

02 June 2014

Development Control Committee

You are invited to attend a meeting of the Development Control Committee to be held in Council Chamber, Town Hall, Chorley on Tuesday, 10th June 2014 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 5 - 8)**

To confirm the minutes of the Development Control Committee held on 13 May 2014 as a correct record and be signed by the Chair. |

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 three 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/online-applications/>

4a 14/00199/FULMAJ - 80M North of Swansey Lane and bounded by The Elms Swansey Lane Whittle-le-Woods (Pages 9 - 24)

Proposal

Recommendation

Proposed residential development consisting of 32 dwellings (including 10 affordable dwellings).

Permit (subject to a legal agreement).

4b 14/00380/FULMAJ - Land south west of Bishopton Crescent and at the junction of Buckshaw Avenue and Ordnance Road, Buckshaw Village (Pages 25 - 48)

Proposal

Recommendation

Erection of part single storey and part two storey restaurant/public house (Class A3/A4) with ancillary residential accommodation at first floor and associated external play area, together with new access, car parking, landscaping and ancillary works

Permit full planning permission

4c 14/00264/REMMAJ - Land south of Buckshaw Avenue, Buckshaw Village (Pages 49 - 58)

Proposal

Recommendation

Reserved matters application for the erection of 19 dwellings adjacent to the retail area of the Southern Commercial Area (replan of the dwellings approved as part of reserved matters approval 08/01098/REMMAJ and 12/00463/REMMAJ)

Refuse reserved matters consent

5 **Planning Appeals and Decisions** (Pages 59 - 60)

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

6 **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 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), Louise Wingfield (Democratic and Member Services Officer) 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.
- For Town and Parish Councillors a request to speak must be accompanied by an appropriate form of authority from the clerk or chairperson of the Parish/Town Council. This should be in the form of an email or letter of authority.
- A request to speak must be accompanied by an appropriate form of authority from the clerk or chairperson of the Parish/Town Council. This should be in the form of an email or letter of authority.
- 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 Town or Parish Councillor will be asked to speak, normally for a maximum of three minutes and must represent the authorised views of the parish/town council that they represent. There will be no second chance to address Committee.
 4. A local Councillor who is not a member of the Committee may speak on the proposed development for a maximum of five minutes.
 5. 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.
 6. 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.

Development Control Committee**Tuesday, 13 May 2014**

Present: Councillor Paul Walmsley (Chair), Councillor Dave Rogerson (Vice-Chair) and Councillors Jean Cronshaw, John Dalton, David Dickinson, Graham Dunn, Dennis Edgerley, Christopher France, Danny Gee, Harold Heaton, June Molyneaux, Mick Muncaster and Geoffrey Russell

Also in attendance:

Councillor: Paul Leadbetter

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

14.DC.44 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Henry Caunce.

14.DC.45 MINUTES

RESOLVED: That the minutes of the Development Control Committee held on 22 April 2014 be confirmed as a correct record and signed by the Chair.

14.DC.46 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

14.DC.47 PLANNING APPLICATIONS TO BE DETERMINED

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

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

- a) Application:** 14/00178/FULMAJ - **Proposal:** Demolition of existing buildings and erection of a residential rehabilitation House Farm, Park Hall Road, and therapy centre at Pemberton House Charnock Richard, Chorley, PR7 Farm (resubmission of withdrawn application 13/00219/FULMAJ) 5LP

Speakers: Objector – Chris Weetman, Ward Councillor Paul Leadbetter, and the applicants agent – Mike Gee

RESOLVED (unanimously): That planning permission be refused for the reasons detailed within the report in the agenda and on the addendum.

- b) **Application:** 14/00336/FUL - 47 **Proposal:** Proposed development of 3 No. Clancutt Lane, Coppull, Chorley, dwellings and associated access PR7 4NR

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 and the amended and additional conditions detailed within the addendum.

- c) **Application:** 14/00140/FULMAJ - **Proposal:** Residential development of 11 Royal Scot, Station Road, Coppull, no. affordable dwellings (5 houses and 6 Chorley, PR7 4PZ apartments) and associated access and parking

RESOLVED (unanimously): That planning permission be approved subject to the conditions detailed within the addendum.

- d) **Application:** 14/00265/REMMAJ - **Proposal:** Proposed erection of 20 no. Parcel H3 Group 1 west of Central dwellings and associated landscaping and Avenue and south of Worden Brook, highway works (further re-plan of part of Euxton Lane, Euxton site previously approved by permission ref: 13/01144/REMMAJ)

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

- e) **Application:** 14/00177/FULMAJ - **Proposal:** Application to vary condition 7 Parcel H3 Group 1, west of Central of planning permission ref: Avenue and south of Worden Brook, 12/00945/REMMAJ (which was a Euxton Lane, Euxton Reserved Matters application for the erection of 32 no. dwellings) to allow the dwellings to be built to Code Level 3 (but Code 4 Energy) rather than Code Level 4 or 6.

The planning application was withdrawn by the applicant prior to the start of the meeting.

- f) **Application:** 14/00215/CB3 - **Proposal:** Proposed Ball Court (MUGA), Rangletts Play Area, Brindle Street, Skate Park, Allotments, Car Parking, Chorley Lighting, Footpaths and Play Area Extension at Ranglett's Recreation Ground, Chorley South-East

RESOLVED (unanimously): That planning permission be approved subjected to the conditions detailed within the report in the agenda and the amended conditions detailed in the addendum.

14.DC.48 ENFORCEMENT**a) Application:** Club Equestrian, Cuerden Farm, Wigan Road, Clayton-le-Woods

The Director of Partnerships, Planning and Policy submitted a report which sought Members instruction as to whether it was expedient to take enforcement action to secure the cessation of the change of use to a building for residential purpose.

RESOLVED (unanimously): That it was expedient to take enforcement action to secure the cessation of residential use of the building for the reasons detailed within the report in the agenda.

b) Application: Land Rear of 19 Beechwood Road, Chorley, PR7 3AX

The Director of Partnerships, Planning and Policy submitted a report which sought Members instruction as to whether it was expedient to issue an Enforcement Notice in receipt of the change of use of land from public open space to domestic curtilage.

RESOLVED (unanimously): That it was expedient to issue an Enforcement Notice in respect of a breach of planning control. For the reason detailed within the report in the agenda.

c) Application: Newlands, Quaker Brook Lane, Hoghton, Preston

The Director of Partnerships, Planning and Policy submitted a report which sought Members instruction as to whether it was expedient to take enforcement action to secure the removal of an unauthorised wall.

RESOLVED (12:1:0): That it was expedient to take enforcement action to secure the removal of the unauthorised wall.

14.DC.49 PLANNING APPEALS PERFORMANCE - APRIL 2013-MARCH 2014

The Director of Partnerships, Planning and Policy submitted a report which informed Members of the Development Control Committee of appeals performance for planning and enforcement from April 2013 to March 2014.

RESOLVED: That the report be noted.

14.DC.50 ANY OTHER ITEM(S) THAT THE CHAIR DECIDES IS/ARE URGENT

The Chair thanked Members of the Development Control Committee for their hard work and commitment to the Committee over the past municipal year. Special thanks were awarded to Councillors Dennis Edgerley and Geoffrey Russell who would be standing down as Ward Councillors at the local election next week.

Chair

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Item 4a	14/00199/FULMAJ
Case Officer	Caron Taylor
Ward	Clayton-le-Woods And Whittle-le-Woods
Proposal	Proposed residential development consisting of 32no. dwellings (including 10 no. affordable dwellings).
Location	Land 80M North Of Swansey Lane And Bounded By The Elms Swansey Lane Whittle-Le-Woods
Applicant	Eric Wright Group
Consultation expiry: 29 May 2014	
Application expiry: 28 May 2014	

Proposal

1. Proposed residential development consisting of 32no. dwellings (including 10 no. affordable dwellings).

Recommendation

2. It is recommended that this application is permitted subject to a Section 106 Agreement.

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Background information
 - Principle of the development
 - Affordable housing
 - Density
 - Levels
 - Design and layout
 - Impact on the neighbours
 - Open space
 - Trees and landscape
 - Ecology
 - Drainage and flood risk
 - Traffic and Transport
 - Contamination
 - Section 106 agreement
 - Sustainability

Representations

4. One letter has been received neither objecting or supporting the application on the following grounds:
 - Having studied the proposed development, they consider in its present form and density it will be a positive addition to the area, however if more dwellings were added or the layout changed then they may then object.
 - One major concern relates to vehicle access at the junction with Chorley Old Road, visibility in both directions is good but the width of the Elms is not adequate for the increased traffic, and does present problems now with vehicles entering The Elms swinging wide or larger delivery vehicles crossing over into oncoming traffic attempting to exit the Elms, with the increase in vehicle movements this presents a danger of collision. If a short section of the entry could be widened possibly using

land between the Elms and the post box this problem would be removed, safety could be further improved by removal of some of the shrubs around the electricity/gas installation would also help visibility. Further if traffic was directed round the grass island with a one way up and one way down system allowing traffic exiting the lower section of the existing housing and the new developments a clear route, and ensuring a safe zone when all vehicles would have space and clear vision in all directions. The section of Chorley Old Road opposite the Elms has vehicles parked on a regular basis this makes exiting the Elms difficult again due to the narrow road and traffic on the main road so parking restrictions may be necessary given the increase of traffic using this junction

5. One letter of support has been received.
6. 25 letters of objection have been received on the following grounds:
 - Lots of residents of Swansey Lane and surrounding areas have pets that use the field in question. There isn't going to be any grassed areas near for this to happen if this field gets turned into houses;
 - They walk their dogs through the woodland and along the forest, it will be a great shame if this turned in to a housing development and will disturb a lot of the wildlife;
 - It will result in increased volumes of traffic on Chorley Old Road causing noise and disturbance to residents and it will impact on highway safety. The speed limit is already exceeded. If the development is to go ahead it must be on the condition that traffic calming is introduced on Chorley Old Road;
 - Footpaths and parking spaces are going to be taken away and made into driveways/entrances for the new properties;
 - The new entrance to the estate will be situated in a hazardous spot, people use the access point at present to wait while to allow traffic coming the other way to pass as the road is narrow, if it is no longer available it will affect safety and impact on residents on The Elms;
 - It will get rid of an important green space when the region is becoming almost unbroken urban sprawl, which will be detrimental to existing residents and wildlife;
 - Impact of increase on local resources such as sewers, road conditions, air quality etc.;
 - It will take away the privacy of private gardens on Swansey Lane as they will be overlooked;
 - There isn't enough parking on the driveways on the properties on The Elms so some people use the layby to park in, when this is gone it will be cluttered and a safety issue;
 - Whittle-le-Woods is turning from a village into a little town, with no bits of nature left;
 - Building houses on the land will remove their view;
 - Residents at the bottom of The Elms have to park in the layby when it snows so if it is removed they will have to park on Chorley Old Road which would be a danger to pedestrians and drivers;
 - More homes are not needed in the area, there are lots for sale;
 - They object that the houses do not have a direct access onto Preston Road as it will mean more vehicles using Hunts Field and Clover Field as a short cut;
 - It is only a matter of time before there is a serious accident;
 - They are concerned by the access to The Elms. Although visibility is good it is not wide enough for increased traffic or larger vehicles, a one way system around the grass verge by the layby would be better. Vehicles park opposite the access to The Elms so parking restrictions may be necessary for increase vehicles;
 - The loss of the green breathing space will significantly alter the character of the street, as it currently has a low density, semi-rural feel and it will change to a higher density, more urbanised neighbourhood, which will impact on residents wellbeing;
 - The houses should be built on brownfield land and a more urban site;
 - Plot 33 will impact on no. 50 The Elms. Their property has only a short rear garden and the proposal will result in an invasion of privacy to their bedroom, dining area and garden. The distances do not seem to meet the planning standards;

- Their back gardens and backs of their houses would be overlooked by a number of the proposed houses resulting in loss of privacy and disturbance, especially with the planned public open space;
- It is proposed to direct surface water to the spring which will cause their gardens to become waterlogged and unusable;
- The utilities will be pushed to their limits and may cause a drainage problem;
- The schools in the area are already over-subscribed and class sizes will be increased and doctor/dentist facilities will be increase even more;
- The green space makes their property more desirable;
- Increased danger to children due to more traffic;
- There will be loss of privacy and natural sunlight to those on The Elms with gardens backing onto the development and an increase in light and noise pollution to the area;
- There will be a severe impact on wildlife in the area with loss of habitat;
- Will access be denied to the public right of way at the bottom of the field?;
- Car headlights will shine into their house when dark as it is opposite the access and there will be endless car movements throughout the day;
- There will be no room to park cars outside their house as the road is so narrow and visitors parking outside their home will become an obstruction for vehicles pulling in and out of the junction causing problems;
- There is a further proposed development of 80 plus homes planned for the old quarry up Hill Top Lane. They are greatly concerned about the traffic flow through Hunts Field and the delays that will be caused when attempting to exit onto the A6 Preston Road. These two schemes need to be considered together as traffic from 112 homes with possibly 2 cars each will have a dramatic impact. Some cars will use the village but a 20mph speed limit will ensure that Hunts Field will become the quickest route.

6 Further letters of objection have been received as a result of re-consultation on amended plans raising the following issues:

- They still object to the amended plans for the same reasons.;
- Too many green areas getting used for housing, it is nice to have the woodland walks through Whittle-le-Woods and feel this would spoil the area;
- Surrounding areas are overcrowded as it is causing congestion and a new estate would add to this causing more noise and pollution;
- At the moment the land is being used for agriculture and it should stay that way;
- There are enough new homes on Buckshaw;
- Every available bit of land is being built on, it is spoiling the village feel of Whittle;
- They have looked at the amended plans and appreciate that some effort has been made to suggest a solution to channelling the surface water away. Their concern is as to exactly where the water will actually go. Would it be into the already soaked field on which the houses are to be built, or alternatively into the existing sewer system, that was surely never intended for the amount of waste it now has to cope with? This really needs careful consideration, as Whittle is being ruined;
- Please retain the little remaining open space in Whittle and Clayton as currently every square metre of this part of the borough is being built on, spoiling the very nature of what makes it so popular. The property market is saturated with existing residents struggling to sell properties, and developers in Buckshaw are giving houses away.
- The increasing population density of the area places additional strain on public services e.g. GP practices and already heavily over-subscribed local schools;
- The development will result in loss of privacy for nearby properties and add to noise and disturbance in the area. The Dog Inn creates enough noise and disturbance late into the night attracting large numbers of vehicles often driven at speed. The car park is directly opposite the junction to the development site creating an additional hazard;

- The reduced speed limit on Chorley Old Road is ignored by many motorists. Traffic from this development and the wider increase in housing throughout the village will raise the volume of traffic, noise and pollution;
- The site is 100% Greenfield and should be preserved. It provides a vital green corridor to local birds, bats and wildlife and contributes to the wellbeing of local residents;
- The site survey was critical of the lack of re-growth in the adjacent woodlands, however this is evidence of how well used and valued the space is. Surveys shows the land would be 43% impervious to water but does not take account of run-off from the newly developed site next to the Dog Inn. Rain water would be diverted into the brook south of the site however this would increase the flood risk to properties in that area.

7. Clayton-le-Woods Parish

Has no comment to make regarding the application.

Consultations

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

Based on a review of documents submitted with the planning application as well as a review of ecological records, maps, aerial photographs and images accessible to Lancashire County Council they advise it seems reasonably unlikely that the proposed development would have any significant ecological impacts provided the planning conditions recommended are attached to any approval.

9. **Chorley Council Planning Policy**

This proposal is on a greenfield site in the Parish of Clayton-le-Woods. It is identified as an Urban Local Service Centre in Central Lancashire Core Strategy Policy 1, where growth and investment is encouraged to help meet housing and employment needs.

10. This site is reserved for school purposes in the adopted 2003 Chorley Local Plan (Policy PS6.1). However, the site has never been utilised for these purposes. As part of the emerging Local Plan Preferred Option consultation which took place during September – November 2011, Lancashire County Council, as the landowner and education authority, declared the site surplus to requirements and requested that it be considered for residential allocation.
11. The site was considered suitable for residential development by Chorley Council and was proposed as a housing allocation (HS1.30) in the emerging Local Plan at Publication Stage. The Plan underwent formal public consultation from October 2012 – December 2012, but this allocation was not subject to representations.
12. The emerging Local Plan was examined during spring 2013 and the Inspector issued a Partial Report into the soundness of the Plan on all matters, other than those relating to Gypsies and Travellers, on 25th October 2013. As part of the examination process, the Local Plan Inspector visited all of the housing allocations, including HS1.30, and she states in her Report that on the basis of what she has read, heard and seen she considers that each of the housing allocations has been realistically assessed in all circumstances, that they have a reasonable prospect of being delivered and that they are sound. This site was not disputed in representations, so she does not specifically refer to it in the Partial Report.
13. She concludes that with the recommended main modifications set out in the accompanying Appendix, the Chorley Local Plan 2012 – 2026 is legally compliant and meets the criteria for soundness in the Framework in all regards, except for its provision for Gypsies and Travellers, which will be addressed in a supplementary report. She states that the Plan may not be adopted unless it is also found sound regarding its provision for Gypsies and Travellers in her supplementary report. However, in terms of weight to be given to the emerging Local Plan, she states that because of the very advanced stage in the examination process that the main modifications have reached, significant weight should be attached to all policies and proposals that are amended

accordingly (if necessary), except for matters relating to Gypsies and Travellers. Subsequently, the Council has amended the Plan in accordance with all of the main modifications set out in the Appendix to the Inspector's Partial Report. Therefore, significant weight should be attached to the emerging Local Plan housing allocations, including HS1.30, when decision making.

14. This proposal is contrary to the adopted 2003 Local Plan, but it is in accordance with Policy HS1.30 of the emerging Local Plan; which is at a very advanced stage. In line with the views of the Inspector, the emerging Local Plan policies and proposals are material considerations which should be given significant weight. Therefore housing use is considered acceptable in principle on this site.
15. **Planning Policy on Public Open Space**

There is justification for a financial contribution from this development based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the Open Space and Playing Pitch Supplementary Planning Document. This is as follows:

 - Amenity greenspace = £0 (if on-site amenity greenspace space is considered appropriate)
 - Equipped play area = £4,288
 - Parks/Gardens = £0
 - Natural/semi-natural = £17,824
 - Allotments = £480
 - Playing Pitches = £51,168
 - Total = £73,760
16. **The Environment Agency**

State they have reviewed the Flood Risk Assessment (FRA) submitted in relation to the risk of flooding on and off-site and they are satisfied that the proposed development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere, provided that any subsequent development proceeds in accordance with the recommendations outlined in the approved FRA. To this effect, we would recommend conditions.
17. They have also reviewed the Preliminary Drainage Layout submitted and it is stated that the storm water storage estimates are for a 30 year return period storm event. They would expect this to be greater and therefore they recommend a condition in order to ensure a satisfactory means of surface water drainage for the site.
18. The FRA concludes that the use of infiltration techniques may not be viable on site. However, even where clay rich conditions prevail, the use of pervious paving (under drained if necessary) is still effective in intercepting the first 5mm of rainfall, in accordance with current sustainable drainage systems (SUDS) guidance. As such, they strongly urge the use of pervious paving and along with other infiltration techniques.
19. **Police Architectural Liaison Officer**

Have no comment to make in respect of the general design and it is clear from the Design and Access statement submitted by the applicant the consideration has been given to a greater extent of Part One of Secured by Design and to a lesser extent Part Two Secured by Design physical security. Reference is made to 5 lever mortise locks being fitted to external entrance doors. Whilst they are not advocating the applicant completes the proposed development to full Secured by Design, the fitting of PAS 24:2012 STANDARD external front and rear entrance doors would considerably enhance security of the properties and significantly reducing the risk of becoming a victim of crime. They would also recommend that security lighting is fitted to the rear of each property.

20. **United Utilities**
Have no objections subject to conditions. They state a public sewer crosses the site which will either require an alteration to the layout or diverting at the developers expense [the applicant has been made aware of this].
21. **Lancashire County Council (Highways)**
Highways raised issue regarding the need for a link from the development to Swansey Lane to make the development more sustainable. They also raised concerns regarding the number of parking spaces and size of garages.
22. They indicate the need for improvements to one bus stop, i.e., the bus stop at Chorley Old Road/Swansey Lane in addition to dropped kerbs.
23. They state the provision of a pedestrian/cycle link, car parking, bus stop improvements and provision of dropped kerbs are all essential and relevant to the proposed development and until they are addressed, they would recommend that the application is not approved without these. These issues are addressed later in this report
24. **Chorley's Strategic Housing Officer**
The proposed 10 affordable dwellings (plots 12 to 17 inclusive and 27 to 30 inclusive) represents 31% of the scheme which is more than the 30% required as per the Affordable Housing SPD.
25. The preferred mix of affordable dwellings is 8 x2 bed houses and 2 x 3 bed houses. In terms of tenure the mix should be 70% for Social Rent and 30% Intermediate sale/shared ownership as follows:
- Social Rent 7 x 2 bed houses
- Intermediate sale/ shared ownership 1 x 2 bed house and 2 x 3 bed houses
26. All of the affordable element should be offered to one Registered Provider who is a member of the Select Move choice based lettings scheme.
27. **Chorley's Contaminated Land Officer**
Recommends a condition in relation to ground contamination.
28. **Chorley's Parks and Open Spaces Officer**
Advises the cost of providing the footpath link on Council land is £1,250.

Assessment

Background Information

29. The site is reserved for a school in the adopted Local Plan 2003, however the County Council declared it surplus to requirements as part of the emerging Local Plan process.

Principle of the development

30. The site is a proposed housing allocation in the emerging Local Plan. The Inspector following an examination in 2013 has issued a Partial Report into the Plan and found the policies to be found sound except for those relating to Gypsies and Travellers and significant weight can be given to them (subject to the main modifications).
31. Therefore although the proposal is contrary to the adopted 2003 Local Plan in which it is a reserved school site, it is in accordance with Policy HS1.30 of the emerging Local Plan 2012-2026 in which it is an allocated housing site and which is now at a very advanced stage and should be given significant weight. Housing on the site is therefore considered acceptable in principle on this site.

Affordable Housing

32. Policy 7 of the Core Strategy requires 30% affordable housing to be provided on sites in urban areas such as this. Ten of the dwellings proposed are to be affordable which is

just over 31%. The proposal is therefore in accordance with Policy 7. The affordable housing will need to be secured through a Section 106 legal agreement.

Density

33. The application site area is slightly smaller than the HS1.30 allocation (1.18ha as opposed to 1.3ha) as the application excludes the small crescent shaped area of land and associated highway in the north east corner of the site. The proposal equates to a density of 27 dwellings per hectare. The September 2012 Density Assumptions Technical Paper, which formed part of the emerging Local Plan evidence base, indicated a density of 27.5 dwellings per hectare in a Swansea Lane area density sample. The dwellings to the south on Swansea Lane that back onto the site are terraced properties and so are at a higher density, however the development beyond that to the south and to the north of the site are more modern developments and the proposal is considered in keeping with them. The proposal is therefore considered in keeping with the surrounding development and in accordance with Policy 5 of the Core Strategy.

Levels

34. The site slopes from east to west with approximately a 9.5m level difference between the highest and lowest parts of the site. The land drops away fairly evenly across the site, although there is an earth bund adjacent to the layby to the east of the site. In addition a small brook runs along the southern part of the site and the levels drop down to this.

Design and Layout

35. The layout of the scheme involves the proposed properties fronting onto the existing layby at the top of The Elms close to its junction with Chorley Old Road and plots 4 and 5 also front The Elms. This is welcomed as it avoids the development 'turning its back' on the existing properties and integrates the scheme into the existing surrounding development.
36. Within the site the layout has three small cul-de-sacs which most of the properties are located within, coming off a central access road. To the south of the site, the area to the south of the brook is to be left as public open space with properties facing the brook.
37. The access from The Elms will use an existing access point into the land that was created when the existing properties on The Elms were built, that is currently unused and terminates at the boundary of the site.
38. The design of the properties will be in the form of six different house types, a mixture of mews, semi-detached and detached, all of which are two-storey. Two of the house types to be sited in more prominent corner locations are to have secondary elevations with more detailing than normal, such as oriel windows, which is looked upon favourably. There is a wide range of properties in the immediate area which is predominantly two-storey and the design and layout is considered acceptable in accordance with Policy 17 of the Core Strategy.
39. The properties will all have garden areas providing sufficient storage for bins. All have side access to get these out apart from plots 13 and 16 which are centre mews properties, but these have rear access via an alleyway to avoid bins being stored at the front of the property.
40. Amenity open space is provided in the southwest corner of the site and this considered acceptable. A commuted sum payment towards this is therefore not required.
41. The development is therefore considered acceptable in relation to design and layout.

Impact on the Neighbours

42. The proposal is surrounded by existing residential development on all sides, apart from to the west. Amended plans have been received as part of the application process.

43. Plots 1-3 will face onto the existing layby and towards the front elevations of 1 and 3 The Elms. These proposed properties will have a lower finished floor level than the existing properties and in addition there will be over 30m between facing first floor windows which exceed the Council's interface distances.
44. Plots 3-5 will have windows facing north towards 34-37 The Elms. These are two-storey semi-detached properties. Plots 3 and 5 will have their side elevations (that have first floor bedroom windows in) facing north and plot 4 will have its front elevation facing north, also with a first floor bedroom window in. The properties comply with the interface distances apart from plot 3 where there is 18m between the first floor windows in number 34 and the single first floor window in the side elevation of this property. This is however considered an acceptable relationship as number 34 is approximately 0.5m higher than the proposed property and also because this is not an unusual relationship between windows in properties facing one another on opposite sides of a street where the relationship is less private than rear windows and has an intervening road.
45. Plots 27-32 will back onto 46-51 The Elms. The proposals will comply with the interface distances with the existing properties apart from the distance between facing rear windows between plot 28 and 46 The Elms, which is slightly short at 20m rather than 21m, however number 46 is sited at a slight angle and the windows will not therefore directly face one another.
46. To the south of the site the terraced properties on Swansey Lane back onto the site. They have a rear yard area and then an alleyway separates the property from its rear garden. The proposed properties on the part of the site are set back from the boundary on the north side of the brook. There is over 30m between the first floor windows of the proposed properties and the boundaries with the rear gardens of the properties on Swansey Lane which far exceeds the Council's interface distance.
47. Number 221 Chorley Old Road is a dormer bungalow that backs onto the east of the site. There will be a row of six mews properties on plots 12-17 that back onto this property. There will 10m at the closest point between the rear windows of these properties and the boundary with no. 221 which is in line with the interface distance, however the proposed properties will be approximately 3m lower on the site than no. 221 and this is therefore considered an acceptable relationship.
48. Number 67 Swansey Lane is a semi-detached property to the south of plot 17. There will be approximately 11.8m between the first floor windows of no. 67 and the gable end of plot 17 (the interface distance is 12m), however the gable end of plot 17 will only overlap the bottom of no. 67 by a small amount and the proposed property is due north so it will not result in any overshadowing to this property. This relationship is therefore considered acceptable.
49. In terms of the interface distances between the proposed properties, amended plans have been received amending the layout so the properties now have acceptable distances between them taking into account the level changes across the site.
50. The proposal is considered acceptable in terms of the relationship with the existing surrounding properties and between the proposed properties.

Open Space

51. There is justification for a financial contribution towards public open space based upon the standards within emerging Local Plan Policies HS4A and HS4B which now carry significant weight and the approach in the Open Space and Playing Pitch Supplementary Planning Document, which comes to a total of £73,760. Amenity open space will be provided on site to the south of the brook, so no contribution to this aspect is required. The required amount will need to be secured through a Section 106 legal agreement.

Trees and Landscape

52. An Arboricultural Impact Assessment accompanies the application. Three trees are to be removed, one of these is not due to the development (T8) but rather that it is growing through the fence on the east boundary and is a category 'U' tree (in such a condition that it is unsuitable for retention), the other two trees (T2 and T3) are to be removed due to the development. They are situated on the east boundary of the site close to the boundary with no. 221 Chorley Old Road, however both are category 'C' trees (trees of low quality).
53. The category 'B' trees (trees of moderate quality) within the site are adjacent to the brook and will be retained, other trees are outside the site close to the boundary. A condition is proposed regarding tree protection during construction.

Ecology

54. An ecological appraisal accompanies the application which has been reviewed by the County Council Ecologist. They advise that it seems reasonably unlikely that the proposed development would have any significant ecological impacts provided the planning conditions they recommended are attached to any approval. The proposal is therefore considered acceptable in relation to ecology subject to conditions.

Drainage and Flood Risk

55. The site is not in Flood Zone 2 or 3 but is over 1 hectare in size so requires a Flood Risk Assessment. This has been submitted with the application and reviewed by the Environment Agency and they state in relation to on and off-site flooding they are satisfied the development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere providing the recommendations in the Flood Risk Assessment are undertaken. This includes limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm so it will not exceed the run-off from the undeveloped site and finished floor levels of the dwellings are set no lower than 0.15 metres above ground levels.
56. The Environment Agency also recommend a condition requiring a surface water drainage scheme to be submitted and approved in writing as they reviewed the Preliminary Drainage Layout which states that the storm water storage estimates are for a 30 year return period storm event and they would expect this to be greater. This can be controlled by a pre-commencement condition that is proposed.
57. United Utilities also request a condition requiring a scheme for the disposal of foul and surface water to be submitted and approved.
58. Subject to the above conditions the proposal is considered acceptable in this respect.

Traffic and Transport

59. The application site will have its main access from The Elms. The access point is currently in place off the existing road but terminates at the entrance to the application site. A second private driveway is proposed to serve plots 1 and 2 only that will run adjacent to the layby. Lancashire County Council Highways have not objected to the access point or layout of the scheme. They have raised concerns about two aspects of the proposal, the parking and the permeability of the site.
60. The plans originally submitted did not meet the Council's parking standards as set out in policy ST4 of the emerging Local Plan and the garage sizes were not large enough internally to be counted as a parking space where required. The amended plans have enlarged both the detached and integral garages so that they comply with the Council's standard of 3m x 6m to be classed as a parking space. All the properties now comply with the Council's parking standards in terms of the number of spaces. The application is now considered acceptable in relation to parking, subject to a condition requiring the integral garages being maintained for parking on certain plots and such a condition is proposed.

61. The County Council Highways Engineer has raised the issue of the external connectivity of the site i.e. its non-vehicular links with its surroundings. They recommended that the application should be resisted due to its failure to secure this and suggested a link be provided between no. 65 and 67 Swansey Lane and to the existing footpath to the west. They also advised that the existing footpath between 56 Swansey Lane and 217 Chorley Old Road could have been improved for cyclists and wheel/push chair users, although the latter would prolong walking/cycling distance/time to Preston Road.
62. The comments of the Highways Engineer in relation to external connectivity have been considered. A link is considered necessary to provide residents with easy access to Preston Road. A link through to Swansey Lane between nos. 65 and 67 is not possible as this is across private land that the applicant does not have control over and it is not adopted highway, however a footpath has been added to the scheme by the amended plans linking the site with the footpath/green corridor to the west of the site that runs north to south and allows a shorter route from the development to Preston Road via Swansey Lane. The applicant can only provide the link within the site up to its boundary i.e. the land within their control, but a commuted sum of £1,250 is proposed to be secured by a Section 106 agreement to allow the Council to provide the link from the application site boundary to the existing footpath, as this land is owned by Chorley Council. It is considered with this link the application is acceptable in terms of external connectivity. It is not considered necessary to also improve the existing footpath between 56 Swansey Lane and 217 Chorley Old Road as part of the development as the proposed link to the footpath to the west of the site will provide the quickest route to Preston Road.
63. A commuted sum is also proposed to be secured through a Section 106 agreement for the bus stop and kerb works.
64. The proposal is therefore considered acceptable in terms of traffic and transport.

Contamination

65. The condition recommended by the Council's Contaminated Land Officer requiring a report to identify any potential sources of contamination and where appropriate necessary remediation measures is proposed.

Section 106 Agreement

66. A Section 106 agreement is proposed securing the affordable housing, public open space payment (equipped play areas £4,288, natural/semi-natural £17,824, allotments £480, playing pitches £51,168 = total £73,760), bus stop upgrade (£12,000) and footpath link (£1,250) commuted sums.

Sustainability

67. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. This can be controlled by a condition.

Other Issues

68. To respond to other issues raised by residents, the amended plans have plots 1 and 2 accessed by a private drive adjacent to the existing layby. This will leave the layby as exists without any driveways for the proposed properties accessed from it (as was originally proposed). The County Highways Engineer has advised he will accept this arrangement.
69. The planning process cannot require traffic calming or parking restrictions to be introduced on Chorley Old Road as this is done through a Traffic Regulation Order which is a separate process on which consultation must take place.

70. The development will be liable to pay the Community Infrastructure Levy (CIL), although exemption can be applied for, for the affordable properties.

Community Infrastructure Levy (CIL)

71. The development is liable for CIL at £65 per square metre. Ten of the dwellings will be affordable and an exemption from CIL can be claimed for these. CIL is a payment required to be made by a developer to raise funds for infrastructure to support an area's development including education provision.

Overall Conclusion

72. The application is recommended for approval subject to conditions and a Section 106 agreement.

Planning Policies

National Planning Policies:

The National Planning Policy Framework

Joint Core Strategy

Policies 5, 7, 17 and 27

Emerging Local Plan 2012-2026

Policies HS1.30, HS4A, HS4B, ST4

Open Space and Playing Pitch Supplementary Planning Document

Adopted Chorley Borough Local Plan Review 2003

Policy PS6.1

Planning History

85/00741/FUL Proposed residential development on 0.67 acres of land. Application withdrawn 23rd December 1985.

80/01099 One form entry junior and infant school. Permitted 18th November 1981 (Lancashire County Council application)

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

Reason: in the interests of highway safety and to protect the amenities of the nearby residents.

3. The development hereby permitted shall only be carried out in conformity with the proposed finished floor levels shown on the approved plan(s). *Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.*
4. The integral and detached garages hereby approved on plots 1, 5, 6, 7, 8, 18, 19, 20, 24, 23, 26 and 32 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 and inconvenience caused by on-street parking*
5. No development shall take place until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the surface water run-off generated by the 1 in 100 year plus climate change critical storm will be limited so that it will not exceed the run-off from the undeveloped site and does not increase the risk of flooding off-site. In addition, it shall include details that discharge from the site will be limited 8.4 litres/second via a single outfall to the ordinary watercourse. The drainage scheme and mitigation measures shall be fully implemented prior to occupation of the dwellings. *Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.*
6. The foul drainage for the site shall be implemented as per the approved Preliminary Drainage Layout ref: EXC02 102 Rev P1. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in shall be finished before the dwellings are occupied. *Reason: To ensure a satisfactory means of drainage.*
7. 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 shall be inserted or constructed at any time at first floor in the following elevations hereby permitted:
Plot 12 north elevation
Plot 17 south elevation
Plot 22 north elevation
Plot 25 south elevation.
Reason: To protect the amenities and privacy of the adjoining properties.
8. During the construction period, all trees to be retained within the site or on the site boundaries shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards. *Reason: To safeguard the trees to be retained.*
9. The footpath link and timber bridge over the brook shown on the approved plan ref: 13036 01 Rev F in the southwest corner of the site shall be constructed prior to construction of the 20th dwelling on the site hereby permitted. *Reason: To ensure a footpath is provided for residents of the site to reduce walking time to Preston Road.*
10. No tree felling, vegetation clearance works, or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected. *Reason: Nesting birds are a protected species.*

11. In order to ensure that adverse impacts on any animals that may use the site are avoided during the works the following best practices measures shall be adopted:
 - A ramp (to allow easy exit of animals) shall be placed in any trenches and excavations left open overnight, and any holes securely covered.
 - All excavations left open overnight or longer should be checked for animals prior to the continuation of works or infilling.
 - Any animals (such as amphibians and small mammals) found shall be carefully moved to a safe area of nearby suitable habitat which will remain undisturbed.

Reason: To ensure that no animals become trapped in any excavations/trenches.
12. 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, proposed finished levels, means of enclosure, minor artefacts and structures. The scheme should include a landscaping/habitat creation and management scheme shall demonstrate adequate planting to compensate for losses and will demonstrate maintenance and enhancement of the biodiversity value of retained and established habitats. The approved plan shall be implemented in full. All 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.*
13. 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, including details of any permeable surfacing areas. 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.*
14. Prior to the commencement of development details/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.*
15. Due to the proposed sensitive end-use (residential housing & gardens), 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 that the site is safe for habitation.

16. 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 information shall include details of which areas are to be managed by the company and also show which areas are to be adopted or owned any maintained by the individual properties. The areas as shown in the approved details shall thereafter be managed by the approved Management Company. *Reason: To ensure the satisfactory management of the private driveway, resident's parking spaces and refuse storage/collection at the site.*
17. 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.*
18. The parking and/or garaging and associated manoeuvring facilities for each dwelling 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 the dwelling(s) they serve; 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.*
19. All dwellings commenced after 1st January 2013 shall be constructed to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 shall be constructed 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.*
20. 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 of the Code for Sustainable Homes. 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.*
21. Prior to the commencement of the development a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant Code Level rating. The development shall only be carried out in accordance with the approved Carbon Reduction Statement. *Reason: In the interests of minimising the environmental impact of the development.*
22. The development hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing Reference	Received date
Location Plan	13036 00 Rev A	9 May 2014
Site Layout	13036 01 Rev F	23 May 2014
Preliminary Drainage Layout	EXC02 102 Rev P1	8 May 2014
Boundary Treatment Details	1306 03	24 February 2014
Garage Details Plans & Elevations	13036 04 Rev A	8 May 2014
Site Sections	13036 05 Rev A	8 May 2014
Site Sections Sheet 2	13036 06 Rev A	8 May 2014
Type 3B830 Plans and Elevations	13036 HT-01	8 May 2014
Type 4B1265	13036 HT-02	8 May 2014
2B698 House Type	13036 HT-01	26 February 2014
4B1099 House Type	13036 HT-05	26 February 2014
3B900 House Type	13039 HT-03	26 February 2014
3B794 House Type	13036 HT-02	26 February 2014

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

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Item 4b	14/00380/FULMAJ
Case Officer	Nicola Hopkins
Ward	Astley And Buckshaw
Proposal	Erection of part single storey and part two storey restaurant / public house (Class A3/A4) with ancillary residential accommodation at first floor and associated external play area, together with new access, car parking, landscaping and ancillary works.
Location	Land South West of Bishopton Crescent And At The Junction Of Buckshaw Avenue And Ordnance Road, Buckshaw Village
Applicant	Gough Family Partnership LLP And Greene King Development

Consultation expiry: 10 June 2014 (due to need to serve notice on other land owners)

Application expiry: 3 July 2014

**Recommendation
Permit Full Planning Permission**

Executive Summary

The starting off point for consideration of the proposals is the extent that the scheme is consistent with the outline planning approval, Masterplan and relevant Design Codes for Buckshaw Village. However it is important to note that the proposals are not submitted pursuant to the original outline approval and as such from a planning perspective the considerations relate to whether the development accords with the Development Plan and any other material considerations.

Representations

Cllr Perks has requested that this application is considered at Development Control Committee		
In total 6 representations have been received which are summarised below		
Objection	Support	Not specified
Total No. received: 2	Total No. received: 2	Total No. received: 2
<ul style="list-style-type: none"> • Is this a suitable site for a public house, right across from a primary school • There is a substantial amount of anti-social behaviour in the area and this will quite probably increase it further. • There will be more late night noise and possibly more late night anti-social behaviour at the nearby playground. • There is no real police presence on the village and this will stretch further the already stretched police force. • It is beneficial to place a public house right next to a block of what has been stated to be social housing. • This plan will lead to more traffic and increased danger. • Will create late night noise, cans and bottles littered everywhere. • Other related issues that will come with alcohol abuse, drugs, violence. • Property prices will fall as a result, having a pub in close proximity can knock as much as £50.000 off your property price. • Should be using that land to build a 	<ul style="list-style-type: none"> • A great addition to the village. • The building will fit in well to the surroundings and is just what the village needs. • The applicant should make commitments as to how they are going to contribute to the local community and maintain the high standards of the local area. • The fencing that it should be of the 'BV' standard around the boundary. 	<ul style="list-style-type: none"> • Concerned that a pub/restaurant should be located close to a school play field however the style of these facilities are generally not 'drinking dens' but in fact pleasant family orientated businesses. • The location should include suitable landscaping to reduce any direct views of the garden with play area. • If the building can be between the outside area and the school, that would be preferred. • Should include suitable CCTV / security to deter anti-social behaviour and that the surrounding area will be maintained with any litter resulting from the business and its customers is regularly cleaned up. • The proposed fencing should be the same as the residential BV black railings to encompass the village feeling and inclusion. • A commitment to employ Buckshaw Village residents for the site would also be welcomed

car park for the school with a pedestrian bridge over the road for the parents and children to cross safely to get to school.		
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Consultees

Consultee	Summary of Comments received
Chorley Council's Regulatory Services Officer	Has no comments to make
Chorley Council's Waste and Contaminated Land Officer	<p>Has commented that the submitted report does not account for the historic presence of the Royal Ordnance Factory/BAE site at the proposed development site. It seems the review of historic maps failed to identify this industrial site prior to 1980s, when MoD sites classified and erased from wartime OS records and beyond.</p> <p>However the site was remediated by BAE Systems such that it is suitable for development. Therefore in this instance ground investigations at this site are not required.</p>
LCC Highways	<p>No objection to the site access and no highway safety concerns regarding the geometrical layout of the proposed Access.</p> <p>Have requested a contribution to the provision of a new bus stop and upgrading the existing bus stop (£12,000)</p> <p>There is need for provision of wheel washing facility.</p> <p>Have requested a contribution of £6000 to assist Lancashire County Councils Travel Planning Team in securing the provisions of the Travel Plan.</p>

Assessment**Policy Background****National Planning Policy:**

1. The relevant national planning policy guidance/statements are as follows:
 - National Planning Policy Framework (the Framework)
2. The Framework states:

'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU and statutory requirements.'
3. The Framework confirms that for 12 months from the day of publication (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.
4. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
5. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
 - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
6. At the heart of Framework is the presumption in favour of sustainable development which is established as the 'golden thread' running through the plan and decision making processes. For decision making this means:
 - Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
 - Specific policies in the Framework indicate development should be restricted.

The Development Plan

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

Adopted Chorley Borough Local Plan Review

9. The Framework confirms that for 12 months from the day of publication of the Framework (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The Framework also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans. The emerging plan is later in this report.
10. The relevant policies of the Local Plan are as follows:
 - **GN2-** Royal Ordnance Site Euxton
 - **GN5** - Building Design and Retaining Existing Landscape Features and Natural Habitats
 - **GN9** – Transport Accessibility and Mixed Uses
 - **EP17-** Water Resources and Quality
 - **EP18** – Surface Water Run Off
 - **EP20-** Noise
 - **EP21A** - Light Pollution
 - **TR1** – Major Development – Tests for Accessibility & Sustainability
 - **TR4** – Highway Development Control Criteria
 - **TR18** – Provision for Pedestrians and Cyclists In New Development
 - **TR19** – Improvement or Provision of Footpaths, Cycle ways and Bridleways in Existing Networks and New Developments

Central Lancashire Core Strategy July 2012

11. The adoption of the Core Strategy (July 2012) postdates the Framework and as such is wholly consistent with the Framework. The following Core Strategy Policies are of relevance to this application:
 - **Policy 1** Locating Growth identifies locations that are appropriate for growth and investment.
 - **Policy 3** encompasses increasing accessibility and promoting sustainable travel as a key theme within chapter 7 Catering for Sustainable Travel. Travel includes measures to reduce the need to travel by improving public transport
 - **Policy 9** identifies that 501 hectares of land for employment development will be allocated in Central Lancashire between 2009 and 2026. Table 5 identifies the proposed provision of employment land in Central Lancashire with a total supply of 129ha in Chorley Borough.

- **Policy 10** relates to employment sites and premises and confirms that all existing employment premises and sites last used for employment will be protected for employment use.
- **Policy 17** relates to the design of new buildings which will be expected to take account of the character and appearance of the local area.
- **Policy 27** relates to incorporating sustainable resources into new developments. Objections related to its implementation and its relationship with other guidance and regulations.

Supplementary Planning Documents

- Central Lancashire Design Guide Supplementary Planning Document (SPD) October 2012

Emerging Policy

12. Chorley Local Plan 2012-2026. The Inspector has issued her Partial Report on her findings into the soundness of the Chorley Local Plan which is a material consideration in the consideration of any planning application.
13. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination in 2014 to consider Gypsy & Traveller Matters, which would enable adoption of the local plan, following a supplementary report.
14. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*
15. It is therefore considered significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications. The Policies relevant to this application are as follows:
 - ST4: Parking Standards
 - BNE1-10: Design Criteria for New Development

Other Material Considerations

Southern Commercial Design Code

16. Outline planning permission was granted for this site, along with the rest of Buckshaw Village, under permission 97/00509/OUT and subsequently amended as part of outline permission 02/00748/OUTMAJ. Policy GN2 of the Adopted Chorley Borough Local Plan Review states that high quality and phased development will be permitted for purposes appropriate to the concept of an Urban Village for a mix of uses. A Southern Commercial Area Design Code was drawn up in 2006, as a requirement of the outline permission.
17. The land use Masterplan for the whole of Buckshaw Village details appropriate uses for this site which include business or commercial use. A more detailed Design Code has been prepared for the Southern Commercial Area which shows the site, as part of plot 4500, as suitable for hotel/leisure use. When the concept

of the Village was being developed it was considered that this plot lent itself to such uses. Although it is acknowledged that the Southern Commercial Design Code was produced in 2006, over 7 years ago, and paragraph 1.7 of the document states that '*The Land Use Master Plan for Buckshaw is the developer's vision for the village. It is not a detailed layout but a framework to work within*' the range of appropriate uses identified within the Masterplan have been used as a framework to ensure that a sustainable village is secured.

18. Section 5 of the Design Code states that high quality uses such as offices and hotels are envisaged along Buckshaw Avenue, though this site specifically is shown as a hotel/leisure use in the Masterplan.

Ministerial Statement – Planning for Growth

19. On the 23rd March 2011 The Minister of State for Decentralisation and Cities, Greg Clark MP, issued a written parliamentary statement in which he said that ministers will work quickly to reform the planning system to ensure that the sustainable development needed to support economic growth is able to proceed as easily as possible. It states that the Government expects the answer to development and growth wherever possible to be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy. In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably, and that they can give clear reasons for their decisions. The Secretary of State will take the principles in this statement into account when determining applications that come before him for decision. In particular it states the Government will attach significant weight to the need to secure economic growth and employment.

Principle of the development

20. This is a full planning application for this site (known as plot 4500) to erect a public house/ restaurant. The supporting information submitted with the application considers that it would have been possible to apply for such a use via the submission of a reserved matters application pursuant to outline planning approval 02/00748/OUTMAJ which covered a large proportion of Buckshaw Village. This assertion is disputed by the Local Planning Authority as Buckshaw Village has been through a Masterplanning process at outline stage which identified this plot as land as suitable for mixed use business/ commercial areas. The outline approval required the submission of a Design Code (via condition see below) to expand the Masterplan by identifying appropriate plots to accommodate certain uses in the interests of effective Masterplanning.

Condition 24: Prior to any development commencing on site, a detailed design code shall be submitted to and approved in writing by the Local Planning Authority. (The design code shall include design guidelines for all residential, community and employment buildings and the open spaces between them [incorporating access for disabled persons] the density ratio of such buildings, and measures for sustainability). All subsequent applications shall be submitted in accordance with the design code unless otherwise agreed in writing by the local Planning Authority.

Reason: In the interests of a well planned, sustainable development.

21. This Design Code was published in 2006 and it is acknowledged that this is over 7 years old now and planning policies have changed since both the outline approval was issued and the Design Code was published. Within the Design

Code this plot is identified for a hotel or leisure use and whilst the Framework includes both public houses and restaurants within the definition of leisure uses (leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls) it is important to acknowledge that such a use was specifically identified on an adjacent plot of land (plot 4400) and as such it is considered that other such leisure uses were envisaged for this plot particularly as the Design Code confirms that high quality uses such as offices and hotels are envisaged along Buckshaw Avenue and a hotel use was identified as appropriate for this plot.

22. Notwithstanding the above the application has been submitted as a full application as the applicants wish to *secure a freestanding and clean planning permission and avoid the unnecessary complication of having to deal with planning conditions imposed on the original planning consent.*
23. As such this application will be determined in accordance with the Development Plan. The Adopted Local Plan allocates this plot of land under policy GN2 as part of the Royal Ordnance where high quality and phased development will be permitted for purposes appropriate to the concept of an Urban Village. The development of the site will be of mixed uses and include, amongst other uses, leisure uses. It is considered that the erection of a public house within the southern part of the Village will assist with creating a mixed use village and create a valuable facility for the occupiers of the dwellinghouses along with workers at the site. This Policy is supported by Policy 1 of the Core Strategy which identifies Buckshaw Village as a Strategic Site where growth and investment will be focused. As such the principle of such a use on this site is considered acceptable, in principle.
24. Given the stage at which the emerging Local Plan has reached it is considered that significant weight can be afforded to the policies contained therein. The emerging Local Plan allocates this site for employment uses (Policy EP1.13). The Policy confirms that such sites are allocated and protected for business, general industrial or storage and distribution (Use Classes B, B2 or B8 respectively) in the period 2010- 2026. The preamble to the Policy confirms that the range of sites allocated in Policy EP1 assists in catering for the employment needs of businesses and will improve skill opportunities in the borough. It is important to protect all new allocations for employment including greenfield sites which have no previous employment use on site and therefore Chorley Council will expect all allocated sites identified under Policy EP1 to also be covered by criteria (a) to (h) of the Core Strategy Policy 10.
25. Policy 10 confirms: All existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under the following criteria:
 - a) there would not be an unacceptable reduction on the type, quality or quantity of employment land supply;
 - b) the provision and need for the proposed use;
 - c) the relative suitability of the site for employment and for the alternative use;
 - d) the location of the site and its relationship to other uses;

- e) whether the ability to accommodate smaller scale requirements would be compromised;
- f) there would be a net improvement in amenity

26. The supporting information considers this criteria as follows:

- a) Following discussions with Officers in Planning Policy it is clear that there is currently equilibrium in the supply of employment land within the Borough of Chorley. As of March 2013 the residual employment land requirement was 100.5 hectares, whilst the supply of employment land stood at 99.76 hectares. The two are thus broadly balanced. In this context, the loss of 0.5 hectares of employment land would not, in our opinion, result in an unacceptable reduction in the type, quality of quantity of employment land.
- b) There is a very clear need for a family restaurant / public house in Buckshaw Village and this is very well documented and acknowledged by Officers. Plot 4400 on the opposite side of Ordnance Road is identified in the 'Southern Commercial Area Design Code' for a public house; however despite this site having had planning permission for such a use since 2008, development has still not come forward. At present the nearest public house facility is on the northern boundary of Buckshaw Village. This primarily serves the business population of the village in the north of the site and is not conveniently located for residential occupiers, particularly those in the south of the village.
- c) No interest has been identified in the development of the site for employment purposes and given its prominent location it is considered that it lends itself more to redevelopment for leisure / commercial uses than employment uses. Indeed, on the approved Land Use Plan for Buckshaw Village the site is identified for a wide variety of commercial uses including A3 and A4 uses as well as employment development and in the 'Southern Commercial Area Design Code' it is identified for a hotel or leisure uses. The application proposals are clearly consistent with both these masterplans.
- d) The site is in an ideal location for a restaurant / public house. Not only is it located in a prominent location adjacent to other commercial uses, but it is on the edge of the Buckshaw Village District Centre. Furthermore, it is in a sustainable location accessible by a variety of modes of travel and within easy access of a large residential population.
- e) The redevelopment of the site for a non B Class use will not compromise the supply of small to medium sized sites. Indeed, there are a variety of small to medium sized sites available across the Borough which could accommodate development of this scale.
- f) The application site is located in a prominent location on Ordnance Road at what is effectively the entrance to the District Centre. The site is currently vacant and therefore highly unattractive. Boundary landscaping that was introduced a number of years ago is beginning to be damaged and the site is in urgent need of redevelopment. The application proposals would facilitate the development of the site providing an attractive entrance to the District Centre. It is also considered that it may also assist in bringing forward the adjoining plots which also occupy a prominent position on Buckshaw Avenue.

27. The adopted Core Strategy sets the overall employment requirement for Chorley as 112 ha to 2026. The Inspector's Partial Report is accompanied by an Appendix containing the Main Modifications. In respect of employment the Inspector concluded *"that allocations accord with the quantum and locational*

strategy of the CS for employment development, and that the range and of site sizes and types provide a flexible portfolio of sites". The Main Modifications provide a Chorley employment land supply for the period 2010 -2026 as 100.61 ha with commitments (MMEC48). This figure does not take into account vacant stock in the Borough. This figure does includes Policy EP1 employment site allocations amounting to 88.74ha including EMP1.13 (Southern Commercial). The employment allocation at Southern Commercial received no representations during the Local Plan stages or at Examination.

28. The application proposal does not fall within the employment definition in Core Strategy Policy 10 which protects sites and premises for B1, B2 and B8 uses. The loss of this site from an employment allocation would render a 0.5ha reduction in the overall employment allocations for Buckshaw Village from 26.96ha to 26.46ha (3 allocations – Group 1, the Revolution and Southern Commercial) and in particular in the Southern Commercial area a reduction from 7.76ha to 7.26ha.
29. Given the size of the site in respect of the current proposals it is not considered that this reduction will compromise the Council's land allocations for employment and the overall employment land supply as the reduced supply remains generally consistent with the Core Strategy requirements.
30. The Council's Planning Policy section has reviewed the proposals and consider that the proposed site is in a sustainable location and close to the Buckshaw Village District Centre. It is unlikely that the development of this site for a restaurant/pub would result in a compromise to accommodate smaller scale employment requirements. Part of the overall employment allocation is completed /under construction for the Momentum Business Park and should this application proposal be granted consent for development the remaining parcel of the overall site will not be compromised and could accommodate smaller scale requirements and is accessible as it already has a completed separate access to this part of the site.
31. It is also important to note that from an employment perspective this family restaurant /pub will, on completion, generate 76 permanent new jobs (30 full time and 46 part time). This figure excludes jobs that will be created during the construction phase.

Plot 4400

32. As set out above Mitchells and Butler own part of Plot 4400 on the opposite side of Ordnance Road from the application site (they have owned the site since 2008). Within the detailed Design Code Plot 4400 was identified as being suitable for a public house and in this regard reserved matters consent, pursuant to outline approval 02/00748/OUTMAJ, has been granted at this site by virtue of applications 08/00396/REMMAJ and 11/00554/REMMAJ.
33. The agents for this planning application do not believe that the most recent reserved matters approval on plot 4400 is extant as although condition 2 states that the applicants have 3 years to commence the development (which would expire on 10th August 2014) the outline consent, to which the reserved matters approval was pursuant, states that an application for approval of the reserved matters must be made to the Council before 24th August 2014 and the development carried out pursuant to the approval of any reserved matter shall be begun within two years of the date of the approval. As such this results in the reserved matters consent expiring on 10th August 2013.

34. It is understood that Mitchells and Butler have sought legal advice in this regard and agree that the reserved matters approval is no longer extant and as such have submitted a reserved matters application (14/00514/REMMAJ) for the erection of a public house/ restaurant. The infrastructure (road) to support the Mitchell and Butler's plot (plot 4400) received reserved matters consent on 16th May 2014 (14/00278/REM).
35. The agents for this application also cite other reasons why they believe that a public house will not be realised on plot 4400 including that Mitchell and Butler no longer construct the type of public house which received reserved matters consent, the reserved matters consent included a number of prior commencement conditions which have never been discharged and Mitchells and Butler have owned the site for a number of years now with no movement on construction. The recently submitted application on plot 4400 is for an identically designed building as previously approved and the application seeks to address the prior commencement conditions, such as materials, within the submission.
36. However, the existence of a planning application for an identical use on an adjacent piece of land is not a material planning consideration as it is acknowledged that any such uses will be market driven and although it is very unlikely that two such similar proposals would be constructed in such close proximity to one another in the event that this did occur this would offer greater choice within the village close to the commercial centre of the site.
37. Members should be aware that the agent for this application has indicated that works on this public house/ restaurant, subject to a positive resolution, will commence on 11th June to ensure opening before Christmas.

Sequential Assessment

38. At a national level the Framework confirms that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. As set out earlier the proposed uses fall within the definition of main town centre uses (leisure). The guidance confirms that main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.
39. The plot is located outside of the defined District and Local Centre for Buckshaw Village (Policy EP7 of the emerging Local Plan) and as such the application is accompanied by a sequential assessment in accordance with national guidance.
40. The assessment uses a catchment area of a 1 mile radius (1.6km) around the site. This is the area which the development will most likely serve. In this case, the catchment area falls almost entirely within Buckshaw Village and comprises a large residential and business population. There is only one centre within the catchment area this is Buckshaw Village District Centre located directly to the south of the application site.
41. For completeness two local centres on the edge of the catchment of the proposals have also been considered. These are the Runshaw Lane Local Centre and the Balshaw Lane Local Centre. The assessment concludes that there are no sequentially preferable sites within the catchment of the

development which could accommodate the proposals. The Council's Planning Policy Section have reviewed this assessment and confirmed that as the assessment identified no sequentially preferable sites the applicant has satisfied the sequential test.

42. Policy EP9 of the emerging Local Plan relates to developments at edge of and out of centre locations and confirms the outside the town, district and local centres, change of use and development for small scale local shopping and town centre uses (either as part of mixed use developments or in isolation) will be permitted where:
- a) The proposal meets a local need and can be accessed in its catchment by walking, cycling and public transport; and
 - b) Does not harm the amenity of an adjacent area; and
 - c) The Sequential Test and Impact Assessment are satisfied setting out how proposals do not detract from the function, vitality and viability of the borough's hierarchy of centres.
43. It is considered that the proposals accord with criteria (a) and (c) and impact on amenity is assessed further below.

Impact on the neighbours

44. Nearby properties to the site include those on Bishopton Crescent, which are three storey town houses in a crescent on the opposite side of the roundabout to the application site. These properties have their lounge at first floor looking towards the site. These properties are at least 70m away from the nearest part of the proposed building which far exceeds the Council's interface guideline of 21m between facing windows and is therefore considered an acceptable relationship.
45. As noted above concerns have been raised by neighbouring residents about the impact of such a use in close proximity to residential dwellings and the primary school. However it is important to acknowledge that the main element of the proposals will be the restaurant elements with the bar being a subsidiary element. The applicants intention is to construct a family restaurant with an associated bar. It is considered that the proposed floor plans support this aspiration as they show the majority of the ground floor as restaurant and transition area as follows:

Ground floor

- Restaurant / bar 385 sq.m
- Kitchen 71 sq.m
- Cellar / wines and spirits store 46 sq.m
- Toilets 38 sq.m

First Floor

- Managers flat 126 sq.m
- Assistant Manager's flat 40 sq.m
- Office 6 sq.m
- Staff areas and storage 34 sq.m
- Plant room 14 sq.m

46. There are properties that face onto Buckshaw Avenue to the west of the application site and again are over 70m away from the site, so it is not considered the proposal will impact unacceptably on them.
47. Planning approval was granted for the erection of 23 no. two, three and four bedroom dwellings on land to the west of the application site (12/01005/FULMAJ)

in June 2013. This was not pursuant to the original outline consent for Buckshaw Village as residential properties did not accord with the Masterplan or Design Code which identified this parcel as commercial use however the proposals were considered acceptable. The layout of the approved dwellings results in only two dwellings which will have direct views of the proposals (plots 12 and 13) however there are no windows in the side elevations of these properties and over 60 metres retained between these properties and the public house. It is also important to note that part of plot 4500, between the proposed public house/ restaurant, is retained which will be developed in the future screening the current proposals from the residential dwellings. As such it is not considered that the proposals will adversely impact on the amenities of these future residents.

48. Additionally it is important to acknowledge that the opening hours will be restricted in accordance with the suggested hours by the applicant which supports the assertion that the premises primary function will be restaurant.
49. On the other side of Ordnance Road opposite the site to the east is plot 4400 which is identified as appropriate for commercial/ employment uses. As such it is not considered that the proposals will adversely impact on the future uses of this site.
50. Opposite the site to the north, on the other side of Buckshaw Avenue, is Buckshaw Primary School accessed from Unity Place, the playing field of which is closest to the application site. There is no access to the school from Buckshaw Avenue. It is not considered that the proposal will impact on the amenity of the school.
51. There are other non-residential buildings within the village such as The Hub (nursery and training pool) that have a similar relationship to existing properties and therefore as a mixed use Village this is considered acceptable.

Lighting

52. The proposals incorporate the erection of fourteen 5m high floodlights within the car park and as such the application is supported by a lighting plan which demonstrates light spillage. The lighting faces into the car park which limits light spillage outside the application site. As the car park is located at the rear of the premises and the immediate neighbours are commercial users it is not considered that the floodlights will adversely impact on the neighbours amenities. The use of the floodlights will be directly linked to the proposed opening hours to remove the potential for extended use of these lights.

Levels

53. The site is flat and the submitted plans detail the proposed finished floor levels of the building and the car parking area. These levels reflect the adjacent land levels and as such are appropriate.

Noise

54. As noted above concerns have been raised about noise associated with the proposed development. In this regard the application is supported by an Environmental Noise Impact Assessment Report. The premises require a number of pieces of plant and equipment, including a freezer / refrigeration pod, cellar cooling equipment, various heat dumps and fresh air intake and kitchen extract equipment.

55. The fresh air intake equipment this will be located within the building roof space. The kitchen extract, cellar cooling and heat dumps are proposed to be located on the flat roof at the rear of the building or within the service yard. The freezer/refrigeration pod is proposed to be located within the service yard behind a 1.8 metre high brick wall.
56. The service yard and flat roof are located at the rear of the building away from residential properties to the north and east.
57. The Noise Assessment demonstrates that subject to an approved acoustic scheme being implemented plant noise at the nearest noise sensitive receptors will be within acceptable levels. This has been assessed by the Council's Regulatory Services Officer who has no comments to make on the proposals. Suitable attenuation is contained within the assessment and this can be secured by condition.

Design

58. The site is located on the corner of Buckshaw Avenue and Ordnance Road and is approximately 0.5 hectares in area. Although this application is not pursuant to the outline approval for Buckshaw Village it is important that the proposals integrate into the Southern Commercial Area from a design view point. This plot is a key frontage along Buckshaw Avenue/ Ordnance Road and the way in which this plot is seen from the road is particularly important.
59. As such it is considered appropriate to address the design concepts included within the Southern Commercial Design Code to ensure integration into the wider Buckshaw Village area. In terms of the building form, height and materials the Design Code states this is generally unrestricted and design innovations will be encouraged. The only restriction is that development should not be detrimental to Station Road. Parking should be provided on site and screened from Buckshaw Avenue.
60. At pre-application stage the agents were advised that any building on this plot should take full advantage of the corner of the plot and create active, interesting frontages to both Buckshaw Avenue and Ordnance Road. The agents were advised to locate the building to create a focal point at the corner with interest along both key highways with all of the parking sited at the rear.
61. It is considered that comments raised at pre-application stage have been taken into account with the building being located in the north of the site fronting onto Buckshaw Avenue with car parking to the south of the building. The proposals incorporate the erection of a part single storey/ part two storey building. The two storey element has a maximum height of 9 metres to the ridge and 5.3 metres to the eaves. The single storey element has a maximum high of 6.4 metres to the ridge and 2.6 metres to the eaves.
62. From a design perspective it is considered that the proposals will create a high quality development in accordance with the aspirations of the Framework and Policy 17 of the Core Strategy, Policy GN5 of the adopted Local Plan and Policy BNE1 of the emerging Local Plan.

Trees and Landscape

63. There are no trees on the site as the ground is vacant land that has previously been remediated. Similar with the design of the building it is considered appropriate to consider the principles of the Southern Commercial Design Code

in respect of landscaping to ensure the proposals integrate into the village. The Design Code shows a Landscape Framework along the north and eastern boundaries. Buckshaw Avenue has been set out with the grass verges and a Sustainable Urban Drainage System as envisaged in the Design Code (minus the trees due to LCC restrictions).

64. The proposals include a landscaped strip between the site boundary and the combined footway and cycleway along both Buckshaw Avenue and Ordnance Road. Along Buckshaw Avenue this is planted with trees at approximately 2 metre intervals.
65. Trees along with shrub beds are proposed along the section of Buckshaw Avenue from which the car park will be visible providing screening. Shrub beds and trees are also proposed on the southern boundary to soften the carpark from the access road, with evergreen and deciduous planting to the east boundary with the adjacent as yet undeveloped parcel.
66. During the application process the plans have been amended to incorporate a footpath link from the car park along the western elevation of the public house to Buckshaw Avenue. This assists with permeability and the agent has confirmed that the public house have no issue with parents/ guardians utilising the car park to drop off/pick up their children from Buckshaw Primary School
67. The landscaping proposals are considered to be appropriate for this location.

Traffic and Transport

68. The application is supported by a Transport Statement and Travel Plan which has been reviewed by the Highway Engineer at Lancashire County Council. Although an existing access junction is already in situ to serve parcel 4500 as the proposals only occupy part of plot 4500 the proposals incorporate the creation of a new access junction off Barnes Wallis Way.
69. The proposals include 79 car parking spaces, including 3 disabled bays and cycle parking. In accordance with Policy ST4 of the emerging Local Plan requires public houses and restaurants to have 1 parking space per 5m² of public floor space with 3 disabled parking bays. Based upon the public floor space there is a requirement for 77 parking space which plus the disabled spaces is provided on this site. As such the proposals have a deficit of one parking space in respect of the standards however given the sustainable nature of this location it is not considered that a deficit of one parking space will significantly impact on parking within the area.
70. The Highway Engineer has made the following comments on the proposals:
 - Traffic to be generated by the proposed restaurant/pub will be lower than the approved warehouse/office on this site. The trip rates and traffic generation figures used are acceptable. There should therefore be no negative impact on the highway network as a direct result of the development proposal.
 - The site is located in an area with good infrastructure for walking and cycling and the train station is also within an acceptable radius of the site. However, the site seems to lack adequate infrastructure to encourage use of public transport. To address the issue, an appropriate financial contribution should be agreed with the developer towards provision of a quality standard bus stop in the other direction near the existing bus stop on Village Way and for upgrading the existing bus stop to quality standard. Provision of the new bus

stop and improvement of the other should be undertaken through the s278 agreement. The cost of each bus stop is estimated to be in the region of £12,000.

- An amended plan should therefore be requested to show the parking provision in its entirety, i.e. 80no spaces including 3no for the disabled. The proposed cycle storage needs to be secure and covered. In addition, secure parking space is required for 3no motorbikes including infrastructure for locking.
- The disabled bays are sited too far away from the main entrance of the building.
- There is need for provision of a wheel washing facility.
- The Framework Travel Plan must be adhered to and a Full Travel Plan developed and implemented in line with agreed timescales. Given the size of the proposed development, s106 contribution of £6,000 should be requested from the applicant to enable Lancashire County Councils Travel Planning Team (the Sustainable Travel Team) to provide the following suitable services.
- Suitable conditions in respect of the access junction, surfacing the car park, wheel wash facilities, site access construction and a travel plan are suggested.

71. Buckshaw Village has been designed to be a sustainable urban village and includes a dedicated a circular bus route with bus stops. It is a concern that the Highway Engineer considers that the provision is not sufficient however it is not considered that this proposal generates the need for the improvements suggested given the sustainable nature of this location. Any future improvements identified as required along Buckshaw Avenue could be secured at a later date by Lancashire County Council using CIL.

72. The agent has been advised of the parking comments and amended plans have been provided detailing covered cycle parking and space for motorcycle parking. Bollards are provided so they can be secured. The disabled bays are located in the closes position to the path providing access to the entrance.

73. Wheel wash facilities will be secured by condition.

74. In accordance with the CIL regulations 2010 for planning obligations to be attached to a planning approval the following tests need to be met:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

75. Although from a sustainable transport perspective it is considered reasonable for the proposals to have a Travel Plan it is considered that this can be adequately addressed by condition particularly as the size of the proposals is below the threshold of development which usually requires a Travel Plan for A3 restaurant uses (2,500sqm- the proposed restaurant / pub is 898sqm) and only marginally above the threshold for A4 pubs (600sqm). This application is accompanied by a Travel Plan because the applicants operate Travel Plans for their Hungry Horse premises and it demonstrates they are a sustainable operator. In this case it is considered that a condition would make the proposals acceptable in planning terms. It is not reasonable to impose a planning obligation in respect of the proposals in this case.

Contamination and Coal Mines

76. The site has already been remediated however the application is supported by a Phase I Environmental Report. This has been reviewed by the Council's Waste and Contaminated Land Officer who has confirmed that given the extent of remediation which has already occurred at Buckshaw Village ground investigations at this site are not specifically request.
77. Concerns were raised by the officer in respect of omissions within the document however these do not change the outcome of his considerations due to existing knowledge of the site. A Phase II Geoenvironmental Report was provided during the application process which has also been sent to the Officer. His comments on this additional document will be reported on the addendum.

Drainage and Sewers

78. A Sustainable Urban Drainage Scheme (SUDS) serves the whole of Buckshaw Village and was designed to serve the whole of the developed areas. The application is supported by a drainage plan which has been forwarded by United Utilities. At the time of writing the report no comments had been received however these will be reported on the addendum.

Sustainable Resources

79. Policy 27 of the Adopted Core Strategy requires the building to meet BREEAM 'very good' and a 15% reduction in carbon emission. In this regard a Renewable Planning Statement supports the application. This has been reviewed by the Council's Planning Policy Section who initially considered that these requirements had not been addressed and the submissions referred to a 10% reduction.
80. Following receipt of these comments an updated Renewable Planning Statement and a BREEAM 2011 New Construction Pre-Assessment Estimator have been submitted. The submitted documents detail that the building will achieve a minimum of BREEAM very good in accordance with the first part of Policy 27.
81. In respect of the carbon emission reduction the proposals incorporate both PV panels (which represent an 8.7% reduction) and a heat recovery system (which represents a 6.3% reduction). Whilst a heat recovery system is not a renewable or low carbon energy technology Policy 27 allows for either additional building fabric insulation measures or appropriate decentralised, renewable or low carbon energy sources to reduce the carbon dioxide emissions. As such in this case it is considered that a mix of technologies will ensure the features are maintained in perpetuity (some renewable energy sources have a limited lifespan) resulting in a building which continues to reduce carbon emissions.
82. Provision of these sustainable resources elements will be secured by condition.

Overall Conclusion

In conclusion the proposals do not accord with the Design Code published for this part of Buckshaw Village pursuant to the original outline planning approval and will also result in the loss of employment land in respect of the most up to date policy situation. However the proposals will provide a valuable resource for the Village enhancing the range of uses within this mixed use community in an appropriate sustainable location. It is not considered that the small loss of employment land will compromise the Council's land allocations for employment and the retention of part of plot 4500 enables an employment use to be secured on part of the site. Although this application has not been submitted pursuant to the original outline planning

approval for Buckshaw Village it is considered that the proposals accord with the design principles of the wider Village and as such is recommended for approval.

Planning Policies

In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained within the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
97/00509/OUT	Outline application for mixed use development (housing, employment, shopping, leisure & commercial uses, open spaces, roads, sewers, community facilities & rail station) & indication of junction improvements on surrounding road network	Approved	August 1999
02/00748/OUTMAJ	Modification of conditions on outline permission for mixed use development (housing, employment, shopping, leisure & commercial uses, open spaces, roads, sewers, community facilities, road improvements & rail station).	Approved	December 2002
11/00025/FULMAJ	Proposed warehouse, office and trade counter building and associated infrastructure.	Withdrawn	
11/01080/FULMAJ	Proposed warehouse, office and trade counter building and associated infrastructure	Approved	March 2012

Recommendation: Permit Full Planning Permission Conditions

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

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

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

Title	Drawing Reference	Received date
Site Location Plan	1550/01 Rev B	20 May 2014
Kitchen Ventilation System	065412 Rev A	3 April 2014
Existing Site Plan	1550/02 Rev A	20 May 2014
Construction Management Site Plan	1550/03 Rev A	20 May 2014
Proposed Site Plan	1550/04 Rev C	29 May 2014
Proposed Landscape Plan	1550/05 Rev D	29 May 2014
Proposed Car Park Lighting Plan	1550/06 Rev C	29 May 2014
Proposed Ground Floor Plan	1550/07	3 April 2014
Proposed First Floor Plan	1550/08	3 April 2014
Proposed Roof Plan	1550/09 Rev A	20 May 2014
Yard Details	1550/10	3 April 2014
Proposed Elevations Sheet 1 of 2	1550/11 Rev A	20 May 2014
Proposed Elevations Sheet 2 of 2	1550/12 Rev A	20 May 2014
Proposed Section	1550/13	3 April 2014
Ironmongery Schedule	1550/16	3 April 2014
Drainage Plan	BGK50_10 Rev C	19 May 2014
Horizontal Illuminance (lux)		3 April 2014
Developers Roads Plan	1550/14 Rev C	29 May 2014

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

3. The external facing materials, detailed on the approved plans and the submitted Material Schedule (received 29th May 2014), shall be used and no others substituted.

Reason: To ensure that the materials used are visually appropriate to the locality.

4. Prior to the use of the premises hereby permitted all fences and walls shown in the approved details shall be erected in conformity with the approved details.

Reason: To ensure a visually satisfactory form of development

5. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.
Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the 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
7. The development hereby approved shall be carried out in accordance with the approved Construction Management Site Plan during the entirety of the construction period.
Reason: in the interests of highway safety and to protect the amenities of the nearby residents.
8. The use hereby permitted shall only operate between 9am and 11pm on Mondays to Thursdays, between 9am and 12am on Friday and Saturdays and between 9am and 11pm on Sundays.
Reason: In the interests of the amenity of the area and nearby residential properties and in accordance with the details submitted in support of the application.
9. The car park lights hereby approved shall only be illuminated during the hours the premises are open to the public.
Reason: In the interests of the amenities of local residents and the area as a whole.
10. The play area, detailed on the approved plans and within the Supporting Information for Planning Application document received 29th May 2014, shall be constructed and completed in accordance with the approved plans prior to the use of the premises hereby approved
Reason: for clarification and in the interests of the proper development of the site.
11. Prior to the use of the premises hereby permitted a Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be generally in accordance with Travel Plan submitted with the application (ref: VACE/AR/njg/ITM9336-002A R dated 28th March 2014). The development thereafter shall be carried out in accordance with the approved details.
Reason: To reduce the number of car borne trips and to encourage the use of public transport
12. 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

13. Prior to the use 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

14. The development hereby approved shall be constructed in accordance with the measures contained within the submitted Renewable Planning Statement (dated 15th May 2014/ received 20th May 2014) to reduce the carbon dioxide emissions of the development beyond what is required to achieve the relevant BREEAM rating. The approved measures shall thereafter be maintained in perpetuity.

Reason: In the interests of minimising the environmental impact of the development

15. The building and plant shall be constructed in accordance with the acoustic scheme contained within the submitted Environmental Noise Impact Assessment Report (dated February 2014/ received 3rd April 2014). The approved measures shall thereafter be retained and maintained in perpetuity.

Reason: to ensure that plant noise at the nearest noise sensitive receptors is within the acceptable limits and to protect the amenities of occupiers of nearby premises.

16. Before the access hereby approved is used for vehicular purposes, that part of the access extending from the junction of Barnes Wallis Way for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block paviments, or other approved materials.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

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

Reason: To ensure adequate on site provision of car parking and manoeuvring areas

18. Facilities shall be provided for the cleaning of the wheels of vehicles leaving the site, before the development hereby permitted is first commenced and thereafter retained at all times during construction of the development.

Reason: To prevent the tracking of mud and/or the deposit of loose material on to the highway, in the interests of highway safety

19. Before the development hereby permitted is first occupied, provision for covered, secure cycle parking, in accordance with the approved details, shall have been provided in all respects and made available for use, and shall thereafter be retained.

Reason: To ensure adequate on site provision for covered, secure cycle parking

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Item 4c	14/00264/REMMAJ
Case Officer	Nicola Hopkins
Ward	Astley And Buckshaw
Proposal	<p>This reserved matters application relates to the erection of 19 dwellings adjacent to the retail area of the Southern Commercial Area. Reserved matters approval was originally granted on this site in 2009 (08/01098/REMMAJ) and subsequently amended in 2012 (12/00463/REMMAJ). This application proposes a further replan.</p> <p>The application site is located within the Southern Commercial Area which has a specific Design Code (November 2006) document.</p> <p>Outline permission was granted for the Buckshaw Village development in 1997 and amended in 2002. The site as a whole is split between the administrative areas of South Ribble Borough Council and Chorley Borough Council. This application is entirely within the boundary of Chorley Borough Council.</p>
Location	Land South Of Buckshaw Avenue, Buckshaw Avenue, Buckshaw Village
Applicant	Redrow Homes Ltd.
Consultation expiry:	17 April 2014
Decision due by:	9 June 2014 (agreed an extension of time until 13th June 2014)

Recommendation

It is recommended that reserved matters consent is refused.

Executive Summary

The main issue to consider are whether the design and layout of the proposals accord with the Southern Commercial Design Code which was a conditional requirement of the outline planning approval (02/00748/OUTMAJ) at Buckshaw Village to which this reserved matters application is pursuant.

Consultees

Consultee	Summary of Comments received
United Utilities	Have no objection subject to conditions in respect of drainage
Lancashire County Council	Have commented that the main difference between the current proposal and the approved, 12/00463/REMMAJ is that an access road is now proposed through the development to link the northern and eastern arms of Ordnance Road. In highways terms, this is acceptable. Therefore the proposed re-plan should not have any major highway implication for the development.
Council's Policy and Urban Design Team Leader	Has commented on the design and layout of the proposals.



Assessment

Principle of the development

1. Policy 1 (c) iii of the Adopted Core Strategy identifies Buckshaw Village as a location for strategic growth. Policy GN2 of the Adopted Chorley Borough Local Plan Review also applies to the Royal Ordnance Site. This states that high quality and phased development will be permitted for purposes appropriate to the concept of an Urban Village.

Background Information

2. When the reserved matters approval was granted in January 2009 (08/01100/REMMAJ) for the retail elements of the Southern Commercial Area a concurrent application was considered (08/01098/REMMAJ) for purely residential properties adjacent to the local retail centre. The scheme approved the erection of 84 apartments and 24 dwellinghouses on the site. The land has been subsequently divided between Redrow Homes and Barratt Homes.
3. Following this original reserved matters approval Redrow Homes submitted a reserved matters application for Parcel N which included their part of the land adjacent to the local retail centre. That application (12/00463/REMMAJ) amended part of the previously approved scheme. Last year Redrow Homes applied to amend this part of the Village again (13/00817/REMMAJ) however the application was subsequently refused. This application seeks to address the reasons for refusal and amend this part of the site. The changes are as follows:

Reserved matters application	One bed apartment	Two bed apartment	Two bed house	Three bed house	Four bed house	Total
08/01098/REMMAJ	24	0	0	0	14	38
12/00463/REMMAJ	0	42	4	0	0	46
13/00817/REMMAJ	0	4	0	11	3	18
14/00264/REMMAJ	0	4	6	9	0	19

Density

4. The application site covers 0.59 hectares. The proposed scheme equates to a density of 30 dwellings per hectare. The previous approvals equate to 64 and 78 dwellings per hectare respectively, due to the fact that these schemes incorporated apartment accommodation.
5. 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.
6. For the reasons set out below it is considered that the layout and scale of dwellings proposed should be amended to reflect both the character of the adjacent retail core and the dwellings close to the listed building. The changes suggested are likely to increase the density which would be more in character with the surrounding area.

Design

7. Within the Masterplan, approved as part of the outline planning permission and the Southern Commercial Design Code, this parcel of land is allocated as a mixed use area including housing.
8. The Southern Commercial Design Code seeks to ensure that the Village reflects a typical pattern of organic development that could have taken place over a long period of time with the oldest and most dense development in the centre with more recent development on the outskirts.
9. It is important that the end result created is a high quality place where development fits into the context, elements relate to one another and attention is paid to detail. The design

of the properties on this part of the site has previously been one of the key considerations. The Design Code confirms that the western side of the mixed use core will comprise housing. This is a key frontage and a strong design connection with the housing adjacent to the listed building will be required. The Design Code confirms that there will be no direct vehicular access to the dwellings from the distributor road.

10. The originally approved residential scheme for this parcel of land (along with the parcel directly to the north which Barratt Homes are responsible for developing) incorporated a much more dense form of development. The Committee report set out the following design considerations at that time:

The proposal incorporates a mixture of three storey apartment blocks and 2/ 2.5 storey terraced/ semi-detached houses. The Ambleside/ Buttermere apartment blocks are located on corner plots with open space and pedestrian access located to the front and side of the building. The buildings incorporate front projections, vertically proportioned windows and dormer style windows in the roof space. The Coniston apartments reflect large three storey dwellinghouses with a mix of brick and render. The dwellinghouses reflect more modern properties with dormer windows and front balconies.

The use of vertically proportioned windows, brick quoins and arched windows with the apartment buildings represent late 18th Century dwellinghouses whereas the more modern dwellinghouses with stone window surrounds and square windows represent mid 19th Century dwellinghouses which accords with the Design Code for this area.

11. The original reserved matters approval was granted to Eden Park Developments, who are responsible for the development of the retail parade, and when Redrow looked at the parcel in more detail amendments were suggested via the submission of reserved matters application 12/00148/REMMAJ. Whilst this reserved matters application related mainly to the land adjacent to Buckshaw Hall this parcel of land adjacent to the retail parade was also included within the red edge. On consideration of the proposals the following concerns were raised in respect of this specific part of the site:

When the design of the properties adjacent to the local retail centre was considered the apartment blocks incorporated front projections, vertically proportioned windows and dormer style windows in the roof space. The dwellinghouses reflected more modern properties with dormer windows and front balconies. It was considered that the use of vertically proportioned windows, brick quoins and arched windows with the apartment buildings represented late 18th Century dwellinghouses whereas the more modern dwellinghouses with stone window surrounds and square windows represent mid-19th Century dwellinghouses. This was considered to be in accordance with the Design Code for this area and reflected the adjacent character of the retail centre. These features appear to have been reduced on the current proposals and I would advise reintroducing some of these features to ensure that the proposals reflect the aspirations of the Design Code and the character of the area.

12. The application was subsequently withdrawn and a revised reserved matter application submitted 12/00463/REMMAJ. The amended application incorporated a mixture of three storey apartment blocks and 2 storey maisonettes. The apartment blocks were located on corner plots with open space and pedestrian access located to the side and rear of the buildings. The approved dwelling houses were accessed via Buckshaw Avenue/Ordnance Road and parking was provided in the form of rear parking courts and parking to the front of the Evesham house type. The amended scheme ensured that the scheme reflected the adjacent character of the retail centre along with the houses approved close to the listed building and was granted reserved matters approval.
13. The current proposals incorporate a standard housing layout introducing Redrow's Abode range onto this parcel of land. Whilst it is acknowledged that the Southern Commercial Design Code is 8 years old now and the Design Codes at Buckshaw are ever evolving and developing documents to ensure that the developments reflect market/ design/policy changes the design and layout of this parcel of land is an important consideration. Whilst

it is acknowledged that the Design Code confirms that a strong design connection with the housing adjacent to the listed building is required this parcel of land is considered to be important to achieving a transition between the retail centre of the Village and the housing adjacent to Buckshaw Hall As such the design/ layout considerations are a key element of the proposals which reflects the Government's core land use planning principles of always seeking to secure high quality design. It is considered that the principles of the design code of securing a high quality design accord with the outcomes expressed within the Framework.

14. This principle is reflected within Policy 17 of the Adopted Central Lancashire Core Strategy and Policy BNE1 of the emerging Local Plan which, since the publication of the Inspectors Partial Report, can be afforded significant weight. The Policy states:

Planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development:

- a) The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.
- b) The development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or overbearing;
- c) The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;
- d) The residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction;
- e) The proposal would not adversely affect the character or setting of a listed building and/or the character of a conservation area and/or any heritage asset including locally important areas;
- f) The proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features then mitigation measures to replace the feature/s will be required either on or off-site;
- g) The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses;
- h) The proposal includes measures to help to prevent crime and promote community safety.

15. This Policy is supported by the Central Lancashire 'Design Guide' Supplementary Planning Document which encourages high quality design of places, buildings and landscaping in the borough.

16. When the application was originally submitted concerns were raised in respect of the proposals as it was considered that they did not accord with the requirements of the Design Code for the Southern Commercial Area. It was acknowledged that the scheme was trying to reflect the development of parcel N however it was considered that this design and layout solution did not effectively provide a transition between the commercial

area and the residential area which is considered to be an appropriate design solution for this parcel.

17. Reserved matters approval (12/01001/REMMAJ) was granted earlier this year for 11 dwellings on the parcel of land immediately to the east of this application site. Formally offices were approved on this site however the land owners applied to erect dwellings on this site. The design and layout reflects an appropriate design solution for this part of the Village and it is considered that this design solution could be reflected within the parcel of land subject to this application. The design and height of the adjacent dwellings forms a transition from the taller commercial units with apartments above to the lower density housing outside the commercial core. The applicant was advised that the scheme should reflect the transition of the area, which would be considered similar to the approved scheme on the immediately adjacent piece of land, and in order to be in accordance with the Design Code should have no direct vehicular access to the dwellings from the distributor road.
18. Within this parcel of land it is considered that the most appropriate design solution would be to have dwellings sited on the corners of the development to provide a vertical emphasis and a frontage to the main public highway together with the properties being accessed via rear courtyard parking. The applicant considers that this design solution requires apartments which would be unsellable. However it is also noted that a recent S106A application by Redrow Homes within this part of the site (13/00785/S106A) which was approved by Members on 29th October specifically related to apartments. At this time Redrow acknowledged that the apartment market was very challenging however in that case the construction could proceed with Government initiatives such as Help to Buy. As such it isn't as 'clear cut' as saying apartments are unsellable.
19. It is not possible to develop this parcel of land with a standard housing layout whilst achieving the most appropriate design and layout solution. As such an innovative and non-standard solution needs to be considered. This approach has been established on the Barratts site, to the north of this parcel of land, where the recent replan (12/00787/REMMAJ) saw a reduction in the parcels density but incorporated Barratts contemporary first time buyer range which have a vertical emphasis and distinguish between the retail core and the more standard dwellings sited adjacent to the Listed Building.
20. Whilst it is acknowledged that the Abode house types proposed as part of this application vary to the Heritage range which Redrow have constructed elsewhere on the village they still represent a standard house type.
21. The applicant has been advised that a terraced block rising to 3 storeys would be a more appropriate design solution. Concerns have been raised by the Council's Policy and Urban Design Team Leader that there are no focal buildings and little interest created with the proposed design and layout. The Team Leader confirms that the proposals bear no relation to the Barratt Homes scheme adjacent to the site. These rise to 3 storey and create an 'edge' that is lacking in this proposal, which is essentially a suburban housing layout. It is considered that setting the 'Alton' block back, and presenting its car parking to the main road undermines what we are seeking to achieve here with the built form and is contrary to good design practice.
22. An apartment led solution could achieve all of the layout and design requirements however alternative solutions could also have the same result and compromises were discussed with the applicant which included relocating the apartments to front the distributor road, integrating three storey detached dwellings and town houses with integral garages. Elsewhere in the Borough Redrow Homes have successfully amended parts of approved housing estates from 100% apartment accommodation to a mix of apartments and houses to respect the character of the area (the former Lex site ref: 12/00392/FULMAJ) which demonstrates this way forward is a possibility. The suggested amendments would involve some innovation on the inclusion of the products that Redrow want to build if innovative parking solutions were considered (parking courts are not

considered favourably by the applicant). The applicant has decided however not to amend the plans and wishes for the application to be determined as submitted.

23. As part of the previous reserved matters application at this site the Council's Policy and Design Team Leader reviewed the proposals and considered that a scheme undertaken by Bardsley Homes at Worsley Village would be appropriate for this site as the detached dwelling successfully turn corners and the dwellings incorporate garage/ frontage parking whilst creating massing and scale.
24. In the case of the current proposals the Team Leader considers that the Design and Access Statement is inadequate, as is expected with such a poor design and layout. It does not make reference to the Framework, Policy 17 of the Adopted Central Lancashire Core Strategy, Policy BNE1 of the Emerging Chorley Local Plan 2012-2026, guidance contained within the Central Lancashire Supplementary Planning Document 'Design Guide' and the Buckshaw Village Southern Commercial Design Code. As such from a design perspective the proposals are considered to be unacceptable.

Impact on Neighbours

25. The site is currently occupied by an earth mound which has been produced from the neighbouring parcels of land however when the site is returned to its post-remediation state it is effectively a flat site. In respect of the layout the scheme works purely in respect of the relationship of the proposed properties and the amenities of the future residents.
26. The layout as proposed effectively results in private garden areas adjacent to the parking court of the adjacent dwellings of the neighbouring piece of land however this reflects the approved layout for the application site which detailed plots 1090-1093 with private garden areas immediately adjacent to the parking court on the adjacent piece of land.
27. The properties on plots 6-11 of the adjacent piece of land are sited over 21 metres from the garden boundaries of the proposed dwellings and even though plots 7-9 incorporate 2nd floor bedroom windows the spacing is considered more than adequate to ensure that no overlooking will be created to the detriment of the future residents.
28. The dwellings on plots 1076 and 1077, the properties closest to the adjacent rear garden boundaries, are two storey dwellings which incorporate 1 first floor rear bedroom window. The bedroom window secures the required 10 metres to the rear garden area of plot 1 on the adjacent piece of land ensuring the amenities of the future residents are protected.
29. The Barratts properties are located on the opposite side of the access road and the dwellings close to the listed building are located on the opposite side of the distributor road. As such it is not considered that the proposals will adversely impact on the amenities of the occupants of these dwellings.
30. In respect of the amenities of the existing and future residents it is not considered that the proposals will have an adverse impact.

Traffic and Transport

31. The scheme incorporates a mix of 2 and 3 bedroom houses. All of the houses incorporate parking in accordance with the Council's standards (2 parking spaces) and whilst the garage accommodation is slightly below the required 6x 3 metre dimensions as set out within Manual for Streets it is still considered that they are large enough to accommodate a car and storage.
32. The scheme also incorporates four 2 bedroom maisonettes which are effectively apartments. This part of the scheme only incorporates 150% parking provision whereas 200% parking is required in accordance with Emerging Plan Policy ST4. This parking provision does however reflect that previously approved within this parcel of land and due to this highly sustainable location a deviation from the standard is considered to be acceptable in respect of the criteria set out within Policy ST4.

33. As set out above the Highway Engineer at Lancashire County Council has no concerns with the proposals and as such from a highway perspective the proposals are considered to be acceptable.

Overall Conclusion

34. The proposals effectively create a standard housing layout on a parcel of land which is considered, from a design perspective, needs to act as the transition parcel between the commercial core and the residential areas adjacent to Buckshaw Hall. The proposed scheme would create a low density development within an area of the site where the character of the area is higher density. The use dwellings, on the adjacent piece of land, sited at the back of the road/pedestrian frontage effectively creates an enclosed more traditional space which is considered more appropriate for this parcel of land than the current proposals.
35. Whilst it is acknowledged that there is a degree of flexibility within the approved Design Code, as this document should be treated as an evolving guide, it is not considered that the scheme reflects the most appropriate design solution for this parcel of land.
36. The dwellings approved on the adjacent piece of land respect the character and design principles of the commercial area by siting properties on the prominent corners, creating a vertical emphasis and siting the dwellings close to the road. Additionally all of the parking is located to the rear of the dwellings reducing its prominence within the streetscene.
37. It is considered that a suitable compromise could be achieved on this site which meets the applicant's aspirations, creates an attractive commercial product and respects the character of this part of the Village. The scheme as submitted however does not respect the character of this part of the Village nor does it represent a fluid transition between the commercial and residential parts of the site.
38. Policy 17 of the Core Strategy requires the design of new buildings to take account of the character and appearance of the local area and Policy BNE1 requires the layout, design and landscaping to be of a high quality and respect the character of the site and local area. For the reasons set out above it is not considered that the proposals are the most appropriate solution for this site, act as an effective transition between the areas or respect the character of the area and as such the application is recommended for refusal.

Planning Policies

National Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies:

GN2: Royal Ordnance Site, Euxton

GN5: Building Design and Retaining Existing Landscape Features and Natural Habitats

GN9: Transport Accessibility

EP18: Surface Water Run Off

HS4: Design and Layout of Residential Developments

HS5: Affordable Housing

TR1: Major Development- Tests for Accessibility and Sustainability

TR4: Highway Development Control Criteria

TR18: Provision for pedestrians and cyclists in new developments

Central Lancashire Core Strategy

Policies to be given weight are:

Policy MP clarifies the operational relationship between the Core Strategy and the National Planning Policy Framework. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Planning policies that accord with the policies in the Core Strategy will be approved without delay, unless material considerations indicate otherwise. Where

there are no policies relevant to the application or relevant policies are out of date the Council will grant planning permission unless material considerations indicate otherwise taking into account Policy MP a) and b).

Policy 1 Locating Growth

Policy 4 Housing Delivery

Policy 5 Housing Density

Policy 7 Affordable Housing

Policy 17 Design of new buildings

Chorley Local Plan 2012 – 2026

The Inspectors Interim Report is expected imminently and as such the following policies are afforded substantial weight in decision making:

Relevant Policies are:

V2: Settlement Areas

ST4: Parking Standards

HS1: Housing Site Allocations

BNE1: Design Criteria for New Development.

Supplementary Planning Guidance:

- Southern Commercial Design Code
- 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)

Planning History

97/00509/OUT: Outline application for mixed use development (granted in 1999)

02/00748/OUT: Modification of conditions on outline permission for mixed use development

07/00660/FUL: Proposed formation of a detention basin off Central Avenue, Buckshaw Village, Chorley. Approved July 2007

08/01098/REMAJ: Reserved matters application for the erection of 84 apartments and 24 dwelling houses at the Southern Commercial Area, Buckshaw Village. Approved January 2009

08/01100/REMAJ: Reserved Matters Application for the Southern Commercial Area, Buckshaw Village. Including retail uses, residential, car parking, related infrastructure and landscaping. Approved January 2009

10/00237/DIS: Application to discharge condition no. 3 attached to planning approval 08/01100/REMAJ. Discharged April 2010

10/00334/FULMAJ: Application under Section 73 to vary Conditions 1, 5, 6, 12, 13 and 14 as attached to Planning Permission Reference 08/01100/REMAJ. Approved July 2010

10/00379/DIS: Discharge of condition nos. 4, 7, 8, 10 and 16 attached to planning approval reference 08/01100/REMAJ Discharged July 2010

10/00381/MNMA: Application for Minor Non Material Amendments to planning application 08/01100/REMAJ (Tesco store) and 08/01099/FUL (Tesco filling station). Approved May 2010

10/00591/FULMAJ: Erection of a railway station, access road and associated car parking at Buckshaw Village including parking provision on the south side of the railway. Approved August 2010

11/00141/DIS: Application to discharge the planning condition of planning permission 10/00591/FULMAJ (for erection of a railway station, access road and associated parking and infrastructure at Buckshaw Village). Pending Consideration

12/00148/REMMAJ: Reserved matters application for the erection of 124 dwellings with associated garaging, bin / cycle stores, parking areas, landscaping, roads, drains, sewers and boundary treatments at the Southern Commercial Area, Buckshaw Village. Withdrawn

12/00463/REMMAJ: Reserved matters application for the erection of 123 dwellings with associated garaging, bin / cycle stores, parking areas, landscaping, roads, drains, sewers and boundary treatments at the Southern Commercial Area, Buckshaw Village (resubmission of application 12/00148/REMMAJ). Approved August 2012

13/00817/REMMAJ: Reserved matters application for the erection of 14 dwellings and 4 Maisonettes adjacent to the retail area of the Southern Commercial Area (replan of the dwellings approved as part of reserved matters approval 08/01098/REMMAJ and 12/00463/REMMAJ). Refused for the following reason:

The proposed layout, design and density of the dwellings proposed do not respect of character or appearance of the surrounding area or secure high quality design. It is important that this site provides a transition between the high density commercial centre and the dwellinghouses surrounding the Listed Building, Buckshaw Hall, which the proposals do not secure. As such the proposals are contrary to Government advice contained within the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy, Policy BNE1 of the Emerging Chorley Local Plan 2012-2026, guidance contained within the Central Lancashire Supplementary Planning Document 'Design Guide' and the Buckshaw Village Southern Commercial Design Code.

Adjacent Parcels of Land:

Barratts

12/00787/REMMAJ: Proposed residential development comprising 82 dwellings and associated works. Approved November 2012

Eden Park

12/01001/REMMAJ: Reserved matters application for the erection of 22 dwellings at the Southern Commercial Area, Buckshaw Village (pursuant to outline permissions 97/00509/OUT and 02/00748/OUTMAJ). Approved January 2013

Suggested Reason of Refusal

The proposed layout, design and density of the dwellings proposed do not respect of character or appearance of the surrounding area or secure high quality design and fails to take the opportunity for improving the character and quality of the Southern Commercial Area and the way it functions. It is considered important from a design perspective that this site provides a transition between the high density commercial centre and the dwellinghouses surrounding the Listed Building, Buckshaw Hall, which the proposals do not secure. As such the proposals are contrary to Government advice contained within the National Planning Policy Framework, Policies 5 and 17 of the Adopted Central Lancashire Core Strategy, Policy BNE1 of the Emerging Chorley Local Plan 2012-2026, guidance contained within the Central Lancashire 'Design Guide' Supplementary Planning Document and the Buckshaw Village Southern Commercial Design Code.



Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	10 June 2014

PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 9 APRIL AND 29 MAY 2014

PLANNING APPEALS LODGED

1. Appeal by Mr Scott Cockcroft against the delegated decision to refuse full planning permission for proposed single storey extension to front to form entrance hallway and w.c. at 99 Cunnery Meadow, Clayton-le-Woods, Leyland PR25 5RN (Planning Application: 14/00087/FUL Inspectorate Reference APP/D2320/C/13/2203477). Inspectorate letter received 17 April 2014.
2. Appeal by Mr and Mrs Paul and Lucy McGuigan against the delegated decision to refuse full planning permission for erection of double garage (as previously approved under 12/01114/FUL) and incorporation of a basement at The Coach House, Chorley Road, Withnell, Chorley PR6 8BG (Planning Application: 14/00274/FUL Inspectorate Reference APP/D2320/D/14/2218894). Inspectorate letter received 22 May 2014.

PLANNING APPEALS DISMISSED

3. None.

PLANNING APPEALS ALLOWED

4. Appeal by Mr Gary Smith against Condition 2 *"Within 3 months of the date of the permission hereby granted, the existing access shall be physically and permanently closed with a wall which matches the existing boundary wall in terms of materials and height and the existing footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads within one month of the new access becoming operational. Reason: To limit the number of access points to, and to maintain the proper construction of the highway"* of 13/00646/FUL imposed on the delegated decision to Permit retrospective planning permission for Part retrospective application to regularise the formation of a new vehicular access incorporating the proposed widening of the new vehicular access, closure of existing vehicular access and provision of new hardstanding at 29 New Street, Mawdesley, Ormskirk, L40 2QN (Planning Application: 13/00646/FUL Inspectorate Reference: APP/D2320/A/13/2207802). Appeal is Allowed and planning permission Ref 13/00646/FUL at 29 New Street, Mawdesley, Ormskirk L40 2QN, granted on 6 September 2013 by Chorley Borough Council, is varied by deleting condition No 2 Inspectorate decision received 14 May 2014.
5. Appeal by Mr Scott Cockcroft against the delegated decision to refuse full planning permission for proposed single storey extension to front to form entrance hallway and w.c. at 99 Cunnery Meadow, Clayton-le-Woods, Leyland PR25 5RN (Planning Application: 14/00087/FUL Inspectorate Reference APP/D2320/C/13/2203477). Appeal is Allowed Inspectorate decision received 27 May 2014.

PLANNING APPEALS WITHDRAWN

6. None

ENFORCEMENT APPEALS LODGED

7. Appeal by Mrs Maria Calderbank against Enforcement Notice EN650 - Material Change of Use at Lancaster House Farm, Preston Road, Charnock Richard, Chorley PR7 5LE (Enforcement Notice EN650 Inspectorate Reference APP/D2320/C/14/2218155). Planning Inspectorate letter received 8 May 2014.

ENFORCEMENT APPEALS DISMISSED

8. None.

ENFORCEMENT APPEALS ALLOWED

9. None.

ENFORCEMENT APPEALS WITHDRAWN

10. Appeal by Ms Jane Anderson against Enforcement Notice EN648 - Material Change of Use at 125 Rawlinson Lane, Heath Charnock, Chorley PR7 4DF (Enforcement Notice EN648, Inspectorate Reference APP/D2320/C/13/2203477). Planning Inspectorate letter received 10 April 2014.

The Council has formally withdrew the Enforcement Notice Reference EN648 issued on 23 July 2013 in accordance with Section 173A of the Town and Country Planning Act 1990. The Council maintains that it was appropriate to issue the Enforcement Notice EN648 based on the evidence available to it which was subsequently presented to Development Control Committee on 23 April 2013.

Since that time the appellant has produced additional evidence in readiness for the public inquiry. The Council is under a duty to consider this additional information and review whether the enforcement notice remains appropriate having regard to the evidence that would be before the Inspector at the inquiry. On the basis of the evidence provided prior to the public inquiry the Council has taken the decision to rescind Enforcement Noticed EN648.

LANCASHIRE COUNTY COUNCIL DECISIONS

11. None.

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

Lesley-Ann Fenton
DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Robert Rimmer	5221	29 May 2014	***