

**DEVELOPMENT CONTROL COMMITTEE**

TUESDAY, 8TH JULY 2014, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

**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.**

**APOLOGIES**

**1 MINUTES**

(Pages 5 - 8)

To confirm the minutes of the Development Control Committee held on the 10 June 2014 as a correct record and be signed by the Chair.

**2 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.

**3 PLANNING APPLICATIONS TO BE DETERMINED**

The Director of Public Protection, Streetscene and Community has submitted eight reports for planning applications to be determined (enclosed).

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/>

**3A 14/00514/REMAJ - PLOT 4400, BUCKSHAW AVENUE,  
BUCKSHAW VILLAGE**

(Pages 9 - 26)

Report of Director of Public Protection, Streetscene and Community.

<b>3B</b>	<b>14/00271/FULMAJ - 107 TO 113 CHORLEY ROAD, ADLINGTON</b>	(Pages 27 - 36)
	Report of Director of Public Protection, Streetscene and Community.	
<b>3C</b>	<b>14/00429/FUL - CHORLEY RUGBY UNION CLUB, CHANCERY ROAD, ASTLEY VILLAGE</b>	(Pages 37 - 48)
	Report of Director of Public Protection, Streetscene and Community.	
<b>3D</b>	<b>13/01199/FULMAJ - COCKERS FARM, LONG LANE, HEATH CHARNOCK</b>	(Pages 49 - 60)
	Report of Director of Public Protection, Streetscene and Community.	
<b>3E</b>	<b>13/01012/FUL - IVY COTTAGE, PRESTON ROAD, COPPULL</b>	(Pages 61 - 72)
	Report of Director of Public Protection, Streetscene and Community.	
<b>3F</b>	<b>14/00551/OUT - RICMARLO, PRESTON NOOK, ECCLESTON</b>	(Pages 73 - 88)
	Report of Director of Public Protection, Streetscene and Community.	
<b>3G</b>	<b>14/00550/OUT - LAND TO THE SOUTH WEST OF RICMARLO, PRESTON NOOK, ECCLESTON</b>	(Pages 89 - 102)
	Report of Director of Public Protection, Streetscene and Community.	
<b>3H</b>	<b>14/00149/FUL - LAND 35M NORTH-EAST OF ROSE COTTAGE, WHITE COPPICE, HEAPEY</b>	(Pages 103 - 108)
	Report of Director of Public Protection, Streetscene and Community.	
<b>4</b>	<b>PLANNING APPEALS AND DECISIONS REPORT 8 JULY 2014</b>	(Pages 109 - 118)
	Report of Director of Public Protection, Streetscene and Community.	
<b>5</b>	<b>ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR</b>	

GARY HALL  
CHIEF EXECUTIVE

Agendas sent to Members of the Development Control Committee Councillor Matthew Crow (Chair), Councillor Dave Rogerson (Vice-Chair) and Councillors Charlie Bromilow, Henry Counce, Jean Cronshaw, David Dickinson, Christopher France, Danny Gee, Keith Iddon, June Molyneaux, Alistair Morwood, Mick Muncaster, Richard Toon, Paul Walmsley and Alan Whittaker.

Agendas sent 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](http://chorley.gov.uk)

To view the procedure for public questions/ speaking click here

<https://democracy.chorley.gov.uk/ecSDDisplay.aspx?NAME=SD852&id=852&rpId=0&sch=doc&cat=13021&path=13021>

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**Development Control Committee****Tuesday, 10 June 2014**

**Present:** Councillor Matthew Crow (Chair), Councillor Dave Rogerson (Vice-Chair) and Councillors Henry Counce, Jean Cronshaw, Christopher France, Danny Gee, Keith Iddon, June Molyneaux, Alistair Morwood, Mick Muncaster and Paul Walmsley

**Substitutes:** Councillor John Dalton and Mike Handley

**Also in attendance:**

**Councillors:** Paul Leadbetter and Mark Perks

**Officers:** Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), Nicola Hopkins (Principal Planning Officer), Alex Jackson (Legal Services Team Leader) and Cathryn Filbin (Democratic and Member Services Officer)

**14.DC.51 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Charlie Bromilow, David Dickinson, Richard Toon and Alan Whittaker.

**14.DC.52 MINUTES**

**RESOLVED – That the minutes of the Development Control Committee held on 13 May 2014 be confirmed as a correct record and signed by the Chair.**

**14.DC.53 DECLARATIONS OF ANY INTERESTS**

There were no declarations of interest submitted.

**14.DC.54 PLANNING APPLICATIONS TO BE DETERMINED**

The Director of Partnerships, Planning and Policy submitted three 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:** 14/00199/FULMAJ - **Proposal:** Proposed residential development consisting of 32 dwellings bounded by The Elms Swansey Lane Whittle-le-Woods (including 10 affordable dwellings)

**Speaker:** Applicant's agent – Andrew Murphy

**RESOLVED (12:0:1) – That planning permission be approved subject to a Section 106 legal agreement, the conditions detailed within the report in the agenda, and the additional conditions detailed in the addendum.**

- b) **Application:** 14/00380/FULMAJ - **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.
- Land south west of Bishopton Crescent and at the junction of Buckshaw Avenue and Ordnance Road, Buckshaw Village

**Speakers:** Supporter – Aidy Riggott, Ward Councillor Mark Perks and the applicant's agent – Helen Binns

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

- c) **Application:** 14/00264/REMMAJ - **Proposal:** 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)
- Land south of Buckshaw Avenue, Buckshaw Village

**RESOLVED (unanimously) – That the reserved matters consent be refused as the layout, design and density of the dwellings proposed did not respect the character or appearance of the surrounding area or secure high quality design and failed to take the opportunity for improving the character and quality of the Southern Commercial Area and the way it functions. It was 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 did not secure. As such the proposals were 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.**

#### 14.DC.55 PLANNING APPEALS AND DECISIONS

The Director of Partnerships, Planning and Policy submitted a report which informed Members of the Development Control Committee of two appeals that had been lodged with the Planning Inspectorate, two appeals that had

been allowed, and an enforcement appeal which had also been lodged. In addition three enforcement appeals had been withdrawn.

**RESOLVED – That the report be noted.**

Chair

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<b>Item 3A</b>	<b>14/00514/REMMAJ</b>
<b>Case Officer</b>	<b>Nicola Hopkins</b>
<b>Ward</b>	<b>Astley And Buckshaw</b>
<b>Proposal</b>	<b>Reserved matters application (pursuant to outline planning approval 02/00748/OUTMAJ) for the erection of a public house/ restaurant on plot 4400, Buckshaw Village</b>
<b>Location</b>	<b>Plot 4400, Buckshaw Avenue, Buckshaw Village</b>
<b>Applicant</b>	<b>Mitchells And Butlers PLC</b>
<b>Consultation expiry:</b>	<b>11<sup>th</sup> June 2014</b>
<b>Decision due by:</b>	<b>7<sup>th</sup> August 2014</b>
<b>Link to plans</b>	<b><a href="http://planning.chorley.gov.uk/online-applications/search.do?action=simple&amp;searchType=Application">http://planning.chorley.gov.uk/online-applications/search.do?action=simple&amp;searchType=Application</a></b>

**Recommendation**  
**Approve Reserved Matters**

**Executive Summary**

The main issues for consideration are the degree of conformity with the original outline planning approval at Buckshaw Village and the compliance with the Southern Commercial Design Code which includes this site. For the reasons set out below the proposals, which have previously been approved on this site, are considered to be acceptable.

## Representations

Cllr Mark Perks has requested that this application be determined at Development Control Committee		
In total 9 representations have been received which are summarised below		
Objection	Support	Not specified
Total No. received: 2	Total No. received: 6	Total No. received: 1
<ul style="list-style-type: none"> <li>• Unsuitable for the area. There is already an eating house half a mile away and another is not needed.</li> <li>• The road infrastructure is already struggling with the extra cars entering Buckshaw Avenue.</li> <li>• Cause a danger to pedestrians crossing this increasingly busy road.</li> <li>• Danger to children given the proximity of the school.</li> <li>• Any accidents on the road would fall to the Council.</li> <li>• A similar planning application is in process for a Hungry Horse on the road opposite this proposed development. Only one of these two developments should be allowed in a relatively small area considering there is already a Marston restaurant nearby.</li> <li>• There is an ongoing problem with anti-social driving along Buckshaw Avenue already, the concern is that without speed restrictions in the area this development is going to contribute more to the issue.</li> <li>• Noise around this part of Buckshaw is a nuisance and travels very far.</li> </ul>	<ul style="list-style-type: none"> <li>• Buckshaw is a growing community and there is a definite need for a pub/restaurant on the village.</li> <li>• There is only one within walking distance and the quality there is very poor.</li> <li>• The residents of Buckshaw village deserve to have options of where to go.</li> <li>• There are far too many residents of Buckshaw who feel the need to object to things that will actually improve the area and use nonsensical points to add weight to their argument and speak as if they represent the majority when they themselves are actually the minority.</li> <li>• Will improve quality of life.</li> <li>• Will provide a place for parents to safely park their car close to the school for dropping off and picking up.</li> <li>• Do not foresee any more traffic problems than already exist.</li> <li>• Residents are looking forward to having a pub to service this end of Buckshaw and will be able to walk to the pub to enjoy a drink when they like.</li> <li>• As per the original Master Plan for Buckshaw Village, several Public Houses were always scheduled.</li> <li>• It is good to see a rival chain to the already proposed Greene King and existing Marstons. <ul style="list-style-type: none"> <li>• The pubs appear quite small and finished to a high standard.</li> <li>• Provide the residents with a wider choice</li> <li>• Will enhance the appeal of the area whilst being located in an ideal area to not impinge on local residents.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Although it would be nice to have a pub/restaurant nearer than the Bobbin Mill the following concerns are raised: <ol style="list-style-type: none"> <li>1. This is further away from the school than the previous one but still raises concerns.</li> <li>2. There is a large amount of anti-social behaviour in the area already and no police to deal with it</li> <li>3. A pub in this location will increase traffic in the area and make a road which is difficult to cross now almost impossible to cross.</li> <li>4. There is already enough anti-social behaviour on the playground near the community centre at night</li> <li>5. Children can be heard at the school at playtime and from the Hub nursery(which is not objected to) but noise will be heard from the pub.</li> </ol> </li> </ul>

**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
Architectural Liaison Officer	In order to reduce the risk of crime and anti-social behaviour affecting the staff, customers and local community, the public house should be designed in accordance with the principles of Secured By Design 'Licensed premises'.
United Utilities	Have no objection subject to suitable conditions
Chorley's Regulatory Services Manager	Has commented in respect of noise which is addressed below

## Assessment

### Policy Background

#### National Planning Policy:

1. The National Planning Policy Framework (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.'*
2. 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. 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).
3. 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).
4. 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

5. 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.
6. 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

7. 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.

8. 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

9. 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***

10. 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.
11. 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 later this year to consider Gypsy & Traveller Matters, which would enable adoption of the local plan, following a supplementary report.
12. 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.”*
13. The Council accepted the Inspector’s modifications for Development Control purposes at its Executive Committee on 21st November 2013. 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***

14. Outline planning permission was granted for development on 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.
15. The land use Masterplan for the whole of Buckshaw Village details appropriate uses for this site which include business or commercial uses. A more detailed Design Code has been prepared for the Southern Commercial Area which shows the site, as part of plot 4400, as suitable for a public house/ car showroom. 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.

#### **Principle of the development**

16. This is a reserved matters application for this site (known as plot 4400) for the erection of a public house/ restaurant. Buckshaw Village has been through a master planning process at outline stage which identified this plot of land as suitable for the use proposed. 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 Master planning.

*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.*

17. This Design Code was published in 2006 and although 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, this plot has always been identified for a public house use. As such the principle of such a use on this site has been established as being acceptable
18. 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.

19. 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.
20. 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
21. Although a public house/ restaurant on this plot will have associated employment generation it does not fall within Use Class B which Policy EP1 and Policy 10 of the Core Strategy are seeking to secure on this site. However it is important to note that this is a reserved matters application not a planning application and as the acceptability of the principle of the proposed use has been established on this plot, it is considered to be an appropriate use.

#### Background Information

22. Mitchells and Butler own the part of the site subject to this planning application. Reserved matters consent for the erection of a public house on this site, pursuant to outline approval 02/00748/OUTMAJ, has previously been granted by virtue of applications 08/00396/REMMAJ and 11/00554/REMMAJ. However works have yet to commence on the approved scheme.
23. It was initially understood that the most recent reserved matters approval on plot 4400 was extant as condition 2 of the approval states that the applicants have 3 years to commence the development (which would mean that it would expire on 10<sup>th</sup> August 2014). However 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 24<sup>th</sup> 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 means that the most recent reserved matters consent actually expired on 10<sup>th</sup> August 2013. Mitchells and Butler have sought legal advice in this regard to clarify the planning position and agree that the reserved matters approval is no longer extant hence the submission of this application. The infrastructure (road) to support the Mitchell and Butler's plot (plot 4400) received reserved matters consent on 16<sup>th</sup> May 2014 (14/00278/REM).
24. Members will recall that an application for a public house/ restaurant on plot 4500, which is on the other side of Ordnance Road, was considered at DC Committee in June. This scheme was granted conditional planning approval. The existence of a planning approval for an identical use on an adjacent piece of land is not a material planning consideration however 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.

#### Sequential Assessment

25. 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. The proposed use falls 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.
26. However this is not a planning application and as such the sequential assessment is not applicable. Issues to do with impacting on vitality and viability were considered at outline planning stage.

#### Impact on the neighbours

27. 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, and Spennymoor Close. These properties are at least 28 metres 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.
28. 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 with the bar being a subsidiary element. It is considered that the proposed floor plans support this aspiration as they show the majority of the ground floor as restaurant and seating area.
29. The public house/ restaurant will be two storey. The ground floor is 489 square metres and the first floor is 307 square metres. Principal trading areas are provided at ground floor. The first floor will be occupied by 'on site' management accommodation, together with toilet facilities for customers and office accommodation.
30. On the other side of Ordnance Road opposite the site to the east is plot 4500 which has planning approval for a similar use. As such it is not considered that the proposals will adversely impact on the future uses of this site.
31. Opposite the site to the north-west, 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.
32. 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

33. The proposals incorporate the erection of nine 5m high floodlights within the car park and to the rear of the proposed building. 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

34. 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

35. As noted above concerns have been raised about noise associated with the proposed development. In this regard the application is supported by a Noise Impact Assessment. The proposals are for a two storey building with a restaurant, kitchen, customer toilets and plant room. There will be customer car parking to the south and east of the building. The



plant room and yard area will be located at the rear of the premises on the far side of the building to the nearest dwellings.

36. The planning application proposes that the premises will open between 08:00 and midnight on Mondays to Thursdays, between 08:00 and 01:00 on Fridays and Saturdays and between 09:00 and midnight on Sundays.
37. The assessment concludes that relatively modest levels of noise are generated inside Harvester restaurants. It has been demonstrated that noise in the restaurant will not result in an unacceptable noise impact on residential amenity. Therefore there is no requirement for any special sound insulation measures for the building.
38. Likely noise levels from the proposed items of building services equipment have been calculated. The results are low and are no higher than the lowest measured background noise levels of the area that were measured in the late evening. Therefore noise impact from the building, and associated mechanical services, will be adequately controlled and thus ensure that residential amenity is maintained.
39. The assessment has been reviewed by the Council's Regulatory Services Manager who has confirmed that although she is not convinced that there won't be a tonal noise from the kitchen extraction equipment, as the submitted assessment has just looked at the overall noise level likely to be audible at the nearest properties, the levels are not excessive. As there is a good distance of separation and a road in between the pub and the houses it is not considered that there would be any significant issues.
40. The previous reserved matters approval included the following condition:  
Prior to the commencement of the development a scheme to control noise emanating from the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate methods to contain noise within the building. The development thereafter shall be constructed in accordance with the approved details.  
*Reason: To protect the amenities of the nearby residents and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.*
41. However given the submitted assessment and the comments from the Regulatory Services Manager this is not considered necessary on this application.

#### Design

42. The site is located on the corner of Buckshaw Avenue and Ordnance Road. From a design perspective it is important that the proposals integrate into the Southern Commercial Area. 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.
43. 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.
44. The building has been designed and orientated to fit into the surroundings and ensure that 'appropriate' elevations are introduced for all four elevations. The southern elevation, which incorporates more of the functional elements of the building faces the commercial development, which will be constructed on the remainder of the plot, and the industrial development which has been constructed.
45. The orientation of the public house followed extensive pre-application discussions with the Council and the scheme as submitted is considered to be acceptable. The proposals reflect the design of the building that has previously been granted reserved matters approval.
46. The design is a modern building which utilises a palette of materials including cedar horizontal boarding, slate and brickwork. Full height glazing and glazed corners have been introduced to create a contemporary building.
47. In this location it is important to create a focal building, which the orientation of the proposal ensures, and taking into consideration the character of the surrounding area a modern, contemporary building is considered to be appropriate.

48. 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

49. There are no trees on the site as the ground is vacant land that has previously been remediated. The Southern Commercial Design Code details appropriate landscaping which includes 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).
50. 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.
51. 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 car park from the access road. The landscaping proposals are considered to be appropriate for this location.

#### Traffic and Transport

52. The proposals include 50 car parking spaces, including 3 disabled bays and cycle parking. Policy ST4 of the emerging Local Plan requires public houses and restaurants to have 1 parking space per 5m<sup>2</sup> of public floor space with 3 disabled parking bays. The area of the ground floor where the public are allowed is 284 sqm, including the entrance lobby and the disabled toilet (4 sqm). On the first floor there is 48 sqm where the public are allowed, (toilets and the access corridor). Based upon the public floor space (332m<sup>2</sup>) there is a requirement for 66 parking spaces plus 3 disabled parking bays. As such the proposals have a deficit of 19 parking spaces in respect of the standards. However it is noted that the toilet areas will not increase the number of customers within the premises and purely based on the ground floor public areas there is a requirement for 56 spaces plus 3 disabled bays. As such there is still a deficit however given the sustainable nature of this location it is not considered that the deficit will significantly impact on parking within the area and reflects what has previously been approved at this site.
53. No comments have been received from the Highway Engineer, these will be reported on the addendum, however it is noted that these proposals are identical to the previous approval on this site and the access arrangements are also identical. No adverse comments were received in respect of the previously approved scheme and as the situation on site has not changed significantly from a highway perspective the proposals are considered to be acceptable.

#### Contamination and Coal Mines

54. The site has already been remediated and it is considered that given the extent of remediation which has already occurred at Buckshaw Village, ground investigations at this site are not specifically required.

#### Drainage and Sewers

55. A Sustainable Urban Drainage Scheme (SUDS) serves the whole of Buckshaw Village and was designed to serve the whole of the developed areas. As set out above United Utilities have no objections to the proposals subject to suitable conditions.

#### **Overall Conclusion**

56. The proposals are considered to be acceptable from a design perspective and as such a public house use has always been identified as an appropriate use on this plot of land. Whilst the proposals will result in a loss of employment land identified within the emerging Local Plan the loss of this site from an employment allocation would render a 0.46ha reduction in the overall employment allocations for Buckshaw Village from 26.96ha to 26.50ha (3 allocations – Group 1, the Revolution and Southern Commercial) and in particular in the Southern Commercial area a reduction from 7.76ha to 7.3ha. This

reduction will not compromise the Council's land allocations for employment and the overall employment land supply. Additionally the proposals will generate both part and full time employment.

57. It is not considered that there will be any loss of amenity and as such the proposals are recommended for approval.

### Planning Policies

58. 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	Approved	August 1999
02/00748/OUT	Modification of conditions on outline permission for mixed use development	Approved	December 2002
07/01420/REM	Reserved matters application under outline ref 9/02/00748 for a proposed spur road	Approved	January 2008
08/00396/REMMAJ	Reserved Matters application for the erection of a public house on plot 4400, Buckshaw Village	Approved	July 2008
10/00975/REM	Application to extend the time limit for implementation of extant planning permission 07/01420/REM for the construction of a spur road at Buckshaw Link, Buckshaw Village.	Approved	December 2010
11/00554/REMMAJ	Application to extend the time limit for implementation of extant planning permission 08/00396/REMMAJ for the erection of a public house on plot 4400, Buckshaw Village.	Approved	August 2011
14/00278/REM	Reserved matters application (pursuant to outline planning approval 02/00748/OUTMAJ) for a proposed spur road	Approved	May 2014

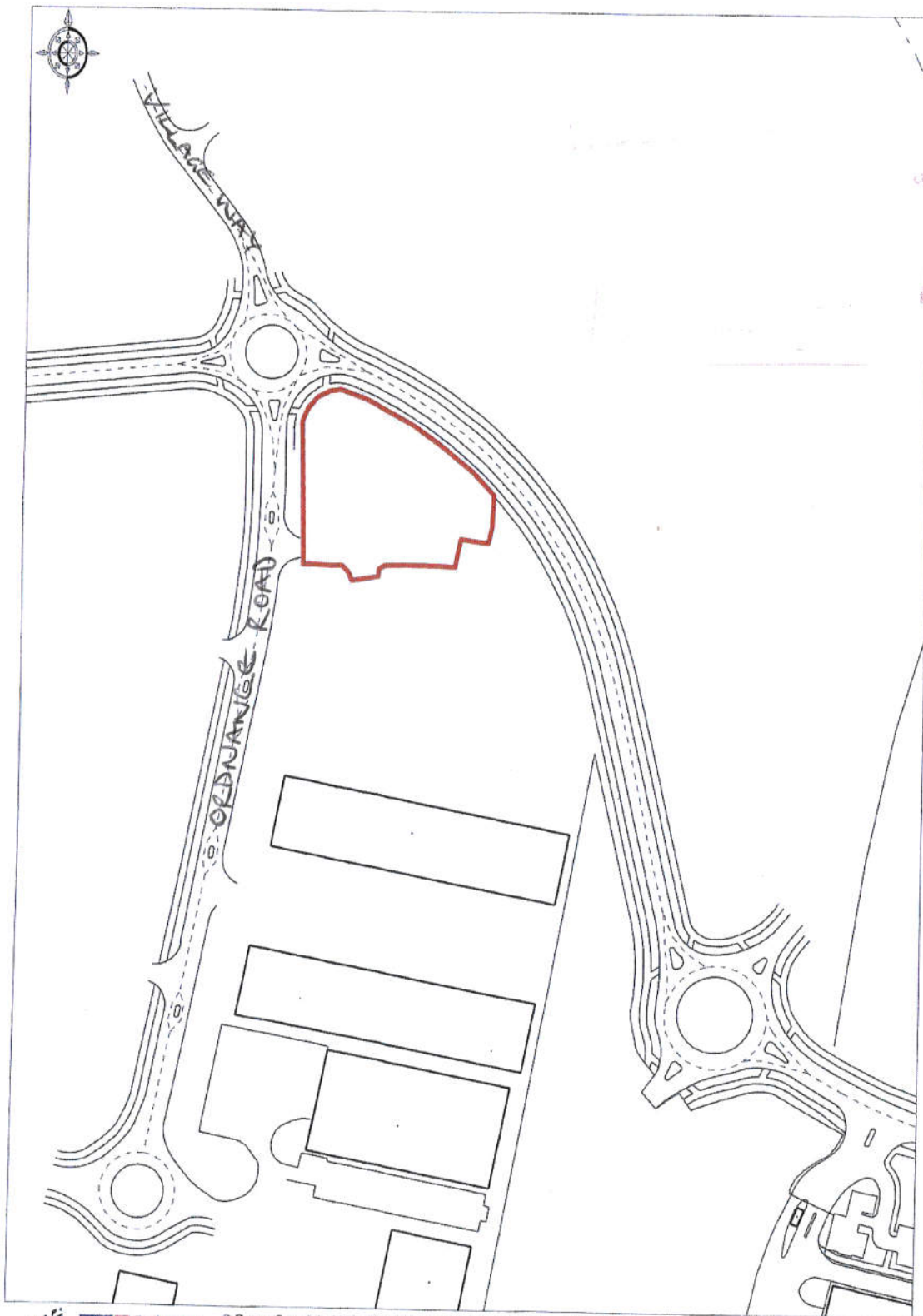
**Recommended Conditions**

No.	Condition																																	
1.	<p>The proposed development must be begun not later than two years from the date of this permission. Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>																																	
2.	<p>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.</p>																																	
3.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. Reason: In the interest of the appearance of the locality</p>																																	
4.	<p>The development hereby permitted shall only be carried out using the approved external facing materials detailed on the approved plans unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that the materials used are visually appropriate to the locality.</p>																																	
5.	<p>The development hereby permitted shall only be carried out in conformity with the approved hard ground- surfacing materials as detailed on the approved plans. Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</p>																																	
6.	<p>Before the development hereby permitted is first occupied, 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.</p>																																	
7.	<p>The use hereby permitted shall be restricted to the hours:</p> <ul style="list-style-type: none"> <li>• between 8am and 12am (midnight) on Monday to Thursday,</li> <li>• between 8am and 1am Friday and Saturday and</li> <li>• between 9am and 12am (midnight) on Sundays.</li> </ul> <p>Reason: To safeguard the amenities of local residents.</p>																																	
8.	<p>The approved plans are:</p> <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Plan Ref.</th> <th style="text-align: left;">Received On:</th> <th style="text-align: left;">Title:</th> </tr> </thead> <tbody> <tr> <td>2652/103A</td> <td>8th May 2014</td> <td>Elevations</td> </tr> <tr> <td>2652/102</td> <td>8th May 2014</td> <td>Floor Plans</td> </tr> <tr> <td></td> <td>8th May 2014</td> <td>Landscape Proposals</td> </tr> <tr> <td>HGO695:01/1</td> <td>8th May 2014</td> <td>Location Plan</td> </tr> <tr> <td>2652/001</td> <td>8th May 2014</td> <td>Existing Site Plan</td> </tr> <tr> <td>G14999/LEV 1</td> <td>8th May 2014</td> <td>Proposed Site</td> </tr> <tr> <td colspan="3">Development Levels</td> </tr> <tr> <td>3196/300 Rev B</td> <td>8th May 2014</td> <td>Proposed Site Plan</td> </tr> <tr> <td>2652/104</td> <td>8th May 2014</td> <td>External Works Detail</td> </tr> <tr> <td>3196/304 Rev D</td> <td>8th May 2014</td> <td>Materials</td> </tr> </tbody> </table> <p>Reason: To define the permission and in the interests of the proper development of the site.</p>	Plan Ref.	Received On:	Title:	2652/103A	8th May 2014	Elevations	2652/102	8th May 2014	Floor Plans		8th May 2014	Landscape Proposals	HGO695:01/1	8th May 2014	Location Plan	2652/001	8th May 2014	Existing Site Plan	G14999/LEV 1	8th May 2014	Proposed Site	Development Levels			3196/300 Rev B	8th May 2014	Proposed Site Plan	2652/104	8th May 2014	External Works Detail	3196/304 Rev D	8th May 2014	Materials
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9.	<p>. The development hereby approved shall incorporate the following measures:</p> <ul style="list-style-type: none"> <li>• Ground floor glazing should include one pane of 6.8mm laminated glass which is more resilient to attack or accidental damage, should an incident occur.</li> <li>• External doors should be certified to PAS 24:2012, LPS 1175 SR2 or an alternative acceptable security standard and have laminated glazing (as above) in any glazed panels, to reduce the risk of burglary offences.</li> </ul>																																	

	<ul style="list-style-type: none"> <li>• An intruder alarm linked to an Alarm Receiving Centre should be installed at the premises to deter break-ins and to notify police and keyholders should a burglary attempt be made.</li> <li>• A comprehensive CCTV system should be installed providing coverage of the main entrance where a clear head and shoulders image of everyone entering should be obtained. Other areas that should be covered by the CCTV are internal and external seating and bar areas, entrance to toilets, other entrance/exits including fire doors and the external smoking shelter. A full Operation Requirement should be provided by a qualified CCTV Engineer in order to ensure an adequate system is installed which records clear images and is compatible with the lighting. Further advice on CCTV requirement can be obtained through this office.</li> <li>• All bar counters should be high and wide to deter customers from reaching over. This is measure helps to protect staff from abusive or threatening customers and deter theft offences.</li> <li>• The landscaping should not impede the natural surveillance of the building and parking areas from the street and neighbouring properties, as natural surveillance helps to deter crime and anti-social behaviour.</li> <li>• The parking areas should be well lit to promote feelings of safety for users and also to reduce the risk of auto-crime by enhancing natural surveillance.</li> <li>• The rear yard should be secure and well lit for the safe and convenient use of staff and management occupying the above accommodation. A security light fitted with a motion sensor should be installed at a height that cannot be easily reachable. The boundary treatment to this area should be a minimum height of 1.8m and robust, with all cross rails and fixings installed internally so they cannot be used as a climbing aid or be easily removed.</li> </ul> <p>Reason: In order to reduce the risk of crime and anti-social behaviour affecting the staff, customers and local community in accordance with Section 17 Crime and Disorder Act 1998</p>
<p>10.</p>	<p>Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 5 l/s. The development shall be completed, maintained and managed in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off and to reduce the risk of flooding</p>
<p>11.</p>	<p>The car park lights hereby approved shall only be illuminated during the hours the premises are open to the public.</p> <p>Reason: In the interests of the amenities of local residents and the area as a whole.</p>

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Planning Application - Proposed Pub Restaurant - Plot 4400



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HGO695:01/1 Location Plan/Application Area

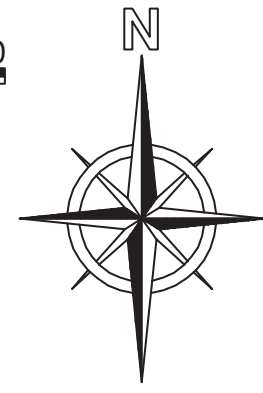
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**SURVEY DRAWING BY OTHERS**

The survey information shown on this drawing was prepared by others and DC cannot accept any liability for the accuracy of that information. All details to be checked on site before commencement of any works.

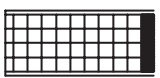



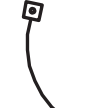
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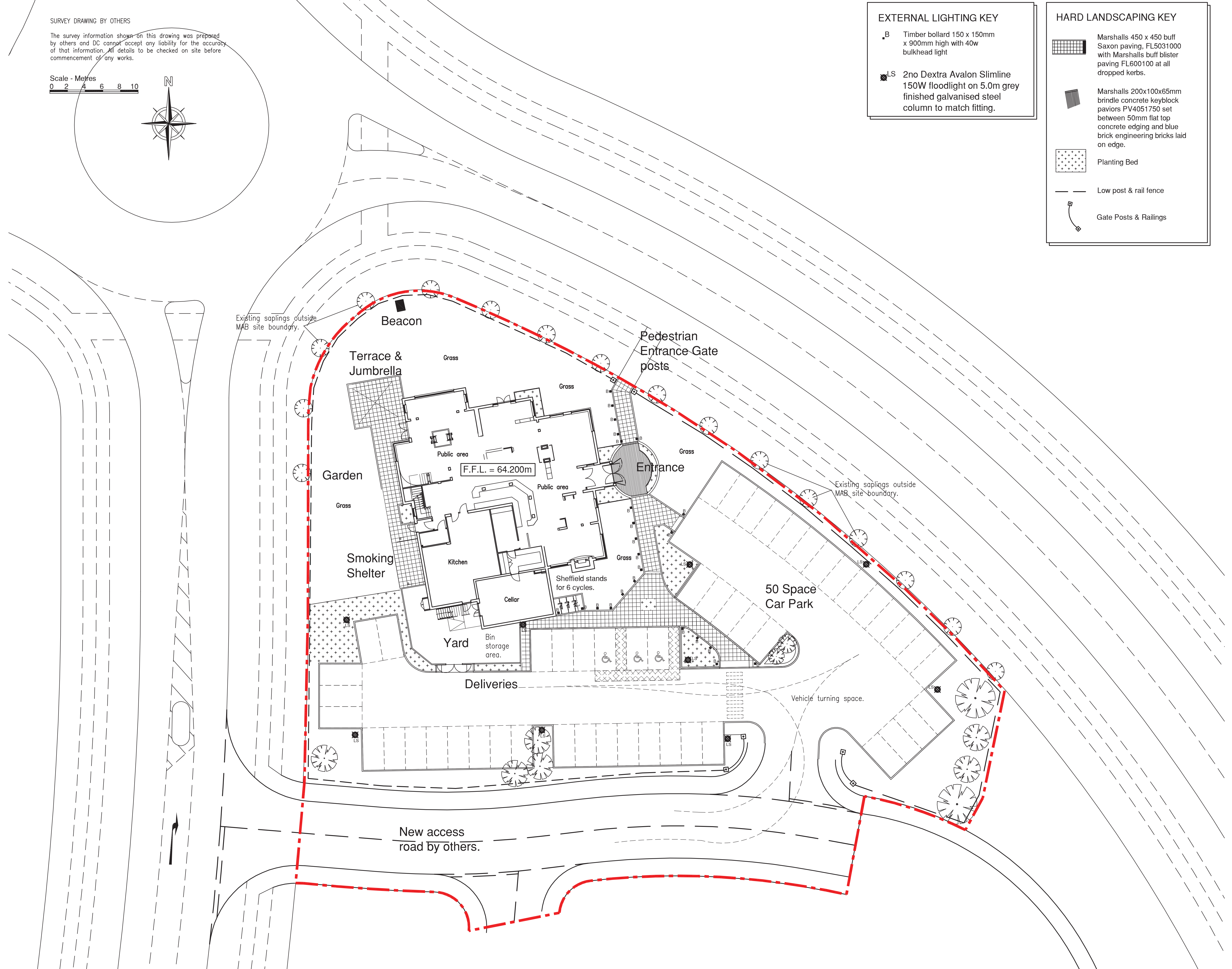


**EXTERNAL LIGHTING KEY**

- B Timber bollard 150 x 150mm x 900mm high with 40w bulkhead light
- LS 2no Dextra Avalon Slimline 150W floodlight on 5.0m grey finished galvanised steel column to match fitting.

**HARD LANDSCAPING KEY**

-  Marshalls 450 x 450 buff Saxon paving, FL5031000 with Marshalls buff blister paving FL600100 at all dropped kerbs.
-  Marshalls 200x100x65mm brindle concrete keyblock paviors PV4051750 set between 50mm flat top concrete edging and blue brick engineering bricks laid on edge.
-  Planting Bed
-  Low post & rail fence
-  Gate Posts & Railings



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<b>Item 3B</b>	<b>14/00271/FULMAJ</b>
<b>Case Officer</b>	<b>Ian Heywood</b>
<b>Ward</b>	<b>Adlington and Anderton</b>
<b>Proposal</b>	<b>Demolition of existing buildings at 107 - 113 Chorley Road Adlington and erection of 10 no. apartments in 2 storey block.</b>
<b>Location</b>	<b>107 - 113 Chorley Road Adlington Chorley PR6 9LP</b>
<b>Applicant</b>	<b>PEL Development Ltd</b>
<b>Consultation expiry:</b>	<b>23 June 2014</b>
<b>Decision due by:</b>	<b>30 June 2014</b>

**Recommendation**      **Grant Full Planning Permission (subject to legal agreement)**

#### **Executive Summary**

**Consent was previously granted for the demolition of the existing buildings and the erection of two dwellings on the site. The current application seeks to erect a block of apartments on the site instead.**

#### **Site Description**

The site is set within the settlement of Adlington and is comprised of a former small industrial unit that has been empty and available to buy or let for a number of years (at least five to the LPAs knowledge). The site is located on Chorley Road, one of the principal routes into and out of Adlington between Chorley and Horwich. The building is in a poor and deteriorating condition and is becoming something of an eyesore in the local area.

Neighbouring residential properties are to be found either side of and opposite to the development site, on Chorley Road. To the north east of the site is to be found open play areas and a larger playing field. To the north west and south east of the site are traditional two-storey terraced residential properties with more found on the opposite side of Chorley Road. A telephone exchange building is situated directly opposite the site. Neighbouring properties are of traditional red-brick construction with natural welsh slate roofs.

#### **Recommendation**

It is recommended that this application is granted full planning permission subject to conditions and a S.106 Agreement.

**Representations**

<p><b>Adlington Town Council has concerns on the following grounds:</b></p> <p><b>Height of the building within the streetscene is excessive. It is considered that the design is acceptable and appropriate within the streetscene;</b>  <b>The positioning of the rear access adjacent to a playground – no specific reason for this concern is given. It is considered that this arrangement is acceptable;</b>  <b>Front access onto a public highway. This arrangement is considered to be acceptable and LCC Highways have stated that they are happy with the proposed arrangement;</b>  <b>Access to a neighbouring property could be problematic. The agent has confirmed the correct position of the site boundaries and land ownership, and that the development sits well within these such that there should be no conflict as regards entry/egress from neighbouring properties.</b></p>		
<p><b>In total three representations have been received which are summarised below</b></p>		
<b>Objection</b>	<b>Support</b>	<b>Not specified</b>
Total No. received: 3	Total No. received: 0	Total No. received:0
<ul style="list-style-type: none"> <li>• Hazards associated with the removal of asbestos from the building during demolition;</li> <li>• Parking provision;</li> <li>• Trees;</li> <li>• Accuracy of submitted plans;</li> <li>• Connection to sewers and;</li> <li>• Retention of a footway in front of the development.</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>

**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
Director of People and Places	No objections to the proposed development. Suitably worded conditions have been suggested to ensure compliance with the appropriate regulations as regards contaminated land and flooding.
Lancashire County Council (Highways)	Has no objections to the proposed development. Suitably worded conditions will ensure compliance with their

	requirements. Whilst the proposed parking does not exactly meet the policy requirements LCC Highways are happy that the level of proposed parking is adequate within this highly sustainable location.

**Assessment**

Principle of the Development

1. The site is located within the settlement of Adlington.
2. The Framework (National Planning Policy Framework) seeks to support sustainable development. This site is located within the Adlington settlement with good access to local facilities, bus routes and a train service to either Preston or Manchester. As such it is considered to be a sustainable location and that consequently the proposed development is considered to accord with the Framework.

Impact on the neighbours

3. Neighbouring residential properties are to be found either side of and opposite to the development site, on Chorley Road. To the east of the site is to be found open play areas and a larger playing field. To the north west and south east of the site are traditional two-storey terraced residential properties with more found on the opposite side of Chorley Road. A telephone exchange building is situated directly opposite the site.
4. Whilst the overall height of the building is taller than those immediately adjacent to it, the mass of the building has been reduced by splitting the roof into two separate pitches with a centre section of reduced height. The scale of the building is similar to that of the telephone exchange building opposite the site.
5. There are no windows within the proposed building that have a direct line of sight into any of the neighbouring residential properties, all are oblique.

Design

6. The proposed design and use of materials have been chosen to reflect neighbouring properties on Chorley Road beyond and are considered to be acceptable. The design of the apartments uses a sympathetic style of design and complementary materials to blend with the majority of development within Adlington – red brick being found commonly within the immediate area of the settlement.
7. The design of the proposed development is considered to be acceptable and to accord with both Core Strategy Policy 17 and emerging Local Plan Policy BNE1.

Traffic and Transport

8. Lancashire County Council Highways Engineers have confirmed that, subject to conditions, the proposed development is acceptable and will not cause any undue traffic hazards or issues for parking.

Drainage and Sewers

9. Conditions are recommended to require details of the method of attachment to the public sewer and the use of a surface water attenuation tank. These will not only ensure compliance with the requirements of United Utilities as a statutory undertaker but also compliance with Adopted Core Strategy Policy 29.

Section 106 Agreement

10. A supplementary S.106 Agreement has been requested for financial contributions for the provision of public open space to the value of:

Amenity greenspace	= £1400
Equipped play area	= £1340
Allotments	= £150
Playing Pitches	= £15,990
Total	= £18,000

**Response to objections**

11. Suitably worded conditions are recommended to ensure appropriate health and safety measures are utilised during the demolition process;  
LCC Highways have confirmed that they are satisfied with the proposed parking in this sustainable location;

Suitably worded conditions are recommended to secure the protection of trees that are adjacent to the site;  
 The submitted plans are accurate. Additional details have been supplied to allow confirmation of this;  
 Suitably worded conditions are recommended to secure appropriate treatment of foul sewage and surface water drainage;  
 LCC Highways have confirmed that a footpath will be retained and that they are happy with the proposal from this perspective.

### **Overall Conclusion**

The proposed development site is seen to meet the requirements of the Framework in terms of sustainable development. The design has been carefully considered and responds to the context. The development is acceptable in terms of highways and parking, all of which being suitably controlled by appropriate conditions. Relationships to neighbouring residential properties will be sustained. The application is therefore recommended for approval.

### **Planning Policies**

1. 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 with 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**

**Ref:** 11/00161/FUL **Decision:** REFFPP **Decision**  
**Date:** 21 April 2011  
**Description:** Erection of an A1 retail unit including ATM, plant and car parking alterations

**Ref:** 12/00191/OUT **Decision:** PEROPP **Decision**  
**Date:** 30 July 2012  
**Description:** Outline application for the demolition of the existing buildings and erection of four houses (two pairs of semi-detached houses).



**Suggested Conditions**

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:

CR/PL/2014/001 Proposed Layout Plans and Elevations  
CR/PL/2014/002 Proposed Layout Plans

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

3. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted 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.*

4. Due to past processes/activities at this site (former site use), there is a potential for ground contamination. Therefore 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 preliminary risk assessment and 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 protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use*

5. No development shall commence until details of the parking arrangements (including parking provision for the disabled and secured and covered cycle storage) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall then be constructed in accordance with the approved details.

*Reason: In the interest of highway safety and convenience.*

6. Prior to the commencement of the development full details to measures to reduce dust and particulate matter (asbestos in particular) resulting from the construction works shall be submitted to and approved in writing by the Local Planning Authority. The details shall include mitigation measures to be employed at the site during the construction activities. The development thereafter shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority



*Reason: To reduce the amount of dust and particulate matter created as a part of the development of the site, in order to minimise the air quality impacts and to provide adequate mitigation measures to reduce dust production.*

7. Prior to the commencement of any development, plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.

*Reason: To ensure a satisfactory means of drainage.*

8. During the construction period, all trees to be retained 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 parking and / or garaging and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995).

*Reason: To ensure provision of adequate off-street parking facilities within the site*

10. Demolition or construction works shall not take place outside 0800 hours to 1700 hours Mondays to Fridays and 0800 hours to 1600 hours on Saturdays nor at any time on Sundays or Bank Holidays.

*Reason: To protect the amenities of the nearby residents.*

### **Informatives**

**1:** The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the NPPF.

**2::** The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.

Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

**3:** The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The

Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Environment Directorate for further information by emailing the County Council's developer Support Service on [lhscustomerservice@lancashire.gov.uk](mailto:lhscustomerservice@lancashire.gov.uk) by writing to the Developer Support Manager, Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston PR5 6BJ quoting the planning application number in either case.

**4:** Your attention is drawn to the existence of a separate legal agreement under Section 106 of the Town and Country Planning Act 1990 which relates to the use or development of the land to which this permission relates.



Site Location Plan

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<b>Item 3C</b>	<b>14/00429/FULMAJ</b>
<b>Case Officer</b>	<b>Caron Taylor</b>
<b>Ward</b>	<b>Astley and Buckshaw</b>
<b>Proposal</b>	<b>Section 73 application to vary condition no.5 (approved plans) of planning permission no. 13/00082/FULMAJ (which was for the erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities including floodlighting columns) to change the size and design of the clubhouse building, change the main pitch from grass to artificial and make alterations to the parking.</b>
<b>Location</b>	<b>Chorley Rugby Union Club, Chancery Road, Astley Village, Chorley, PR7 1XP</b>
<b>Applicant</b>	<b>The Trustees Of Chorley RUFC</b>
<b>Consultation expiry: 20<sup>th</sup> May 2014</b>	
<b>Application expiry: 24<sup>th</sup> July 2014</b>	

**Recommendation**

1. It is recommended that this application is granted planning approval subject to a supplemental legal agreement tying the application into the original Section 106 agreement obligations.

**Main Issues**

2. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Alterations to clubhouse design
  - Alterations to the parking
  - Impact on neighbours
  - Section 106 agreement

**Representations**

3. No letters of representation have been received.

**Consultations**

4. **Sport England**  
Originally objected to the application, but following the receipt of additional information and plans have removed their objection subject to specific conditions applied to the previous permission being applied to this application.
5. **The Environment Agency**  
Make no comments on the amendments. For completeness, their response to the previous application was as follows:  
Have no objection to the application provided a condition requiring a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development to be submitted is attached to any permission. The strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.



**6. United Utilities**

Have no objection to the application provided a condition requiring a scheme for the disposal of foul and surface waters to be submitted is attached to any permission.

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

The application is seeking an increase in the size of the clubhouse from 590M2 GFA previously approved to 755M2. Despite the proposed increase in size of the clubhouse the applicant is maintaining the same number of parking spaces (134no.) approved for the previous smaller sized clubhouse. At least 10no additional car parking spaces are required due to the increased size of the clubhouse. They would not object to condition 5 of planning permission 13/00082/FULMAJ being varied to allow for the above changes, but the applicant should give serious consideration to incorporating the 10 spaces in the proposal, to avoid the residential aspect of the development being adversely impacted by parking spilling over from the rugby club.

**8. Chorley's Waste & Contaminated Land Officer**

Have no comments on the application but request a condition in relation to ground contamination as per their comments on the previous application.

**9. Environmental Health**

The main concerns arise from the potential use of the function room and balcony for private events and not necessarily with regard to its likely use during rugby matches.

10. The balcony on the function room is likely to give rise to justified neighbour noise complaints especially in the evening if functions are taking place on the first floor. This is due to the proximity of the noise sensitive properties and the use of the balcony for events until 00.00 hours is potentially problematic as it will mean the doors leading from the function area being continually opened and closed allowing the music to breakout.

11. It is also very likely that complaints would be received regarding noise from the people using the balcony in particular during the evening hours.

12. You may wish to explore if potential problems could be mitigated through the use of planning conditions, but if this is not possible it may be necessary to remove the balcony from the scheme. However, even if the use of the balcony was restricted/ prohibited during such events, they would still have concerns as the glass front of the building which faces directly towards some of the residential properties would provide very little noise attenuation.

13. You may want to consider the benefits of requesting that an acoustic report is carried out to map the potential noise breakout based on some assumptions about the use and level of music. From this you may be able to determine which properties would need to have acoustic glazing, acoustic ventilation etc. The problem with this is that in the summer people will rightly, always want to open their bedroom windows so acoustic glazing etc. would be rendered useless once the windows are opened and we will receive complaints.

14. They have also considered the lighting plans as submitted and although they do not have any major concerns about the potential for light nuisance they cannot guarantee that complaints will not be received [a plans showing the LUX levels of the lighting has been received – see impact on neighbouring properties section].

**Applicant's Case**

15. Following the planning approval granted last summer it was decided that the Trust would review both the design and layout of the project at Brookfields to ensure that the makeup of the development was - as Chorley Sports and Leisure Campus - a best fit for all their aspirations but which was as far as possible 'future proofed' and 'Eco Friendly'.

16. They decided to appoint a specialised and innovative architectural and design practice to examine alternative designs and layouts. What is now proposed is a truly iconic look for the pavilion which has a smaller footprint than the original proposal but far greater

flexibility due to no longer being a single storey, as well as much environmentally friendly emphasis as feasible in terms of rainwater harvesting, solar energy applications and a possible ground source heat pump system.

17. In addition, there could be beneficial co-operation between the Trust and Chorley Council on enhancing the facilities on the Local Authority Westway Playing Fields and allying that drainage enhancement to a possible changing room usage within the trust pavilion on this development. Therefore they have had added two additional easy access changing rooms to the pavilion.

## **Assessment**

### Background

18. This application originally proposed to create the main pitch as an artificial grass pitch instead of a natural turf pitch as was approved by the original application, however Sport England objected to this aspect and it has therefore been removed from the application. The main pitch is therefore to stay as a natural grass pitch as previously approved.

### Principle of the development

19. The principle of the development has already been established by the existing full planning permission ref: 13/00082/FULMAJ. The issues to be considered as part of this application are the changes to this previously approved scheme. The changes relate to the size and design of the clubhouse building and alterations to the parking. The other aspects of the scheme remain as previously approved and so will not be assessed again in this report.

### Alterations to Clubhouse Design

20. The previously approved clubhouse is of a traditional design. It is mainly single storey with a small seating area at first floor. It has a fully hipped roof with front glazed gable and a small clock tower on the top.
21. The clubhouse now applied for is of a contemporary design with a mono-pitched roof sloping away from the pitch. At ground floor there will be the changing rooms, medical room, plant and equipment rooms and offices. Seating for 196 people will be provided facing the pitch attached to the building and sheltered by the first floor overhang of the building.
22. At first floor will be a function room for 120 people with a dance floor along with bar, players lounge and dining, fitness studio, kitchen and toilets. There will be a viewing balcony facing towards the pitch, the overhang of which provides shelter to the spectator seating below. The first floor elevation facing the pitch will be fully glazed to allow views of the pitch.
23. The materials palette is also contemporary with an aluminium roof, aluminium double glazed curtain wall system, rendered block walls and a glazed entrance canopy proposed.
24. The change to the design is considered acceptable and as it is considered a contemporary design improves the spectator experience by maximising the views of the pitch and presents a modern and ambitious image for the club.

### Alterations to the Parking

25. The original application had three areas of parking, a total of 134 spaces of which 29 of these were overspill spaces on a grasscrete area with limited access when needed to the west of the clubhouse building and 2 coach spaces.
26. The current application changes the parking so that all the parking is formally surfaced, with no overspill grasscrete area. The change to the layout of the building allows injured players to be brought through the building and ambulances can drive right up to the entrance. The same number of parking spaces as originally approved (134) was originally shown on the current application layout, however an additional 10 spaces as requested

by Lancashire County Council Highways have been added during the application process and 144 spaces plus 2 coach spaces are now shown. The parking is therefore considered acceptable. The parking for the residential properties remains as previously approved.

#### Impact on Neighbours

27. There are no neighbouring properties immediately bounding with the site. The nearest properties are those on the other side of Chancery Road on Mimosa Close and Clematis Close. There will be over 30m between the windows of the proposed properties and the existing properties and over 18m to the boundaries with these properties. Both these distances exceed the Council's interface guidelines of 21m and 10m respectively.
28. Within the site, the relationship between the properties also comply with the Council's interface guidelines.
29. The proposal is therefore considered acceptable in relation to neighbour amenity.
30. The main issue in relation to neighbour amenity is the proposed viewing balcony facing the main pitch in the first floor of the club house, the issue is not its use during matches that would take place during normal daylight hours, or in the winter up until 9.30pm when the floodlights will be switched off, but rather that it may be used in the evening when the building is in use for functions/social events.
31. This issue has been raised with the applicant as the Council would not want to approve a feature designed into a building that is likely to result in noise complaints in the future by people using the balcony or by the doors being opened while there is loud music on.
32. The rugby club have looked in the possible noise issue from the balcony and advise that social events in the main clubhouse will make use of the viewing deck overlooking the main pitch until 9.30p.m (this is the time that the floodlights at the pitch are required to be turned off). After this the deck will be closed to access except for use as an alternative means of escape in the event of fire. In recognition of the potential for noise nuisance the exit doors onto the deck area will be shutter controlled, which will prevent people attending functions in the building from accessing the balcony but will allow its use as a fire exit. The fire detection system will cause the fire exit shutter to 'fail safe'. Only one of the exits will need to function as an alternative exit route and will be lit and signed as such.
33. The first floor elevation facing the main pitch will be fully glazed, so even if the balcony is not used and the doors are closed there is potential for noise to escape from the building causing nuisance to neighbours. It is therefore proposed to require a scheme of noise attenuation to be submitted and approved by the Council. This could take the form of one or a combination of measures such as acoustic glazing, an acoustic shutter, ensuring the roof structure is constructed to minimise noise leakage or a sound limiting sound system.
34. Lighting is proposed to the two pitches. This consists of 8 x 15m masts on the main grass pitch and 8 x 15m masts on the artificial pitch. A plan showing the Lux (lumens per square metre) levels has been submitted with the application. This is considered acceptable in terms of the impact on the neighbouring properties as the Lux levels at the nearest residential properties are 5 Lux which is what is expected at night time in a suburban street.
35. Subject to the above being controlled by conditions the application is considered acceptable in relation to neighbour amenity.

#### Section 106 Agreement and Community Infrastructure Levy (CIL)

36. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sq. m. The rugby club development is not CIL liable. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013.



37. The original planning approval for housing at this site pre-dates the levy and as such was not subject to CIL. A positive recommendation in respect of this application will result in the issuing of a new planning permission at a time when there is an adopted CIL levy. Applications submitted under Section 73 of the Town and Country Planning Act 1990 are included within the transitional provisions of the Community Infrastructure Levy Regulations 2010.
38. The provision within the regulations takes into account the approved 'fall back' position in respect of S73 applications and basically subtracts the amount of approved development from the amount of proposed development. If the amount of proposed development exceeds that approved then CIL is charged on the uplift however if the amount of proposed development is less than the approved development then the CIL levy is nil.
39. In the case of this site the previous planning approval incorporated the same amount of development as that now proposed and therefore the CIL charge is nil.
40. The original obligations for primary school places will be secured through a supplemental agreement tying this permission in to the original agreement.

### **Overall Conclusion**

41. The amendments to the proposal are considered acceptable subject to the parking issue being satisfactorily addressed on the addendum. The application is recommended for approval subject to conditions and a supplemental Section 106 agreement.

### **Planning Policies**

#### National Planning Policies:

The National Planning Policy Framework (NPPF)

#### Adopted Chorley Borough Local Plan Review

Policies: DC3, LT14, HS21

#### Central Lancashire Joint Core Strategy

Policies 1, 5, 17, 27

#### Emerging Local Plan

Policies HS1.9, HS2

### **Planning History**

The site history is as follows:

13/00082/FULMAJ Proposed erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities including 8 x 15m floodlighting columns. Permitted August 2013.

93/00081/FUL Permitted 30 March 1993

Use of land for car boot sales of 100 pitches Sundays 4.4.93 to 10.10.93 and Saturdays 1.5.93 to 25.9.93 inclusive for a period of one year

92/00540/FUL Permitted 1 September 1992

Modification of condition no 3 on 9/91/572 to amend hours of opening to 10.00am to 4.00pm instead of 2.00pm to 8.00pm

92/00352/FUL Permitted 9 June 1992

Use of land for Sunday market and other events

91/00572/FULMAJ Permitted 18 February 1992

Use of land for car boot/market on Thursdays

89/00634/ADV Permitted 20 September 1989

Display of internally illuminated signs on building and access

89/00067/FUL Permitted 27 February 1989  
Alterations and provision of external boiler house

88/00228/FULMAJ Application withdrawn 16 May 1988  
Use of land for general market to operate on Saturdays commencing 7/5/88

88/00679/FUL Permitted 18 October 1988  
Use of land as a Golf Driving Range

85/00179/ADV Permitted 2 April 1985  
Display of illuminated signs across gable of club house

81/00934/FUL Permitted 1 December 1981  
Club House

80/00892/FUL Permitted 20 October 1980  
Use of land for recreational purposes (rugby pitches, car parking, changing pavilion, and new access to Chancery Road)

79/00453/FUL Application withdrawn 11 November 1111  
Use of land for recreational purposes (Rugby Club) including rugby pitches, changing room/pavilion, car parking and new access (Outline)

79/00452/FUL Application withdrawn 11 November 1111  
Land for Recreational Purposes (Rugby Club)

**Recommendation: Permit Full Planning Permission**

**Conditions**

1. The floodlights hereby permitted shall be constructed in accordance with the details as shown on approved plan ref: 000348 E01 (Proposed Floodlighting) and shall not be used before 14:00 or after 21:30 on any day of the week.

*Reason: In the interests of the amenities of neighbouring properties.*

2. 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 21% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant Code Level rating.

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

3. The proposed development must be begun not later than 28<sup>th</sup> August 2016.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004. This is a Section 73 application that cannot extend the timeframe of the original permission.*

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

Title	Drawing Reference	Received date
Planning Layout	JB/CRC/PL1 Rev C	20 <sup>th</sup> June 2014
Proposed Floodlighting	000348 E01	20 <sup>th</sup> May 2014
New Stand and Clubhouse Section A	22937 L(2-) 05 Rev E	20 <sup>th</sup> June 2014
New Stand and Clubhouse Section C	22937 L(2-) 07 Rev E	20 <sup>th</sup> June 2014
New Stand and Clubhouse	22937 L(2-) 06 Rev E	20 <sup>th</sup> June 2014

Section B		
Chorley Rugby Club Plans	22937 Rev E	20 <sup>th</sup> June 2014
New Clubhouse Elevations	22937 L(2-)04 Rev E	20 <sup>th</sup> June 2014
New Clubhouse Ground Floor Plan	22937 L(2-)08 Rev A	20 <sup>th</sup> June 2014
New Clubhouse First Floor Plan	22937 L(2-)09	20 <sup>th</sup> June 2014
Location Plan	CRC/LP1	24 <sup>th</sup> April 2014
The Hatfield	HAT	24 <sup>th</sup> April 2014
The Roseberry	ROS	24 <sup>th</sup> April 2014
The Cranthorne	CRA	24 <sup>th</sup> April 2014
The Cherryburn	CHR	24 <sup>th</sup> April 2014
The Winster	WIN	24 <sup>th</sup> April 2014
The Barrington	BAR	24 <sup>th</sup> April 2014
They Newby	NEW	24 <sup>th</sup> April 2014

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

5. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.*

6. The parking spaces and garaging and associated manoeuvring facilities shown on the plans for the properties 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 each plot; the parking spaces 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.*

7. The visitor parking for the dwellings 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 30<sup>th</sup> dwelling. The visitor spaces 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.*

8. Before any external lighting is installed in relation to the pavilion building hereby permitted or the associated facilities such as the car park, details shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be implemented precisely in accordance with the approved details which shall then not be varied.

*Reason: To safeguard the amenities of the area and to minimise the possibility of inconvenience to nearby residents.*

9. A scheme for the soft and hard landscaping of the development 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 (including details); and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.*

10. The external facing materials, detailed in the Materials Schedule (Ref: May 2013 –CRC-MS-01), shall be used to construct the dwellings hereby permitted and no others substituted.

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

11. Prior to the commencement of any development, plans and particulars showing a scheme of foul and surface water drainage, shall be submitted to, and approved in writing by, the Local Planning Authority.

The surface water drainage scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The foul and surface water drainage schemes shall subsequently be implemented in accordance with the approved details before the development is completed.

*Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.*

12. The integral garages hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation unless off street parking can be provided within the curtilage of the property in accordance with the Council's parking standards in force at that time.

*Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards and inconvenience caused by on-street parking.*

13. For the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

*Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials which may create a potential hazard to road users.*

14. No site clearance, site preparation or development work shall take place until details of parking for contractors and visitors to the site throughout the construction of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall then only be carried out in accordance with the approved details.

*Reason: To ensure there is sufficient parking provided within the site and to discourage parking on Chancery Road to the inconvenience of surrounding residents.*

15. Before the club house/pavilion building hereby permitted is brought into use the opening hours of the building shall be submitted to and approved in writing by the Local Planning Authority. The information submitted shall include details of the safeguards to be implemented to protect surrounding properties from noise disturbance. The club house/pavilion building shall thereafter only operate in accordance with the approved details.

*Reason: To safeguard of local residents from noise disturbance.*

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 1, Class A) or any Order revoking or re-enacting the Order, no extensions shall be undertaken that would be built off the rear elevation of the conservatories approved under this permission (for clarity the rear elevation is defined as the elevation of the conservatories facing the rear boundary of the properties, parallel with the rear elevation of the dwelling), without express planning permission being granted.

*Reason: The conservatories would be classed as the 'original dwelling' for Permitted Development purposes and therefore to protect the amenity of adjoining properties.*

17. Prior to the Grass Pitch (identified as per the approved site layout plan) hereby permitted being brought into use, full details of the alignment, height and appearance of the ball

protection netting shown on the approved plans (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority and then erected in accordance with the approved details. The ball protection netting shall thereafter be retained in accordance with the approved details at all times.

*Reason: To prevent balls entering the housing element of the scheme and to protect the amenities of occupiers of the residential properties.*

18. Due to the scale of the development and proposed sensitive end-use the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

*Reason: To ensure the site is suitable for the proposed end-use.*

19. The land shown on the approved plan for amenity open space shall be provided before occupation of the 40<sup>th</sup> dwelling and shall be retained for this and no other purpose in the future.

*Reason: To enhance the environment created by the new development.*

20. 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.*

21. The dwellings hereby permitted shall meet Code Level 3 of the Code for Sustainable Homes. Prior to the commencement of the development a 'Design Stage' assessment and related certification shall be submitted to the Local Planning Authority showing it will meet Code Level 3. No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the Code Level 3 has been issued by a Code for Sustainable Homes Assessor. 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: Weight has been given to the viability assessment submitted with the application. In the interests of minimising the environmental impact of the development.*

22. Before the development hereby permitted is first occupied, details of cycle and motorcycle parking provision for the Rugby Club shall have been submitted to and approved in writing by the Local Planning Authority. Such parking provision shall be provided in accordance with the approved details and maintained at all times thereafter.

*Reason: To ensure adequate on site provision for cycle parking.*

23. No works of tree felling, hedgerow clearance or demolition shall take place between from the beginning of March to the end of August unless the absence of nesting birds has been confirmed by surveys that have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To protect Protected Species.*

24. The existing main rugby pitch shall not be built on until the Grass Pitch has been laid out in accordance with the approved plans so that it is available for use as a rugby pitch and temporary changing facilities have been provided on the site, details of which (specification and location) shall have been submitted to and agreed in writing by the Local Planning Authority prior to them being brought to site. The Natural Grass Rugby Pitch and temporary



changing facilities shall not thereafter be used for any purpose other than for outdoor sport and recreation. The temporary changing facilities shall be removed from the site once the pavilion/club house building shown on the approved plans is completed.

*Reason: To ensure the pitch is provided commensurately with the housing development and to protect the playing field from loss and/or damage and to maintain the quality of and secure the safe use of sports pitches.*

25. The pavilion/club house and car park (including coach parking) hereby permitted shall be constructed in accordance with the details as shown on the approved plans prior to the occupation of the 30<sup>th</sup> dwelling and shall be completed prior to occupation of the 40<sup>th</sup> dwelling. The car park shall thereafter not be used for any other purposes other than the parking and manoeuvring of vehicles.

*Reason: To ensure the pavilion/club house and car park are provided commensurately with the housing development.*

26. The Artificial Grass Pitch as shown on the approved plans shall be constructed prior to the occupation of the 50<sup>th</sup> dwelling and shall be completed within 3 months of occupation of the 50<sup>th</sup> dwelling. The Artificial Grass Pitch shall not thereafter be used for any purpose other than for outdoor sport.

*Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision.*

27. The Grass Pitch hereby permitted shall not be constructed until full details of its specification have been submitted to and approved in writing by the Local Planning Authority. This pitch shall then only be constructed in accordance with the approved details.

*Reason: To ensure the development is fit for purpose and sustainable.*

28. The Artificial Grass Pitch hereby permitted shall not be constructed until full details of its specification have been submitted to and approved in writing by the Local Planning Authority. This pitch shall then only be constructed in accordance with the approved details.

*Reason: To ensure the development is fit for purpose and sustainable.*

29. Prior to the commencement of the clubhouse/pavilion building hereby permitted a scheme for noise attenuation shall be submitted to and approved in writing by the local planning authority.

The scheme shall include details of how use of the balcony facing the pitch will be prevented after 9.30pm (except for means of emergency escape only) and provide a scheme of measures that will be put in place to prevent noise nuisance to nearby residential properties, this may include (but is not restricted to) noise insulation to the building and a sound limiting system within the building. The development shall only be carried out in accordance with the approved scheme.

*Reason: To ensure noise from the clubhouse/pavilion does not have an unacceptable impact on nearby residential properties.*

30. The balcony hereby permitted on the first floor of the clubhouse/pavilion building shall not be used after 9.30pm on any night of the week.

*Reason: To prevent noise nuisance to nearby residential properties.*

31. Prior to the commencement of the pavilion/club house building hereby permitted 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.

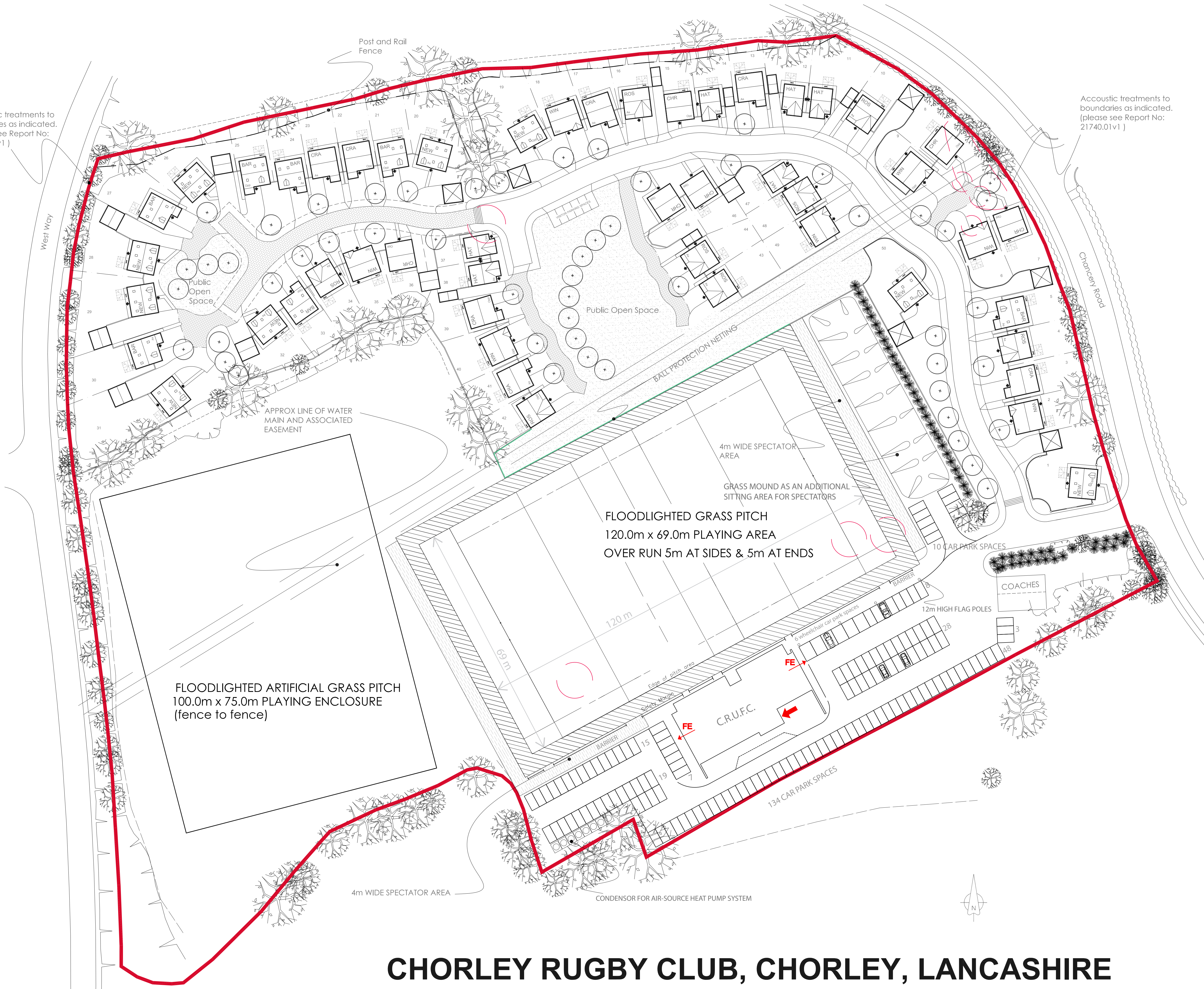
*Reason: To ensure that the materials used are visually appropriate to the locality.*



Acoustic treatments to boundaries as indicated. (please see Report No: 21740.01v1 )

Acoustic treatments to boundaries as indicated. (please see Report No: 21740.01v1 )

MIX SCHEDULE			
SITE AREA	Acres	Gross	6.497
		Net	4.708
Hectares	Gross		2.629
	Net		1.905
P.O.S. Easements	Acres		1.220
			0.569
HOUSE TYPE	SQ. FT	NO	TOTAL SQ. FT
Hutfield	769	6	5314
Roseberry	1096	8	8768
Crathorne	1154	7	8078
Chryburn	1242	6	7452
Winstar	1257	7	8799
Barrington	1535	7	10745
Newby	1732	9	15588
<b>TOTAL</b>		<b>50</b>	<b>65244</b>
<b>FOOTAGE (GROSS)</b>		Per Acre	10,242
		Per Hectare	24,815
<b>FOOTAGE (NET)</b>		Per Acre	13,858
		Per Hectare	34,245
<b>UNITS (GROSS)</b>		Per Acre	8
		Per Hectare	19
<b>UNITS (NET)</b>		Per Acre	11
		Per Hectare	26



Revision	Date	Amendment	Initials
C	17.04.14	Amended to include details of raised Rugby Club building and capping to standards. Car parking to east end of main pitch, indicated by spectator 'boom' / embankment	DS
B	31.05.13	Acoustic fencing notes added.	EW
B	31.05.13	Acoustic fencing notes added.	EW
A	18.05.13	Amends in line with LPA comments.	JB

Development	Chorley Rugby Club		
Location	CHORLEY		
Marketing Name			
Drawing Title	PLANNING LAYOUT		
Drawing Number	JB/CRC/PL1		
Revision	D	Scale @ A1	1:500
Drawn By	JB	Date Started	04.01.2013
Checked by		Date	

**PERSIMMON**  
 Persimmon Homes Lancashire  
 Persimmon Homes Lancashire Business Park, Cotton Road, Lancaster, LA1 3BQ  
 Tel: 01524 542 000 Fax: 01524 542 001 Web: www.persimmonhomes.com

# CHORLEY RUGBY CLUB, CHORLEY, LANCASHIRE



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### Representations

**Heath Charnock Parish Council** have raised objections, which can be summarised as follows: -

- The access is unsuitable for further traffic
- The Parish Council also comment that the view of Cockers Farm when approaching from the north comprises an unsightly spread of buildings

**No representations have been received.**

<b>Objection</b>	<b>Support</b>	<b>Not specified</b>
Total No. received: None received	Total No. received: None received	Total No. received: None received

### Consultees

<b>Consultee</b>	<b>Summary of Comments received</b>
LCC (Highways)	Initially raised concerns regarding the level of car parking being proposed. No objections raised in relation to the use of the access and the level of vehicular traffic. Amended plans have been submitted proposing an additional 15 no. spaces on an existing area of hardstanding to the west of building no. 2. On this basis, LCC (Highways) do not raise any objections to the application.
Environmental Health Officer	There are no records of any statutory nuisance complaints. No objections to the application

**Proposed development**

1. This retrospective application seeks planning permission to regularise the use of two former agricultural buildings on the site for employment and business purposes. No alterations are proposed to the buildings and no external works are proposed within the site either other than the marking out of 15 car parking spaces on an existing hard standing.
2. In the supporting information, the applicant states that following the collapse of the farm business on the site, sub-division of the said buildings enabled the formation of various business units which have been in use for approximately nine years. The units vary in size and the uses comprise a mix of A1, B1, B2 and B8. Building no. 1 includes a farm shop and horse blanket cleaning business which is a sui-generis use whilst building no. 2 includes stables. The predominant use in the buildings is B8 and the total floor space of the units is 2144m<sup>2</sup>.

**Background information**

3. The application site comprises Cockers Farm which is on Long Lane, Heath Charnock and is in the Green Belt. Access to the site is via a track which adjoins Long Lane to the north and runs between Ivy Cottage and Cockers Farmhouse. The wider site contains a stable block to the east of building no. 2 and a further former agricultural building to the south of building no. 1 which was granted permission in 2007 (Ref No. 06/01322/COU) for use as an office and machinery storage building associated with a landscaping company.
4. The applicant's supporting information states that the uses of the buildings have been taking place for approximately 9 years. Also, the residential accommodation detailed on the plans in building no. 1 is the subject of an Enforcement Notice requiring the cessation of the use of this part of the building as a dwelling. The application proposes that this will be changed to office space associated with the units.
5. The applicant is also in the process of completing the construction of a detached dwelling on the site which will provide the applicants living accommodation (Ref No. 98/00709/FUL). Works to construct the dwelling commenced within the five year time limit following the appeal decision in 1999 but did not continue hence the permission remained extant.

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

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

7. 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.'*

8. 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.
9. 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).
10. 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).

11. 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

12. 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 (SPD's).
13. 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

14. 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.

15. The relevant policies of the Local Plan are as follows:

- **GN5** - Building Design and Retaining Existing Landscape Features and Natural Habitats
- **DC1** – Development in the Green Belt
- **EP20**- Noise
- **EP21A** - Light Pollution
- **EM2** – Development criteria for industrial and business development
- **TR4** – Highway Development Control Criteria

#### Central Lancashire Core Strategy July 2012

16. 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 10** – This 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 13** – This aims to achieve economic and social improvement for rural areas by sustaining and encouraging appropriate growth of rural businesses.

#### Supplementary Planning Documents

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

#### **Emerging Policy**

17. 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.
18. 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 later this year to consider Gypsy & Traveller Matters, which would enable adoption of the local plan, following a supplementary report.
19. 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.”*
20. The Council accepted the Inspector’s modifications for Development Management purposes at its Executive Committee on 21<sup>st</sup> November 2013. 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
  - HS9: Conversion of Rural Building in the Green Belt and Other Designated Areas
  - EP3: Development Criteria for Business and Industrial Development
  - BNE1: Design Criteria for New Development
  - BNE6: Light Pollution

#### Principle of the Development

21. Para 90 of the Framework states that the re-use of buildings in the Green Belt, provided that the buildings are of permanent and substantial construction is an acceptable form of development. Para 28 of the Framework states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to new sustainable development. To promote a strong rural economy local plans should:
  - Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.
22. Policy 13 of the Core Strategy supports the alternative use of farm buildings where they are no longer needed for agriculture but which enable farm diversification and the Rural Development SPD (adopted October 2013) sets out the approach to development in the rural areas of Central Lancashire. It encourages appropriate growth in the rural economy and aims to ensure rural economic development is supported and encouraged within clearly defined parameters. The SPD covers the re-use of buildings in the countryside and expands on Core Strategy Policy 13. Para 50 states that redundant modern

agricultural buildings could in principle be re-used for workshop or storage use. Re-use for business use is usually preferable.

23. Para 18 indicates employment development proposals should be conveniently located in relation to the surrounding road network, provide a safe access, and be adequately serviced. Para 19 indicates the Council will support the development of small business units in rural areas (mainly Use Class B1) including farm diversification enterprises in buildings that are no longer required for their original purpose.
24. As the re-use of the buildings comprises economic development in the Green Belt and a rural area, as well as farm diversification, notwithstanding the fact that the uses are already taking place, it is considered that the 'principle' of the use of the buildings for the specified purposes is an acceptable one, subject to the other material considerations set out in the remainder of this report.

#### Impact on neighbours

25. There are residential properties to the north east of the application site. The nearest property is Cockers Farmhouse which is adjacent to building no. 1. This property also bounds the site access as does Ivy Cottage which is on the eastern side of the access. Limbrick House is to the north of the site. However, no objections have been received from the occupiers of any of the above properties or any other local residents.
26. The nearest building (building no. 1) is gable on to the northern site boundary and does not include any windows in the elevation facing Cockers Farmhouse and Limbrick House. The part of the building nearest to these properties at ground floor level comprises a shop and the first floor comprises a store.
27. In terms of building no. 2, the gable end of this building does not contain any windows. However, the dwelling presently being constructed on the site will sit between the gable end of building no. 2 and the boundary with Limbrick House. Also, the boundary between the site and Limbrick House and Cockers Farmhouse is an established hedge which is approximately 4m high.
28. There are no records of any statutory nuisance complaints being received by the Council and no objections are raised to the application on such grounds. In order to ensure that the existing situation is maintained, a condition is recommended preventing any changes to the use of the buildings. In terms of operating hours, the application forms specify that the units are in use from 8am to 6pm Monday to Friday and 8am to 5pm on a Saturday with no use on Sundays or Bank Holidays. Accordingly, a condition is recommended restricting the use of the units to these times and days.
29. It is not therefore considered that permitting the ongoing uses of the buildings will result in detrimental harm to the living conditions of the occupiers of the adjacent residential properties given the uses of the units can be controlled as well as the opening hours.

#### Design & Scale

30. The application does not propose any changes to the existing buildings in terms of new openings or extensions. The additional parking spaces detailed on the amended site layout plan are proposed on an existing hardstanding area which is already used for car parking, albeit on an ad hoc basis. Given there are no changes to the buildings or additional hard standings proposed, there are no design and scale implications resulting from this application.
31. In terms of the comments made by the Parish Council regarding the visual appearance of the site, these are noted but they relate to the existing situation on site and as stated, this application does not propose any extensions or new hard standing areas nor does it propose any areas of open storage.

Traffic & Parking

22. As stated, LCC (Highways) originally expressed concerns in relation to this application based on the level of car parking provision as well as a lack of cycle and motorcycle spaces. The applicant has amended the site plan and red edge to now include an area of existing hard standing area adjacent to building no. 2 and this is capable of providing a further 15 spaces resulting in a total of 37 spaces which is in accordance with the Parking Standards in the emerging Chorley Local Plan. This has addressed the concerns of LCC (Highways) and a condition is recommended requiring these additional spaces to be marked out within 3 months of permission being granted. Also based on the parking standards is the need for 2 no. parking spaces for disabled drivers as well as 8 no. cycle and motorcycle spaces.
23. Whilst Heath Charnock Parish Council has raised an objection specifically citing the access, this aspect of the development has not resulted in an objection from LCC (Highways). Therefore, without an objection from LCC (Highways) on the access whereby it's continued use, in accordance with para 32 of the NPPF would be deemed to have a severe impact on highway safety, there are no grounds to refuse the application and thereafter defend such a decision at appeal.

**Overall Conclusion**

25. The 'principle' of the change of use of the buildings is considered to be acceptable given the supportive nature of the pertinent planning policies.
26. In terms of neighbour amenity, it is not considered that the use of the units, which is already taking place, is or will have a detrimental impact on the living conditions of the occupiers of the nearest residential properties and there are no records of statutory nuisance complaints. Conditions restricting the use of the units and limiting opening hours will ensure the existing situation is safeguarded.
27. No changes are proposed to the buildings aesthetically and the additional car parking detailed on the site plan is proposed on an existing hard standing area. LCC (Highways) have no objections to the access or car parking provision.

**Planning Policies**

28. 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
88/00892/COU	Change of use of farm to livery stables and riding school together with new access road and car park alterations to public house car park and associated landscaping	Withdrawn	22.12.1988
88/00906/COU	Conversion of barn to dwelling	Refused	11.04.1989
89/00396/COU	Change of use of building to livery stables together with new farm access road alterations to public house car park and associated landscaping	Refused	07.11.1989
94/00306/COU	Change of Use of former farm office to agricultural worker's	Refused	17.01.1995

	dwelling		
94/00542/FUL	Siting of 2 feed hoppers	Withdrawn	07.07.1997
94/00964/FUL	Erection of building for use as free range poultry unit and provision of feed silo	Refused	27.11.1996
95/00044/FUL	Provision of four lighting poles to existing field	Withdrawn	14.07.1997
96/00452/FUL	Retention and improvement of existing farm access	Refused	28.08.1996
96/00680/OUT	Outline application for the erection of agricultural worker's dwelling	Refused	12.03.1997
97/00116/FUL	Retention of farm building to accommodate livestock/storage of farm foodstuffs and equipment	Refused	30.04.1997
98/00059/OUT	Outline application for the erection of agricultural worker's dwelling	Refused	10.06.1998
98/00486/FUL	Erection of agricultural building for housing livestock	Permitted	14.10.1998
98/00709/FUL	Erection of agricultural dwelling	Refused	16.12.1998
98/00761/FUL	Extension and alterations to car park, junction improvements and alterations to form farm access road	Permitted	18.02.2000
99/00528/FUL	Provision of lean-to veranda to rear of stone barn for use as hen scratching area	Permitted	29.09.1999
99/00775/FUL	Single storey extension to existing agricultural building	Permitted	16.02.2000
00/00304/AGR	Agricultural determination for egg packing building	Refused	09.05.2000
00/00402/FUL	Egg packing building	Permitted	06.07.2000
03/00372/AGR	Agricultural determination for the erection of a poly tunnel	Permitted	08.05.2003
03/01080/FUL	Creation of new access road	Withdrawn	20.01.2004
04/00393/COU	Change of use of redundant barn to residential	Withdrawn	07.06.2004
05/00625/FUL	Proposed new vehicular access to Long Lane	Withdrawn	23.08.2005
06/00011/FUL	Proposed new vehicular access road to Long Lane from Cockers Farm to include a bridge over the river Yarrow	Withdrawn	13.03.2006
06/00153/FUL	Proposed stable block	Withdrawn	10.04.2006
06/00420/FUL	Proposed stable block	Permitted	12.06.2006
06/01004/FUL	Proposed new access road to include bridge over River Yarrow	Refused	08.11.2006
06/01322/COU	Retrospective application for the change of use from agricultural building to storage for landscape and agricultural machinery and office	Permitted	12.09.2007
10/00180/FUL	Proposed conversion of existing barn in to live/work unit	Permitted	29.06.2010
10/00846/DIS	Application to discharge conditions nos: 5, 6, 10, 12, 13 and 14 of planning application	Discharged	13.12.2010



	10/00180/FUL which permitted the conversion of the barn to a live/work unit		
11/00146/DIS	Application to discharge conditions nos: 5, 6, 10 and 14 of planning application 10/00180/FUL which permitted the conversion of the barn to a live/work unit	Discharged	19.04.2011
11/00147/FUL	Application for a minor material amendment to the approved plans for changes to the site layout	Permitted	15.04.2011
11/00730/AGR	Application for agricultural prior notification to re-position an existing poly tunnel	Withdrawn	07.09.2011
11/00807/FUL	Application to re-locate existing poly tunnel within farm complex	Permitted	12.10.2011
12/00314/ADV	2 free standing signs located in the entrance to Cockers farm. 2 Free standing signs located on Long Lane approaching the entrance to Cockers Farm	Withdrawn	09.05.2012
14/00124/FUL	Amendments to window and door openings of planning approval 98/00709/FUL for the erection of an agricultural dwelling	Pending Consideration	N/A

**Suggested Conditions**

No.	Condition									
1.	<table border="0" style="width: 100%;"> <tr> <td style="width: 30%;"><b>Title</b></td> <td style="width: 30%;"><b>Drawing Reference</b></td> <td style="width: 40%;"><b>Received date</b></td> </tr> <tr> <td>Site Plan</td> <td>024/PL/02</td> <td>6<sup>th</sup> June 2014</td> </tr> <tr> <td>Location Plan, Existing Elevations and Floor Plans</td> <td>024/PL/01/A</td> <td>6<sup>th</sup> June 2014</td> </tr> </table>	<b>Title</b>	<b>Drawing Reference</b>	<b>Received date</b>	Site Plan	024/PL/02	6 <sup>th</sup> June 2014	Location Plan, Existing Elevations and Floor Plans	024/PL/01/A	6 <sup>th</sup> June 2014
<b>Title</b>	<b>Drawing Reference</b>	<b>Received date</b>								
Site Plan	024/PL/02	6 <sup>th</sup> June 2014								
Location Plan, Existing Elevations and Floor Plans	024/PL/01/A	6 <sup>th</sup> June 2014								
2.	<p>No goods, plant or material shall be deposited or stored in the open or displayed for sale in the open on the site.</p> <p><i>Reason: In order to protect the amenities of the area, and to maintain adequate parking areas</i></p>									
3.	<p>The units hereby permitted shall be used only for the approved purposes as specified in the Planning Support Statement received on 17<sup>th</sup> December 2013 and for no other purpose whatsoever, (including any other purpose in Use Class A1, B1, B2 and B8 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment).</p> <p><i>Reason: A change of use of the premises would have an unacceptable impact on neighbour amenity and/or the character and appearance of the area</i></p>									
4.	<p>Within 3 months of the date of the permission hereby granted, the car parking spaces detailed on the site plan received on 6<sup>th</sup> June 2014 (Ref No. 024/PI/02) shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car parking spaces shall not thereafter be used for any purpose other than the parking of vehicles.</p> <p><i>Reason: To ensure adequate on site provision of car parking and manoeuvring areas</i></p>									
5.	<p>The use of the units hereby permitted shall be restricted to the hours between 8am and 6pm on weekdays, between 8am and 5pm on Saturdays and there shall be no use of the units on Sundays or Bank Holidays.</p> <p><i>Reason: To safeguard the amenities of local residents</i></p>									
6.	<p>Within 3 months of the date of the permission hereby granted, facilities shall be provided within the site for the parking of 8 no. cycles and the parking of 8 no. motorcycles and such parking spaces shall be retained and maintained as such at all times thereafter.</p> <p><i>Reason: To ensure adequate parking is provided for means of transport other than the car.</i></p>									



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**Item 3E**                      **13/01012/FUL**

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

**Ward**                         **Chisnell**

**Proposal**                    **Application to convert the existing attached garage into specialist day care facilities for disabled daughter and erection of first floor extension above for specialist bedroom incorporating lift.**

**Location**                   **Ivy Cottage, Preston Road, Coppull**

**Applicant**                  **Mr R & Mrs T Wrennall**

**Consultation expiry:**    **1<sup>st</sup> July 2014**

**Decision due by:**        **20<sup>th</sup> December 2013**

**Recommendation**  
**Permit full planning permission**

**Executive Summary**

**The proposals represent inappropriate development within the Green Belt which will only be considered acceptable where very special circumstances are demonstrated. For the reasons set out below it is considered that in this case very special circumstances have been demonstrated which outweigh the harm to the Green Belt.**

## Representations

**Coppull Parish Council** raises no objections.

**In total 2 representations have been received which are summarised below**

### **Objection**

Total No. received: 2

- No objection to the proposal to develop the existing garage to a first floor extension
- Object to the extension of the width of the existing garage.
- Extension will go right up to neighbouring boundary and effect the access only area
- Overlooking to bedroom window
- Previous permissions meant that the 2011 proposal was well in excess of the provisions of the then PPG2: Green Belts and also local policies relating to residential extensions in the Green Belt.
- The very special circumstances that were demonstrated to allow the application were based upon a doctor's recommendation and that concluded that the ground floor accommodation comprising a bedroom and bathroom is required in this case as the feasibility of helping the applicant's daughter to the existing first floor accommodation is becoming severely less practicable.
- The statement that accompanies the application indicates that the medical condition that gave rise to the earlier extension has in some way changed and no comment can be made about that. The previous extension was located in such a way as to have little impact outside the site.
- Clearly the applicants have to fall back on very special circumstances and it is anticipated, if it has not already been done so, that the medical details will be supplied to back up the application and there is no doubt that nobody would want to resist a development on those grounds.
- One question that has to be raised particularly in the light of the explanation of the medical condition is why the extension in 2011 was inadequate when presumably what was applied for was the one that was granted.
- The applicants now have to make fairly radical changes to their dwelling to accommodate the latest scheme involving losing parking spaces in a location which already deals with accesses to two adjoining properties.
- The special care needs of the applicants' daughter in terms of carers/health visitors means that there can be a number of cars parked on the driveway at any one time and this new proposal in terms of its location can only exacerbate the situation.
- It is questionable why new improved accommodation could not be located in a ground level location elsewhere in what is a fairly generous curtilage. It would be possible to preserve the garage and help towards alleviating any potential traffic conflict.
- The NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt (paragraph 87) and when considering planning applications, local planning authorities should ensure that substantial weight should be given to any harm to the Green Belt (paragraph 88). Furthermore, the essential characteristics of Green Belts are their openness.
- The test is whether the harm by reason of inappropriateness, and any other harm, such as parking, traffic generation, noise disturbance from comings and goings, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the developments.

**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
Coal Authority	Standing Advice
CBC Conservation Officer	<p>The proposals at Ivy Cottage have the potential to have an impact upon the significance of Lynwood, which is a Grade II listed building and therefore a designated heritage asset as defined by the Framework.</p> <p>A Heritage Assessment has been submitted in support of the application and the Conservation Officer concludes that the assessment is acceptable and the proposals will not adversely impact the designated heritage asset or its setting.</p>

**Assessment**Principle of the DevelopmentBackground information

1. The application site comprises Ivy Cottage which is one in a small group of properties positioned off a lengthy track from Preston Road. The site is to the south of Coppull and is within close proximity to the borough boundary with Wigan.
2. The application dwelling comprises a two storey converted barn within a rural area of the borough. The dwelling has stone elevations, a slate roof and wooden double glazed windows. From the front the dwelling retains some features of the original barn, however, the property has been extended on numerous occasions in the past, which has somewhat eroded its character.
3. In terms of recent planning history, a planning application was submitted and approved in 2011 (ref: 11/00870/FUL) for a “*single storey side/rear extension to provide disabled accommodation*”. The application was accompanied by a Disability Living Allowance statement and a signed doctor’s letter stating that the applicant’s daughter needed to be looked after in ground floor accommodation. The case presented in support of that application amounted to very special circumstances in the context of inappropriate development within the Green Belt.
4. The current application has been submitted because the circumstances of the applicant’s daughter have now changed significantly in the intervening period and the previously approved extension has not been proven to work given the deteriorating nature of the applicant’s daughter’s disability.
5. The applicant states that their daughter is now maturing into a young lady with a medical condition that is unpredictable and the extension approved by the Local Planning Authority in 2011, no longer meets her requirements either now or going forward.
6. The current application has therefore been submitted in response to the changing personal circumstances and again the application is supported by medical reports from a doctor and professor.

Principle of the development

7. The application site is within the Green Belt as identified by the Adopted Local Plan and the emerging Local Plan.
8. Policy DC1 of the Adopted Chorley Borough Local Plan Review (which was adopted in relation to Planning Policy Guidance 2: Green Belts) deals with the types of development which can be considered appropriate in the Green Belt. Policy DC1 states that planning permission will not be granted for inappropriate development except in a case of very special circumstances. The Framework is the current national guidance concerning Green Belt development.
9. Policy DC8A relates to extensions to dwellings in the Green Belt and confirms that the proposed extension should not result in a significant increase in the volume of the original dwelling. This is reiterated in Policy HS5 of the emerging Local Plan which confirms that house extensions within the Green Belt should not result in a disproportionate increase in the volume of the original dwelling. Increases of up to 50% (volume) are not considered disproportionate.
10. At paragraph 79 The Framework states that “*the Government attaches great importance to Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*”.
11. Paragraph 80 of The Framework sets out the five purposes of the Green Belt, including amongst other things, “*to assist in safeguarding the countryside from encroachment*”.



12. Paragraph 89 of The Framework prescribes certain types of development which can be considered appropriate within the Green Belt. Where development does not fall within the appropriate types of development, The Framework states that it must be inappropriate development by definition. The Framework goes further to state that inappropriate development is harmful to the Green Belt and should not be approved except in 'very special circumstances'.
13. The Framework also states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. Bullet point 3, paragraph 89 of The Framework states that the extension or alteration of a building can be appropriate development within the Green Belt provided it does not result in disproportionate additions over and above the size of the original building.
15. To quantify this policy requirement, the Adopted Central Lancashire Core Strategy Rural Development Supplementary Planning Document (RDSPD) states that any extensions should not exceed a 50% increase in volume over that of the original building. Disproportionate additions are inappropriate development within the Green Belt and are harmful to the open and rural character of the area.
16. As established with previous applications at this site, the converted barn has been extended significantly over recent years and so any further extensions to it would result in disproportionate additions to it. As such, the proposal must be inappropriate development by definition and therefore could only be approved in the event very special circumstances were presented to clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm.
17. As established at the outset of this report, the proposed extension has been submitted in this case to alleviate changing difficulties faced by the family in respect of the applicant's disabled daughter.
18. The applicant states that the proposed extension is required to secure and enhance specific residential accommodation and provide on-site care facilities for specialist 'carers' to be able to attend. As the applicant's daughter grows older, the level of care and intensity of care also grows.
19. The applicant's daughter was born with a severe disability and due to the nature of her condition is unable to walk, talk or eat independently. She is fully dependant on others for her care, and always will be. The applicant's daughter now requires 24 hour attention and as she gets older, requires 2 carers at any one time.
20. The proposed extension would help alleviate difficulties experienced by the applicant's daughter in respect of her irregular sleeping patterns. It is argued the proposed arrangement would provide facilities for the applicant's daughter to be able to stay at the family home rather than having to go into residential care and to benefit from sleep when activity is going on in the house throughout the day.
21. The creation of the additional room will allow the applicant's daughter to have physio treatment at home and the first floor bedroom will hopefully help her sleep patterns and allow for proper care. The ground floor and first floor of the modified dwelling would be linked by a purpose built lift to assist with moving and handling.
22. In respect of the previously approved extension, the applicant states that this unfortunately has not resulted in facilities which were originally envisaged to accommodate for their daughter's long-term needs and has turned out unworkable.

23. Whilst the applicants' specific requirements have been taken into account, it is considered that minimal impact on the openness of the Green Belt is also an important consideration and in this regard several options have been discussed with the applicants and their agent. One of these options included utilising the existing ground floor accommodation which was constructed specifically for their daughter's needs and creating a first floor bedroom over which would reduce the extent of new built development and enable an integration of accommodation already created.
24. In response to this suggestion, 2 letters have been provided, one from a doctor and one from a professor in Child Health and Paediatric Endocrinology. The letters state that the applicants' daughter needs to be rehoused in separate accommodation attached to the house consisting of two rooms. A large standard bedroom providing enough space for a carer to stay and a second room which can be used as a play area for physiotherapy and occupational therapy.
25. The doctor does not consider that building on top of the existing accommodation is a good idea as building work may take 2-3 months to complete which will be disturbing and unsettling for the applicants' daughter and could have a detrimental effect on her health. The professor considers that accommodation separate to other areas within the house will give the applicants' daughter the privacy she deserves.
26. First floor accommodation at the rear of the property would involve less built development than the originally submitted proposals. In response to this the plans have been amended since originally submitted so that the proposal no longer involves increasing the width of the garage (so that at ground floor the proposals purely involve converting the garage) and consequently the width of the proposed first floor extension has been reduced.
27. The volume of the new built development (approximately 75.7m<sup>3</sup>) roughly equates to the amount of accommodation which would be provided if a first floor rear extension (approximately 72.93m<sup>3</sup>) was constructed and as such it is considered that the harm to the openness of the Green Belt would be very similar for either a side/ rear extension.
28. It is noted that the proposed conversion of the garage, which is an existing built feature, would in itself have no impact on the openness of the Green Belt.
29. It is regrettable that the accommodation already constructed for the applicants' daughter has not met her needs. However it is considered that the 'very special circumstances' submitted by the applicant demonstrate that the proposed extension is essential for their daughter and outweigh the harm that would be caused to the openness of the Green Belt by reason of inappropriateness. In terms of specific harm to the openness of the Green Belt and notwithstanding the 'very special circumstances', the issue of the design, scale and impact on the locality is assessed below.

#### Design and impact on the streetscene

30. At a national level The Framework states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development.
31. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
32. The Adopted Central Lancashire Core Strategy identifies the delivery of good quality new housing as a priority and states that this will include applying the 'Code for Sustainable Homes' to encourage an overall increase in the sustainability and efficiency of new housing. Policy 6 of the Core Strategy seeks to improve the quality of housing by, inter alia, the use of higher standards of construction.
33. Policy 17 of the Core Strategy states that the design of new buildings will be expected to take account of the character and appearance of the local area. It states that this will

include a consideration of siting, layout, massing, scale, design, materials, building to plot ratio and landscaping. Policy 17 also seeks to promote designs that will be adaptable to climate change and which adopt the principles of sustainable construction.

34. Policy GN5 of the Chorley Borough Local Plan Review stipulates that the design of proposed developments will be expected to be well related to their surroundings.
35. Policy DC8A of the Adopted Chorley Borough Local Plan Review 2003 states that the siting, design, external materials and final character of the dwelling do not detract from its surroundings.
36. Policy BNE1 of the emerging Local Plan (2012-2026) outlines the design criteria for new development, stating that a proposal should not have a significant detrimental impact on the streetscene by virtue of its density, siting, layout, building plot ratio, height, scale and massing, design, materials orientation, use of materials.
37. Policy BNE5 of the emerging Local Plan (2012-2026) states that house extensions should respect the existing house and the surrounding buildings in terms of scale, size, design and facing materials, without innovative and original design features being stifled;
38. The proposals incorporate a first floor extension above the existing garage and removal of the existing garage door. The design matches the character and appearance of the original dwellinghouse and the ridge is set lower than the original dwellinghouse so the extension appears subordinate to the original dwelling. As such from a design perspective the proposals are considered to be acceptable.

#### Impact on the neighbour amenity

39. At a national level, The Framework states within one of its twelve core planning principles that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
40. Policy 17 of the Adopted Central Lancashire Core Strategy states that the design of new development should take account of the character and appearance of the local area, including ensuring that the amenities of occupiers of the development will not be adversely affected by neighbouring uses and vice versa. The Adopted Central Lancashire Core Strategy also states that development should be sympathetic to surrounding land uses and occupiers, and should not result in demonstrable harm to the amenities of the local area.
41. Policy BNE1 of the emerging Local Plan (2012-2026) states that new development should not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing impact.
42. Policy BNE5 of the emerging Local Plan (2012-2026) states that house extensions should not result in an unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction of daylight.
43. The Householder Design Guidance Supplementary Planning Document (HDG) asserts that extensions should be located, and windows orientated, to prevent direct overlooking of habitable rooms or private amenity space that belong to nearby properties. Specifically, it states that windows to habitable rooms at first floor level should be a minimum of 10m from the boundary they face and a minimum of 21m should be maintained between parallel windows of habitable rooms.
44. The immediate neighbours to the dwelling are Rowan Cottage, Lynwood and The Grange. Rowan Cottage is located opposite the application site however as the proposed new first floor windows are no nearer to the neighbouring dwelling than the existing situation on site, and the proposals will not enable overlooking of private amenity space, it is not considered that the proposals will adversely impact on the amenities of the neighbours at Rowan Cottage.

45. Lynwood is located approximately 11m (at its nearest point) to the west of the application property and although the proposed extension will incorporate first floor accommodation closer to the boundary with this property, the width of the extension has been reduced, which was one concern raised.
46. Neighbours have expressed concerns about loss of privacy and it was suggested to the agents/ applicants that the wrap around window should be removed from the scheme to remove the perceived loss of privacy. Although a plan was submitted detailing the removal of this window for which neighbours were incorrectly re-notified about, it is now understood that the applicants do not want to take this option forward and want the wrap around side window to be retained. Neighbours have been informed of this and the plans for consideration include a wraparound window.
47. The angle and siting of the window does not allow any direct views of private amenity space or direct views into habitable room windows and whilst it is acknowledged that, due to the proximity of the window to the boundary, there may be a perceived loss of privacy, it is considered that any loss of privacy to that currently enjoyed would not be so severe as to warrant refusal of the application on these grounds.
48. The Grange is located approximately 21m (at its nearest point) to the rear (south) of the application property. Although first floor rear windows are proposed, they are no closer to the common boundary than the existing rear first floor windows and do not enable overlooking of private amenity space. As such it is not considered that the proposals will adversely impact on the neighbours amenities.
49. It is not considered that the proposals will adversely impact on the neighbours' amenities and as such are considered to be acceptable.

#### Impact on highways, access and parking

50. In respect of highway safety, The Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impact of development is severe.
51. Policy BNE5 of the emerging Local Plan (2012-2026) states that house extensions should not have an unacceptable adverse impact on highway safety.
52. Policy ST4 of the emerging Local Plan states that development will need to make parking provision in accordance with the standards set out in Appendix D of the Plan. However, locations that are considered to be more sustainable and are well served by public transport may be considered appropriate for lower levels of provision. In addition, local circumstances will be taken into consideration.
53. Policy ST4 of the emerging Local Plan states that off-street parking should generally be provided at a ratio of 2 spaces for a two or three bed dwelling, and 3 spaces for a larger property, including garages. It also states that car parking spaces occupy a space of 2.5 metres by 5.5 metres and spaces in front of a garage should be 2.5 metres by 6 metres.
54. The proposals will involve the conversion of the garage which will result in the loss of parking at the site however the agent has provided a plan that demonstrates that there is space for 4 vehicles which ensures that an adequate level of parking is provided on the site. As such the proposals comply with Policy ST4.

#### Heritage

55. The Conservation Officer has reviewed the heritage assessment and confirmed that the submitted information is acceptable and the proposals will not adversely impact on either the heritage asset or its setting.

Community Infrastructure Levy

56. The agent has submitted a Community Infrastructure Levy (CIL) Liability Form with this application; however, the floor space created is below the 100m<sup>2</sup> figure for house extensions which would not be CIL liable.

**Overall Conclusion**

57. The proposal would involve inappropriate development within the Green Belt. However as a result of the 'very special circumstances' put forward by the applicant, in accordance with the Framework, the proposed extension is considered to be acceptable in 'principle' given the specific needs of the applicants and their daughter.

58. In terms of the impact of the extension on the openness of the Green Belt, its position above the existing garage means that it will not be prominent in the wider landscape.

59. With regards to design and scale, the extension is considered to be of satisfactory design, and it is considered that it will not adversely impact on the living conditions of local residents given the juxtaposition of the dwellings.

60. Accordingly it is recommended that the application is approved.

**Planning Policies**

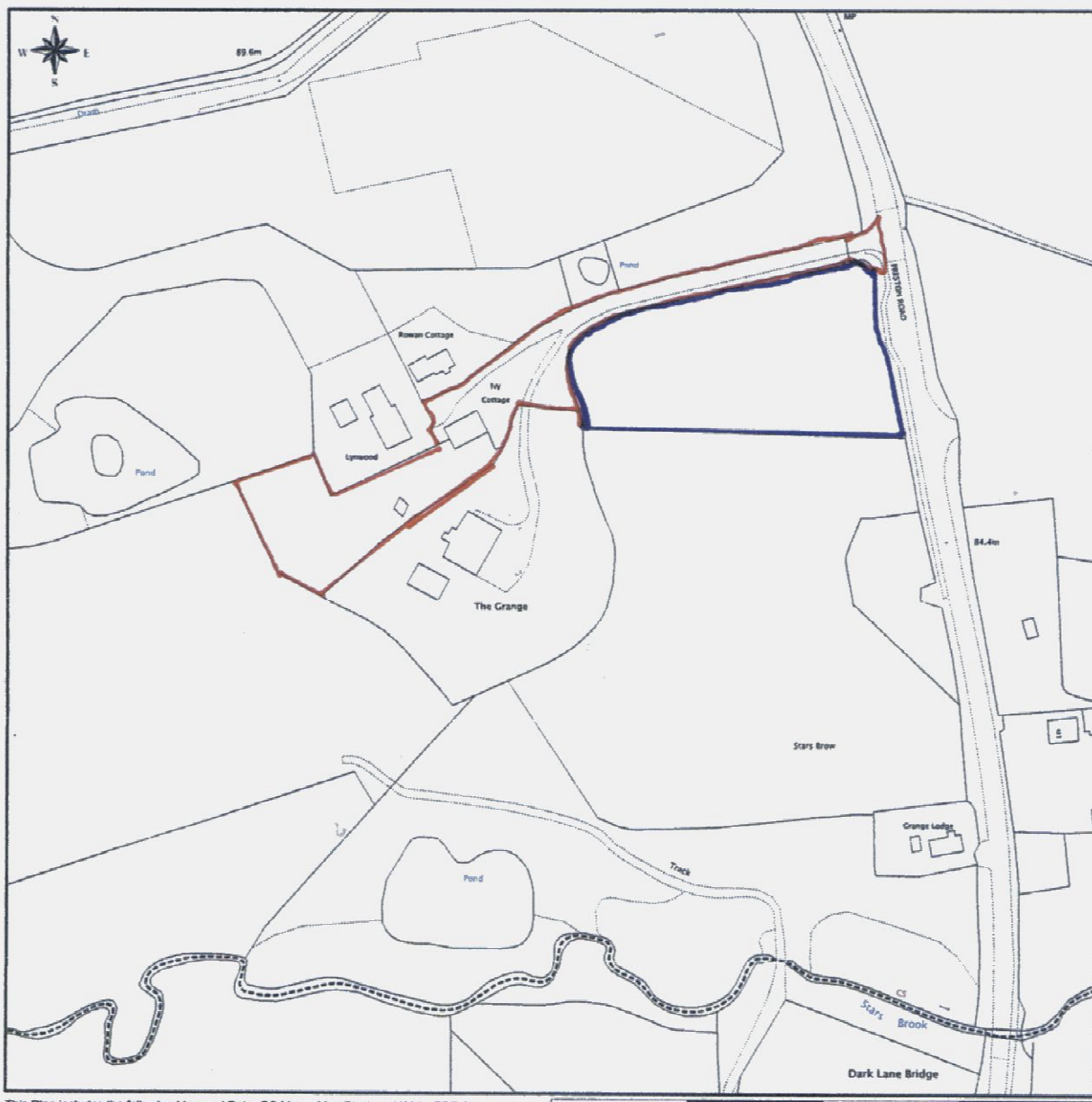
61. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with 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
87/00175/FUL	Conversion of coach house to dwelling	Approve	May 1987
95/00567/FUL	Single-storey rear extension	Approve	October 1995
00/00766/FUL	Single storey rear extension	Approve	November 2000
11/00870/FUL	Single storey side/rear extension to provide disabled accommodation	Approve	October 2011
13/01013/FUL	Change of use of part of domestic curtilage to cattery and formation of parking area at the entrance to The Grange.	Withdrawn	

**Suggested Conditions**

No.	Condition												
1.	<p>The proposed development must be begun not later than three years from the date of this permission.  <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i></p>												
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="368 501 1353 689"> <thead> <tr> <th data-bbox="368 501 655 530">Title</th> <th data-bbox="655 501 995 530">Drawing Reference</th> <th data-bbox="995 501 1353 530">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 530 655 560">Location Plan</td> <td data-bbox="655 530 995 560"></td> <td data-bbox="995 530 1353 560">25th October 2013</td> </tr> <tr> <td data-bbox="368 560 655 624">Existing Elevations and Floor Plans</td> <td data-bbox="655 560 995 624">JR/13/123</td> <td data-bbox="995 560 1353 624">25th October 2013</td> </tr> <tr> <td data-bbox="368 624 655 689">Proposed Elevations and Floor Plans</td> <td data-bbox="655 624 995 689">JR/14/79 Rev R</td> <td data-bbox="995 624 1353 689">23rd May 2014</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Location Plan		25th October 2013	Existing Elevations and Floor Plans	JR/13/123	25th October 2013	Proposed Elevations and Floor Plans	JR/14/79 Rev R	23rd May 2014
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Proposed Elevations and Floor Plans	JR/14/79 Rev R	23rd May 2014											
3.	<p>All external facing materials of the development hereby permitted shall match in colour, form and texture those on the existing building.  <i>Reason: In the interests of the visual amenity of the area in general and the existing building in particular.</i></p>												
4.	<p>Prior to the conversion of the garage hereby approved the parking spaces, detailed on the approved plan received 19th June, shall be laid out and made available for parking. The parking spaces shall be retained in perpetuity thereafter.  <i>Reason: to ensure sufficient parking is available at this site.</i></p>												



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<b>Item 3F</b>	<b>14/00551/OUT</b>
<b>Case Officer</b>	<b>Nicola Hopkins</b>
<b>Ward</b>	<b>Eccleston And Mawdesley</b>
<b>Proposal</b>	<b>Outline application (all matters reserved) for the erection of 2 detached dwellings and the remodelling of the existing dwelling.</b>
<b>Location</b>	<b>Ricmarlo , Preston Nook, Eccleston</b>
<b>Applicant</b>	<b>Mr Paul Thompson</b>
<b>Consultation expiry:</b>	<b>24<sup>th</sup> June 2014</b>
<b>Decision due by:</b>	<b>18<sup>th</sup> July 2014</b>
<b>Link to plans</b>	<b><a href="http://planning.chorley.gov.uk/online-applications/search.do?action=simple&amp;searchType=Application">http://planning.chorley.gov.uk/online-applications/search.do?action=simple&amp;searchType=Application</a></b>

**Recommendation**

**Approve outline planning application subject to the associated S106 Agreement**

**Executive Summary**

**The main issues to consider are whether the proposals accord with the policies contained within the current and emerging Local plan particularly as this site represents garden land which is specifically referred to within the emerging Local Plan. For the reasons set out below it is considered that the proposals are consistent with the aims of the Framework and the thrust of policy HS3 and are acceptable in principle.**

## Representations

**Eccleston Parish Council** objects to the above application on the following grounds:

- It fails to comply with any of the three criteria contained within Policy HS3 of the proposed Chorley Local Plan 2012-2106 for permission for development within private residential gardens on sites not allocated in the Housing Allocations Policy.
- Para 27 of the Chorley Local Plan 2012-2106 states "There are areas that are particularly sensitive to the potential negative impact of garden development such as locally important areas and other areas where character is defined by low density housing set in mature, generous gardens, and where development could have a detrimental impact on heritage assets such as listed buildings, conservation areas and locally important areas. Accordingly, in such areas garden development will only be considered to be acceptable in exceptional circumstances, subject to other material planning considerations, providing the developer can demonstrate that the proposed development is in keeping with the character of the area."
- Preston Nook is an example of an area where character is defined by low density housing set in mature, generous gardens. From the application submitted there is no indication whatsoever that the developer has demonstrated the required exceptional circumstances.

**In total 7 representations have been received which are summarised below**

**Objection** - Total No. received: 7

- Represents over-development of site
- Not in keeping with the local streetscene and the character of the area.
- The street contains detached properties on large plots; this scheme crams in as many homes as possible, and is unsuitable for the location.
- No local need for these houses
- Garden development is classed as in the Green belt and as the proposed development does not meet the criteria for approval under policy HS3 of the Chorley Borough Local Plan.
- Would like to know if the proposed development includes the provision for Preston Nook to be adopted by the relevant authority to cover the ongoing maintenance this development would cause to the roadway which is currently maintained by the residents
- Unable to view plans on line
- This is a quiet cul-de-sac 5 extra properties turns it into a housing estate with a considerable increase in traffic flow.
- The properties proposed to the rear of Ricmarlo are planned in a flooding site
- Create overlooking and loss of privacy.
- Policy HS7 rural infilling, particularly section C, would not be met.
- If the proposals for the development at Camelot are successful there will be an even bigger surplus.
- Overlooking and loss of privacy

**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
Council's Waste and Contaminated Land Officer	Has no objection subject to a suitable condition in respect of remediation/ contamination
United Utilities	Have no objection to the proposal and therefore request no conditions are attached to any approval.
CBC Tree Officer	G1 small group of trees on the banking south west edge of the garden. Group consist of crab apple and hawthorn, approximately six trees. Condition of the trees is poor and of low quality. These trees may not be affected by development. Removal agreed. G2 small group of trees on west side of banking. Group consist of several crab apple trees. Trees of low quality and poor condition. Removal agreed T1 Young sycamore with diameter below 150mm
LCC Ecology	Have commented in respect of bats
LCC Highways	Has commented on the indicative access proposals

**Assessment**Principle of the Development

1. Members will note that this application is submitted in conjunction with application 14/00550/OUT which is reported elsewhere on this agenda.
2. The site is located within the settlement area of Ecclestone as identified within both the existing and emerging Local Plan. The emerging Local Plan identifies that development within settlement areas may be for an appropriate use such as housing, offices, community facilities or green infrastructure. This should be read in conjunction with other policies and proposals in the emerging plan and with Core Strategy Policy 1: Locating Growth. Within Core Strategy Policy 1, Ecclestone is identified as a Rural Local Service Centre where limited growth and investment will be encouraged to help meet local housing and employment needs and to support the provision of services to the wider area.
3. Policy GN3 of the current Local Plan restricts development in Ecclestone to development and redevelopment of land wholly within the existing built up extent of the settlement. As this site falls within the settlement boundary the principle of developing the site accords with Policy GN3.
4. The proposals involve redeveloping the existing residential curtilage and as such Policy HS3 of the emerging Local Plan is applicable. The Inspector has issued her Partial Report on her findings into the soundness of the emerging Chorley Local Plan which is a material consideration in the consideration of any planning application.
5. 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 later this year to consider Gypsy & Traveller Matters, which would enable adoption of the local plan, following a supplementary report.
6. 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.”*
7. The Council accepted the Inspector’s modifications for Development Control purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be afforded to her report and to the policies and proposals of the emerging Local Plan as amended by the main modifications.
8. Policy HS3 states:

Applications for development within private residential gardens on sites not allocated in the Housing Allocations Policy will only be permitted for:

  - a) Appropriately designed and located replacement dwellings where there is no more than one for one replacement.
  - b) The conversion and extension of domestic buildings.
  - c) Infill development on gardens. Infill is the filling of a small gap in an otherwise built-up street frontage, e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.

When assessing applications for garden sites, the Council will also have regard to;

  - 1) Sustainability, such as access to public transport, schools, businesses and local services and facilities.

Proposals which significantly undermine amenity and harm the distinctive character of an area will be refused.

9. Policy HS1 of the emerging local plan expressly states that development on private residential gardens is not required as a matter of principle. The preamble to Policy HS3 confirms that the Council will resist proposals for garden development considered to harm the character and local amenity and biodiversity balance of an area and the policy confirms that proposals which significantly undermine amenity and harm the distinctive character of an area will be refused. As such development will only be considered to be acceptable in exceptional circumstances, subject to other material planning considerations.
10. There is no presumption in favour of developing this greenfield site (the National Planning Policy Framework excludes private residential garden curtilages in built up areas from the definition of previously developed land) as the Council has a deliverable five year housing supply including the additional buffer of 5% however plot 1 would infill a gap (which would be created by remodelling Ricmarlo) between Ricmarlo and Woodview. This accords with the criteria set out within Policy HS3.
11. Whilst it is noted that there is land outside the residential curtilage which forms a gap between Ricmarlo and the adjacent dwellings to the north west it is important to note that when viewed from the streetscene all of this land 'reads' as if it forms part of the curtilage of Ricmarlo and as such effectively plot 2 will result in an infill between Ricmarlo and the properties to the north west. Given the sustainable location of the site and its position in relation to other dwellings nearby it is considered that the proposal is consistent with the aims of the Framework and the thrust of policy HS3 and is acceptable in principle.
12. As noted above neighbours have referred to the non-compliance of the proposals with Policy HS7 of the emerging Local Plan. Policy HS7, which relates to rural infilling only, relates to smaller villages not identified within Policy 1 of the Core Strategy. Eccleston is included within Policy 1 and as such Policy HS7 is not applicable.

#### Outline Application

13. This is a wholly outline application to establish the principle of redeveloping the site for housing which as set out above is considered acceptable in principle. To demonstrate that the site can be suitably developed an indicative layout plan and levels plan have been submitted with the proposals indicating that two dwellings will be constructed either side of the remodelled Ricmarlo. The indicative streetscene plans indicate that Ricmarlo will be reduced in size by removing the 1.5 storey side garage element with dormer above. This will create a more typically designed dwelling.

#### Density

14. The red edge site location plan covers an area of 0.15 hectares which results in a density of 20 dwellings per hectare. Policy 5 of the Core Strategy confirms 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. As set out above concerns have been raised that the proposals represent overdevelopment of the site and do not reflect the character of the area which comprises large detached dwellinghouses in large plots at a low density level. However 20 dwellings per hectare is a very low density which given the character of the area is considered to be appropriate and reflects the character of the area.

#### Levels

15. There are significant level changes adjacent to the site and the edge of the residential curtilage slopes down steeply to the adjacent land (with a level difference of approximately 5.5 metres from the bottom of the banking to the garden level). The adjacent land is subject to a separate planning application (14/00551/OUT) and a full assessment of neighbour amenity is addressed below.

#### Impact on the neighbours

16. Although the plans submitted are indicative, an assessment of the impacts on the neighbours is essential to demonstrate that the development can be accommodated without adversely impacting the neighbours' amenities.
17. The immediate neighbours to the site are Twisted Chimney, 1 Ince Lane, Ince Cottage, 16 Enfield Close, Woodview and 4a Preston Nook. The proposed new dwellings to the rear of the application site will also be neighbours in the event that planning permission is granted for those proposals.
18. Twisted Chimney is a large detached dwellinghouse which was granted planning approval in May 2000 and has a finished floor level of approximately 30.07. The dwelling is located to the west of the application site and the dwelling on plot 2 (which is closest to Twisted Chimney) has a very similar suggested finished floor level (29.60) as the existing dwelling. Over 25 metres is maintained between Twisted Chimney and plot 2 and the new dwelling is indicated at an angle to the existing dwelling. As such no loss of amenity will be created in respect of either the existing or future residents.
19. 1 Ince Lane and Ince Cottage are a pair of semi-detached dwellings located to the north west of the application site. The finished floor levels of these properties are approximately 30.84 which is approximately 1.2 metres higher than the indicated finished floor level of plot 2. There is however an intervening parcel of land between the existing and proposed dwelling (where the access road is indicated for the adjacent planning application) and as such in excess of 17 metres separation distance is maintained. As such no loss of amenity will be created in respect of either the existing or future residents.
20. 16 Enfield Close is located close to north of the application site however as an excess of 25 metres is maintained between plot 2 and the existing dwelling it is not considered that any loss of amenity will be created.
21. Woodview is an existing detached bungalow which adjoins the application site. Plot 1 is shown indicatively adjacent to Woodview. Plot 1 has a finished floor level (30.03) which is very similar to the finished floor level of Woodview (30.13). There are no habitable room windows within the side elevation of Woodview which face plot 1 (this part of Woodview is attached garage accommodation) and as such it is not considered that the suggested siting of plot 1 will result in any loss of outlook to the detriment of the occupiers of Woodview. The indicative plans detail a detached double garage adjacent to the boundary with Woodview however given that Woodview is located to the south east of proposed plot 2 and the detached garage will only be single storey it is not considered that this element of the proposals will adversely impact on the amenities of the occupiers of Woodview.
22. Members will note there is another application on the agenda for the erection of up to 3 detached dwellings on the land to the rear of this application site (14/00550/OUT). In the event that application 14/00550/OUT is approved the proposed dwelling on plot 3 will border this application site. However plot 1 is sited to ensure that there will be no loss of privacy to the detriment of the future residents and plot 2 maintains over 27 metres to the rear boundary and does not allow any direct views of the proposed private garden area of plot 3.
23. The side elevation of plot 3 on the adjacent site is detailed as being 25 metres from the rear elevation of the remodelled Ricmarlo and approximately 4.5 metres lower. Given the level difference there would be a requirement to maintain 28 metres from the rear elevation of Ricmarlo to the side gable of the proposed dwelling (taking the standard 12 metre window to gable distance and increasing the spacing distance to take into account the level change). In the case of this relationship only 24 metres is maintained however given the significant level difference Ricmarlo will not face a gable wall and it will view the roof of plot 3 (if a standard two storey dwelling is constructed which would be appropriate from a design perspective in this location) and as such 24 metres is considered to be a sufficient spacing distance. As such no loss of amenity will be created by the proposals subject to application 14/00550/OUT.
24. 4a Preston Nook is a newly constructed detached two storey dwelling (08/01017/FUL) located on the opposite site of the highway to the application site. The remodelled Ricmarlo will face the side elevation of 4a Preston Nook however it will be no closer than

the existing dwelling and as such will not create any further loss of amenity. Plot 1 will face the front elevation of 4 Preston Nook however at an obscure angle. Over 24 metres is maintained between the proposed and existing dwelling and 4a Preston Nook has a finished floor level (31.15) which is approximately 1.1 metres higher than the finished floor level of proposed plot 1. Given the level change an additional 3 metres in excess of the Council's required 21 metres window to window distance is required which is achieved on this site.

25. Whilst it is acknowledged that the layout is indicative it is considered that a scheme for 2 dwellings on this site can be designed to maintain both the existing neighbours' amenities and the future residents' amenities.

#### Affordable Housing

26. Policy 7 of the Core Strategy sets out the requirements for the provision of affordable housing in Central Lancashire to meet the acute need for such housing in the area. Amongst other things, the Policy states that the minimum site size threshold will be 15 dwellings (0.5 hectares or part thereof) but a lower threshold of 5 dwellings (0.15 hectares or part thereof) is applicable in rural areas. As Eccleston is a Rural Local Service Centre the 5 dwelling threshold applies in this case. Policy 7 is supported by the accompanying Supplementary Planning Document on affordable housing (SPD) which was adopted in October 2012.
27. The accompanying SPD explains that the size of a development should not be artificially reduced in order to avoid the affordable housing requirements, for instance by subdividing sites or reducing the density of all or part of the site. Although this application is only for 2 dwellings it is noted that it is intrinsically linked to the planning application on the adjacent site (14/00550/OUT). Two applications have been submitted because there are different planning policy issues in respect of each application. However both applications have been submitted together and by doing this has effectively subdivided the site which is specifically referred to within the SPD. As such the development of this site actually results in the erection of 5 new dwellings and as such the development will be required to make provision for affordable housing in accordance with Policy 7, which in the case of this site would be 35% (or 1 unit).
28. In this regard the Council's greatest current need is 2 bedroom houses with little requirement for large dwellings as proposed. Policy 7 does include provision for off-site provision or financial contributions of a broadly equivalent value instead of on-site provision where robustly justified. However this can only be justified where the site or location is unsustainable for affordable or special housing. In this case of a site located within a rural service centre, such as this site, this is considered to be a suitable location for onsite affordable housing. This will be secured via the associated S106 Agreement.

#### Highways and Traffic

29. As set out above issues have been raised about the additional traffic generated by the proposed dwellings, noise and the usability of the proposed access road in inclement weather. It is important to note that the suggested access points are indicative as access is reserved however the site has been assessed to establish whether suitable access arrangements can be secured.
30. The Highway Engineer at LCC has reviewed the proposals and confirmed the indicative plans submitted show that the accesses to both developments are proposed to Enfield Close and not Preston Nook as indicated. However, since the outline application is seeking approval with all matters reserved, this can be corrected at the reserved matters stage. This correction is necessary as Preston Nook is an un-adopted road.
31. There are no highway objections to the proposal in principle, but the Highway Engineer has suggested that measures should be incorporated into the design of the developments to ensure that vehicles from the development do not use Preston Nook as a rat-run to The Green and vice versa due to the fact that the road is un-adopted, narrow and unsuitable for 2-way traffic. Whilst this would be preferred it is noted that the applicant has no control over Preston Nook to secure any suggested measures. The access points will be served off the part of the highway which is suitable for 2 way traffic and as the

access via Preston Nook is very restricted and appears to be controlled by the surrounding residents this risk is considered to be low.

32. The Highway Engineer has commented that only two vehicle accesses can be accommodated within the available site frontage due to issues of visibility and the likelihood of a vehicle waiting to access one driveway obstructing access to the other. However the engineer considers that once these accesses are amended, the indicative layouts of both sites should be acceptable. As this is a wholly outline application it is considered at reserved matters stage this issue could be addressed by, for example, two of the plots incorporating a shared access. This will be attached to the recommendation as an informative and dealt with via condition.

#### Trees

33. Within the vicinity of the site there is mature vegetation however this is mainly related to the adjacent application site. Although there are trees close to this application site they have been categorised as retention category C (which are trees of low quality with an estimated life expectancy of at least 10 years, or young trees with a stem diameter below 150mm) apart from 1 which is categorised as retention category U (which is trees of such a condition that they cannot be realistically retained as living trees in the context of the current land use for longer than 10 years).
34. The Council's Tree Officer has visited the site and confirmed that the trees close to the application site and confirmed that they can all be removed. As such it is not considered that the proposals will adversely impact on trees within the area.
35. It is noted that there will be hedgerow removal to facilitate the proposals however the hedgerow has not been identified as being high quality and the landscaping scheme can secure an appropriate replacement boundary treatment to mitigate for the loss.

#### Ecology

36. Due to the fact that the proposals involve remodelling and demolishing part of an existing dwelling an Ecological Survey and Assessment supports the application. This has been reviewed by the Ecologist at LCC who initially raised the following concerns:
- It should be established whether or not the building to be affected by the proposal has features that may be used by roosting bats. If so, then before the application is determined, bat survey(s) in line with recognised guidance, will need to be undertaken to establish the presence or absence of roosting bats.
  - If roosting bats are present, then the proposed works may result in a breach of The Conservation of Habitats and Species Regulations 2010, unless a Natural England licence is issued prior to commencement of works. Chorley Borough Council should not approve the application if there is reason to believe that such a licence would not be issued. Chorley Borough Council should therefore have regard to the requirements of the Habitats Directive in reaching the planning decision.
37. In response to this an Ecological Survey and Assessment was provided which has been assessed by the Ecologist at LCC. The Ecologist has confirmed that owing to likely impacts on bats the proposed works may result in a breach of The Conservation of Habitats and Species Regulations 2010, unless a Natural England licence is issued prior to the commencement of the works. The Ecologist has commented that Chorley Borough Council should not approve the application if there is reason to believe that such a licence would not be issued and the Council should have regard to the requirements of the Habitats Directive in reaching the planning decision, these are set out below.
38. Following a high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
- (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;



(b) there must be no satisfactory alternative and

(c) favourable conservation status of the species must be maintained

39. The Ecologist has commented that the development proposals include mitigation for likely impacts on bats and their habitat and in her opinion, the mitigation proposals may be adequate to form the basis of a mitigation method statement to address the third test (above) in a licence application, subject to any minor amendments that maybe required by Natural England. As such it is considered that adequate bat mitigation can be addressed by condition.

#### Open Space

40. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Therefore, the requirements below are based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD.

#### *Amenity Greenspace*

41. Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in Ecclestone in relation to this standard, a contribution towards new provision in the settlement is therefore required from this development. The amount required is £140 per dwelling.

#### *Provision for children/young people*

42. Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a surplus of provision in Ecclestone in relation to this standard, a contribution towards new provision in the settlement is therefore not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. A contribution towards improvements is therefore also not required from this development.

#### *Parks and Gardens*

43. There is no requirement to provide a new park or garden on-site within this development. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

#### *Natural and Semi-Natural Greenspace*

44. There is no requirement to provide new natural/semi natural greenspace on-site within this development. There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

#### *Allotments*

45. There is no requirement to provide allotment provision on site within this development. The site is within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Station Road, Croston (HW5.4). A contribution towards new allotment provision is therefore required from this development. The amount required is £15 per dwelling.

#### *Playing Pitches*

46. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

47. In the event that 2 new dwellings are constructed on this site this would result in a contribution of £3508.

#### Sustainable Resources

48. Policy 27 of the Adopted Core Strategy requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016 in accordance with Policy 27 of the Core Strategy.
49. Policy 27 also includes the following requirements which are applicable to schemes of five or more dwellings. Similar to the affordable housing requirements this application and the adjacent application are intrinsically linked and as the proposals result in the erection of 5 new dwellings the following part of Policy 27 is also applicable:

Criteria (a)- Evidence is set out to demonstrate that the design, orientation and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change;

Criteria (b)- Prior to the implementation of zero carbon building through the Code for Sustainable Homes for dwellings or BREEAM for other buildings, either additional building fabric insulation measures,

Or

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

Criteria (c)- Appropriate storage space is to be provided for recyclable waste materials and composting;

Criteria (d)- If the proposed development lies within a nationally designated area, such as a Conservation Area or affects a Listed Building, it will be expected to satisfy the requirements of the policy through sensitive design unless it can be demonstrated that complying with the criteria in the policy, and the specific requirements applying to the Code for Sustainable Homes and BREEAM, would have an unacceptable adverse effect on the character or appearance of the historic or natural environment.

#### Community Infrastructure Levy

50. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sq m. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013.
51. This is an outline application which does not include the internal dimensions of the dwellings however the submitted CIL form indicates that 211 m<sup>2</sup> of floorspace will be provided (subtracting the floorspace that will be lost in respect of Ricmarlo) which at a rate of £65.00 per m<sup>2</sup> (in accordance with the Adopted CIL Charging Schedule), would result in the development being CIL chargeable to an approximate value of £13,715. This may change at reserved matters stage when the full details of the dwellings and their floorspace is provided which would result in the issuing of a revised CIL liability notice.

#### **Overall Conclusion**

52. The proposals result in the remodelling of an existing dwelling and the erection of two new dwellings. Although the immediate surrounding area is characterised by large dwellings within large plots it is considered that a scheme can be designed at reserved matters stage to respect the character of the area. The proposals are considered to be acceptable in terms of planning policy and as such are recommended for approval subject to the associated S106 Agreement.

#### **Planning Policies**

53. 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 with the

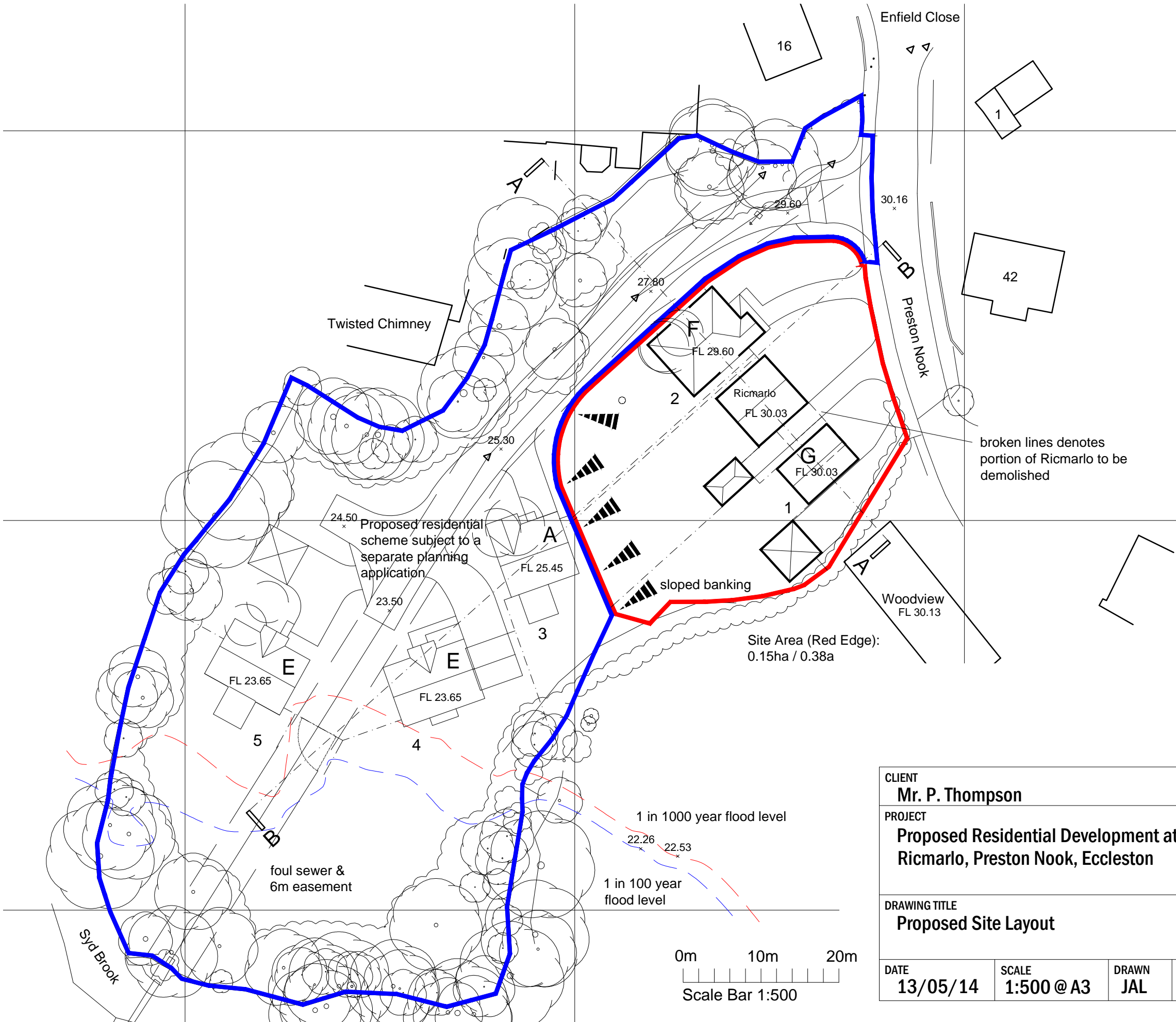
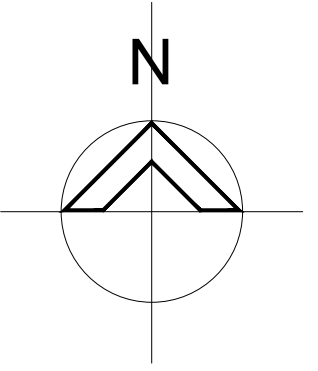
National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

**Recommended Conditions**

No.	Condition
1.	<p>An application for approval of the reserved matters (namely the access, appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>The proposed measures given in section 5.2.1 of the ecological survey and assessment by ERAP Ltd (March 2014) for the avoidance of impacts on protected and priority species shall be implemented in full. In the event that great crested newt (or other protected species) is unexpectedly encountered before or during site clearance or development work, then work shall stop until specialist advice has been sought regarding the need for a licence from Natural England and/or the implementation of necessary mitigation measures.</p> <p>Reason: in the interests of the visual amenities of the site and to enhance the biodiversity value of the site.</p>
3.	<p>Any application for reserved matter(s) shall be supported by a landscaping scheme demonstrating enhancement of biodiversity and habitat connectivity. In particular the scheme shall include replacement species rich hedgerows to mitigate for the loss of the existing Leylandi hedgerow and that the linear habitat along the western and southern boundary is retained to ensure that habitat connectivity is maintained and enhanced.</p> <p>Reason: in the interests of the visual amenities of the site, to enhance the biodiversity value of the site and to maintain existing foraging habitats.</p>
4.	<p>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..</p> <p>Reason: In the interest of the appearance of the locality</p>
5.	<p>Plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which occur on the site shall be eradicated from the site and working methods shall be adopted to prevent their spread in accordance with Environment Agency guidance and codes of practice.</p> <p>Reason: In the interests of eradicating and ensuring that Invasive &amp; Injurious Weeds are permanently removed from the site</p>
6.	<p>All trees being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines (e.g. BS5837:2012 Trees in relation to design, demolition and construction - Recommendations).</p> <p>Reason: In the interests of ensuring the continued protection of the trees on the site.</p>
7.	<p>External lighting associated with the development shall be minimal, designed to avoid excessive light spill and shall not illuminate potential bat habitat (e.g. hedgerow, trees) and or/ bird breeding places. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).</p> <p>Reason: In the interests of maintaining a favourable conservation status of bats on the site.</p>
8.	<p>Any application for reserved matters shall detail that the driveways/hardsurfacing areas for each of the dwellings shall be constructed using permeable materials on a permeable base (under-drained areas can be used if ground conditions do not</p>

	<p>suit). The materials shall be maintained in perpetuity thereafter. Reason: In the interests of highway safety and to prevent flooding</p>
9.	<p>Prior to the commencement of the development, due to the sensitive end-use of the development (residential housing with gardens), a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The report should include an initial desk study, site walkover and preliminary 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.</p> <p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report. Reason: It is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</p>
10.	<p>Any application for reserved matters shall be accompanied by the following details:</p> <ol style="list-style-type: none"> <li>a) Details of the colour, form and texture of all external facing materials to the proposed dwellings</li> <li>b) Details of the colour, form and texture of all hard ground- surfacing materials.</li> <li>c) Location, design and materials of all fences, walls and other boundary treatments.</li> <li>d) The finished floor level of the proposed dwellings and any detached garages</li> </ol> <p>The development thereafter shall be completed in accordance with the approved details. Reason: In the interests of the visual amenities and character of the area</p>
11.	<p>All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority. Reason: In the interests of minimising the environmental impact of the development</p>
12.	<p>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</p>
13.	<p>No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code Level, has been issued by a Code for Sustainable Homes Assessor and submitted to the Local Planning Authority. Reason: In the interests of minimising the environmental impact of the development</p>
14.	<p>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.</p>

	Reason: In the interests of minimising the environmental impact of the development									
15.	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwelling(s), porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission. Reason: In the interests of neighbour amenity.									
16.	The development shall be limited to no more than 2 new dwellinghouses and the remodelling of the existing dwelling (Ricmarlo) properties and shall be carried out in accordance with the following plans:  <table border="0"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Topographical Land Survey</td> <td>S13/651</td> <td>16th May 2014</td> </tr> <tr> <td>Proposed Site Layout (Location Plan)</td> <td>13/095/P01</td> <td>16th May 2014</td> </tr> </tbody> </table> Reason: For the avoidance of doubt and in the interests of proper planning	Title	Drawing Reference	Received date	Topographical Land Survey	S13/651	16th May 2014	Proposed Site Layout (Location Plan)	13/095/P01	16th May 2014
Title	Drawing Reference	Received date								
Topographical Land Survey	S13/651	16th May 2014								
Proposed Site Layout (Location Plan)	13/095/P01	16th May 2014								
17.	Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. Reason: To secure proper drainage									
18.	Any application for reserved matters shall be accompanied by full details of the remodelling works to the existing dwelling, Ricmarlo. Reason: In the interests of clarity									
19.	Any application for reserved matters shall include details of the access arrangements, highway visibility splays, parking, servicing and turning areas. The development shall thereafter be constructed in accordance with the approved details. Reason: In the interest of the highway safety.									
20.	The mitigation measures in respect of bats and their habitats, included within the submitted Ecological Survey and Assessment (dated June 2014), shall be implemented in full and incorporated into the design of the new dwellinghouses. Prior to the commencement of the development a licence from Natural England for the derogation of the protection of bats under the Habitats Directive shall be submitted to and approved in writing by the Local Planning Authority. Reason: to ensure the continued protection of bats and their habitats and to maintain a favourable conservation status of the species									



CLIENT <b>Mr. P. Thompson</b>				
PROJECT <b>Proposed Residential Development at Ricmarlo, Preston Nook, Eccleston</b>				
DRAWING TITLE <b>Proposed Site Layout</b>				
DATE <b>13/05/14</b>	SCALE <b>1:500 @ A3</b>	DRAWN <b>JAL</b>	DRWG No. <b>13/095/P01</b>	REV



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<b>Item 3G</b>	<b>14/00550/OUT</b>
<b>Case Officer</b>	<b>Nicola Hopkins</b>
<b>Ward</b>	<b>Eccleston And Mawdesley</b>
<b>Proposal</b>	<b>Outline application (all matters reserved) for the erection of upto three detached dwellings.</b>
<b>Location</b>	<b>Land To The South West Of Ricmarlo, Preston Nook Eccleston</b>
<b>Applicant</b>	<b>Mr Paul Thompson</b>
<b>Consultation expiry:</b>	<b>24<sup>th</sup> June 2014</b>
<b>Decision due by:</b>	<b>18<sup>th</sup> July 2014</b>
<b>Link to view plans</b>	<b><a href="http://planning.chorley.gov.uk/online-applications/search.do?action=simple&amp;searchType=Application">http://planning.chorley.gov.uk/online-applications/search.do?action=simple&amp;searchType=Application</a></b>

**Recommendation**

**Approve outline planning permission subject to the associated S106 Agreement**

**Executive Summary**

**The main issues to consider are whether the proposals accord with the policies contained within the current and emerging Local plan. For the reasons set out below it is considered that the proposals are consistent with the aims of the Framework and represent a sustainable form of development within the settlement boundary of Eccleston.**

**Representations**

**Eccleston Parish Council** objects to the application on the following grounds:

- It fails to comply with any of the three criteria contained within Policy HS3 of the proposed Chorley Local Plan 2012-2106 for permission for development within private residential gardens on sites not allocated in the Housing Allocations Policy.
- Para 27 of the Chorley Local Plan 2012-2106 states "There are areas that are particularly sensitive to the potential negative impact of garden development such as locally important areas and other areas where character is defined by low density housing set in mature, generous gardens, and where development could have a detrimental impact on heritage assets such as listed buildings, conservation areas and locally important areas. Accordingly, in such areas garden development will only be considered to be acceptable in exceptional circumstances, subject to other material planning considerations, providing the developer can demonstrate that the proposed development is in keeping with the character of the area."
- Preston Nook is an example of an area where character is defined by low density housing set in mature, generous gardens. From the application submitted there is no indication whatsoever that the developer has demonstrated the required exceptional circumstances.

**In total 6 representations have been received which are summarised below**

**Objection** Total No. received: 6

- Cannot view the documents on line
- No local need for these houses
- The proposed houses are planned to be built on a flood plain that has been seen to flood on a regular basis to a depth of 2 to 5 feet depending on the severity of the weather causing damage and loss to garden structures and fencing.
- Under the National Planning Policy garden development is classed as in the Green belt and as the proposed development does not meet the criteria for approval under policy HS3 of the Chorley Borough Local Plan
- The proposed development is not in keeping with the surrounding area and would directly infringe on the current level of privacy
- Does the proposed development include the provision for Preston Nook to be adopted by the relevant authority to cover the ongoing maintenance this development would cause to the roadway which is currently maintained by the residents.
- Will turn the area into a housing estate.
- If the proposals for the development at Camelot are successful there will be an even bigger surplus.
- The road gradient proposed would be impossible to use in inclement weather and there is insufficient road space at the higher level to safely accommodate this many additional parked vehicles.
- The Flood Risk Assessment also says "The development proposal is to demolish Ricmarlo and erect 7no. new residential dwellings across the site" (page 2) - is this the same development as covered by this application?

**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
Chorley's Waste and Contaminated Land Officer	Has recommended a condition in respect of contamination
LCC Ecology	Originally raised concerns in respect of the proximity of the development to the watercourse
Environment Agency	Have no objection subject to suitable conditions
LCC Highways	Have commented on the indicative access arrangements

**Assessment**Principle of the Development

1. Members will note that this application is submitted in conjunction with application 14/00551/OUT which is reported elsewhere on this agenda.
2. The site is located within the settlement area of Ecclestone as identified within both the existing and emerging Local Plan. The emerging Local Plan identifies that development within settlement areas may be for an appropriate use such as housing, offices, community facilities or green infrastructure. This should be read in conjunction with other policies and proposals in the emerging plan and with Core Strategy Policy 1: Locating Growth. Within Core Strategy Policy 1, Ecclestone is identified as a Rural Local Service Centre where limited growth and investment will be encouraged to help meet local housing and employment needs and to support the provision of services to the wider area.
3. Policy GN3 of the current Local Plan restricts development in Ecclestone to development and redevelopment of land wholly within the existing built up extent of the settlement. As this site falls within the settlement boundary the principle of developing the site accords with Policy GN3.
4. 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.
5. 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.
6. 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.”*
7. The Council accepted the Inspectors modifications for Development Control purposes at its Executive Cabinet on 21st November 2013 and as such the policies referred to below can be afforded significant weight.

Outline Application

8. This is a wholly outline application to establish the principle of redeveloping the site for housing which as set out above is considered acceptable in terms of planning policy. It is not considered that this site forms part of the residential curtilage of Ricmarlo as from aerial photos it is clear that this site, which has always been at a lower land level than the formal garden area associated with Ricmarlo, was until recently densely vegetated and separate from the formal curtilage associated with Ricmallo. As such this site represents undeveloped greenfield land within the settlement of Ecclestone. However extensive works have recently been undertaken to the land including tree removal. These works have created a significant level difference between the residential curtilage and the adjacent land.
9. To demonstrate that the site can be suitably developed an indicative layout plan and levels plan have been submitted with the proposals indicating that three dwellings will be constructed within the southern part of the site with an access road from Preston Nook along the line of the existing sewer.

Density

10. The red edge site location plan covers an area of 0.32 hectares which results in a density of 10 dwellings per hectare. Policy 5 of the Core Strategy confirms 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. 10 dwellings per hectare is a very low density however given the character of the area and the site level constraints this density is considered to be appropriate and reflects the character of the area.

#### Levels

11. There are significant level changes across the site and the edge of the residential curtilage slopes down steeply to the application site (with a level difference of approximately 5.5 metres from the bottom of the banking to the garden level) and the proposals involve cutting into the banking and raising the finished floor levels to accommodate plots 3 and 4. The indicative finished floor level of plot 3 is approximately 4.5 metres lower than the dwellings within the garden curtilage of Ricmarlo (subject to planning application 14/00551/OUT). A full assessment of neighbour amenity is addressed below.
12. Plot 5 is indicatively shown within the south western corner of the site and is detailed with a finished floor level of approximately 1 metre higher than the current ground level.
13. The proposed access road will slope down into the site dropping by approximately 6.6 metres from the existing road level to the edge of the proposed turning head.

#### Impact on the neighbours

14. Although the plans are submitted indicatively an assessment of the impacts on the neighbours is essential to demonstrate that the development can be accommodated without adversely impacting the neighbours amenities.
15. The immediate neighbours to the site are Twisted Chimney, 1 Ince Lane, 12 Ince Lane, Ince Cottage, 16 Enfield Close, Ricmarlo and Woodview. The proposed new dwellings within the curtilage of Ricmarlo will also be neighbours in the event that planning permission is granted for those proposals.
16. Twisted Chimney is a large detached dwellinghouse which was granted planning approval in May 2000 and has a finished floor level of approximately 30.07. This is approximately 4.7 metres higher than the suggested road level and 6.42 metres higher than plot 5. The elevated land level along with dense vegetation at the boundary ensures that the proposals will not create loss of privacy to the detriment of the amenities of the residents of Twisted Chimney.
17. The proposed indicative layout also ensures that Twisted Chimney will not allow overlooking of any private amenity space associated with the new dwellings.
18. 1 Ince Lane and Ince Cottage are a pair of semi-detached dwellings adjacent to the site. The finished floor level is approximately 30.84 which is approximately 3 metres higher than the indicated road level. As there is no housing development proposed within this part of the site it is not considered that this relationship will adversely impact on the existing or future residents.
19. 12 Ince Lane is located to the west of the application site however this property is not visible from the application site given the dense vegetation which is shown as being retained and as such it is not considered that the proposals will adversely impact on the occupiers of 12 Ince Lane.
20. 16 Enfield Close is located close to the indicated access junction away from the proposed new dwellings and as such it is not considered that the proposed development will adversely impact on the amenities of the occupiers of 16 Enfield Close.
21. Ricmarlo is the applicant's property fronting onto Preston Nook. Plot 3 is indicated to be sited to the rear of Ricmarlo. The side elevation of plot 3 is detailed as being 25 metres from the rear elevation of Ricmarlo and approximately 4.5 metres lower. Given the level difference there would be a requirement to maintain 28 metres from the rear elevation of Ricmarlo to the side gable of the proposed dwelling (taking the standard 12 metre window to gable distance and increasing the spacing distance to take into account the level

change). In the case of this indicative relationship only 24 metres is maintained however given the significant level difference Ricmarlo will not face a gable wall it will view the roof of plot 3 (if a standard two storey dwelling is constructed which would be appropriate from a design perspective in this location) and as such 24 metre is considered to be a sufficient spacing distance.

22. Woodview is an existing detached bungalow which neighbours Ricmarlo. Plots 3 and 4 are shown indicatively to back onto the garden area of Woodview. Plot 3 has a finished floor level which is approximately 4.6 metres lower than Woodview and as with the other properties within this area the gardens slope down to Syd Brook. As such there is no significant level change within this location. At its closest point plot 3 is sited 8 metres from the boundary with Woodview which does not meet the Council's required 10m window to garden distance, however this reflects the closest point of plot 3. Due to the line of the boundary and the orientation of plot 3 the opposite corner of this plot is located 17 metres away from the common boundary. As such it is considered that plot 3 could be designed to ensure that habitable room windows maintain in excess of the required 10 metres.
23. Plot 4 is shown to be sited at an oblique angle to the garden of Woodview and as such will not allow for any direct overlooking.
24. Members will note there is another application on the agenda for the erection of 2 detached dwellings either side of Ricmarlo and the remodelling of the Ricmarlo (14/00551/OUT). In the event that application 14/00551/OUT is approved the proposed dwellings on plots 1 and 2 will border plot 3 which is subject to this application. However plot 2 is sited to ensure that there will be no loss of privacy to the detriment of the future residents and plot 2 maintains over 27 metres to the rear boundary and does not allow any direct views of the private garden area. As such no loss of amenity will be created by the proposals subject to application 14/00551/OUT.
25. Whilst it is acknowledged that the layout is indicative it is considered that a scheme for 3 dwellings on this site can be designed to maintain both the existing neighbours' amenities and the future residents' amenities.

#### Affordable Housing

26. Policy 7 of the Core Strategy sets out the requirements for the provision of affordable housing in Central Lancashire to meet the acute need for such housing in the area. Amongst other things, the Policy states that the minimum site size threshold will be 15 dwellings (0.5 hectares or part thereof) but a lower threshold of 5 dwellings (0.15 hectares or part thereof) is applicable in rural areas. As Eccleston is a Rural Local Service Centre the 5 dwelling threshold applies in this case. Policy 7 is supported by the accompanying Supplementary Planning Document on affordable housing (SPD) which was adopted in October 2012.
27. The accompanying SPD explains that the size of a development should not be artificially reduced in order to avoid the affordable housing requirements, for instance by subdividing sites or reducing the density of all or part of the site. Although this application is only for 3 dwellings it is noted that it is intrinsically linked to the planning application on the adjacent site (14/00551/OUT). Two applications have been submitted as there are different planning policy issues in respect of each application. However both applications have been submitted together and by doing this has effectively subdivided the site which is specifically referred to within the SPD. As such the development of this site actually results in the erection of 5 new dwellings and as such the development will be required to make provision for affordable housing in accordance with Policy 7, which in the case of this site would be 35% (or 1 unit).
28. In this regard the Council's greatest current need is 2 bedroom houses with little requirement for large dwellings as proposed on this site. Policy 7 does include provision for off-site provision or financial contributions of a broadly equivalent value instead of on-site provision where robustly justified. However this can only be justified where the site or location is unsustainable for affordable or special housing. In the case of a site located within a rural service centre, such as this site, this is considered to be a suitable location for onsite affordable housing. This will be secured via the associated S106 Agreement.

### Flooding

29. The southern part of the site is located within flood zone 3 due to the fact that Syd Brook is sited adjacent to the site. The majority of this part of the site is left undeveloped although it is noted that part of plot 4's garden will be sited within the 1 in 1000 year flood risk event boundary. As noted above concerns have been raised by neighbours in respect of the future risk of development on this site from flooding.
30. In this regard the Environment Agency has been consulted as the application is supported by a Flood Risk Assessment. Flood Zone 3 is defined as having a high probability of flooding within the Framework. The Environment Agency has concluded that the development would be safe for its lifetime without increasing flood risk elsewhere. As such in respect of flooding, subject to suitable conditions the proposals are considered to be acceptable.

### Highways and Traffic

31. As set out above issues have been raised about the additional traffic generated by the proposed dwellings, noise and the usability of the proposed access road in inclement weather.
32. The Highway Engineer at LCC has reviewed the proposals and commented that the indicative plans submitted show the access is proposed to Enfield Close and not Preston Nook as indicated.
33. There are no highway objections to the proposal in principle, but the Highway Engineer has suggested that measures should be incorporated into the design of the development to ensure that vehicles from the development do not use Preston Nook as a rat-run to The Green and vice versa due to the fact that the road is unadopted, narrow and unsuitable for 2-way traffic. Whilst this would be preferred, it is noted that the applicant has no control over Preston Nook to secure any suggested measures. The access points will be served off the part of the highway which is suitable for 2 way traffic and as the access via Preston Nook is very restricted and appears to be controlled by the surrounding residents this risk is considered to be low.
34. It is noted that the access road would not be adopted however it is possible to have a private access road to serve three properties as proposed. The access road would slope down into the site with a level change of approximately 6.6 metres. Given the length of road proposed it is considered that the gradient will not result in an unsuitable access road however there may be issues in inclement weather. As this access road will be privately managed this issue can be addressed by condition.

### Trees

35. The site is bordered by dense mature vegetation and in this regard the application is supported by a Tree Survey Report. The report identifies no trees of high or exceptional value, but a number of trees are deemed to have moderate value.
36. 36 individual trees, 6 groups of trees and 1 hedgerow have been surveyed. 17 individual trees and 1 group of trees were categorised as retention category B (which are trees of moderate quality with a remaining life expectancy of at least 20 years). The remainder of the individual trees, groups of trees and hedgerow were categorised as retention category C (which are trees of low quality with an estimated life expectancy of at least 10 years, or young trees with a stem diameter below 150mm) apart from 1 which is categorised as retention category U (which is trees of such a condition that they cannot be realistically retained as living trees in the context of the current land use for longer than 10 years.)
37. All of the higher quality trees are located on the periphery of the site and it is considered that the development can be designed to ensure the continued protection of these trees. To ensure the trees of highest value are protected a TPO will be placed on the trees identified as being retention category B. Any tree loss identified at reserved matters stage can be mitigated for by replacement planting.

### Ecology

38. Due to the extensive tree cover at the site and the proximity of Syd Brook the application is supported by an Ecological Survey and Assessment. This has been reviewed by the Ecologist at LCC who initially raised the following concerns:

- Chorley Borough Council should be satisfied that no works are to be carried out within 5m of the tops of the banks of the watercourse (e.g. outlet pipes/drainage works). If works are to be carried out within 5m of the tops of the banks of the watercourse then further water vole assessment will be required, prior to determination of the application, to confirm presence/absence of water vole and to inform the need for appropriate mitigation, if present.
- Owing to the clearance work undertaken within close proximity to the watercourse, it is recommended that The Environment Agency be consulted before the application is determined.

39. In response to this an updated ecology report was provided which the Ecologist at LCC has reviewed. The Ecologist has made the following comments:

*Bats (European Protected Species)*

40. A bat roost was found in the building associated with planning application 14/00551/OUT. The ecology report recorded Common Pipistrelle foraging along the trees and shrubs on the north-western boundary and over the gardens. The report also acknowledges that the Syd Brook is favourable for use by commuting and foraging bats. It should therefore be ensured that such habitat is retained within the design of the development to ensure that habitat connectivity is maintained and enhanced.

41. The bat report recommends the provision of bat roosting opportunities within the proposed buildings and bat boxes located on appropriate trees to provide a biodiversity enhancement. Such proposals would appear appropriate and in line with the NPPF. This could be addressed at reserved matters/full application stage and will be addressed via condition.

*Lighting*

42. The report recommends that no lighting should directly illuminate the retained and protected trees and shrubs along the boundaries of the site as light spill may deter foraging and commuting bats and disturb nesting and roosting birds. It will also need to be ensured that there is no lighting of the proposed bat habitat e.g. proposed roosting opportunities and proposed planting. This can be addressed by condition.

*Water Vole (Protected Species)*

43. Whilst the survey was undertaken at a sub-optimal time, the consultant has confirmed that the existing records in the wider area are not well connected to the existing drain. On this basis combined with the sub-optimal habitat it would seem reasonably unlikely that the proposed development would have a significant impact on water voles. However the Ecologist has confirmed that it would be appropriate to provide at least a 5m buffer from the top of the bank of the drain and the proposed development to protect the existing drain.

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

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

45. The Ecologist is satisfied with the content of both the original report and the updated report and considers that a favourable conservation status can be maintained subject to appropriate conditions.

#### Open Space

46. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Therefore, the requirements below are based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD.

#### *Amenity Greenspace*

47. Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in Ecclestone in relation to this standard, a contribution towards new provision in the settlement is therefore required from this development. The amount required is £140 per dwelling.

#### *Provision for children/young people*

48. Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a surplus of provision in Ecclestone in relation to this standard, a contribution towards new provision in the settlement is therefore not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. A contribution towards improvements is therefore also not required from this development.

#### *Parks and Gardens*

49. There is no requirement to provide a new park or garden on-site within this development. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

#### *Natural and Semi-Natural Greenspace*

50. There is no requirement to provide new natural/semi natural greenspace on-site within this development. There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

#### *Allotments*

51. There is no requirement to provide allotment provision on site within this development. The site is within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Station Road, Croston (HW5.4). A contribution towards new allotment provision is therefore required from this development. The amount required is £15 per dwelling.

#### *Playing Pitches*

52. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.
53. In the event that 3 dwellings are constructed on this site this would result in a contribution of £5,262.

#### Sustainable Resources

54. Policy 27 of the Adopted Core Strategy requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016 in accordance with Policy 27 of the Core Strategy.



55. Policy 27 also includes the following requirements which are applicable to schemes of five or more dwellings. Similar to the affordable housing requirements this application and the adjacent application are intrinsically linked and as the proposals result in the erection of 5 new dwellings the following is applicable:

Criteria (a)- Evidence is set out to demonstrate that the design, orientation and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change;

Criteria (b)- Prior to the implementation of zero carbon building through the Code for Sustainable Homes for dwellings or BREEAM for other buildings, either additional building fabric insulation measures,

Or

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

Criteria (c)- Appropriate storage space is to be provided for recyclable waste materials and composting;

Criteria (d)- If the proposed development lies within a nationally designated area, such as a Conservation Area or affects a Listed Building, it will be expected to satisfy the requirements of the policy through sensitive design unless it can be demonstrated that complying with the criteria in the policy, and the specific requirements applying to the Code for Sustainable Homes and BREEAM, would have an unacceptable adverse effect on the character or appearance of the historic or natural environment.

#### Community Infrastructure Levy

56. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sq m. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013.
57. This is an outline application which does not include the internal dimensions of the dwellings however the submitted CIL forms indicates that 504 m<sup>2</sup> of floorspace will be provided which at a rate of £65.00 per m<sup>2</sup> (in accordance with the Adopted CIL Charging Schedule), would result in the development being CIL chargeable to an approximate value of £32,760. This may change at reserved matters stage when the precise extent of floorspace is known which would result in the issuing of a revised CIL liability notice.

#### **Overall Conclusion**

58. In conclusion the proposals are considered to be acceptable and it is has been adequately demonstrated that up to 3 dwellings can be accommodated on this site without having an adverse impact. As such the proposals are recommended for approval subject to the associated S106 Agreement.

#### **Planning Policies**

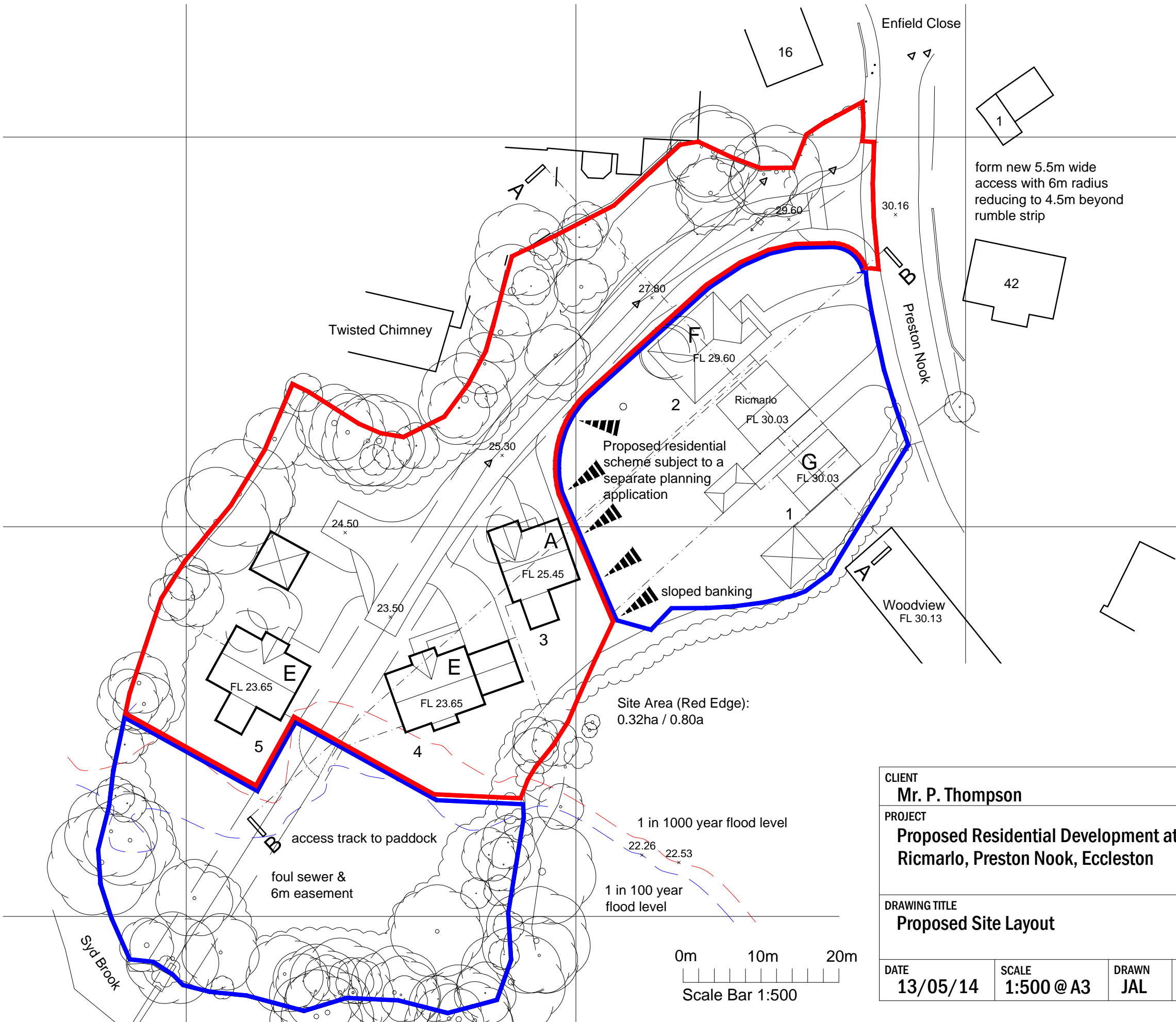
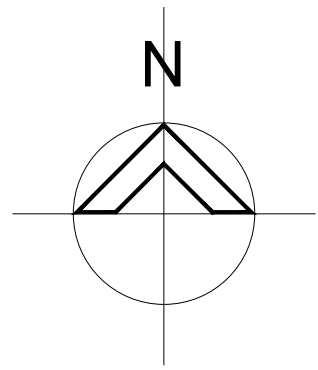
59. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with 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.

**Recommended Conditions**

No.	Condition
1.	<p>An application for approval of the reserved matters (namely access, appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>Prior to the commencement of the development, due to the sensitive end-use of the development (residential housing with gardens), a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The report should include an initial desk study, site walkover and preliminary 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.</p> <p>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.</p> <p>Reason: It is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</p>
3.	<p>The proposed measures given in section 5.2.1 of the ecological survey and assessment by ERAP Ltd (March 2014) for the avoidance of impacts on protected and priority species shall be implemented in full. In the event that great crested newt (or other protected species) is unexpectedly encountered before or during site clearance or development work, then work shall stop until specialist advice has been sought regarding the need for a licence from Natural England and/or the implementation of necessary mitigation measures.</p> <p>Reason: In the interests of maintaining a favourable conservation status of protected species on the site.</p>
4.	<p>Any application for reserved matter(s) shall be supported by a landscaping scheme demonstrating enhancement of biodiversity and habitat connectivity. In particular the scheme shall include suitable foraging habitats for bats.</p> <p>Reason: in the interests of the visual amenities of the site, to enhance the biodiversity value of the site and to maintain existing foraging habitats.</p>
5.	<p>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.</p> <p>Reason: In the interest of the appearance of the locality</p>
6.	<p>Plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which occur on the site shall be eradicated from the site and working methods shall be adopted to prevent their spread in accordance with Environment Agency guidance and codes of practice.</p> <p>Reason: In the interests of eradicating and ensuring that Invasive &amp; Injurious Weeds are permanently removed from the site</p>
7.	<p>All trees being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines (e.g. BS5837:2012 Trees in relation to design, demolition and construction -</p>

	<p>Recommendations).</p> <p>Reason: In the interests of ensuring the continued protection of the trees on the site.</p>
8.	<p>External lighting associated with the development shall be minimal, designed to avoid excessive light spill and shall not illuminate potential bat habitat (e.g. hedgerow, trees) and or/ bird breeding places. In particular, in accordance with the submitted Ecological Assessment, no lighting shall directly illuminate the retained and protected trees and shrubs along the boundaries of the site and there shall be no lighting of the proposed bat habitat e.g. proposed roosting opportunities and proposed planting. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).</p> <p>Reason: In the interests of maintaining a favourable conservation status of bats on the site.</p>
9.	<p>The development hereby permitted shall only be carried out in accordance with the approved FRA (Ref: 738NE Version 1.0, dated 3 April 2014) and the following mitigation measures detailed within the FRA:</p> <p>1. Finished floor levels are set no lower than 22.90 metres above Ordnance Datum (AOD).</p> <p>The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p>REASON: To reduce the risk of flooding to the proposed development and future occupants.</p>
10.	<p>Any application for reserved matters shall detail that the driveways/hardsurfacing areas for each of the dwellings shall be constructed using permeable materials on a permeable base (under-drained areas can be used if ground conditions do not suit). The materials shall be maintained in perpetuity thereafter.</p> <p>Reason: In the interests of highway safety and to prevent flooding</p>
11.	<p>Any application for reserved matters shall be accompanied by the following details:</p> <ol style="list-style-type: none"> <li>Details of the colour, form and texture of all external facing materials to the proposed dwellings</li> <li>Details of the colour, form and texture of all hard ground- surfacing materials.</li> <li>Location, design and materials of all fences, walls and other boundary treatments.</li> <li>The finished floor level of the proposed dwellings and any detached garages</li> </ol> <p>The development thereafter shall be completed in accordance with the approved details.</p> <p>Reason: In the interests of the visual amenities and character of the area</p>
12.	<p>All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>
13.	<p>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.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>
14.	<p>No dwelling shall be occupied until a letter of assurance, detailing how that plot</p>

	<p>has met the necessary Code Level, has been issued by a Code for Sustainable Homes Assessor and submitted to the Local Planning Authority. Reason: In the interests of minimising the environmental impact of the development</p>									
15.	<p>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</p>									
16.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwelling(s), porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission. Reason: In the interests of neighbour amenity.</p>									
17.	<p>The development shall be limited to no more than 3 new properties and shall be carried out in accordance with the following plans:</p> <table border="0"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Topographical Land Survey</td> <td>S13/651</td> <td>16TH May 2014</td> </tr> <tr> <td>Proposed Site Layout (Location plan)</td> <td>13/095/P02</td> <td>16TH May 2014</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>	Title	Drawing Reference	Received date	Topographical Land Survey	S13/651	16TH May 2014	Proposed Site Layout (Location plan)	13/095/P02	16TH May 2014
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Topographical Land Survey	S13/651	16TH May 2014								
Proposed Site Layout (Location plan)	13/095/P02	16TH May 2014								
18.	<p>Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling. Reason: To safeguard the visual amenity of the area</p>									
19.	<p>Any application for reserved matters shall include details of the access arrangements, highway visibility splays, parking, servicing and turning areas. The development thereafter shall be constructed in accordance with the approved details. Reason: In the interest of the highway safety.</p>									
20.	<p>The mitigation measures in respect of bats and their habitats, included within the submitted Ecological Survey and Assessment (dated June 2014), shall be implemented in full and incorporated into the design of the new dwellinghouses, including the provision of bat boxes located on appropriate trees. Prior to the commencement of the development full details of the measures to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved measures. Reason: to ensure the continued protection of bats and their habitats and to maintain a favourable conservation status of the species</p>									



form new 5.5m wide access with 6m radius reducing to 4.5m beyond rumble strip

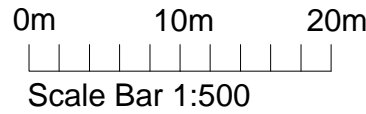
Proposed residential scheme subject to a separate planning application


sloped banking

Site Area (Red Edge):  
0.32ha / 0.80a

1 in 1000 year flood level  
22.26 22.53  
1 in 100 year flood level

access track to paddock  
foul sewer & 6m easement



CLIENT <b>Mr. P. Thompson</b>		 213 PRESTON ROAD WHITTLE-LE-WOODS CHORLEY LANCASHIRE PR6 7PS TEL: 01257 261555 FAX: 01257 267224 www.lmparchitects.co.uk © Copyright Lawson Margerison Practice Ltd.	
PROJECT <b>Proposed Residential Development at Ricmarlo, Preston Nook, Eccleston</b>			
DRAWING TITLE <b>Proposed Site Layout</b>			
DATE <b>13/05/14</b>	SCALE <b>1:500 @ A3</b>	DRAWN <b>JAL</b>	DRWG No. <b>13/095/P02</b>
REV			

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<b>Item 3H</b>	<b>14/00149/FUL</b>
<b>Case Officer</b>	<b>Mr Ian Heywood</b>
<b>Ward</b>	<b>Pennine</b>
<b>Proposal</b>	<b>Retrospective application for the removal of part of the dam wall at Heapey Reservoir No. 8</b>
<b>Location</b>	<b>Land 35M North-East Of Rose Cottage White Coppice Heapey</b>
<b>Applicant</b>	<b>White Coppice Cricket Club</b>
<b>Consultation expiry: 24 June 2014</b>	
<b>Application expiry: 27 June 2014</b>	

### **Proposal**

1. This is a retrospective application for the removal of part of the dam wall at Heapey Reservoir No. 8.

### **Site Description and history**

2. The site incorporates the remains of Heapey Reservoir No.8 which is situated at the north eastern extremity of the White Coppice Conservation Area. The hamlet of White Coppice itself sits to the south west of the site and to all other directions open countryside is to be found, the former reservoir itself being within the Goit Mire Biological Heritage Site. The application site is within the Chorley Council defined area of open countryside. The site is adjacent to a number of public footpaths.
3. This former reservoir was constructed around 150 years ago, in part, as a cascade that originally provided a mill dam for the supply of water power to White Coppice Mill. The mill was largely the raison d'être for the settlement at White Coppice and was demolished in the 1960s. Since the closure and demolition of the mill this series of reservoirs has been utilised by anglers. Anecdotal evidence suggests that no.8 was previously used as a hatchery by Wigan District Angling Association.
4. The reservoir itself was drained in February 2011 by its former owners, Wigan District Angling Association prior to the land formerly occupied by the reservoir being sold to the applicant and current owner of Rose Cottage, White Coppice in October 2012. This property is immediately adjacent to the former reservoir. The reservoir was drained by Wigan District Angling Association following an inspection by a suitably qualified engineer in 2009 and a subsequent report in 2011. This report made a number of recommendations, amongst these was the decommissioning of the reservoir, which is achieved by draining it and permanently opening the outflow gate valve.
5. The current owner, the applicant, acquired the land upon which the former reservoir was located in October 2012. He was passed copies of the engineer's report commissioned by Wigan and District Angling Association and based upon the suggested actions contained therein took it upon himself to remove part of the dam wall to the former reservoir.
6. A certificate of discontinuance for the reservoir was issued on 31 March 2013 and the discontinuance has been further confirmed by the Environment Agency.
7. The applicant was misinformed by the consulting reservoirs engineer who advised him that removal of part of the dam wall did not require planning permission. A section of the dam wall was removed by contractors acting on behalf of both the applicant and White Coppice Cricket Club, the joint owner of the dam wall, in late 2012/early 2013. The removed material was distributed across the site by the contractor – i.e. it was not removed from the site. At the same time, the applicant created a parking area/hardstanding on land that had previously been part

of the area covered by the dam wall. This action was considered by the Council to constitute an engineering operation that requires the benefit of planning permission. Enforcement action by Chorley Council ensued in 2013 with the result that a retrospective application for planning permission was submitted in October 2013.

8. White Coppice Cricket Club has submitted and received approval (subject to conditions) for a near identical application – 14/00132/FUL on an adjacent piece of land –for which consent was granted earlier in 2014.
9. The now empty reservoir has, since February 2011, developed new vegetation and a whole new series of ecosystems. Water still drains through the area and outflows at the original outflow pipe at the western end of the dam wall where an approximately 800mm pipe connects it to reservoir no.7, situated further ‘downstream’ within White Coppice Village.

### **Recommendation**

10. It is recommended that full planning permission is granted.

### **Main Issues**

11. The main issues for consideration in respect of this planning application are:
  - The visual appearance of the area and the impact upon the character of the White Coppice Conservation Area.
  - Ecology
  - Flood Risk

### **Representations**

12. A petition with 10 signatures and a further 26 letters of objection have been received. These cite two reasons for objection in the following numbers. Harm to the visual amenity - 35, harm to ecology/wildlife – 1, Increased incidence of flooding – 10.

### **Consultations**

13. **Heapey Parish Council** objects on the basis of the harm caused to the visual amenity of the area.
14. **Councillor Marie Gray** objects to the application on the grounds of the harm to the visual amenity of the area, harm to wildlife, increased chance of flooding and harm to the setting of White Coppice Cricket Club.
15. **Lancashire County Council (Ecology)** no comments have been received.
16. **The Environment Agency** reiterates its comments from the previous application, namely that the works have not increased the incidence of flooding.
17. **Lancashire County Council (Lead Flood Authority)** – No comments have been received,

### **Assessment**

#### Visual Appearance of the Area – Character of White Coppice Conservation Area

18. As stated above it is considered that the removal of part of the dam wall to the former reservoir has had no material impact on the character of the area. Whilst the works have undoubtedly changed the appearance of the area it is considered that the overall character of the area, post draining of the reservoir, has not changed. Views from within the conservation area across the site formerly looked at a green dam wall with rusting steel railings running across the top to trees and open countryside beyond. Views to the south from the northern side of the dam wall were limited to some extent by the dam wall, however as the footpaths in the area are situated on an elevated embankment it was still possible to see the cricket club and the village beyond to some extent.
19. The views now are unrestricted across the whole of the area and to a certain extent these have been improved as a consequence. The principal change to views within this area took place with the draining of the reservoir, not with the subsequent removal of part of the dam wall.



20. White Coppice Conservation Area is a designated heritage asset as defined by Annex 2 to the Framework (National Planning Policy Framework). The site is located at the north east edge of the conservation area. Part of the character of any conservation area can be derived by views not only within but also out with that area. In this case it is considered that the views out of the conservation area across the site have not changed sufficiently to materially affect the character or significance of the White Coppice Conservation Area. It is considered that the most significant change occurred with the draining of the reservoir, however even that change (which is not under consideration here) is considered to be not significant enough to materially affect the character or significance of the White Coppice Conservation Area.

#### Ecology

21. There is no evidence to suggest that the action of removing part of the dam wall to the former reservoir has had any material impact upon the ecology present in the area. As with the visual appearance of the area changes to the ecology took place with the draining of the reservoir. Anecdotal evidence suggests that this action served to increase biodiversity. As the application has been made retrospectively it is impossible to make a definitive assessment in the absence of empirical evidence.

#### Flood Risk

22. The Environment Agency previously confirmed that they have no objection to the works. Lancashire County Council Lead Flood Authority has made no comments.

#### **Overall Conclusion**

23. It is considered that the works have not materially altered the essential character of the area and have not increased the likelihood of flooding in the area. As such the application is recommended for approval.

24. Together with application 14/00132/FUL the retrospective works at the former Heapey No. 8 reservoir can now be regularised.

#### **Planning Policies**

National Planning Policy Framework (The Framework): Section 12  
 Adopted Chorley Borough Local Plan Review 2003: Policies HT7 and HT8  
 Emerging Chorley Local Plan 2012 - 2026: Policy BNE8  
 Adopted Central Lancashire Joint Core Strategy: Policy 16

#### **Planning History**

**13/01015/FUL** Rose Cottage, White Coppice, Heapey, PR6 9DE

Retrospective application for the removal of the dam wall and embankment to Heapey no. 8 reservoir and the extension of the existing parking area adjacent to Rose Cottage in the area formerly occupied by the dam wall and embankment.

Application Withdrawn 27 November 2013.

**14/00132/FUL** Land 35m north-east of Rose Cottage, White Coppice, Heapey.

Retrospective application for the removal of part of the dam wall at Heapey Reservoir No.8

Granted permission subject to conditions at the Development Control Committee of 22 April 2014.

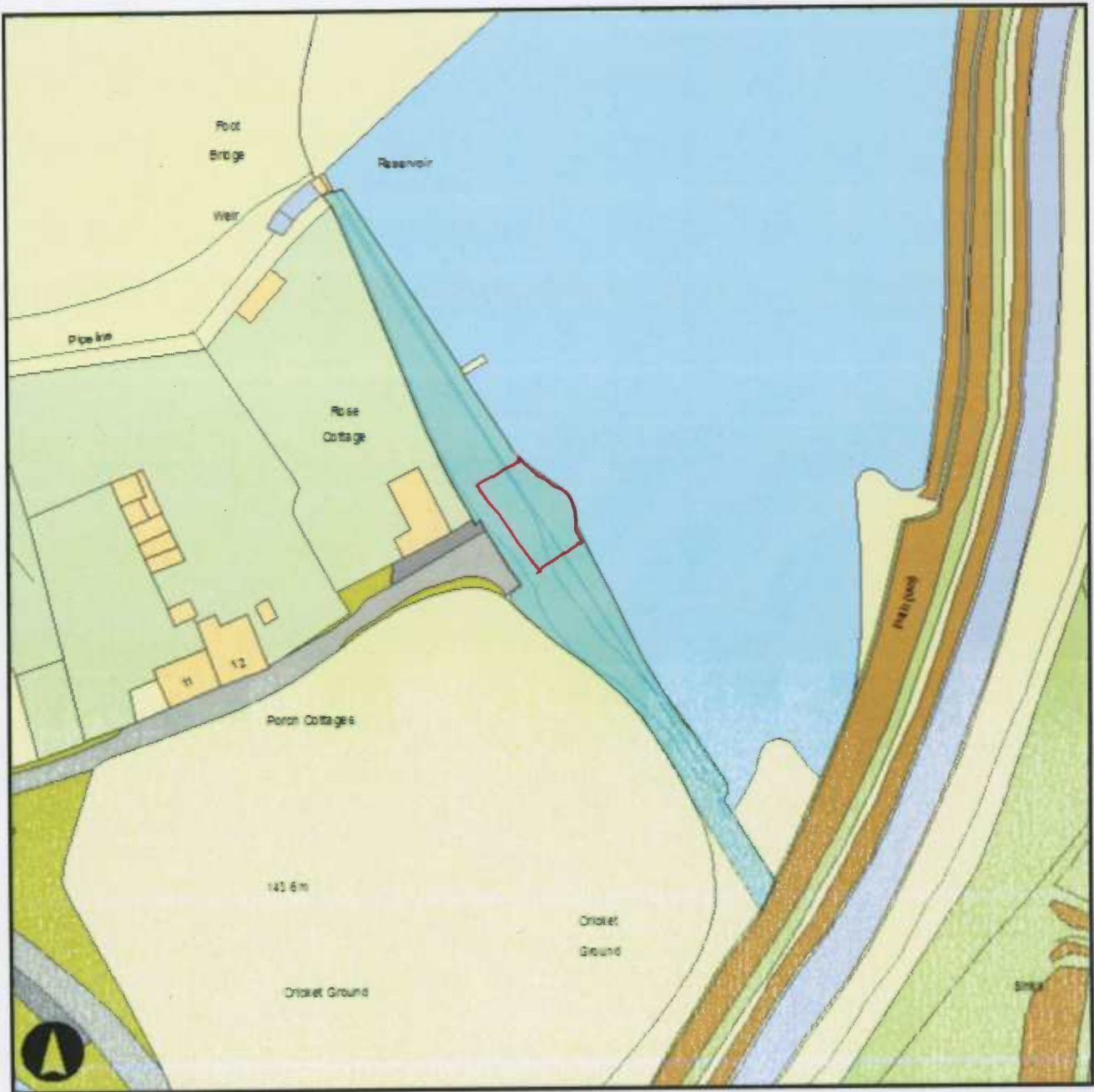
**Recommendation: Permit Full Planning Permission**

**Suggested Conditions:**

none

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# 14/00149/FUL



**14/00149/FUL (1)**

Planning Applications (1)

REFVAL	STATUS	DECISION	RECEIVED	VALIDATED	SHAPE
14/00149/FUL	PCO	Null	12/02/2014	02/05/2014	Polygon

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**Mapping**

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Report of	Meeting	Date
Director of Public Protection, Streetscene And Community	Development Control Committee	8 July 2014

## **PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 30 MAY AND 24 JUNE 2014**

### **PLANNING APPEALS LODGED**

1. Appeal by Mr G and N Dugdale against the Committee decision to Refuse Outline Planning Permission for the Erection of 4no. detached dwellings with garages and a new means of access from Crosse Hall Lane. (Resubmission of withdrawn application 12/01055/OUT) at Land 75M East Of Hilfred, Crosse Hall Lane, Chorley (Planning Application: 13/00991/OUT Inspectorate Reference APP/D2320/A/14/2218539). Inspectorate letter received 17 April 2014.
2. Appeal by Squirrel Investments (Kevin Boardman) against the delegated decision to Refuse Full Planning Permission for Erection of a detached dwellinghouse to be built to Code Level 6 of the Code for Sustainable Homes at Land 13M North Of Taleford House, Squirrel Lane, Anderton (Planning Application: 13/00640/FUL Inspectorate Reference APP/D2320/A/14/2219301). Inspectorate letter received 3 June 2014.

### **PLANNING APPEALS DISMISSED**

3. Appeal by Mr & Mrs Paul & 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). The appeal is dismissed Inspectorate letter received 19 June 2014.

### **PLANNING APPEALS ALLOWED**

4. None.

### **PLANNING APPEALS WITHDRAWN**

5. None

### **ENFORCEMENT APPEALS LODGED**

6. None.

### **ENFORCEMENT APPEALS DISMISSED**

7. None.

**ENFORCEMENT APPEALS ALLOWED**

8. None.

**ENFORCEMENT APPEALS WITHDRAWN**

None.

**LANCASHIRE COUNTY COUNCIL DECISIONS**

9. Decision by Lancashire County Council to vary Condition no. 6 of planning permission no. 89/897 granted by Lancashire County Council to allow retention of the landfill gas powered electricity generating station until 31 December 2030 (Lancashire County Council Reference: LCC/2014/0054 Chorley Reference: 14/00421/CTY) made 5 June 2014. LCC Decision received 9 June 2014.

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

JAMIE CARSON  
DIRECTOR OF PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

There are no background papers to this report.

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Robert Rimmer	5221	25 June 2014	***



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## Appeal Decision

Site visit made on 9 June 2014

**by J Westbrook BSC(ECON) MSC PGCE MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 19 June 2014**

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**Appeal Ref: APP/D2320/D/14/2218894**

**The Coach House, Chorley Road, Withnell, CHORLEY, PR6 8BG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Paul and Lucy McGuigan against the decision of Chorley Borough Council.
  - The application Ref 14/00274/FUL was refused by notice dated 8 May 2014.
  - The development proposed is the erection of double garage (as previously approved under 12/01114/FUL) and incorporation of a basement floor.
- 

### Decision

1. The appeal is dismissed

### Procedural matter

2. In reaching my decision I have had regard to the recently published and updated National Planning Practice Guidance.

### Main issue

3. The main issue in this case is whether the proposed garage with basement represents inappropriate development in the Green Belt and, if so, whether the harm to the Green Belt, and any other harm, is clearly outweighed by any other considerations

### Reasons

4. The Coach House is a detached dwelling with a separate single-storey annex situated within a large garden area. It is located to the south-east of Chorley Road from which it is accessed via a long driveway that also serves a large care home. It lies within the Green Belt. It is bounded by a tall hedge to its north-western side and a fence and tall hedge to its north-eastern side. The proposed garage with basement would be sited within the northern part of the plot and would not be readily visible from outside of the site.
5. The house was apparently converted from a coach house subsequent to a planning permission granted in 1999. The development permitted also included a double garage to the south of the dwelling. That double garage has subsequently been converted to ancillary accommodation, such that car parking at the property is now confined to a driveway to the front of the dwelling. The current proposal would involve the construction of a double garage to the north of the house and it would have a full basement area excavated beneath to be used for storage purposes.

6. The Council contends that the development would be detrimental to the character and appearance of the Green Belt, and that it would be inappropriate development in the Green Belt. Paragraph 89 of the National Planning Policy Framework (NPPF) indicates that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. There are exceptions to this basic requirement, but the proposal does not fall into any of the exception categories. It is, therefore, inappropriate development, which is by definition harmful to the Green Belt. In accordance with guidance in paragraph 88 of the NPPF, I give this harm substantial weight. I must therefore examine whether this harm, and any other harm is clearly outweighed by any other considerations.
7. The appellants contend that if the garage were attached to the house it would then be classified as an extension that could be considered as an exception to the requirement in the NPPF. However, it is not attached and, in any case, I have no details as to the size of the original building or of subsequent extensions or alterations, and so it may equally well be the case that such a proposal could have been considered as resulting in a disproportionate addition.
8. Permission has already been granted on appeal for a garage without a basement on the same footprint as the current proposal. In his decision, the Inspector noted that the proposed double garage would not adversely affect the character or appearance of the area and, given its location and above-ground design, I concur with that view. However, the addition of a basement with an internal staircase access would result in one or both of the car parking spaces being well below the standard of 5.5 metres in length as required by the Council's Householder Design Guidance – Supplementary Planning Document (SPD). On this basis, I have significant concerns that the garage would become effectively unusable for car parking purposes, resulting in a continuation of car parking outside of the house. This would run counter to the appellants' stated desire to use the garage for the safe housing of the family's cars.
9. In addition to my concerns regarding the lack of internal space in the garage, I note that the front elevation of the garage would include a central pillar. This is appropriate in design terms. However, there is no detailed indication on the submitted plans of vehicle manoeuvring space in front of the garage and, I have further concerns that the limited space between the front gates to the property and the front of the garage, together with the existence of the pillar, could significantly restrict the ability of a vehicle to enter the northernmost space within the garage.
10. The SPD also indicates that it is unlikely that planning permission will be forthcoming for more than the equivalent of a double garage, a small shed, and a small greenhouse on a single dwelling in the countryside. The current dwelling already has an outbuilding that is the equivalent of a double garage. The proposed building, including the basement, would add a further outbuilding of twice the volume of a normal double garage to the dwelling, albeit a substantial part of that building would be below ground. It would, in this case, and on the basis of its overall scale, conflict with guidance in the SPD.



11. In conclusion, I find that the proposal would be inappropriate development in the Green Belt. By virtue of its situation, design and limited above-ground visibility, it would not be significantly harmful to the character and appearance of the surrounding area. However, this lack of harm does not compensate for the likelihood that the restricted car parking space within the garage, caused by the need to provide access to the basement, would result in the spaces becoming effectively unusable. This would counteract any benefit to the appearance of the area resulting from the removal of car parking from the driveway to the front of the house. I therefore find that the considerations put forward by the appellants do not clearly outweigh the harm to the Green Belt and other harm that would be caused by the proposal, and that there are, therefore, no very special circumstances to justify this inappropriate development.
12. The proposal would conflict with guidance given in the NPPF relating to inappropriate development in the Green Belt. It would also conflict with Policy BNE1 of the Chorley Local Plan, which relates to the design of new development, including car parking, and with guidance in the SPD. I therefore dismiss this appeal.

*J Westbrook*

INSPECTOR

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Town and Country Planning Act 1990

Form P2

# PLANNING PERMISSION

**Name and address of Applicant**

BIFFA WASTE SERVICES  
LTD  
RIXTON OLD HALL  
MANCHESTER ROAD  
RIXTON  
WARRINGTON  
WA3 6EW

**Name and address of Agent (if any)**

BIFFA WASTE SERVICES  
LTD  
RIXTON OLD HALL  
MANCHESTER ROAD  
RIXTON  
WARRINGTON  
WA3 6EW

**Part I – Particulars of application**

Date of application: **15 April 2014** Application No. **LCC/2014/0054**

Particulars and location of development:

**VARIATION OF CONDITION 6 OF PLANNING PERMISSION 9/89/897 TO ALLOW RETENTION OF THE LANDFILL GAS POWERED ELECTRICITY GENERATING STATION UNTIL 31 DECEMBER 2030 AT WITHNELL LANDFILL SITE, BOLTON ROAD, WITHNELL**

**Part II – Particulars of Decision**

The **Lancashire County Council** hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been granted for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

**Time Limits**

1. Not later than 31 December 2030, all buildings, plant, hardstandings and fencing shall be removed, the access road downgraded, and the site restored in accordance with the conditions of this permission.

*Reason: Imposed pursuant to schedule 5 of the Town and Country Planning Act 1990 and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

**Working Programme**

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
  - a) The Planning Application received by the County Planning Authority on 12 March 2014

- b) Submitted Plans and documents:

Drawing ref.W4035800 - Location Plan, layout plan and elevations.  
Drawing ref. W4035900 - Gas compound layout

- c) All details approved in accordance with this permission.

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

### Restoration

3. By 31 December 2020 details for the final restoration and aftercare of the site shall be submitted to the County Planning Authority for approval in writing. The details for the final restoration and aftercare of the site shall include the following:
- a) the afteruses to which the site is to be restored including the layout of any water areas, forestry areas or land to be restored to agricultural land;
  - b) a contour plan showing the final levels and landform of the site at not less than one metre intervals
  - c) the replacement of soils or soil making materials including details of the materials to be used, depths of replacement and their treatment;
  - d) the landscaping of restored areas including seeding or tree and shrub planting including details of location and layout of planting areas, numbers, species, types and sizes of species to be used, planting techniques, protection measures and seed mixes to be used and rates of application.
  - e) the measures to be taken to secure normal plant growth;
  - f) Protection measures, replacement of planting failures and maintenance of planting throughout the aftercare period;
  - g) details of surface water drainage to ensure that the site will be free draining including identification of discharge points and measures to control run off and prevent erosion;
  - h) details for the treatment of any water areas including depths of water, creation of shorelines and appropriate planting and landscaping of water features;
  - i) the removal of all plant, machinery, buildings, structures, erections and their foundations including the removal of all internal roadways and hardstanding areas;
  - j) Details of the downgrading of the access road from the landfill gas electricity generating station compound to the public highway at the A675 (Bolton Road).

- k) details for the creation of any wildlife habitat areas.
- l) a timescale for the implementation of the above restoration works.

The site shall be restored in accordance with the details, measures and timetable set out as approved.

*Reason: To provide for the completion and final restoration of the site within the approved timescale in the interests of the visual amenities of the area and to secure the proper restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

### Aftercare

- 4. Upon certification in writing by the County Planning Authority of the completion of restoration, aftercare of the site to promote the agricultural/amenity afteruse of the site shall be carried out for a period of five years in accordance with the approved details required by condition 3.

*Reason: To secure the proper aftercare of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

### Definitions

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration have been completed satisfactorily.

### Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/permits from the Environment Agency.

---

**Date: 5 June 2014**

**LANCASHIRE COUNTY COUNCIL**



**STEVE BROWNE  
INTERIM EXECUTIVE DIRECTOR  
FOR THE ENVIRONMENT**

*Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.*

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**NOTE:****1. Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities and Local Government and the Regions under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within 6 months of the date of this notice, using a form which you can get from the Planning Inspectorate, Registry/Scanning Room, 3/05 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

**2. Purchase Notices**

- If either the local planning authority or the Secretary of State for Communities and Local Government and the Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the District/Borough Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

- 3.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State for Communities and Local Government and the Regions on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.