the provision of community centres. The policy supports the provision of such facilities provided that the following four criteria are met:
- the use of the site would be compatible with the surrounding land use
 - the site is located in close proximity to the population it is intended to serve and has safe and convenient pedestrian access with nearby residential areas;
 - the site has adequate road access and its development would not give rise to unsatisfactory traffic, parking or environmental conditions;
 - the site is well served by the public transport network.

16. Policy 25 of the Adopted Central Lancashire Core Strategy supports policy PS2 confirming that the Council will encourage and co-ordinate new community facilities provision at locations that are accessible by all modes of transport.

Location

17. It is considered that the ideal location for a community centre is close to the centre of the residential area that accommodates the community that the facility is intended to serve.
18. The proposed site has the advantage of being located close to the playing fields that will be used for the sports activities related to the changing facilities within the centre. It is proposed to use the facility for the benefit of the local community. Local groups, teams and clubs will be encouraged to make use of the space.
19. When the previous application was considered the location, in proximity to the community it served, was an identified benefit. As this application involves siting the community centre approximately 100m to the east of the approved location it is considered that the new siting will also be easily accessible to residents of both the housing estates that it will serve.

Impact on the neighbours

20. The presence of a new community centre would inevitably generate an increase in pedestrian and vehicular traffic as a result of the use.
21. It is considered that groups using the facility may vary but it is hoped these would include usual activities associated with a community facility. Play groups, sports teams and support group meetings are typical of the types of users envisaged as benefitting from such a facility. It is considered that provided the facility is adequately managed, the potential benefits of such uses in residential areas are generally considered to outweigh any disadvantages.
22. It is proposed to limit the hours of use to reasonable operating times throughout the week and weekend periods (8am-10pm Monday to Friday, 8am to 8pm Saturday and 8am to 6pm Sunday). It is assumed that the facility will accommodate daytime and evening uses and be available for sports on both Saturday and Sunday. This will be controlled by condition to protect the neighbours' amenities in terms of noise generation.

Design

23. The new community centre would have approximately 240 square meters of internal floor space. The construction would be single storey with a pitched roof. The plan form is rectilinear in shape and approximately 10m x 28m. The eaves height has been designed to ensure that mixed use activities associated with a community building are achievable within the internal spaces of the development.
24. The proposed positioning allows for a clear separation between the nearest homes. Areas around both the community building and the car park would incorporate soft and hard landscaping intended to ensure a pleasant and integrated feel for the development. A private rear garden area defines an area of separation between the building and the surrounding playing fields.
25. The site slopes downwards in a westerly direction. In line with current DDA requirements access into the building will be wheelchair accessible. Disabled changing & WC facilities will be provided. All internal doorways, light and power switches and general facilities will be designed with disabled users in mind. Disabled parking spaces are provided close to the facility and shall be full identified so that use is restricted. Dropped kerbs and tactile paving will show clear routes for users of wheelchairs.

Security

26. The proposed building would be designed to meet Secure by Design principles including the requirements of the anti-climb fence. This fencing will be 'softened' by the proposed landscaping.

Traffic and Transport

27. Car parking for the facility is located to the east of the building with direct vehicular access off Buttermere Avenue. The car park is designed to allow vehicles to enter and exit in a forward gear and accommodates 16 parking spaces including 2 disabled parking spaces.
28. Policy ST4 of the emerging Local Plan (derived from the former Regional Strategy standards) sets out the parking standards for the Borough. A community centre falls within Use Class D1 however there is no specific standard for community centres. Halls and places of worship generate a need for 1 parking space per 5 sqm which in the case of this proposal equates to 48 parking spaces.
29. Clearly the provision of 16 spaces is below this standard however taking into account the sustainable nature of this site, within walking distance of the communities it will serve and located close to public transport links (close to bus routes), the amount of parking provided is considered to be sufficient for this proposal. It is also noted that any additional parking would involve further land take of the grassed area of land which would detrimentally impact on the character of the area.
30. At the time of writing this report the Highway Engineer comments were still awaited these will be reported on the addendum.

Contamination

31. The Council's Waste and Contaminated Land Officer has confirmed that due to the proposed sensitive end-use and the proximity of the development site to land that is potentially affected by contamination any potential sources of contamination need to be addressed. This can be secured via condition.

Sustainability

32. In accordance with Policy 27 of the Adopted Core Strategy the building will be required to achieve BREEAM rating 'Very Good'. This will be secured via condition.

Overall Conclusion

33. The proposed community centre is intended to provide a facility for the benefit of the local community. Local groups, teams and clubs will be encouraged to make use of the space and it is hoped that the development will act as a catalyst in bringing local people together and providing for all. The proposals accord with current planning policy for the provision of a new community centre and will ensure that the aspirations in respect of the Gillibrands housing estate are established.

Planning PoliciesNational Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: GN5, PS2

Adopted Central Lancashire Core Strategy

Policy 17

Policy 25

Policy 27

Planning History

98/00301/REM: Reserved matters application for site reclamation & erection of 505 houses incl. garages, roads, sewers, public open space, play areas, landscaping, community centre & shop(s). Amend condition 8 of outline planning permission. Approved February 1999

11/01062/FUL: Erection of a single storey community centre on playing fields adjacent to Lakeland Gardens. Approved January 2012

Recommendation: Permit Full Planning Permission Conditions

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

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

Title	Drawing Reference	Received date
Location Plan	L-01	30 th April 2013
Proposed Plans and Elevations	P-01	30 th April 2013
Proposed Site Plan	SP-01	30 TH April 2013
Landscape Proposals	4122.01 Rev A	30 th April 2013

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

3. The use hereby permitted shall be restricted to the hours between:

08:00 to 22:00 Mondays to Fridays

08:00 to 20:00 Saturdays

08:00 to 18:00 Sundays

Reason: To safeguard the amenities of local residents. In accordance with Policies GN5 and EP20 of the Adopted Chorley Borough Local Plan Review

4. Within 30 days of the commencement of the development hereby permitted, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plans) shall be 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. In accordance with Policy 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 earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. *Reason: In the interest of the appearance of the locality. In accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy*

6. Prior to the commencement of development samples of all external facing and roofing materials, including full details of any security measures, (notwithstanding any details shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved. *Reason: To ensure that the materials used are visually appropriate to the locality. In accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy*

7. The building hereby permitted shall be constructed to achieve a minimum Building Research Establishment (BREEAM) standard of 'very good'. Within 6 months of occupation a 'Post Construction Stage' assessment and a Final Certificate shall be submitted to the Local Planning Authority certifying that a BREEAM standard of 'very good' has been achieved. *Reason: In the interests of minimising the environmental impact of the development. In accordance with Policy 27 of the Adopted Central Lancashire Core Strategy*

8. 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 development shall be carried out entirely in accordance with the approved assessment and certification. *Reason: In the interests of minimising the environmental impact of the development. In accordance with Policy 27 of the Adopted Central Lancashire Core Strategy*

9. Prior to the occupation of the building hereby permitted a letter of assurance; detailing how the buildings has achieved BREEAM has been issued by a licensed BREEAM Assessor/Auditor and approved in writing by the Local Planning Authority. *Reason: In the interests of minimising the environmental impact of the development. In accordance with Policy 27 of the Adopted Central Lancashire Core Strategy*

10. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) and any proposed lighting columns shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained. *Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area. In accordance with policy GN5 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy*

11. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced. *Reason: To protect the appearance of the locality and in the interests of the amenities of local residents. In accordance with policy GN5 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy*

12. Due to the proposed sensitive end-use and the proximity of the development site to land that is potentially affected by contamination (infilled ground; former landfill), the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.

The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report. *Reason: to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).*

13. 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 Government advice contained with the National Planning Policy Framework*

Item 4f	12/00622/OUT
Case Officer	Mrs Helen Lowe
Ward	Lostock
Proposal	Outline application for demolition of existing former workshop/distribution buildings and erection of three detached bungalows (resubmission of application 12/00240/FUL)
Location	Rear Of 241 Southport Road Ulnes Walton
Applicant	Mr Christopher Bayman
Consultation expiry: 10 August 2012	
Application expiry: 30 August 2012	

Proposal

1. This application proposes the demolition of existing commercial buildings and the erection of three detached bungalows. The application is in outline only with all matters reserved, although an indicative layout has been provided.
2. The application site currently comprises a number of single storey, dilapidated buildings, predominantly of timber construction. The site has been unused for a number of years. An application for a certificate of lawfulness for the proposed use of the site for the storage of stone and other bagged products and equipment associated with a road surfacing business was granted in 2008. It was found that the lawful use of the site is Use Class B8 (Storage or Distribution) within which the proposed use also fell.
3. The application site is located within the Green Belt, to the rear of residential properties located along Southport Road in Ulnes Walton.

Recommendation

4. It is recommended that this application is granted conditional outline planning approval, subject to a Section 106 agreement.

Main Issues

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

Representations

6. One letter has been received from a neighbouring resident stating that they do not have any objection to the proposals but that they seek clarification of the siting of the bungalows in proximity to their boundary and reassurance that the current hedge will remain so their property will not be overlooked by the bungalow.
7. Ulnes Walton Parish Council raises the following concerns;
 - Whether provision for parking for each new house would be sufficient;
 - Density of the development, two houses with more parking would be more appropriate;
 - Loss of privacy and potential overlooking for neighbouring properties;

- Lack of detail of landscaping proposals; and
- Density of development may cause issues with drainage of water.

Consultations

8. **Lancashire County Council (Ecology):** no comments received.
9. **Lancashire County Council (Highways):** make the following comments:
- The plan submitted shows no provision for parking although there seems sufficient space within the curtilage to accommodate the required number of spaces;
 - Given the length of the driveway provision should be made for vehicles to turn within the curtilage;
 - No concerns about visibility at the site access; recommend conditions to secure the above.
10. **Chorley's Waste & Contaminated Land Officer:** No objections. Recommends informative to be added.
11. **Chorley's Planning Policy Section:** The applicant has provided information to show that the site has been marketed for a period of over 12 months, although there is a lack of detail regarding an aborted sale in May 2011. There is no record of any interest after that period. No assessment of the viability of employment re-use and redevelopment has been provided.
12. The Planning Policy section have also advised that should permission for the proposals be granted the applicant should be required to enter into a section 106 agreement with the Council to provide a financial contribution towards the provision/improvement of public opens space.

Applicants Case

13. The applicant has confirmed that the premises have continued to be marketed since December 2011, however interest has been weak and most has come from builders who have identified the site for redevelopment.

Assessment

Principle of the development

Green Belt

14. The application site is located within the Green Belt, where new residential development is generally considered to be inappropriate, as defined in the Framework. However, para. 89 states that the redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development is appropriate.

15. The existing buildings on the site have an approximate volume of 1300-1400 cubic metres. Although the application is in outline only, the applicant has indicated that the size and scale of the bungalows proposed would be around 8 x 11m, with a ridge height of 3.5m. This would give an approximate volume of around 1000 cubic metres. Although it is possible that the dimensions of the bungalows may change to some degree as part of the submission of a reserved matters application it is considered that the applicant has demonstrated that it would be possible to provide three residential units on the site with a volume equal to or less than the volume of the existing buildings on the site.

16. At present the existing buildings on the site are located to the rear of the site, adjacent to the southern boundary. The redevelopment of the site for housing would result in a different spread of built development across the site, bringing development further to the north of the site, closer to Southport Road. However, taking into consideration the following:
- Land immediately bounding the site to the east and west forms the domestic curtilage of and land associated with adjacent dwellings, and there are a number of outbuildings on the site to the west;
 - The scale and density of the dwellings proposed is considered to be commensurate with other dwellings on Southport Road;
 - Movement of built development northwards on the site would bring the built development on the site closer to existing buildings on Southport Road, rather than further from neighbouring built development;

- The buildings proposed are single storey, as are the existing buildings on the site;
- The overall volume of the proposed dwellings on the site would be less than at present; and
- A commercial use could lawfully recommence on the site at any time, leading to a significant number of vehicle movements and noise and disturbance.

It is considered that the redevelopment of the site would not have a greater impact on the openness of the Green Belt than the present buildings and use.

Loss of employment land

17. Policy 10 of the Core Strategy provides guidance on the loss of existing employment sites. This policy seeks to retain employment uses where at all possible and proposals for housing use on employment sites will only be permitted where it can be clearly demonstrated that there is a lack of demand for employment re-use or redevelopment and that this would be unviable. Policy 13 of the Core Strategy echoes this position, and also that regarding the redevelopment of brownfield sites in the Green Belt as discussed above, by stating that the replacement of existing buildings in rural areas can be appropriate in order to support the rural economy, with a preference for commercial, tourism and live/work uses.

18. Although the applicant has not demonstrated that the proposal would lead to an unacceptable reduction on the type, quality or quantity of employment land supply they have provided a statement of efforts of marketing which demonstrates that there is no demand for the site to be continued in commercial use and there is no requirement for it to be continued for employment purposes. The marketing report is discussed in further detail below.

19. It is considered feasible that the site could be redeveloped or refurbished for future employment uses, should market conditions improve. However, as marketing has been unsuccessful to date and the timescale for improvement in the market is presently indeterminate, it is considered that there is little prospect of the site being brought forward for employment purposes.

20. As the site is presently not in use, therefore not generating employment opportunities, and is in a derelict state, housing could be a suitable alternative use, subject to the scheme not being harmful to the openness of the Green Belt (as discussed above). It is accepted that the proposal could lead to a net improvement of the amenity of neighbouring residents, both through an improvement in the appearance of the site as it currently exists and in terms of a reduction in the potential level of noise and disturbance arising from the re-commencement of an employment uses on the site.

21. The site has been marketed through a number of means since September 2010: a marketing board at the premises; advertisements placed in the local press, advertisements on the internet and mail shots to relevant parties. Copies of the sales particulars and advertisements have been provided, as have details of inquiries that have been made up to December 2011.

22. It is considered that the information provided adequately demonstrates that property has been correctly marketed in accordance with the Central Lancashire SPD on Controlling The Re-use of Employment Premises. An assessment of the viability of employment development has not been provided, however, it is considered that the long period of marketing demonstrates that the site is not likely to be brought back into any sort of employment re-use and the benefits of the redevelopment of this site (such as environmental improvements and impact on neighbours) would outweigh the lack of information in this instance. This is considered to form a material consideration outweighing the preference for commercial uses expressed in policies 10 and 13 of the Core Strategy.

23. The redevelopment of brownfield land in the Green Belt is supported by the Framework. Recent changes to the permitted development rights and the insertion of additional paragraph 51 in the Framework indicate that the Government is looking to take a more flexible approach to the re-use of employment land in certain circumstances. On balance it is considered that the redevelopment of this relatively small site in a rural location will not unduly harm the supply of employment land in the Borough.

Impact on the neighbours

24. The application is currently only in outline stage, however it would appear from the indicative information provided that the Council's interface standards could adequately be met and the proposed dwellings laid out in such a way as to minimise impact from overlooking and loss of privacy for neighbouring residents.

25. With regard to the neighbours' concerns regarding retention of the existing boundary this refers to a hedge along the western boundary with Sandlewood. This varies in height from approximately 1.5m to 2.5m as the hedge moves further to the rear of the site. There are a number of large outbuildings within the grounds of Sandlewood also adjacent to the site boundary. The indicative layout shows that the proposed bungalows would be adjacent to that part of the site closest to the neighbouring outbuildings, with the front of the closest bungalow approximately 24m from the rear elevation of Sandlewood.

26. Matters of landscaping and boundary treatments would be dealt with at the reserved matters stage. Conditions can be added to reflect this.

27. The site presently has a lawful use for storage and distribution (use class B8) and whilst no commercial use has taken place at the premises for a number of years, the fact remains that the use could lawfully recommence at any time. The use of the site for industrial purposes could potentially cause significant noise and disruption for neighbouring residents through both activities taking place on site and increased movements to and from the site. It is considered that three dwellings are unlikely to generate more disturbance than a commercial use and given the lawful use of the site, it would be difficult to resist the application on these grounds.

Design

28. The specific design of the proposed dwelling has not been submitted with this application; however this part of Ulnes Walton is characterised by linear developments of modest semi-detached properties or larger detached dwellings, of which bungalows are not uncommon. Neighbouring houses are of a variety of designs, materials and scale.

29. The proposed dwellings would not be visually prominent from Southport Road and it is considered that bungalows would be appropriate to the character of the area.

Trees and Landscape

30. These issues would be dealt with as part of a reserved matters application. No indication has been given by the applicant that they intend to remove any of the trees on site.

Ecology

31. A bat survey has been submitted with the application. This found no evidence of roosting bats and concluded that the buildings presently on the site were unsuitable for breeding or hibernating bats, therefore the loss of the building would not have significant implications on the population status of local bat species. It is considered that the proposals would have no undue impact upon protected species.

32. Following a high court decision (*R (on the application of Simon Woolley) v Cheshire East Borough Council*, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:

- (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
- (b) there must be no satisfactory alternative and
- (c) favourable conservation status of the species must be maintained.

33. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.

34. As set out above the ecological impacts of the proposals have been fully considered and as such it is considered that the Council, subject to suitable conditions, has discharged its obligations in respect of the above tests.

Traffic and Transport

35. No objections to the proposals are raised by the LCC Highways Engineer. It is considered that the suggested layout demonstrates that adequate parking spaces could be provided for each dwelling (it is suggested that they be three bedroom bungalows within integral garage).

Section 106 Agreement

36. The Council's Planning Policy Section has advised that a financial contribution towards the provision and improvement of public open space facilities within both the Brindle and Lostock ward and the Borough. The applicant has indicated that they are willing to enter into such an agreement.

Overall Conclusion

37. The proposal would lead to the loss of employment land, however, the applicant has provided information to show that the premises have been marketed for a considerable period of time with a very little interest. It is considered that the proposal would be no more harmful to the Green Belt than the existing use and that impact on neighbouring properties could be minimised. It is recommended that conditions be attached to secure the aims of Policy 27 of the Core Strategy (to achieve a minimum level of the Code for Sustainable Homes). The proposal is accordingly recommended for approval.

Other Matters

38. The concerns of the Parish Council regarding drainage are noted. Conditions can be attached to ensure that permeable ground surface materials are used. Other drainage matters are dealt with through the building control process.

Planning Policies

National Planning Policies:
NPPF para. 89

Joint Core Strategy
Policies: 10, 13, 17,

Central Lancashire Supplementary Planning Document: Controlling the re-use of employment premises

Adopted Chorley Borough Local Plan Review
Policies: GN5, DC1, EP4, HS4, HS21, EM4, EM9, TR4

Chorley Local Plan 2012-2016 Publication Site Allocations and Development Management Policies
Development Plan Document
ST4, HS4A, HS7, BNE1, BNE10

Planning History

5/5/3102 Site for bungalow, office stores and garage APPROVED 28th April 1961

84/00434 Storage and distribution of catering disposables without complying with condition 4 of planning permission 5/5/3102 APPROVED 21st August 1984

90/00180/OUT Outline application for residential development APPROVED 1st May 1990

90/01042/OUT Outline application for erection of two detached houses REFUSED 8th August 1990

06/01027/CLPUD Certificate of lawfulness for proposed use relating to the storage of stone and other bagged products and equipment associated with road surfacing materials GRANTED 22nd December 2008

12/00240/OUT Demolition of former workshop/distribution premises and erection of three detached bungalows WITHDRAWN 21st May 2012 (prior to validation)

Recommendation: Permit Outline Planning Permission Conditions

1. No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority. *Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Central Lancashire Core Strategy.*

2. Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority. *Reason: In the interests of highway safety and to prevent flooding and in accordance with Policy 29 of the Central Lancashire Core Strategy.*

3. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved. *Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Central Lancashire Core Strategy.*

4. All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority. *Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Central Lancashire Core Strategy.*

5. Prior to the commencement of the development a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level. *Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Central Lancashire Core Strategy.*

6. The works hereby permitted shall be carried out strictly in accordance with the amended plans received on 21st February 2013. *Reason: To define the permission and in the interests of the proper development of the site*

7. An application for approval of the reserved matters must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved. The application for reserved matters shall incorporate the following details:

- Full details of the proposed access arrangements, including provision for parking and/or garaging of cars and associated manoeuvring areas;
- Full details of the appearance of the proposed dwellings;
- Full details of the layout of the site;
- Full details of the scale of the proposed development;
- A scheme for the landscaping of the development and its surroundings. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of the development; indicate the types of and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped.

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.

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Item 4g	13/00364/FUL
Case Officer	Mrs Nicola Hopkins
Ward	Euxton North
Proposal	Change of use of land from existing garden area to create 3 car parking spaces
Location	Land 40M South Of Euxton Youth Club Laurel Avenue Euxton
Applicant	Chorley Council

Consultation expiry: 12 June 2013

Application expiry: 21 June 2013

Proposal

1. The application relates to changing the use of a piece of land currently used as garden/ recreation area to create 3 car parking spaces. The car parking spaces will be used by the Laurels Playschool who occupy the existing building adjacent to the application site.
2. The application has been submitted by Liberata on behalf of the Council as the Council own the freehold of the site although the Playschool have a 20 year lease.
3. Parking within the area is relatively restricted and planning permission has recently been granted (12/01056/FUL) for residential development adjacent to the application site. The proposals will provide parking for the playschool.

Recommendation

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

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Traffic and Transport
 - Drainage and Sewers

Consultations

6. **Lancashire County Council (Highways)** have commented on the proposals which is addressed below

Assessment

Principle of the development

7. The application site is currently utilised as a garden/ recreation area as part of the curtilage for the playschool. There is an existing tarmacked turning head at the end of Laurel Avenue which is currently used as a parking and drop off area mainly by users of the playschool. Once the houses recently approved (12/01056/FUL) on the adjacent site are constructed this turning head will be used to access the properties and as such it will no longer be available to be utilised for parking.
8. The loss of the use of this turning head for parking was identified as a concern by residents as part of the application for the residential development. At that time it was acknowledged that *the use of the turning head at the front of the development for parking by nursery staff/parents and residents is a privilege that has been enjoyed to date, however it is not the intended use of the turning head as this is adopted highway.*

9. It was concluded that there is alternative parking provision within the immediate area and as such the loss of the facility would not have an adverse impact. The parking proposed as part of this application will however mitigate for the loss of this facility and provide some parking/ drop-off space for the playschool.
10. The application site is currently a grassed area of land between the boundary fence of 32 Laurel Avenue and the nursery fence on land owned by the Council but leased by the playschool. There is a garden shed at the rear of the application site which it is understood is partly used by the playschool and partly used by 32 Laurel Avenue, this shed will be retained. The proposals involve removing the existing top surface and vegetation, which will include removing the existing nursery fence, to enable the laying of a sub base, base course and top course of tarmac. The nurseries existing fence will be re-positioned to run adjacent to the new parking area and linked into the existing fence line beyond the parking area. This area will be used for the parking of motor vehicles only.
11. The playschool operates from 9am until 3pm with 4 sessions (not consecutive) as follows:
- 9-11:30am
 - 9-12:30pm
 - 11:30-3pm
 - 12:30-3pm

With 20 pupils per session and 4 or 5 members of staff on duty for each session.

12. It is not considered that the use of the area of land for parking during these hours will adversely impact on the neighbours amenities through noise creation and as such the proposals are considered to be acceptable.

Traffic and Transport

13. The Highway Engineer at Lancashire County Council assessed the proposals and raised the following concerns with the proposals:
- The layout will not safely allow vehicles to be parked and removed from the proposed spaces for the following reasons:
 - Bay no. 3 straddles the access to the circular turning area. Any vehicle parked in this bay will project beyond the boundary fence of 32 Laurel Avenue and obstruct access for vehicles heading to the circular turning head from Laurel Avenue.
 - All three bays abut the boundary fence of 32 Laurel Avenue. Should vehicles drive straight ahead from the circular turning area into the bays, there will be no space left for car doors near the fence to be opened for drivers and passengers to get in and out of the cars.
 - Since turning area is not proposed, vehicles would either have to turn around on the grass within curtilage (at the risk of residents in the absence of a defined turning area) or reverse towards the circular turning head without being able to clearly see what is coming from Laurel Avenue due to obstruction caused by the existing boundary fence.
14. These comments were forwarded onto Liberata who have amended the plans as follows:
- The three parking bays have been relocated further back into the site to enable vehicles to safely drive in and out of the circular turning area.
 - A 1m clear distance has been provided between the bays and the boundary fence to enable car doors to be safely opened.
 - Each bay dimension has been increased 2.4m x 6.0m.
15. These amendments are in accordance with the Highway Engineers recommendations and are considered to provide a safe and usable parking area.

Drainage and Sewers

16. The deed of variation for the playschool lease prepared by Liberata on behalf of the Council details the proposed works to create the parking area which includes laying a sub base, base

course and top course of tarmac as set out above. The works listed exclude drainage provision however taking into account the fact that the existing area is grassed and the proposals involve increasing the amount of hardsurfacing the potential for increasing surface water run-off is a consideration. To reduce the amount of surface water run-off onto the highway a condition will be attached to the recommendation requiring the use of permeable materials/ the provision for an area of run off within the site.

Overall Conclusion

17. The proposals will provide parking for the users of the playschool and will not adversely impact on the neighbours amenities. As such the proposals are considered to be acceptable.

Planning Policies

National Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, TR4

Planning History

Adjacent site: 12/01056/FUL: Erection of 4 semi-detached dwellings. Approved January 2013

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

Title	Received date
Location Plan	28 th May 2013
Parking Layout Plan	22 nd May 2013

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

3. Notwithstanding the details shown on the submitted plans, the parking spaces and associated hardsurfacing areas hereby permitted shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority. *Reason: In the interests of highway safety and to prevent surface water flooding onto the highway. In accordance with Government advice contained within the National Planning Policy Framework*

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Item 4h	13/00348/FULMAJ
Case Officer	Mrs Nicola Hopkins
Ward	Chorley South East
Proposal	Re-plan of plots B1-B65 (previously approved as part of planning approval 07/01226/REMMAJ) to replace the approved apartments with 16 houses and 24 apartments (40 units in total) including an amended vehicular access arrangement and parking accessed off Pilling Lane.
Location	Formerly Multipart Distribution Limited Pilling Lane Chorley
Applicant	Barratts Homes Manchester

Consultation expiry: 12 June 2013

Application expiry: 16 July 2013

Proposal

1. The application relates to a re-plan of part of the former Multipart site on Pilling Lane. The development is being undertaken by Barratt Homes, David Wilson Homes and Redrow Homes.
2. Outline planning permission was granted to redevelop the site in April 2005 (04/00934/OUTMAJ) and the subsequent reserved matters approvals were issued in January 2008. The site was originally divided between Redrow and Barratt Homes however subsequently David Wilson Homes have constructed a number of the dwellings on the Barratt's half of the site
3. A substantial part of the site has been completed/ is under construction and the part of the site subject to this application will be constructed by Barratt Homes.

Recommendation

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

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Background information
 - Principle of the development
 - Housing Development
 - Density
 - Design
 - Traffic and Transport
 - Section 106 Agreement

Representations

6. 1 letter has been received stating that support for this application is conditional upon Sumner Close remaining a cul de sac and that there remains no vehicular or pedestrian access through Sumner Close, i.e. Sumner Close does not become a thoroughfare to the new development/Pilling Lane.

Consultations

7. **Lancashire County Council (Highways)** have commented on the proposals which is addressed below

Assessment

Principle of the development

8. The principle of redeveloping this site for housing was established in 2005 with the grant of outline permission. The subsequent reserved matters approval detailed the erection of 65 apartments on the part of the site subject to this planning application. This replicated the Redrow apartment development on the opposite side of the main highway into the site (now known as Factory Way) which created a focal gateway into the development site.

Background Information

9. Due to market conditions selling apartments has become increasingly more difficult and as such Barratt Homes have applied to replan this part of the site which proposes replacing the 65 approved apartments on this part of the site with 16 houses and 24 apartments (a new loss of 25 dwellings on this part of the site).
10. Redrow Homes have also had similar concerns and applied to amend their part of the site, along the frontage of Pilling Lane, in May 2012 (12/00392/FULMAJ) which incorporated substituting 80 apartments with 18 dwellinghouses and 34 apartments. This application was approved at Development Control Committee in July 2012.

Housing Development

11. The proposals now incorporate a mixture of 2, 2.5 and 3 storey dwellinghouses with 3 storey apartment blocks in a similar layout to the previously approved scheme on this part of the site, although the access arrangements have been amended which is addressed below.
12. The 3 storey apartment blocks are still proposed fronting Pilling Lane/ Factory Way and Factory Way/ Clydesdale Drive and are intersected by four 2.5 and 3 storey dwellinghouses to reflect the Redrow parcel on the opposite side of Factory Way.
13. Each of the 2 apartment blocks proposed incorporate 12 two bedroom apartments (4 apartments on each floor). The main impact of the proposed apartments is the relationship between the block on plots B06-B17 with plot B05. The rear elevation maintains 12 metres from the rear elevation to the rear private garden of plot B05 which accords with the Council's spacing distance in respect of the first floor windows however this elevation incorporates a kitchen and bedroom windows at second floor level facing the garden area of plot B05. As these windows are higher a greater spacing distance is required to protect the amenities of the future occupants. The apartments are designed with the windows incorporated into the eaves of the roof which details a lower level window. In this situation a distance of 12 metres (which exceeds the Council's standard spacing distances by 10 metres) is considered to be sufficient to protect the future residents' amenities.
14. The proposed houses incorporate a mix of 2 and 2.5 storey dwellings however they have been designed to be taller than typical 2 and 2.5 storey dwellings with a vertical emphasis which assists in maintaining an element of height at this gateway location. The intersection of 3 storey dwellings, which was a result of negotiations during the application process, also assists in maintaining this vertical emphasis.
15. The proposals incorporate a mixture of 2 and 3 bedroom dwellings (although it is noted that the Fawley and the Helmsley house types have a ground floor small room which could be used as a fourth bedroom) which is considered to be appropriate for this site. Each dwellinghouse has an adequate amount of private amenity space for the future residents.

Density

16. The whole site is approximately 10.1 hectares in area. The whole site originally had permission for 400 dwellings which equates to approximately 40 dwellings per hectare. Since the original reserved matters applications were dealt with on this site there have been numerous amendments to various parts of the site which have resulted in a reduction in house numbers. The current number of houses approved at this site is 372 dwellings which equates to an overall density of 37 dwellings per hectare.
17. Taking into account the proposed reduction in dwellings proposed as part of this application

then the site will accommodate 349 dwellings which equates to an overall density of 34 dwellings per hectare.

18. 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. It is considered that the densities set out above are appropriate for this sustainable brownfield site within Chorley.

Design

19. The main design brief for these proposals, in accordance with the original design concepts established at outline stage, is to maintain a feature gateway with an element of height at the site entrance, which mirrors the Redrow scheme.
20. The main changes in respect of the approved scheme are replacing the approved planting strip, which incorporated a footpath, along with frontage of Pilling Lane with a car park and replacing the vehicular access to the parking court from via Sumner Close to the parking court being served via Clydesdale Drive. The highway implications of these changes are addressed below.
21. One of the key design features at outline stage was to retain all of the important trees within the site in particular the deciduous species on the Pilling Lane frontage. The Design and Access Statement which accompanied the reserved matters approval states that *three and four storey development is proposed along the Pilling Lane frontage behind existing mature trees and new semi mature tree planting*. The Design and Access Statement goes on to state that *the existing deciduous trees along the Pilling Lane frontage will be extended along the front of the proposed development, ensuring that all new dwellings are set back from the Pilling Lane frontage*.
22. The existing mature trees actually front the Redrow part of the site however the originally approved landscape structure for this part of the site incorporated extending the planting along the whole frontage including in front of the Barratts development on the part of the site subject to this application. As set out above this landscaped area (which also included a combined footpath/ cycleway which is addressed below) will be lost as part of the current proposals to accommodate a parking court. The application is however supported by a hard surfacing layout plan which details numerous trees and hedgerows within this parking court to partly break up the amount of hardsurfacing materials but to also ensure that a 'green' appearance is still maintained in accordance with the original design concept for this part of the site. Full details of the landscaping will be required via condition to ensure this concept is secured for this part of the site.
23. As set out above the amendments to the frontage of the site include the loss of the combined cycle/footway within the site. The Design and Access Statement which accompanied the original reserved matters approval set out the design concepts for the site, which built on the outline approval and included *a pedestrian and cycle route will link to Ranglett's recreation ground*. The statement went on to confirm that *pedestrian access points will be provided to Grime Street, Smith Street, Pilling Lane and Sandgate and at Pilling Lane the shared footpath/cycleway emerges opposite the path through the recreation ground, creating a direct route into the town centre area, well segregated from vehicular traffic*. This feature will be lost as part of the current proposals however it is noted that a footpath will be maintained along Pilling Lane along with the Toucan Crossing, which is secured as part of the S278 works associated with the development, close to the application site which will enable safe pedestrian access to the Recreation Ground. As such it is not considered that the loss of the combined cycle/footway within this part of the site will hinder safe pedestrian movements or adversely impact on the original design concept of securing a direct route to the Recreation Ground.

Traffic and Transport

24. Each of the 2/3 bedroom dwellings proposed incorporate 2 off road parking spaces which is in accordance with the Council's spacing standards. The possible fourth bedroom within the Fawley and Helmsley house types is a small box room which is located on the ground floor of a 3 and 2.5 storey dwelling (respectively) and as such is unlikely to be regularly used as a

bedroom therefore in this case negating the need for a third off road parking space.

25. The proposed apartments incorporate 1 parking space per apartment with 5 visitor spaces (totalling 29 parking spaces for 24 apartments). In accordance with the Council's parking standards as all of the apartments have two bedrooms 2 off road parking spaces are required however only 1 space per apartment is proposed. The Highway Engineer at Lancashire County Council has commented that the 100% parking provision previously approved should be increased to 200% for the apartments.
26. In this case the previous approval at this site, which could still be constructed, incorporated more units on this site each with only 1 parking space and as such the current proposals are considered to be an improvement on the approved parking arrangements on this part of the site. Taking into account the fall back position for this part of the site the proposed parking arrangements for the apartments are considered to be sufficient.
27. As set out above the proposed amendments include a new vehicular access off Pilling Lane to serve a small parking court and a new vehicular access off Clydesdale Drive to serve the rear parking court. This removes the approved vehicular access to the rear parking court from Sumner Avenue (a small residential cul de sac adjacent to the site).
28. The Highway Engineer has considered the proposed amendments and raised concerns about the proximity of the vehicular access onto Pilling Lane in respect of the location of the Toucan crossing, secured as part of the outline approval at this site. In this regard the plans have been amended relocating the parking court entrance and detailing the toucan crossing. The Highway Engineer is satisfied with the amendments.

Section 106 Agreement

29. The timescale for submitting reserved matters in respect of the original outline approval at this site has expired hence why this application is a full application. As the Section 106 Agreement secured at outline stage relates to subsequent reserved matters approvals a supplemental agreement is required for this application to tie the current proposals into the original obligations for the site.

Sustainability

30. Policy 27 of the Adopted Central Lancashire Core Strategy currently requires all new dwellings to meet Code for Sustainable Homes Level 4 and reduce carbon emissions associated with the development. The outline approval and reserved matters approval for this site however pre-dates these policy requirements. It is however noted that various sustainable design principles, such as recycled materials and use of energy efficient appliances, are incorporated into the scheme.
31. As the approved scheme for this part of the site, which could still be constructed, does not include these policy requirements and the fact that the current proposals enable the deliverability of an important element of the whole development it is not considered appropriate in this case to apply the standard policy requirements.

Overall Conclusion

32. The proposals incorporate substituting approved apartments with a mix of apartments and houses which is considered to be more marketable within today's market. The changes will ensure that the site is developed and not stalled which enables the redevelopment of a brownfield site in a sustainable location and the completion of the development as a whole. The proposals do not differ significantly from the original design concepts for the site and as such are recommended for approval.

Planning Policies

National Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review:

- **GN1:** Settlement Policy- Main Settlements

- **GN5:** Building Design and Retaining Existing Landscape Features and Natural Habitats
- **HS1:** Housing Allocations
- **HS4:** Design and Layout of Residential 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 framework. Planning policies that accord with the policies in the Core Strategy will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date the Council will grant planning permission unless material considerations indicate otherwise taking into account Policy MP a) and b).
- **Policy 1** Locating Growth
- **Policy 4** Housing Delivery
- **Policy 5** Housing Density
- **Policy 17** Design of new buildings

Supplementary Planning Guidance

☐ The Central Lancashire Supplementary Planning Document Design Guide (adopted October 2012) is relevant as it aims to encourage high quality design of places, buildings and landscapes in the Borough. This supersedes the Chorley Design Supplementary Planning Guidance (July 2004)

Emerging Local Plan

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

Relevant Policies are:

- ☐ HS1: Housing Site Allocations
- ☐ BNE1: Design Criteria for New Development. Criteria a, b, c, d, f, g and h are relevant to the proposal.

Planning History

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

07/01226/REMAJ- Reserved Matters Application for the erection of 200 houses, with associated roads, footpaths, and works. Approved January 2008

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

07/01228/REMAJ- Reserved Matters Application for the erection of 200 houses, with associated roads, footpaths, and works. Approved January 2008

Recommendation: Permit (Subject to Legal Agreement) Conditions

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

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

Title	Plot	Drawing Reference	Received date
Proposed Materials Layout		400/P/ML01 Rev R	24 th May 2013

Proposed Boundary Treatments Layout		400/P/BTL01 Rev R	24 th May 2013
Boundary Treatment Details		400/P/BTD01 Rev C	24 th May 2013
Apartment Blocks 1 & 2	6-17 and 22-33	400/P/C/APT01	16th April 2013
Proposed Street Scenes AA, BB & CC		400/P/SS01 Rev A	24 th May 2013
Hard Landscaping Layout		400/P/HL01 Rev A	20 th May 2013
Boundary Treatment Existing Ordnance Survey Plan		400/P/OS01	16th April 2013
Bin Store 01 Details		400/P/BS01	16th April 2013
Proposed Planning Layout		400/P/PL01 Rev R	24 th May 2013
The Fawley house type (Brick)	3/ 4/ 19/ 20	400/FAW/C/01	22 nd May 2013
The Fawley house type (Render)	3/ 4	400/FAW/C/01	22 nd May 2013
The Ashford house type	1/ 2/ 5/ 34/ 35	400/ASH/C/01	16th April 2013
The Helmsley house type (brick)	18/ 21/ 37/ 38/ 39	400/HEL/C/01	16th April 2013
The Farringdon house type (brick)	36/ 40	400/FAR/C/01	22 nd May 2013
Double Garage		400/P/DG01	16th April 2013
Single Garage		400/P/SG01	22 nd May 2013

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

3. 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. In accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy.*

4. The ground surfacing 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. In accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy*

5. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development. *Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents. In accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy.*

6. A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall 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 and proposed finished levels. In particular the scheme shall detail the proposed landscaping to the parking court fronting Pilling Lane hereby approved. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

All hard and soft landscape works shall be carried out in accordance with the approved details within 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. *Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design reflecting the original design concepts for this site. In accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy.*

7. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2012 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. In accordance with Policy EP9 of the Adopted Chorley Borough Local Plan Review*

8. The garages hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation. *Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking. In accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review*

9. No part of the development shall be occupied or brought into use until the vehicular accesses have been constructed in accordance with the approved details and are available for use. *Reason: In the interests of highway safety. In accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review*

10. The parking areas, garaging and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the buildings; 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. In accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review*

11. Prior to the commencement of the development full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company. *Reason: To ensure the satisfactory management of the unadopted highways and public open space and in accordance with Policies TR4 and HS21 of the Adopted Chorley Borough Local Plan Review.*

12. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall be carried out strictly in conformity with the approved details. *Reason: To protect the appearance of the locality and in the interests of the amenities of local residents. In accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy*

13. The measures in the agreed Residential Travel Plan, submitted as part of application 09/00374/DIS, shall be complied with. *Reason: To reduce the number of car borne trips and to encourage the use of public transport. In accordance with Policies TR1 and TR4 of the Adopted Chorley Borough Local Plan Review and Policy 3 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 Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.*

15. The existing soil levels around the base of the trees to be retained shall not be altered. *Reason: To safeguard the trees to be retained. In accordance with Policy EP9 of the Adopted Chorley Borough Local Plan Review*

16. The following works on the highway, in conjunction with Lancashire County Council as the Highways Authority, shall be installed:

- toucan controlled crossing on Pilling Lane
- green arrow right turn aspect at the A6/Pilling Lane junction
- signing and carriageway lining for cyclists surrounding the site
- pedestrian provision at the A6/Pilling Lane junction
- the upgrading of the two closest existing bus stops to the site on Bolton Road to Quality Bus Standard

Reason: In the interests of highway safety and in accordance with Policies TR1, TR4 and HS6 of the Adopted Chorley Borough Local Plan Review.

17. The approved Residents Consultation Strategy, submitted as part of application 11/00353/DIS, shall be implemented and completed in accordance with the approved procedure, including keeping the residents continually updated on the progress. *Reason: To ensure that the existing residents are fully aware of the progress of the development.*

18. The site shall be remediated in accordance with BAE Environmental Remediation Strategy Report (Reference:A0356-02-R1-1). Upon completion of the remediation works a verification/completion report containing any validation sample results shall be submitted to and approved in writing by the Local Planning Authority. *Reason:-To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in the National Planning Policy Framework*

Item 4i	13/00418/FUL
Case Officer	Mr Ian Heywood
Ward	Brindle And Hoghton
Proposal	Conversion of disused barn into four residential units
Location	Stanworth Farm Barn Bolton Road Withnell
Applicant	Mr C Smith

Consultation expiry: 12 June 2013

Application expiry: 8 July 2013

Proposal

1. The application relates to the conversion of a disused barn into four residential units.

Site Description

2. The site is located within the Green Belt in the rural part of the Parish of Withnell, close to the boundary with Blackburn with Darwen Council, immediately to the south of the M65 and to the east of junction 3 to that motorway. It is accessed via a long private track that connects the site to the A675 Bolton Road.
3. Immediately to the east of the site is Stanworth Farm farmhouse, now in separate ownership, which is a grade II listed building – a designated heritage asset as defined in Annex 2 to the Framework (being within the curtilage to the listed farmhouse at the time of designation, the barn is considered in the same way as a building that is itself listed in its own right). This is separated from the application site by a stone wall and close-boarded fence. To the immediate west of the site is a further barn, where the applicant resides. This is separated from the site by an open parking/farm implement storage area.
4. The barn is a very large, substantial building that probably dates from the Victorian period. Certainly the use of machined timbers for purlins, rafters and trusses and cast-iron columns to support the first floor suggests a building of this relatively late date for what at first glance appears to be a typical vernacular barn. The interior space is cathedral like in volume with much of it being of double, if not triple height. There are already quite a number of roof lights, which are simple sheets of glass laid between the stone flags used for the roof covering. As is typical for these buildings the number of openings at ground floor is comprised of mainly door openings to stables and shippens plus the huge cart door openings at the front and rear of the building. Openings at the first floor are currently extremely limited, apart from a number of vertical 'breathers'.
5. To the rear, or northern, side of the building is a later lean-to extension that runs for the entire length of the building. A few metres north of this, separated by a post and rail fence, the ground falls steeply into the cutting excavated for and now occupied by the M65 motorway, 30 to 40 metres below. Also on this side of the building is a substantial oak tree.
6. To the front, or southern, part of the site is an open sided storage building currently used for housing farm machinery. Whilst the barn itself is no longer in intensive agricultural use, despite its vast size it does not allow the use of modern farm machinery, it is currently home to a collection of rare breed pigs.
7. The whole site is, apart from the motorway, surrounded by farm land apart from the area to the south east of Stanworth Farm farmhouse which is a former land-fill site, now closed and capped.

Recommendation

8. It is recommended that this application is approved, subject to a S.106 Agreement.

Main Issues

9. The main issues for consideration in respect of this planning application are:

- Principle of the development
- Impact upon designated heritage asset
- Impact on the neighbours
- S.106 Agreement

Applicants Case

10. The applicant is proposing to create four dwellings on the grounds that the resultant units will be more saleable and attractive to the market in the current economic climate. In his opinion the prospective price of the properties will be more realistic and achievable than that which would be economically necessary for a reduced number of dwellings.

AssessmentPrinciple of the development

11. The Framework refers in paragraphs 79 to 92 to the Green Belt. Paragraph 89 states that 'A *local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are* (third bullet point) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*'.
12. The proposed development does not include any extensions to the building or the erection of any outbuildings. As such it is considered to be in conformity with the framework.
13. Policy DC7A of the Adopted Chorley Borough Local Plan Review (2003) and policy HS9 of the emerging Chorley Local Plan 2012-2026 are both in conformity with the Framework and both offer broadly similar criteria whereby conversion of rural buildings within the Green Belt will be considered to be acceptable. These criteria are:
- a) The proposal does not have a materially greater impact on the openness of the Green Belt;
 - b) The proposal would not harm the character or quality of the countryside or landscape;
 - c) The re-use of the building must not be likely to result in additional farm buildings which would have a harmful effect upon the openness of the Green Belt;
 - d) If an agricultural building, it is not one substantially completed within ten years of the date of the application;
 - e) The building is of permanent and substantial construction and capable of conversion without more than 30% reconstruction;
 - f) The building must be capable of conversion without the need for additions or alterations which would change its existing form and character. Particular attention will be given to curtilage formation which should be drawn tightly around the building footprint and the requirement for outbuildings should be minimal;
 - g) The building must already have, or there exists the capability of creating, a reasonable vehicular access to a public highway that is available for use without creating traffic hazards and without the need for road improvements which would have an undue environmental impact;
 - h) The development would not result in the loss of or damage to any important wildlife habitat or protected species.
14. Taking these points in turn the proposal is not seeking permission for any extensions, in fact the existing rear extension is proposed to be removed. As such it is considered that the proposed development will not have any greater material impact upon the openness of the Green Belt.
15. Likewise it is considered that the proposed development would not harm the quality of the countryside or landscape.
16. Farming operations on the site are now much reduced such that there will be no requirement for a replacement agricultural building. The building is at least 150 years old.

17. A structural engineers report accompanies the application. This demonstrates that the building is of permanent and substantial construction and will not require more than 30% reconstruction.
18. No out buildings are proposed and the curtilage is indeed tightly drawn around the building. As befits the character of the setting, the curtilage definition has been left as discrete rather than clearly defined.
19. The existing access route is proposed to be improved with the creation of four additional passing places within the single track section. The site is served by two existing entrance/egress points from the access track that will, potentially, serve all the residential properties within the overall site. The access arrangements are considered to be acceptable.
20. Ecological surveys and mitigation measures have been provided with the application. Implementation of the mitigation measures with regard to protected species and nesting birds will be controlled by a suitably worded condition together with informatives.
21. Consequently it is considered that the proposed development is in conformity with local, sub regional and national planning policy.

Impact upon designated heritage assets

22. The Framework refers, in Section 12, to *Conserving and enhancing the historic environment*. Paragraph 131 therein states that: *In determining planning applications, local planning authorities should take account of*
 - *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.*
23. Policy 16 of the Adopted Central Lancashire Core Strategy refers to Heritage Assets. Amongst other things this aims to: *Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by: Supporting development or other initiatives where they protect and enhance local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.*
24. In terms of heritage assets it is recognised that allowing conversion and alteration would facilitate saving this curtilage listed building from an uncertain future and bring it back into a sustainable, economic use. Its future will thus be secured.
25. The emerging Chorley Local Plan 2012 – 2026, policy BNE8 also refers to heritage assets and is in conformity with the Framework. Proposals to reuse, restore and convert the building to a sustainable, economic use are to be welcomed. The proposed development is considered to be sympathetic to the significance of the building, which will be described and recorded in an Archaeological Building Survey report that will be made a condition to any permissions granted.
26. In terms of the design of the proposed conversion, this has kept the changes to an absolute minimum externally, with the principal elevation (the front) left largely unchanged and changes to other elevations being both discrete and appropriately detailed.
27. The proposed development is therefore considered to sustain the significance not only of this heritage asset but also the setting of the adjacent designated heritage asset and thus accords with national, sub-regional and local planning policy with respect to heritage assets.

Impact on the neighbours

28. The nearest residential neighbour is at Stanworth Farm, which is a residential property located immediately to the east of the site. This is currently separated physically from the barn by a 2 metre stone wall and close-boarded fence. The farmhouse is off-set in terms of the physical layout of the two buildings such that the proposed new first floor windows in the barn will not directly overlook the farm house, nor will they align with any windows to habitable rooms. It is therefore considered that there will be only a marginal material impact upon the amenity

currently enjoyed by the neighbouring property and that the relationship between the two buildings is acceptable.

Section 106 Agreement

29. A S.106 Agreement has been drafted and agreed with the applicant with the following heads of terms. These comprise financial contributions towards various forms of public open space as follows:

Amenity Green Space £340 in Brindle & Hoghton Ward (£85 per dwelling)
 Equipped Play Areas £1704 in Brindle & Hoghton Ward (£426 per dwelling)
 Playing Pitches £3472 within the Borough (£868 per dwelling)
 TOTAL £ 5516

Overall Conclusion

30. The proposed development can be seen to accord with the Framework, Sections 9 and 12, and with the Central Lancashire Core Strategy, Policy 16. It also accords with both the Adopted Chorley Borough local Plan Review (2003) and the emerging Chorley Local Plan 2012-2026. It will also facilitate the provision of a sustainable economic use for a designated heritage asset and will potentially save them from an uncertain future. These applications are therefore recommended for approval.

Planning Policies

National Planning Policy Framework (NPPF):

Section 9, Green Belt, Section 12, Conserving and enhancing the historic environment

Adopted Central Lancashire Joint Core Strategy DPD (2012):

Policy 16: Heritage Assets.

Adopted Chorley Borough Local Plan Review (2003):

Policy DC7A, The conversion and extension of rural buildings in the Green Belt.

The Emerging Chorley Local Plan 2012 – 2026:

Policy HS9, Conversion of Rural Buildings in the Green Belt and Other Designated Areas; Policy BNE8, Protection and Enhancement of Heritage Assets.

Planning History

08/00016/FUL: Conversion of roof space to living accommodation and formation of residential curtilage around barn. Approved March 2008

08/00038/LBC: Listed Building Consent for the conversion of roof space to living accommodation and formation of residential curtilage around barn. Approved March 2008

Recommendation: Permit (Subject to Legal Agreement) Conditions

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

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

<u>Title</u>	<u>Ref</u>	<u>Date</u>
Proposed Plans, Elevations and Site Plan	SFBC 02/07/12	10.05.13
Proposed Plan, Sections and Site Plan	SFBC 03/07/12	10.05.13
Access Amendments, Passing Places		10.05.13

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

3. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved. *Reason: To ensure that the materials used are visually appropriate to the locality. In accordance with Policy DC7A of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy.*

4. Prior to any works commencing details of the proposed fenestration (windows, doors and other joinery), to include full details at a scale of not less than 1:10 shall be submitted to and agreed in writing by the Local Planning Authority. All works shall then be undertaken strictly in accordance with the details as approved. *Reason: To maintain the integrity of the historic building. In accordance with Policy 16 of the Adopted Central Lancashire Core Strategy.*

5. Before the commencement of any works, full details of the proposed rainwater goods, including the eaves detail, to be used on the building shall have been submitted to and been approved in writing by the Local Planning Authority. All works undertaken on site should be strictly in accordance with the approved details. *Reason: In the interests of the character and appearance of the building. In accordance with Policy DC7A of the Adopted Chorley Borough Local Plan Review and Policies 16 and 17 of the Adopted Central Lancashire Core Strategy*

6. Before work commences, full details shall be submitted to and approved in writing by the Local Planning Authority in relation to the type of mortar to be used on the building. The required details shall include the ratio of the materials to be used in the mortar, its colour and the proposed finished profile of the pointing. The work shall only be carried out in accordance with the approved details. *Reason: In the interests of the character and appearance of the Listed Building. In accordance with Policy DC7A of the Adopted Chorley Borough Local Plan Review and Policies 16 and 17 of the Adopted Central Lancashire Core Strategy*

7. Prior to the commencement of development full details of the type, coursing and jointing of the natural stone to be used in the construction of the external faces of the buildings (notwithstanding any detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved. *Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area. In accordance with Policy DC7A of the Adopted Chorley Borough Local Plan Review and Policies 16 and 17 of the Adopted Central Lancashire Core Strategy*

8. Notwithstanding the details already submitted, this consent relates to the use of 'flush' fitting roof lights, only in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The details shall include the model/make, exact dimensions and the fixing detail (including a cross section) of the roof light(s) to be used. The work shall only be carried out in accordance with the approved details. *Reason: To protect the character and appearance of the building. In accordance with Policy DC7A of the Adopted Chorley Borough Local Plan Review and Policies 16 and 17 of the Adopted Central Lancashire Core Strategy*

9. No works shall take place until the applicant, or their agent or successors in title, have secured the implementation of a programme of building recording and analysis. This must be carried out by a professionally qualified archaeological/building recording consultant or organisation in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority (Chorley Council). Upon completion of the programme of building recording and analysis it shall be submitted to the Local Planning Authority. *Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historic importance associated with the building. In accordance with Government advice contained within the National Planning Policy Framework and Policy 16 of the Adopted Central Lancashire Core Strategy*

10. During the construction period the oak tree to the rear of the site, which is 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 tree to be retained. In accordance with Policy EP9 of the Adopted Chorley Borough Local Plan Review*

11. Before the development hereby permitted commences the mitigation proposals suggested in the Envirotech Survey number BAT/13/1530 Rev 1 shall be implemented and have been approved in writing by the local planning authority. *Reason: To safeguard protected species of Bats, Owls and Nesting Birds. In accordance with government advice contained within the National Planning Policy Framework and Policy EP4 of the Adopted Chorley Borough Local Plan Review*

12. Before the development hereby permitted commences the recommendations proposed in the Envirotech Great Crested Newt letter dated 21 March 2013 shall be implemented and approved in writing by the local planning authority. *Reason: To safeguard habitats for Great Crested Newts. In accordance with government advice contained within the National Planning Policy Framework and Policy EP4 of the Adopted Chorley Borough Local Plan Review*

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Class A - E) or any subsequent re-enactment thereof no alterations, outbuildings or extensions shall be constructed without express planning permission first being obtained. *Reason: To safeguard the appearance of the building and also the setting of an adjacent designated heritage asset and the openness of the Green Belt.*

14. The permission hereby granted does not imply or grant consent for the demolition and rebuilding of any external walls of the building to be converted, except as may be delineated on the approved plan/report submitted by Davis Consulting reference number: 7102. *Reason: To define the permission and to prevent inappropriate rebuilding or new build within an area subject to policies of development restraint*

Item 4j	13/00419/LBC
Case Officer	Mr Ian Heywood
Ward	Brindle And Hoghton
Proposal	Conversion of disused barn into four residential units
Location	Stanworth Farm Barn Bolton Road Withnell
Applicant	Mr C Smith

Consultation expiry: 12 June 2013

Application expiry: 8 July 2013

Proposal

1. The application relates to the conversion of a disused barn into four residential units.

Site Description

2. The site is located within the Green Belt in the rural part of the Parish of Withnell, close to the boundary with Blackburn with Darwen Council, immediately to the south of the M65 and to the east of junction 3 to that motorway. It is accessed via a long private track that connects the site to the A675 Bolton Road.
3. Immediately to the east of the site is Stanworth Farm farmhouse, now in separate ownership, which is a grade II listed building – a designated heritage asset as defined in Annex 2 to the Framework (being within the curtilage to the listed farmhouse at the time of designation, the barn is considered in the same way as a building that is itself listed in its own right). This is separated from the application site by a stone wall and close-boarded fence. To the immediate west of the site is a further barn, where the applicant resides. This is separated from the site by an open parking/farm implement storage area.
4. The barn is a very large, substantial building that probably dates from the Victorian period. Certainly the use of machined timbers for purlins, rafters and trusses and cast-iron columns to support the first floor suggests a building of this relatively late date for what at first glance appears to be a typical vernacular barn. The interior space is cathedral like in volume with much of it being of double, if not triple height. There are already quite a number of roof lights, which are simple sheets of glass laid between the stone flags used for the roof covering. As is typical for these buildings the number of openings at ground floor is comprised of mainly door openings to stables and shippens plus the huge cart door openings at the front and rear of the building. Openings at the first floor are currently extremely limited, apart from a number of vertical 'breathers'.
5. To the rear, or northern, side of the building is a later lean-to extension that runs for the entire length of the building. A few metres north of this, separated by a post and rail fence, the ground falls steeply into the cutting excavated for and now occupied by the M65 motorway, 30 to 40 metres below. Also on this side of the building is a substantial oak tree.
6. To the front, or southern, part of the site is an open sided storage building currently used for housing farm machinery. Whilst the barn itself is no longer in intensive agricultural use, despite its vast size it does not allow the use of modern farm machinery, it is currently home to a collection of rare breed pigs.
7. The whole site is, apart from the motorway, surrounded by farm land apart from the area to the south east of Stanworth Farm farmhouse which is a former land-fill site, now closed and capped.

Recommendation

8. It is recommended that this application is approved, subject to a S.106 Agreement.

Main Issues

9. The main issues for consideration in respect of this planning application are:
- Principle of the development
 - Impact upon designated heritage asset
 - Impact on the neighbours

Applicants Case

10. The applicant is proposing to create four dwellings on the grounds that the resultant units will be more saleable and attractive to the market in the current economic climate. In his opinion the prospective price of the properties will be more realistic and achievable than that which would be economically necessary for a reduced number of dwellings.

AssessmentPrinciple of the development

11. The Framework refers in paragraphs 79 to 92 to the Green Belt. Paragraph 89 states that 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are (third bullet point) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'.
12. The proposed development does not include any extensions to the building or the erection of any outbuildings. As such it is considered to be in conformity with the framework.
13. Policy DC7A of the Adopted Chorley Borough Local Plan Review (2003) and policy HS9 of the emerging Chorley Local Plan 2012-2026 are both in conformity with the Framework and both offer broadly similar criteria whereby conversion of rural buildings within the Green Belt will be considered to be acceptable. These criteria are:
- a) The proposal does not have a materially greater impact on the openness of the Green Belt;
 - b) The proposal would not harm the character or quality of the countryside or landscape;
 - c) The re-use of the building must not be likely to result in additional farm buildings which would have a harmful effect upon the openness of the Green Belt;
 - d) If an agricultural building, it is not one substantially completed within ten years of the date of the application;
 - e) The building is of permanent and substantial construction and capable of conversion without more than 30% reconstruction;
 - f) The building must be capable of conversion without the need for additions or alterations which would change its existing form and character. Particular attention will be given to curtilage formation which should be drawn tightly around the building footprint and the requirement for outbuildings should be minimal;
 - g) The building must already have, or there exists the capability of creating, a reasonable vehicular access to a public highway that is available for use without creating traffic hazards and without the need for road improvements which would have an undue environmental impact;
 - h) The development would not result in the loss of or damage to any important wildlife habitat or protected species.
14. Taking these points in turn the proposal is not seeking permission for any extensions, in fact the existing rear extension is proposed to be removed. As such it is considered that the proposed development will not have any greater material impact upon the openness of the Green Belt.
15. Likewise it is considered that the proposed development would not harm the quality of the countryside or landscape.
16. Farming operations on the site are now much reduced such that there will be no requirement for a replacement agricultural building. The building is at least 150 years old.

17. A structural engineers report accompanies the application. This demonstrates that the building is of permanent and substantial construction and will not require more than 30% reconstruction.
18. No out buildings are proposed and the curtilage is indeed tightly drawn around the building. As befits the character of the setting, the curtilage definition has been left as discrete rather than clearly defined.
19. The existing access route is proposed to be improved with the creation of four additional passing places within the single track section. The site is served by two existing entrance/egress points from the access track that will, potentially, serve all the residential properties within the overall site. The access arrangements are considered to be acceptable.
20. Ecological surveys and mitigation measures have been provided with the application. Implementation of the mitigation measures with regard to protected species and nesting birds will be controlled by a suitably worded condition together with informatives.
21. Consequently it is considered that the proposed development is in conformity with local, sub regional and national planning policy.

Impact upon designated heritage assets

22. The Framework refers, in Section 12, to *Conserving and enhancing the historic environment*. Paragraph 131 therein states that: *In determining planning applications, local planning authorities should take account of*
 - *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.*
23. Policy 16 of the Adopted Central Lancashire Core Strategy refers to Heritage Assets. Amongst other things this aims to: *Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by: Supporting development or other initiatives where they protect and enhance local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.*
24. In terms of heritage assets it is recognised that allowing conversion and alteration would facilitate saving this curtilage listed building from an uncertain future and bring it back into a sustainable, economic use. Its future will thus be secured.
25. The emerging Chorley Local Plan 2012 – 2026, policy BNE8 also refers to heritage assets and is in conformity with the Framework. Proposals to reuse, restore and convert the building to a sustainable, economic use are to be welcomed. The proposed development is considered to be sympathetic to the significance of the building, which will be described and recorded in an Archaeological Building Survey report that will be made a condition to any permissions granted.
26. In terms of the design of the proposed conversion, this has kept the changes to an absolute minimum externally, with the principal elevation (the front) left largely unchanged and changes to other elevations being both discrete and appropriately detailed.
27. The proposed development is therefore considered to sustain the significance not only of this heritage asset but also the setting of the adjacent designated heritage asset and thus accords with national, sub-regional and local planning policy with respect to heritage assets.

Impact on the neighbours

28. The nearest residential neighbour is at Stanworth Farm, which is a residential property located immediately to the east of the site. This is currently separated physically from the barn by a 2 metre stone wall and close-boarded fence. The farmhouse is off-set in terms of the physical layout of the two buildings such that the proposed new first floor windows in the barn will not directly overlook the farm house, nor will they align with any windows to habitable rooms. It is therefore considered that there will be only a marginal material impact upon the amenity currently enjoyed by the neighbouring property and that the relationship between the two buildings is acceptable.

Overall Conclusion

29. The proposed development can be seen to accord with the Framework, Sections 9 and 12, and with the Central Lancashire Core Strategy, Policy 16. It also accords with both the Adopted Chorley Borough local Plan Review (2003) and the emerging Chorley Local Plan 2012-2026. It will also facilitate the provision of a sustainable economic use for a designated heritage asset and will potentially save them from an uncertain future. These applications are therefore recommended for approval.

Planning Policies

National Planning Policy Framework (NPPF):

Section 9, Green Belt, Section 12, Conserving and enhancing the historic environment

Adopted Central Lancashire Joint Core Strategy DPD (2012):

Policy 16: Heritage Assets.

Adopted Chorley Borough Local Plan Review (2003):

Policy DC7A, The conversion and extension of rural buildings in the Green Belt.

The Emerging Chorley Local Plan 2012 – 2026:

Policy HS9, Conversion of Rural Buildings in the Green Belt and Other Designated Areas; Policy BNE8, Protection and Enhancement of Heritage Assets.

Planning History

08/00016/FUL: Conversion of roof space to living accommodation and formation of residential curtilage around barn. Approved March 2008

08/00038/LBC: Listed Building Consent for the conversion of roof space to living accommodation and formation of residential curtilage around barn. Approved March 2008

Recommendation: Grant Listed Building Consent Conditions

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

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

<u>Title</u>	<u>Ref</u>	<u>Date</u>
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Proposed Plan, Sections and Site Plan	SFBC 03/07/12	10.05.13
Access Amendments, Passing Places		10.05.13

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

3. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved. *Reason: To ensure that the materials used are visually appropriate to the locality. In accordance with Policy DC7A of the Adopted Chorley Borough Local Plan Review and Policies 16 and 17 of the Adopted Central Lancashire Core Strategy.*

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9. No works shall take place until the applicant, or their agent or successors in title, have secured the implementation of a programme of building recording and analysis. This must be carried out by a professionally qualified archaeological/building recording consultant or organisation in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority (Chorley Council). Upon completion of the programme of building recording and analysis it shall be submitted to the Local Planning Authority. *Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historic importance associated with the building. In accordance with government advice contained within the National Planning Policy Framework and Policy 16 of the Adopted Central Lancashire Core Strategy.*

10. During the construction period the oak tree to the rear of the site, which is 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 tree to be retained. In accordance with Policy EP9 of the Adopted Chorley Borough Local Plan Review.*

11. Before the development hereby permitted commences the mitigation proposals suggested in the Envirotech Survey number BAT/13/1530 Rev 1 shall be implemented and have been approved in writing by the local planning authority. *Reason: To safeguard protected species of Bats, Owls*

and Nesting Birds. In accordance with government advice contained within the National Planning Policy Framework and Policy EP4 of the Adopted Chorley Borough Local Plan Review

12. Before the development hereby permitted commences the recommendations proposed in the Envirotech Great Crested Newt letter dated 21 March 2013 shall be implemented and approved in writing by the local planning authority. *Reason: To safeguard habitats for Great Crested Newts. In accordance with government advice contained within the National Planning Policy Framework and Policy EP4 of the Adopted Chorley Borough Local Plan Review*

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Class A - E) or any subsequent re-enactment thereof no alterations, outbuildings or extensions shall be constructed without express planning permission first being obtained. *Reason: To safeguard the appearance of the building and also the setting of an adjacent designated heritage asset and the openness of the Green Belt.*

14. The permission hereby granted does not imply or grant consent for the demolition and rebuilding of any external walls of the building to be converted, except as may be delineated on the approved plan/report submitted by Davis Consulting reference number: 7102. *Reason: To define the permission and to prevent inappropriate rebuilding or new build within an area subject to policies of development restraint*



Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	11 June 2013

PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 10 MAY AND 30 MAY 2013

PLANNING APPEALS LODGED

1. None.

PLANNING APPEALS DISMISSED

2. None.

PLANNING APPEALS ALLOWED

3. Appeal by Mr Sean Sculfor against the Committee refusal of Full Planning Permission for retrospective application for conversion of garage to habitable room (including permanent closure and incorporation of former pedestrian access pathway adjacent to garage from Blacksmith Walks to rear parking area into the habitable accommodation of the dwelling) at 10 Blacksmith Walks, Buckshaw Village PR7 7BP (Planning Application: 12/00655/FUL Inspectorate Reference: APP/D2320/A/13/2190064/NWF). Appeal allowed and planning permission granted Planning Inspectorate letter received 29 May 2013.

PLANNING APPEALS WITHDRAWN

4. None.

ENFORCEMENT APPEALS LODGED

5. None.

ENFORCEMENT APPEALS DISMISSED

6. None.

ENFORCEMENT APPEALS ALLOWED

7. Appeal by Mr Sean Sculfor against Enforcement Notice EN646 without planning permission the conversion of a garage and pedestrian access pathway to provide additional living accommodation at 10 Blacksmith Walks, Buckshaw Village PR7 7BP (Enforcement Notice EN646 Inspectorate Reference: APP/D2320/C/13/2191607). Appeal allowed and the Enforcement Notice is quashed Planning Inspectorate letter received 29 May 2013.
8. Appeal by Mr David Brown against Enforcement Notice EN644 – Without planning permission the erection of a detached dwelling house at 345 Blackburn Road, Higher Wheelton, PR6 8PH. (Planning Application: 12/00797/FUL, Enforcement Notice: EN644, Inspectorate Reference APP/D2320/C/12/2189258). Appeal allowed, the Enforcement Notice is quashed and planning permission is granted on the application deemed to have been made Planning Inspectorate letter received 29 May 2013.

ENFORCEMENT APPEALS WITHDRAWN

9. None.

LANCASHIRE COUNTY COUNCIL DECISIONS

10. None

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

Lesley-Ann Fenton
DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Robert Rimmer	5221	30.05.2013	***