

**DEVELOPMENT CONTROL COMMITTEE**  
TUESDAY, 5TH AUGUST 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 8 July 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 submitted twelve reports (of which 2 are to follow) for planning applications to be determined (enclosed).

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

**3A 14/00071/OUTMAJ - CAMELOT THEME PARK PARK HALL  
ROAD CHARNOCK RICHARD CHORLEY PR7 5LP (REPORT  
TO FOLLOW)**

3B	<b>14/00022/OUTMAJ - GOODYEAR BUSINESS PARK GORSEY LANE MAWDESLEY (REPORT TO FOLLOW)</b>	
3C	<b>14/00550/OUT- LAND TO THE SOUTH WEST OF RICMARLO, PRESTON NOOK, ECCLESTON</b>	(Pages 9 - 28)
3D	<b>14/00551/OUT- RICMARLO , PRESTON NOOK, ECCLESTON</b>	(Pages 29 - 44)
3E	<b>14/00512/FULMAJ - UNIT 7 AND 9, REVOLUTION PARK, BUCKSHAW AVENUE, BUCKSHAW VILLAGE</b>	(Pages 45 - 70)
3F	<b>14/00560/FULMAJ - FORMERLY BURROWS (GRASS MACHINERY) LIMITED, WIGAN ROAD, CLAYTON-LE-WOODS</b>	(Pages 71 - 84)
3G	<b>14/00563/REMAJ - LAND BOUNDED BY TOWN LANE (TO THE NORTH) AND LUCAS LANE (TO THE EAST), TOWN LANE, WHITTLE-LE-WOODS</b>	(Pages 85 - 92)
3H	<b>14/00618/FUL - CLAYTON BROOK COMMUNITY HALL, GREAT GREENS LANE, BAMBER BRIDGE, PESTON, PR5 8HL</b>	(Pages 93 - 100)
3I	<b>14/00332/OUT - LAND BETWEEN WHEATSHEAF HOTEL AND 2 CHAPEL LANE, COPPULL</b>	(Pages 101 - 118)
3J	<b>14/00541/REM - LAND NORTH OF LANCASTER LANE AND BOUNDED BY WIGAN ROAD AND SHADY LANE, LANCASTER LANE, CLAYTON-LE-WOODS</b>	(Pages 119 - 128)
3K	<b>14/ 00584/FUL - EAVES GREEN COMMUNITY CENTRE, COTTAGE FIELDS, CHORLEY, PR7 3QE</b>	(Pages 129 - 134)
3L	<b>14/00620/FUL- LAND WEST AT REAR OF 5 FENDLEY COTTAGE, BLACKBURN BROW, CHORLEY</b>	(Pages 135 - 148)
4	<b>FOOTPATH 31 COPPULL CONFIRMATION OF PUBLIC PATH DIVERSION ORDER</b>	(Pages 149 - 156)
	Report of the Head of Governance (enclosed).	
5	<b>TREE PRESERVATION ORDER NO 1 (WHITTLE-LE-WOODS) 2014</b>	(Pages 157 - 160)
	Report of the Head of Governance (enclosed).	
6	<b>PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO.3 (CLAYTON-LE-WOODS) 2014 WITHOUT MODIFICATION</b>	(Pages 161 - 164)
	Report from the Head of Governance (enclosed).	

7 **APPEALS AND OTHER DECISIONS**

(Pages 165 -  
170)

Report of the Director of Public Protection, Streetscene and Community (enclosed).

8 **ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR**

GARY HALL  
CHIEF EXECUTIVE

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

Electronic 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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**MINUTES OF DEVELOPMENT CONTROL COMMITTEE****MEETING DATE** Tuesday, 8 July 2014**MEMBERS PRESENT:** Councillors Matthew Crow (Chair), Dave Rogerson (Vice-Chair) and Charlie Bromilow, Jean Cronshaw, David Dickinson, Christopher France, Danny Gee, Keith Iddon, June Molyneaux, Alistair Morwood, Mick Muncaster, Richard Toon, Paul Walmsley and Alan Whittaker**SUBSTITUTES:** Councillor John Dalton**OFFICERS:** Jamie Carson (Director of Public Protection, Streetscene and Community), Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), Caron Taylor (Planning Officer), Alex Jackson (Legal Services Team Leader) and Cathryn Filbin (Democratic and Member Services Officer)**APOLOGIES:** Councillor Henry Counce**OTHER MEMBERS:** Councillors Matthew Lynch, Mike Handley and Kim Snape**14.DC.56 Minutes**

**RESOLVED – That the minutes of the Development Control Committee held on 10 June 2014 be confirmed as a correct record and signed by the Chair.**

**14.DC.57 Declarations of any interests**

There were no declarations of interest submitted.

**14.DC.58 Planning applications to be determined**

The Director of Public Protection, Streetscene and Community submitted eight applications for planning permission consideration.

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

**14.DC.58a 14/00514/REMAJ - Plot 4400, Buckshaw Avenue, Buckshaw Village**

**RESOLVED (unanimously) – That the reserved matters application be approved subject to –**

- 1. the conditions detailed within the report in the agenda**
- 2. and; that delegated authority be given to officers in association with them Chair and Vice Chair of the Development Control Committee –**
  - a. to consider the appropriateness and need of condition 9 and to remove or amend the condition as appropriate.**
  - b. for officers of the Development Control team to compare the recommended conditions of the Highways Authority with those detailed within the report and include additional conditions or amend conditions as appropriate.**

**14.DC.58b 14/00271/FULMAJ - 107 to 113 Chorley Road, Adlington**

**Speakers:** Objector – Roger Galley and the applicant's agent – Robin Rowles.

**RESOLVED (unanimously) – That planning permission be approved subject to -**

- 1. a Section 106 legal agreement,**
- 2. the conditions detailed within the report in the agenda subject to the deletion of Condition 5**
- 3. and, that delegated authority be given to officers in consultation with the Chair and Vice Chair of the Development Control Committee to negotiate the relocation of the bin store and additional car parking spaces and in the absence of agreement with the applicant the matter be reported back to Committee.**

**14.DC.58c 14/00429/FUL - Chorley Rugby Union Club, Chancery Road, Astley Village**

**Speakers:** Ward Councillor – Councillor Matthew Lynch and the applicant – Anthony Callander.

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

**14.DC.58d 13/01199/FULMAJ - Cockers Farm, Long Lane, Heath Charnock**

**RESOLVED (unanimously) – That the retrospective application for a change of use be approved subject to the conditions detailed within the report in the agenda.**

**14.DC.58e 13/01012/FUL - Ivy Cottage, Preston Road, Coppull**

**Speaker:** Applicant's agent – Chris Weetman

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

**14.DC.58f 14/00551/OUT - Ricmarlo, Preston Nook, Eccleston**

**Speakers:** Objector - Steve Heath and the applicant's agent – Harry Tong

**RESOLVED (unanimously) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposal.**

**14.DC.58g 14/00550/OUT - Land To The South West Of Ricmarlo, Preston Nook, Eccleston**

**Speakers:** Objector - Steve Heath and the applicant's agent – Harry Tong

**RESOLVED (unanimously) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposal.**

**14.DC.58h 14/00149/FUL - Land 35M North-East Of Rose Cottage, White Coppice, Heapey**

**Speaker:** Objector – Peter Pennington

**RESOLVED (8:5:2) – That retrospective planning permission be approved.**

#### **14.DC.59 Planning Appeals and Decisions Report 8 July 2014**

The Director of Public Protection, Streetscene and Community submitted a report which informed Members of the Development Control Committee of –

1. one appeal to the Planning Inspectorate against the decision to refuse outline planning permission (application number 13/00991/OUT)
2. one appeal to the Planning Inspectorate against the delegated decision to refuse planning permission (application number 13/00640/FUL)
3. a planning appeal that had been dismissed by the Planning Inspectorate (application number 14/00274/FUL)
4. and; a decision by Lancashire County Council to vary a condition on planning permission 14/00421/CTY.

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

Chair

Date

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<b>Item 3c</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 June 2014</b>
<b>Decision due by:</b>	<b>18 July 2014 (extension agreed until 8 August following the deferral at July Development Control Committee)</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**

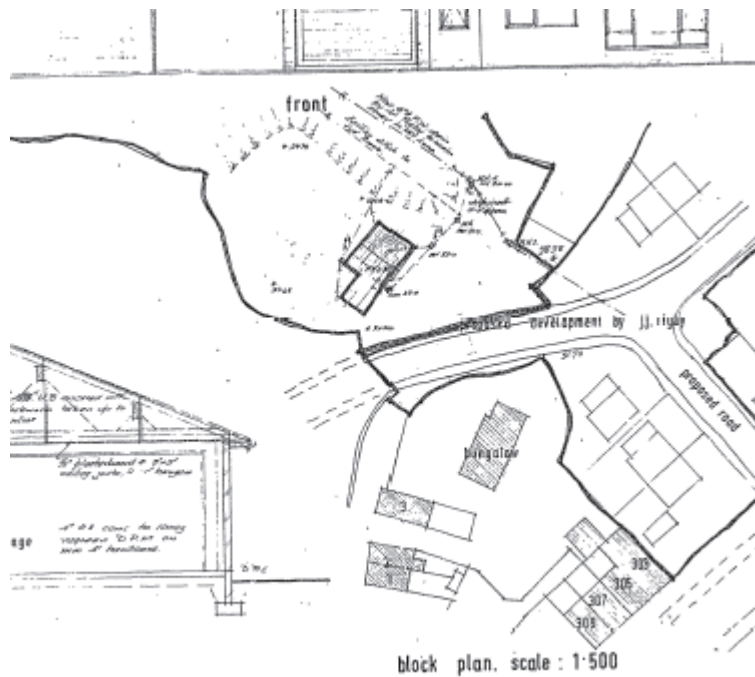
<b>Consultee</b>	<b>Summary of Comments received</b>
Chorley's Waste and Contaminated Land Officer	Has recommended a condition in respect of contamination
LCC Ecology	Originally raised concerns in respect of the proximity of the development to the watercourse
Environment Agency	Have no objection subject 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 Committee 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 Ricmarlo.
9. Members will recall this application was deferred at 8<sup>th</sup> July Development Control Committee to enable a site visit to be undertaken. One of the queries raised was whether this land was actually garden land. Planning permission was granted for the property in July 1973 (5/5/9928) which detailed the whole site but specifically stated, by condition, that the permission relates only to one dwelling sited as shown on the 1:500 block plan. This is as follows:



10. As set out above the permission for the dwelling only related to the area of land detailed which is considered to be the garden area associated with the dwelling. The remainder of the land, subject to this planning application, although owned by the applicant has not been used as garden. The agent for the application has confirmed that the land is not part of the garden of Ricmarlo, there is a significant difference in levels between the garden of Ricmarlo and the application site.
11. Three aerial photographs have been provided, dated 2000, 2005 and 2009, which demonstrates that the garden of Ricmarlo has been maintained whereas the land to the rear has not.
12. When the applicant purchased the site it was extremely overgrown and the applicant cleared the weeds. Two photos have been provided which detail how overgrown the site had become. There were no clear paths on the site and the levels of growth of the plants indicate that no maintenance had been undertaken on the site for a significant period of time.
13. As such this site represents undeveloped greenfield land within the settlement of Eccleston. 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.
14. 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

15. 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

16. 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.
17. 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.
18. 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

19. 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.
20. 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.
21. 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.
22. The proposed indicative layout also ensures that Twisted Chimney will not allow overlooking of any private amenity space associated with the new dwellings.
23. 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.
24. 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.
25. 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.
26. 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.

27. 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.
28. 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.
29. 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.
30. 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

31. 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.
32. 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).
33. 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

34. 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.
35. 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

36. 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.
37. 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.
38. 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.
39. 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

40. 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.
41. 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.)
42. 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

43. 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.
44. 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)*

45. 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.
46. 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*

47. 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)*

48. 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.
49. 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

50. 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

51. 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*

52. 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*

53. 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*

54. 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*

55. 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*

56. 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*

57. 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.

58. In the event that 3 dwellings are constructed on this site this would result in a contribution of £5262.

#### Sustainable Resources

59. 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.
60. 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

61. 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.
62. 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**

63. 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**

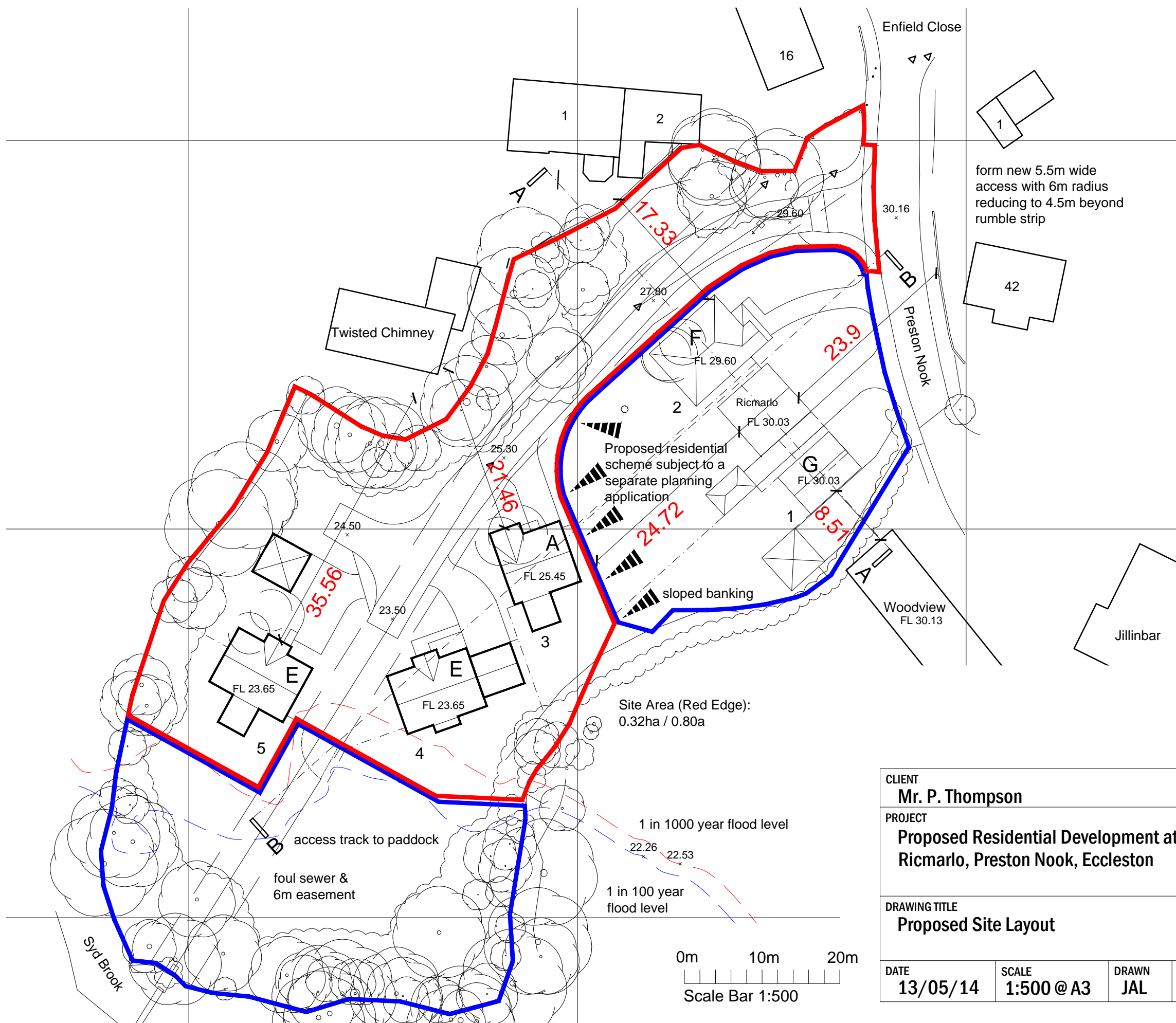
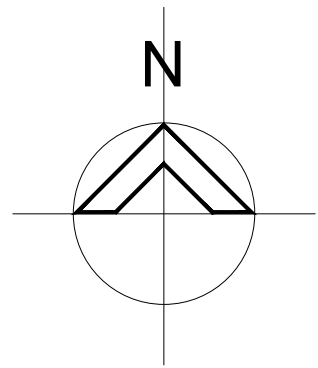
64. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material 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>

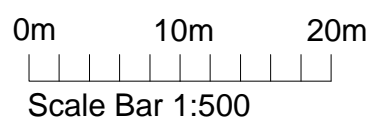
	<p>Recommendations).</p> <p>Reason: In the interests of ensuring the continued protection of the trees on the site.</p>
8.	<p>External lighting associated with the development shall be minimal, designed to avoid excessive light spill and shall not illuminate potential bat habitat (e.g. hedgerow, trees) 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>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.</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="1"> <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
Title	Drawing Reference	Received date								
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>									



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

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



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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Aerial Photograph - 2009



Aerial Photograph – 2005



**Aerial Photograph – 2000**



**Site Prior to Clearance 1**



Site Prior to Clearance 2



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<b>Item 4g</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 June 2014</b>
<b>Decision due by:</b>	<b>18 July 2014 (extension agreed until 8<sup>th</sup> August following deferral at 8 July DC Committee)</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 8 representations have been received which are summarised below**

**Objection**

Total No. received: 8

- 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
- This land has been conservation land and natural wildlife area for many years until it was levelled by the new owners overnight with a bulldozer.
- Neighbouring dwellings would be overlooking the roofs, chimney pots and windows of the proposed houses.

### 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 upto 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 of 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.

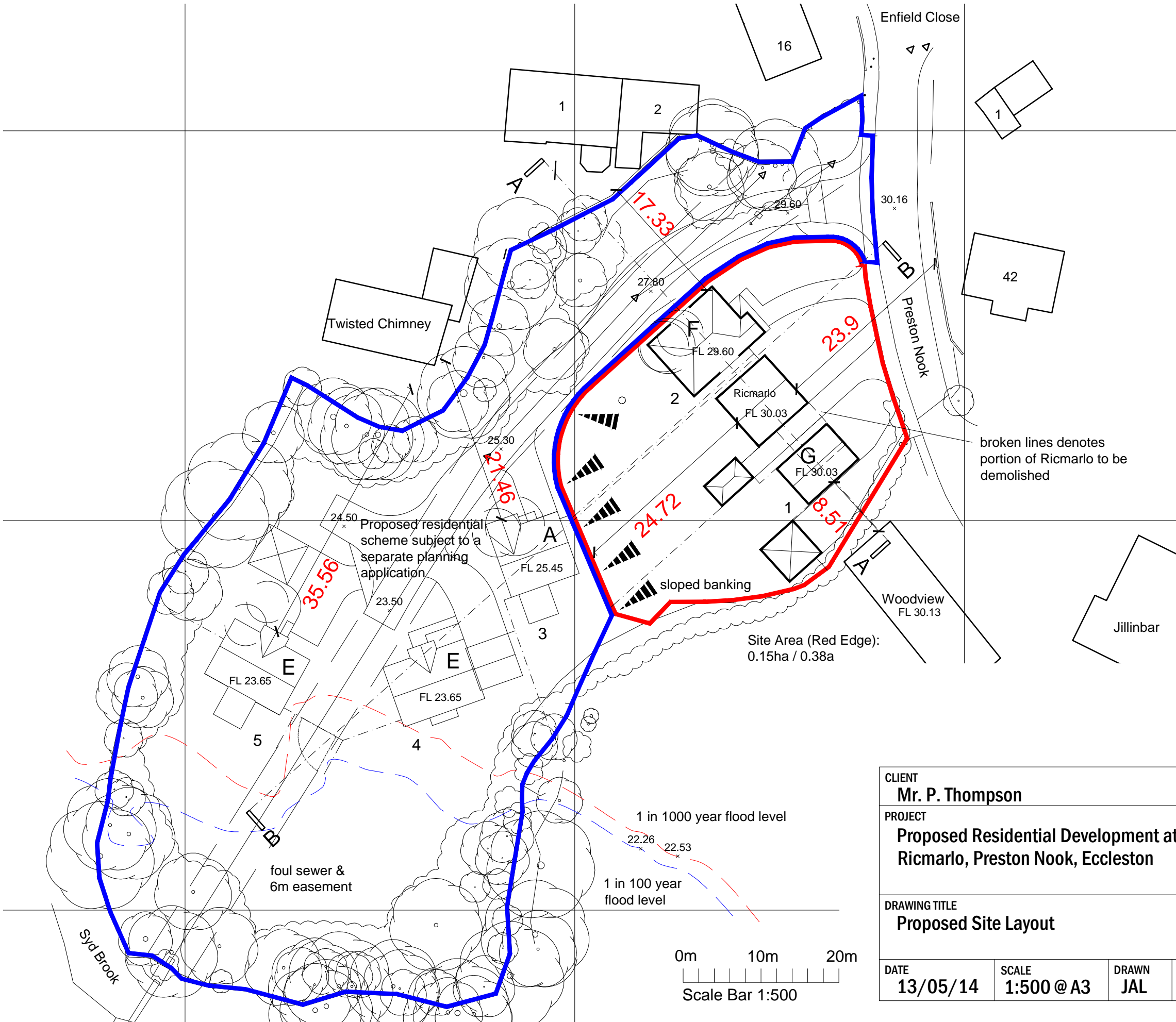
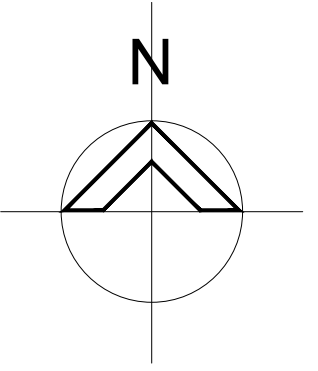
**Recommended Conditions**

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. 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. 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: a) Details of the colour, form and texture of all external facing materials to the proposed dwellings b) Details of the colour, form and texture of all hard ground- surfacing materials. c) Location, design and materials of all fences, walls and other boundary treatments. d) The finished floor level of the proposed dwellings and any detached garages  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 3e</b>	<b>14/00512/FULMAJ</b>
<b>Case Officer</b>	<b>Nicola Hopkins</b>
<b>Ward</b>	<b>Astley And Buckshaw</b>
<b>Proposal</b>	<b>Erection of 2 no. distribution centre / industrial buildings (Use Class B1c, B2, B8) with ancillary office accommodation, service yard areas, car parking, access, internal circulation areas and landscaping.</b>
<b>Location</b>	<b>Unit 7 And 9, Revolution Park, Buckshaw Avenue, Buckshaw Village</b>
<b>Applicant</b>	<b>Evander Properties Ltd</b>
<b>Consultation expiry:</b>	<b>4<sup>th</sup> July 2014</b>
<b>Decision due by:</b>	<b>7<sup>th</sup> August 2014</b>

**Recommendation**

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

**Executive Summary**

**This site has full planning permission for an industrial building which is still extant and could be constructed. In order to enable the site to be marketed to a wider group of potential occupiers the site owners have submitted this application for two smaller buildings rather than one large building. The main issues to consider are the differences between the proposed scheme and the approved scheme and the resultant impact on neighbours.**

## Representations

**Stewart Milne Homes** object on the following grounds:

- Can the applicant please provide an overlay of the approved scheme and clearly show the difference in the proposed separation distance between existing properties on Parcel L for this application and the approved planning permission reference 11/00837/FULMAJ?
- The reasons for the approved separation distances were set out during the previous planning process. Can the applicant please demonstrate and justify why it is now appropriate to change this approach?

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

### **Objection**

Total No. received: 7

- Scale and design of the building- too close to residential dwellings
- Warehouse encroach upon the landscape to the north
- Loss of trees and open space which borders on to a conservation area
- The traffic generation will grow for two units compared to one
- The number of employees will double
- Noise
- Will there be 24 hour operation?
- Can there be an assurance that the building will be disguised by trees or maybe have the car park closer to the properties?
- Loss of natural light in the garden/property.
- 'Nature Woodland' – this is more like a small hill with some very thin small trees -which is not sufficient to be classed as a 'buffer zone' to reduce noise levels.
- Perimeter lighting / flood lights- loss of amenity to neighbouring dwellings.
- CCTV – if this is located at the rear of the building will create loss of privacy.
- Acoustic fencing –should be erected on the whole boundary to the residential area.
- Sun assessment report – not available to view on the website and as the proposed buildings are to be closer to the boundary than in the original granted plans this should be reviewed.
- Out of character with the area
- Health and safety risk with children playing so close to such a development during its construction phase and also when built and in operation
- Is Chorley BC comfortable with adversely affecting its own residents in favour of planning fees etc
- Could we have a document which clearly shows the distance from each of the houses border to the original and proposed plans so we can compare - as this is our main concern

<b>Consultee</b>	<b>Summary of Comments received</b>
The Architectural Liaison Officer	Within the Southern policing area of Lancashire there have been crimes targeting distribution centres including burglary of goods after gaining access via metal shutters. In order to reduce the risk of crime affecting the distribution centres, staff and visitors, some recommendations have been suggested which will be secured by informative.
Environment Agency	Object to the application due to the absence of an acceptable Flood Risk Assessment
Lancashire County Council Highways	Have raised concerns in respect of the level of parking provision and the need for an additional access junction

**Assessment**Principle of the Development

1. The site constitutes plots 7 and 9 on the Regional Investment Site (RIS) identified in the Regional Spatial Strategy for the North West.
2. Policy EM1A of the Adopted Chorley Borough Local Plan Review reserves the land for strategic investment of regional significance, and lists a number of criteria that proposal should comply with including the scale of development, impact on surroundings and nearby occupiers, satisfactory vehicular access, occupation by a limited number of occupiers, comprehensive planning for the site as a whole, and safe links for pedestrians and cyclists. The emerging Local Plan (Policy EP1) allocated this site for employment uses.
3. This site constitutes 10.20 ha which equates to approximately 47% of the RIS.

Background Information

4. Reserved matters approval was originally granted at this site in 2007 however this was never implemented and the permission lapsed. Subsequently full planning permission was granted at the site for *'the erection of 2no distribution centre/industrial buildings (use class B1c, B2, B8) with ancillary office accommodation, service yard areas, car parking, access, internal circulation areas and landscaping'* in November 2011 (ref: 11/00837/FULMAJ)
5. Two buildings were permitted and Parcelforce now occupy the eastern building (known as Plot A). Plot B is the building at the western most extent of the site adjacent to the residential development being constructed as part of the on-going Buckshaw Village development. Plot B was granted speculative planning permission with no end user identified.
6. Following the initial grant of planning permission the scheme was amended twice under Section 73 of the Town and Country Planning Act 1990 (ref: 12/00911/FULMAJ and 13/00203/FULMAJ). The first application related to Plot A (Parcelforce) and the second application related to Plot B as follows:
  - Variation of condition 4 to enable the development to be implemented in accordance with a revised landscaping scheme.
  - Variation of condition 37 to allow the western landscaping buffer to be planted in November 2013 (the next planting season).
7. When outline planning permission was originally granted in December 2004 for the development of the whole SRS site the associated Section 106 required not less than 40% of the overall site to be used for High Quality Generic Manufacturing uses and Knowledge Based Industry. Sites 2, 3, 4 and 6/8 were granted reserved matters approval on a speculative basis including B8 uses and are all now occupied by B8 uses. The Council's aims for the site included a mixed use B2/ B8 site and as such when reserved matters approval was granted on this site previously it was for B2 (High Quality Generic Manufacturing uses and Knowledge Based Industry) use only.
  - This 60/40% split was dictated by the associated S106 Agreement. The agreement stated:
  - The Owner hereby covenants with the Council that not less than 40% of the site shall be used for High Quality Generic Manufacturing Uses and Knowledge Based Industry provided that:
  - the Owner will use reasonable endeavours to secure that a greater percentage of the Site is used for such uses and industry;
  - if the Site has been marketed in accordance with the approved marketing strategy for a period of 5 years to the reasonable satisfaction of the Council in writing then the Owner shall be entitled to market the Site for uses not falling within the definition of High Quality Generic Manufacturing Uses and Knowledge Based Industry.



8. The marketing, referred to above, began in 2005 and as such from 1st October 2010 the site, including plots 5, 7 and 9, could be marketed and occupied for uses other than High Quality Generic Manufacturing and Knowledge Based Industry.
9. This application is not a reserved matters application as the time period for submitting reserved matters, in accordance with the original outline permission, has expired. However the principle of considering alternative industrial uses, other than B2, on the site has now been established.
10. The land owners, Evander Properties Ltd, have submitted this application to vary the scheme for Plot B to include two smaller buildings providing approximately the same amount of floorspace as previously proposed within the single building. This will enable Evander to market the site for two alternative development options (i.e. a single large unit or two smaller units) which will significantly broaden the range of potential end users which the scheme is capable of attracting. Once again this is a speculative scheme with no end occupier(s) identified. The proposals subject to this application comprises an 'alternative scheme'. The availability of two consents for the same site will enable Evander to market the site to a wider range of potential occupiers.
11. The variations between the two schemes are as follows:

	<b>B1c, B2, B8 floorspace (m<sup>2</sup>)</b>	<b>Total Floorspace (m<sup>2</sup>)</b>	<b>Parking spaces</b>
<b>Approved Scheme</b>	15,925	17,086	142 spaces
<b>Proposed Scheme</b>	16,489	17,418	143 spaces
<b>Difference</b>	+564	+332	+1 space

**Proposed Development**

12. The current application proposes the erection of two distribution centres / industrial units (Use Class B1c, B2 or B8) to be provided on the site as follows:

<b>Building</b>	<b>Distribution / Industrial floorspace (m<sup>2</sup>)</b>	<b>Ancillary Office Accommodation (m<sup>2</sup>)</b>	<b>Total Floorspace (m<sup>2</sup>)</b>
<b>DC1</b>	9,845	557	10,402
<b>DC2</b>	6,644	372	7,016
<b>Total</b>	16,489	929	17,418

13. Building DC1 is proposed in the northern part of the site, with DC2 provided in the southern area, adjacent to Buckshaw Avenue. Both units will be served by service yards to the east of the buildings, with staff and visitor car parking to the south.
14. The buildings themselves will be rectangular in shape as required to ensure efficiency in their operation as storage and distribution centre / industrial buildings. The ancillary offices will adjoin the main buildings to the south east, providing a high quality, glazed frontage to Buckshaw Avenue and natural surveillance over the main access points.
15. Three balancing ponds will be provided along the western site boundary in order to provide attenuation for surface water flows.

**Green Belt**

16. This site is located within the Green Belt which is covered by Policy DC1 of the Chorley Borough Local Plan Review (ACBLPR). Policy DC1 advises that planning permission will not be granted, except in very special circumstances, for development other than agriculture, forestry, recreational facilities, cemeteries, the re-use of buildings, replacement dwellings and affordable housing in certain circumstances, and the redevelopment of Major Developed Sites in accordance with Policy DC6. Policy DC1 is considered to be in conformity with the Framework.

17. The application site is within the Major Developed Site designation. Policy DC6 states:
18. The re-use, infilling or redevelopment of major developed sites in the Green Belt, as shown on the Proposals Map, will be permitted providing all the following criteria are met:
- (a) the proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;
  - (b) the development is in scale and keeping with the main features of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance;
  - (c) the development does not exceed the height of the existing buildings;
- And
- in the case of infill
- (d) the proposal does not lead to a major increase in the developed portion of the site, result in a significant additional impact on the surrounding countryside or give rise to off-site infrastructure requirements;
- in the case of redevelopment
- (e) the proposal contributes to the achievement of the objectives for the use of land in Green Belts;
  - (f) the appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive long term plan for the site as a whole;
  - (g) the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction if this is appropriate;
  - (h) the new buildings do not occupy a larger area than the buildings they replace nor result in a significant additional impact on the surrounding countryside.
19. Although Policy DC1 is considered to be in conformity with the Framework in the context of Paragraphs 14 and 215 of the Framework, it is considered that, as the ACBLPR was originally adopted in 2003 and although the majority of its policies were saved by the Secretary of State in September 2007, reference to Major Developed Sites was removed within the Framework and replaced with previously developed sites (brownfield land) within the Green Belt. The tests in respect of the Framework relate to whether the proposals would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Reference to scale, heights and footprint which was contained within PPG2, and set out within Policy DC6, is no longer a stated test within the Framework and as such Policy DC6 is not considered to be consistent with the Green Belt policies of the Framework and as such can only be afforded limited weight in assessing the planning application.
20. However 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.
21. 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.
22. 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.”*

23. The Council accepted the Inspectors modifications for Development Control purposes at its Executive Committee on 21st November 2013. As such the policies of the emerging Local Plan can be afforded significant weight in decision making.
24. Policy BNE5 of the emerging Local Plan relates to previously developed land within the Green Belt and reflects guidance contained within the Framework as follows:  
The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:  
In the case of re-use  
a) The proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;  
b) The development respects the character of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance.  
In the case of infill:  
c) The proposal does not lead to a major increase in the developed portion of the site, resulting in a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.  
  
In the case of redevelopment:  
d) The appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.
25. The landscape of the Royal Ordnance site is essentially a very artificial one, having been subject to massive earth movements to form underground bunkers and blast mounds with a variety of buildings and infrastructure. The application site is now a levelled formed building platform with access laid out in accordance with the outline application.
26. When outline planning permission was originally granted the artificial landscape of the area was taken into consideration and the parameters of building heights were identified to be 12 -16m. The other approved buildings on The Revolution have been built in accordance with the Masterplan and are approximately 14 metres high. The proposed buildings are 14.5 metres high (Building DC1) and 12.5 metres high (Building DC2). The approved height of the building on plot B is 14.5 metres high so the proposed buildings are no higher than the approved building on this site.
27. Although this application is a full application which is not related directly to the original outline approval the original design concepts are still applicable. This application cannot be viewed in isolation in respect of this site as it would not achieve *a comprehensive long term plan for the site as a whole*.
28. When the previous application was considered on this site concerns were originally raised that the scheme did not accord with the original Masterplan for the site as it did not incorporate a 20 metre structural landscape strip along the western boundary. However the plans were amended to incorporate a buffer landscaping strip and mound (which extends from 23 metres at the narrowest point to 45 metres at it deepest point adjacent to the proposed building), a drainage ditch and a turf laid fire path along the western boundary. As set out above concerns have been raised with this scheme that the approach has changed since the previous approval and the buildings are now closer to the residential dwellings.
29. It is considered that the amended proposals reflect the originally envisaged design principles for the whole site in accordance with the original Masterplan and will not have a greater impact on openness of the Green Belt in accordance with the Framework.

#### Levels

30. The proposed finished floor levels (FFL) are both buildings is 66.0m AOD. The approved finished floor level for plot B is 65.7 and as such the proposals are 30cm higher than the

approved scheme. Both buildings are adjacent to the residential parcel L of Buckshaw Village. This site is currently under construction by Stewart Milne Homes (11/00149/REMMAJ) and Barratts Homes (10/00792/FULMAJ) with some units completed and occupied. The FFLs of the dwellings along the common boundary range from 65.00 to 66.25 (at the north west corner of the site) which ensures that the maximum difference between the dwellings and the two buildings is 1 metre however they are proposed to be separated by a landscape strip which is addressed below and as such it is not considered that the level difference will adversely impact on the neighbours amenities.

### **Design and Layout**

31. When outline planning permission was originally approved for the whole Strategic Regional Site there was accompanying S106 which incorporated several clauses. Clause 5 of this agreement incorporated the design principles which were required to be incorporated into the reserved matters approvals for the site. these included:
- The provision of not less than 20m depth of structural landscaping between the edge of the road corridor and the front elevation of any building which may include staff and customer car parking with each phase of the Development;
  - The provision of not less than 20m depth of structural landscaping between the boundaries of each plot within each phase of the Development;
  - The provision of not less than 15m depth of structural landscaping between the rear elevation of the buildings and the boundary of each plot with the railway line within each phase of the development;
  - The design of each of the buildings shall accord with the following principles:
    - the main front façade will incorporate windows and doors, the main entrance reception and offices
    - profiled and flat metal panels will be the main cladding materials for the warehouse and factory elements with curtain wall glazing and flat metal panels for the office and reception elements
    - elevation treatments will include cladding in light colours and large areas of the same colour and profile of cladding will be avoided
    - window and door frames will be anodized or powder coated aluminium
    - the roof will be shallow pitched with ridges running east-west or a parapet to give a horizontal profile to the link road.
32. Additionally the S106 included a Masterplan which indicatively detailed the layout of the buildings and the proposed landscaping. This Masterplan was subsequently amended removing the landscape strip between site 7 and 9 to allow more flexibility within the layout.
33. These design principles have been established across the remainder of the site and as such are the starting point for the consideration of this application.
34. As set out above concerns have been raised from the adjacent land owners/ home owners that the buildings are too close to the residential dwellings currently under construction/ already constructed.
35. As detailed earlier the heights of the buildings are within the range originally envisaged for this site, they are no higher than the approved building on this site and the Masterplan submitted at outline stage was only indicative in respect of the siting. As part of the approved scheme for this site a landscaping buffer was secured by condition. The most recent approval on this site included the following condition:

All planting, seeding or turfing comprised in the approved details of western boundary landscaping strip shall be carried out during the planting and seeding season commencing in November 2013 (with the preparatory work to the subsoil commencing in summer 2013) and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: In the interest of appearance of the locality and in accordance with Policy 17 of the Adopted Central Lancashire Core Strategy*

36. This landscaping mound has been implemented in accordance with the requirements of the condition and the approved plans. It is considered that the inclusion of a mound, which was not a requirement of the original outline approval, increases the effectiveness of the screening and the landscaping proposed will provide a high quality landscape scheme along this boundary.
37. Building DC1 will be 29.8 metres from the common boundary at its closest point and 34 metres from the common boundary at its furthest point. Building DC2 will be 23.3 metres from the common boundary at its closest point and 28 metres from the common boundary at its furthest point. (The approved building on Plot B is 24 metres from the common boundary at its closest point and 45 metres from the common boundary at its furthest point). It is acknowledged that this will result in 2 large buildings relatively close to residential dwellings however the landscaping all approved and planted will assist in alleviating the visual impact.
38. As set out above concerns have been raised that the submitted plans did not detail the difference between the proposed and approved scheme along with the lack of a sunlight assessment. In respect of this a plan has been provided which details the differences along with the original Sunlight Assessment.
39. It is noted that the Sunlight Assessment was produced on the basis of the originally submitted scheme before the scheme was amended to meet Royal Mail's requirements. As such, the Assessment includes a consideration of a building extending southwards almost to Buckshaw Avenue, and one which is closer to the residential boundary than the approved scheme and the scheme now proposed. As such, this assessment presents a 'worst case' scenario and the resultant impact of the revised scheme would be less than the assessment shows. In any case, the Sunlight Assessment clearly concludes that the development will have a negligible impact on the level of sunlight enjoyed by the residential properties to the west of the site.
40. Although the proposed buildings will be closer to the common boundary than the approved scheme they are only marginally closer and it is not considered that this slight difference warrants a reason for refusal.
41. The proposed materials are also a consideration to ensure that the building 'fits into' the character of the remaining site and is acceptable from the neighbouring residents' perspective.
42. The materials include grey profiled metal cladding on the roof and duck egg blue horizontally spanning profiled metal cladding panels and silver vertically spanning profiled metal cladding panels for the walls on the warehouse element of the building. For the offices the materials include grey profiled metal cladding panels for the roof, horizontally spanning composite micro-rib metal panels in Silver for the walls, PPC frames in graphite grey with grey tinted glazing and grey lookalike panel spandrels where required for the doors and windows. For the entrance lobby and canopy grey profiled metal cladding panel roof with grey eaves soffit and fascia and grey composite micro-rib metal panels above glazing. This is identical to the approved building on this site.
43. The buildings incorporate windows within the main front façade profiled metal panels, a mix of materials to break up the elevations and the roof is designed to give a horizontal profile to the link road all in accordance with the original design concept for the Strategic Regional Site. The materials match those used elsewhere on the site with the exception of the red feature band. The inclusion of this red banding is a branding inclusion by the applicant and only introduces a small amount of red into all of the buildings facades. It is not considered that this small inclusion will result in buildings which are out of character with the surrounding area.

**Noise**

44. Noise is a particular concern to the adjacent land owners/ home owners due to the proximity of the buildings to the western edge of the site (where the dwellinghouses are located) and the fact that the building is being constructed on a speculative basis (no end user identified) which means the applicants are seeking 24 hour operation. In this regard the application is supported by a Noise Assessment dated April 2014.
45. The assessment concludes that noise impacts from the revised scheme are likely to be the same or less than those previously assessed at all but one of the noise assessment locations, where the increase in ambient noise level is predicted to be +2.9dB, which is greater than the increase of +2.6dB previously accepted by Chorley Borough Council.
46. Mitigation in the form of a 2.5 metre high acoustic fence along the rear of the car parking area between the two buildings has been recommended to ensure that the impact of the revised scheme is no worse than that previously assessed and accepted. The assessment concludes that the recommended fence will ensure that the largest potential increase in ambient noise level is lower than that previously accepted by Chorley Borough Council.
47. On the previous planning approvals at this site there were very specific conditions in respect of the design of the building and fixed plant due to the fact that no end occupier was identified and there was the potential for 24 hour operation. These conditions ensured that the building was designed to reduce noise impacts and was based upon the 2012 Noise Assessment submitted in support of the original application.
48. The 2014 Noise Assessment states that the design considerations were not intended to be incorporated into planning conditions, as it is not clear how items considered during the design process could be deemed a requirement, when some may not be appropriate for the final building. However at this stage there is nothing before the Council to confirm that these elements would not be a requirement within the final building. As no end occupier is known at this stage and the buildings are closer to the neighbours than the approved building these conditions are considered essential to adequately mitigate against the noise impacts of the development.
49. The plans and noise assessment have been forwarded to the Council's Environmental Health Team who have confirmed that due to the fact that the two new units are closer to the properties than the previously accepted proposal all the conditions as was agreed previously are required. The Officer agrees with the noise report dated April 2014 with respect to the erection of a 2.5m acoustic fence which will be secured by condition.

**Flood Risk and drainage**

50. The application is supported by a Flood Risk Assessment (FRA) and Drainage Strategy which has been reviewed by the Environment Agency (EA). The Environment Agency originally objected to the proposals as the proposed scale of development would present risks of flooding to Buckshaw Village and also to the downstream residential village of Croston if surface water run-off is not effectively managed.
51. The EA considered that as the originally submitted information (Ref: RCEF30101-001 LR, Final Rev 1, dated 15 April 2014) proposed to discharge surface water un-attenuated into the adjacent drainage network the FRA needed to assess the downstream impacts of the proposed development and quantify the downstream betterment in relation to the existing run-off rates.
52. The EA however considered that their objection could be overcome if an FRA was undertaken which demonstrates that the development will not increase risk elsewhere and reduces flood risk overall.
53. The agent for the application was advised of this. The agent raised concerns with the Environment Agencies comments in that the Flood Risk Assessment (FRA) and drainage strategy submitted is presented as an addendum to the original FRA and drainage

documents which were approved under the extant permission on the site (LPA ref. 12/00911/FULMAJ, as amended by 13/00203/FULMAJ).

54. The FRA and drainage strategy anticipate that the development will discharge into the wider Buckshaw Village drainage system, which has been developed across Revolution Park and provides connection points to each plot. The on-site surface water attenuation proposed as part of the scheme, therefore, provides attenuation to ensure that surface water flows are within the discharge limits of the approved (and built) drainage system.
55. The extant permission on this site conditioned details of the surface water drainage scheme. The wording of the condition requires that the discharge rates achieved from the site accord with the Buckshaw Village Drainage Strategy. This permission can still be implemented subject to discharging the prior commencement conditions.
56. The agent has confirmed that the applicant would be happy to accept a condition relating to the approval of the surface water drainage scheme which does not refer to connection into the wider Buckshaw Village drainage regime. The agent considers that this approach would represent an improvement on the existing consent for Chorley and the EA as surface water run-off rates can be discussed and agreed (whereas they are already prescribed in the existing permission by virtue of reference to the Buckshaw Village Drainage Strategy). The agent therefore has suggested that following condition wording to secure this:  
*“Prior to the commencement of development, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the surface water discharge rates and details of how the scheme shall be maintained and managed after completion. The scheme shall also include details of surface water from yard storage areas, vehicle washing areas, loading and unloading areas. Any areas which are likely to be contaminated by spillage should be connected to the foul sewer. In the absence of a sewerage system, such drainage must go to a tank(s) with no discharge to watercourse. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.”*
57. This suggestion was put to the Environment Agency who have confirmed that they maintain their objection to the above application, as they have sufficient evidence from United Utilities that the existing surface water drainage system has not been constructed in accordance with the approved plans and would not be able to cope with an increase in discharge rates. As such the Environment Agency are requiring all new schemes at Buckshaw Village to attenuate surface water flows to greenfield run-off rates. Although the Agency still recommends that the applicant submits a revised FRA they have also suggested the following condition as a way forward:  
*No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate that the surface water run-off from the site will be restricted to Greenfield rates, and that 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 scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.*
58. This suggested way forward was put to the agent for the application who has confirmed that the proposed condition would not be acceptable to the applicant and they do not consider the condition as worded to be justified. The agent has confirmed that the suggested condition would have significant implications for the deliverability of the scheme and is likely to render the development unviable due to the attenuation requirements associated with the drainage strategy sought by the EA.

59. The agent has confirmed that some flexibility is required for considering an alternative drainage strategy if deemed to be appropriate at any future point. The agent considers that prescribing a run-off rate which may be unnecessary is overly onerous and is unachievable in the context of this development.
60. In respect of this site the fall-back providing by the consented scheme sets a clear precedent for a drainage scheme which includes discharge rates in accordance with the wider strategy for Buckshaw Village.
61. In order to move this planning application forward it is clear that the issue in respect of this site is the Environment Agencies request that surface water run-off be restricted to Greenfield rates. It may not be eventually necessary to restrict this site to Greenfield rates on the proviso that the site does not exceed the run-off from the undeveloped site. This would ensure that the scheme does not generate an increase in discharge rates which is the concern raised by the Environment Agency. As such an amalgamation of the two suggested conditions would mean control is maintained over the drainage solution for this site whilst ensuring that the development does not exacerbate problems within the area and downstream.
62. It may be that the developer can demonstrate that surface water connection into the wider Buckshaw SUDs network can be achieved without any further impact downstream.

#### **Traffic and Transport**

63. It is proposed to serve the development by two principal vehicular access points off Buckshaw Avenue. The access point for Building DC1 is already in situ and will provide access to the service yard via a combined inbound and outbound gatehouse with barrier control as well as the staff and visitor car parking. The scheme includes a long access road which has been designed to minimise the potential that service vehicles will need to queue on Buckshaw Avenue in order to access the site. A turning head will be provided close to the Buckshaw Avenue end of the access road to enable incorrectly routed vehicles to turn and exit the site before reaching the gatehouse.
64. 85 car parking spaces will be provided for DC1, including 8 no. disabled spaces adjacent to the main colleague entrance. Secure cycle parking for 10 bicycles will also be provided adjacent to the building entrance.
65. A second dedicated access is proposed from Buckshaw Avenue for access to Building DC2. HGV and car traffic will be segregated in order to improve safety and security. 58 car parking spaces are proposed for Building DC2, including 4 no. disabled spaces and 10 secure cycle parking spaces.
66. Pedestrian access to the site will be taken from Buckshaw Avenue, which provides footpaths to the wider pedestrian network with access to bus stops and railway stations. Within the site, footpaths will be provided along the access roads. Crossing points will be delineated using contrast paving to increase driver awareness and pedestrian safety.
67. The Highway Engineer at LCC has reviewed the proposals and made the following comments. Based on the proposed net additional gross internal floor space of 5806m<sup>2</sup> for each of the above use classes as shown on the application form, Units DC1 and DC2 would require 360 parking spaces. The previously approved 189 spaces, which is just over half the required level of parking, was considered acceptable, taking into account the sustainability of the site. If this level is reduced further to 143 spaces as proposed this would be disproportionate to the scale of development and might lead to unacceptable parking conditions in the area. As such, the 143no parking spaces proposed is unacceptable. The Engineer has confirmed that Highways would accept the same level of parking previously approved, i.e. 189 spaces including cycle and motorcycle parking provision.



68. The Highway Engineer considers that even with the low level of car parking proposed, no other provisions seem to have been made on site to offer employees and visitors any alternatives to journeys by car.
69. Within the Transport Statement (TS) the applicant asserts, using the trip rates and trip generation figures provided, that the proposal will generate 'negligible' net traffic and that traffic flows due to this proposal will be 'undistinguishable' from that approved for this site and that there will be no capacity issues as a result of this proposal. However in paragraph 4.1.4 of the TS, the applicant proposes an additional vehicle access to 'reduce the likelihood of queuing at the site entrances'. As such the Highway Engineer has queried why, if the proposal will generate very little traffic and that there would be no capacity issues, there is a need for additional access?
70. In this regard the Highway Engineer is not convinced that an additional vehicle access is required and can see no reasons why an access cannot be provided from Unit DC2 to link the approved single access internally to enable both sites to be accessed via the approved single access. This is particularly relevant at the two junctions seem to be too close to each other and as such one junction would have the potential to interfere with visibility for a vehicle waiting at the other junction.
71. In response to these concerns the agent for the application has confirmed that it does not appear that the Highway Engineer has included the lorry parking spaces within his assessment. The 189 spaces originally approved included 47 lorry parking spaces. The current proposals include 143 car parking spaces (compared to the 142 originally approved) results in a ratio of 1 car parking space per 120m<sup>2</sup> which the agent considers is acceptable for this site.
72. In terms of the proposed 2 access junctions the agent has commented that prevailing market conditions indicate that end occupiers require their own designated access to improve operational efficiency and as such 2 access junctions are proposed. The centreline to centreline distance between the two accesses is 54 metres which the agent considers is acceptable in respect of Manual for Streets guidelines.
73. At the time of writing this report the additional comments from the Highway Engineer had not been received. These will be reported on the addendum.

#### Sustainability

74. Policy 27 of the Adopted Core Strategy relates to sustainable resources and in this regard the application is supported by an Energy Efficiency/Resources Conservation Statement dated September 2011.
75. The submitted document confirms that the development will be designed to achieve a BREEAM 'Very Good' rating in accordance with Policy 27. This can be secured by condition.
76. The Energy Efficiency and Resource Conservation Statement confirms that a range of energy efficiency measures in the design and operation of the development will enable it to achieve a carbon emission reduction of 15% below 2010 Building Regulations requirements. These include use of roof lights, lighting controls, building insulation and use of high efficiency low NOx gas boilers.
77. The resultant carbon emission reduction is the same as that which would be achieved through meeting 15% of the development's energy requirements through use of onsite renewable energy generation. However, this will be achieved through applying the energy hierarchy to the design and operation of the development as a more effective and efficient means of achieving the overall carbon emission objective.
78. This is considered to be the most appropriate solution for the buildings proposed and the above requirements can be addressed by suitably worded conditions.

**Section 106 Agreement**

79. When outline planning approval was originally granted for this site there was an associated S106 Agreement. As this is a full application which is not associated with the outline planning approval there is a requirement to ensure that all of the originally agreed obligations have been satisfied and any outstanding would have to be secured via a new S106 Agreement. All of the obligations within this agreement have been met apart from clause 8 which the Highway Engineer refers to above.
80. Clause 8 relates to phase II highway works and requires works to be done at the junction with the A6 when certain triggers are met. These triggers have not yet been met. The owner was required to provide a bond or a parent company guarantee to the Council to cover the cost of the phase II highway works.
81. BAE, via their Bondsman, have confirmed that the bond for 'highway works at the A6' will be retained.
82. As the necessary arrangements are in place in respect of clause 8 and the remainder of the obligations have been satisfied there is no requirement for a S106 in respect of this application.

**Overall Conclusion**

83. It is acknowledged that this is a 'stand alone' application for the erection of 2 industrial units at The Revolution however the fact that in the past it has been established that this type of use is appropriate for this site is a material consideration. The site is allocated within the Local Plan under Policy EM1a as a regional investment site which reserves land at the Royal Ordnance Site for strategic inward investment of regional significance. The site is also allocated for employment purposes as part of Policy EP1 of the emerging Local Plan.
84. It is acknowledged that the buildings will be close to the residential dwellings on Parcel L and this is the most sensitive location of the site. The building height accords with that originally envisaged for the whole site, as set at outline stage, and although the proximity in respect of the siting of the building is closer than that agreed on the masterplan at outline stage, this plan was only indicative. It is considered that the proposed landscaping on a mound, which was not a requirement of the original outline approval, will achieve a high quality landscape environment for the employment area which was the original objective of the Masterplan and outline approval.
85. Noise is a concern particularly due to the potential for 24 hour working however it is considered that adequate mitigation measures can be accommodated and secured via condition to ensure that the proposals do not create a statutory nuisance.
86. The three dimensions of sustainable development include the economic benefits of the scheme. Although the proposed changes are noted when comparing the approved scheme to the current scheme the fact that the current proposals will offer more choice for potential future occupants at this allocated employment site is a material consideration. The proposals will assist in ensuring the development of this last remaining parcel of land at The Revolution and the 2 building scheme, as proposed, has the potential to accommodate 2 new businesses within the Borough with the associated job creation. As such the proposals are considered to be acceptable and the application is recommended for approval.

**Planning Policies**

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

**Planning History**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
04/00029/FULMAJ	Remediation and reclamation earth works.	Approved.	28 April 2004
04/00882/OUTESM	Outline application for employment development including full details of a link road	Approved	December 2004
07/01395/REMMAJ	Reserved matters application for the erection of 3 buildings for B2 use with ancillary parking areas	Approved	March 2008
11/00837/FULMAJ	Erection of 2 no. distribution centre/industrial buildings (Use Class B1c, B2, B8) with ancillary office accommodation, service yard areas, car parking, access, internal circulation areas and landscaping.	Approved	May 2012
12/00540/DIS	Application to discharge condition nos. 5, 19, 28, 32, and 35 of planning permission no. 11/00837/FULMAJ which permitted the erection of 2no. distribution centre/industrial buildings (use class b1c, b2, b8) with ancillary office accommodation, service yard areas, car parking, access, internal circulation areas and landscaping	Discharged	June 2012
12/00584/MNMA	Non-material minor amendment to application 11/00837/FULMAJ for the erection of 2 no. distribution centre/industrial buildings (Use Class B1c, B2, B8) with ancillary office accommodation, service yard areas, car parking, access, internal circulation areas and landscaping.	Approved	July 2012
12/00795/MNMA	Minor non-material amendments to application 11/00837/FULMAJ to include an increase in site levels.	Approved	September 2012
12/00911/FULMAJ	Variation of condition no.4 (approved plans) of planning permission 11/00837/FULMAJ to allow for minor amendments to the car park and operational area layout and elevations to Plot A for operational improvements.	Approved	November 2012
13/00001/FULMAJ	Section 73 application to vary condition no.4 (approved plans) of planning permission	Withdrawn	

	12/00911/FULMAJ to allow for amendments to the layout of Plot A including relocation of the temporary security barrier, an extension to the staff car park, revised gate detail, kiosk entry point and kerbline.		
13/00203/FULMAJ	Section 73 application to vary condition 4 (approved plans) and condition 37 (implementation of approved landscaping scheme) attached to planning approval 12/00911/FULMAJ to allow for amendments to the planting scheme and the timescale for planting the western landscape buffer associated with Plot B	Approved	April 2013

## Adjacent Sites

Reference	Site	Description	Decision	Date
06/00589/REMMAJ	Site 6/8	Erection of regional distribution centre, including warehouse/storage, ancillary offices, car and lorry parking, access and part circulation space, gatehouse, MHE store and fuel point (site area 6.6 Ha)	Approved	September 2006
06/00590/REMMAJ	Site 6/8	Part gatehouse, circulation space, MHE store and fuel point, associated with the erection of Regional Distribution Centre (Site area 1.0 Ha)	Approved	September 2006
06/00601/REMMAJ	Site 2	Reserved Matters Application for the erection of 18,353 Sq m building for B2/B8 use with ancillary parking areas and landscaping	Approved	July 2006
06/00602/REMMAJ	Site 3	Reserved Matters Application for the erection of 9,821 Sq m building for B2/B8 use with ancillary parking areas and landscaping	Approved	July 2006
06/00674/REMMAJ	Site 4	Reserved Matters Application for the erection of 21,563 Sq m building for B2/B8 use with ancillary parking areas and landscaping.	Approved	October 2007
06/01078/REMMAJ	Site 6/8	Part RDC, access, parking gatehouse, circulation space, part MHE store, bottle gas store and fuel point and landscaping.	Approved	December 2006
06/01079/REMMAJ	Site 6/8	Erection of regional distribution centre, including warehouse/storage, ancillary offices, car and lorry parking,	Approved	December 2006

		part circulation space and landscaping. Part MHE store, pallet store, bottle gas store and compactor machine.		
<b>10/00792/FULMAJ.</b>		Erection of 42 No 2 and 2½ storey dwellings	Approved	November 2010
<b>11/00149/REMMAJ</b>		Reserved Matters Application for southern part of Parcel L for the construction of 59 No dwellings together with associated works.	Approved	May 2011

**Recommended Conditions**

No.	Condition																																																
1.	<p>The proposed development of Building DC1 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.</p>																																																
2.	<p>The proposed development of Building DC2 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.</p>																																																
3.	<p>The approved plans are:</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 40%;">Plan Ref.</th> <th style="text-align: left; width: 30%;">Received On:</th> <th style="text-align: left; width: 30%;">Title:</th> </tr> </thead> <tbody> <tr> <td>5593-028 Plan</td> <td>12th May 2014</td> <td>Site Location</td> </tr> <tr> <td>5593-031 Layout</td> <td>19<sup>th</sup> June 2014</td> <td>Proposed Site</td> </tr> <tr> <td>5593-029 Plan</td> <td>12th May 2014</td> <td>Site Location</td> </tr> <tr> <td>2061-PL001 Rev A Landscape Proposals</td> <td>12th May 2014</td> <td>Preliminary</td> </tr> <tr> <td>2061-DL001 Showing Proposed Plantings at Year 1</td> <td>12th May 2014</td> <td>Cross Sections</td> </tr> <tr> <td>2061-DL002 Showing Proposed Plantings at Year 7</td> <td>12th May 2014</td> <td>Cross Sections</td> </tr> <tr> <td>2061-DL003 Showing Proposed Plantings at Year 15</td> <td>12th May 2014</td> <td>Cross Sections</td> </tr> <tr> <td colspan="3"> </td> </tr> <tr> <td>Building DC1 5593-020 Floor plans</td> <td>12th May 2014</td> <td>Proposed Office</td> </tr> <tr> <td>5593-019 Building Plan</td> <td>12th May 2014</td> <td>Proposed</td> </tr> <tr> <td>5593-021 Elevations</td> <td>12th May 2014</td> <td>Proposed</td> </tr> <tr> <td colspan="3"> </td> </tr> <tr> <td>Building DC2 5593-022 Building Plan</td> <td>12th May 2014</td> <td>Proposed</td> </tr> <tr> <td>5593-024 Elevations</td> <td>12th May 2014</td> <td>Proposed</td> </tr> <tr> <td>5593-023 Floor Plans</td> <td>12th May 2014</td> <td>Proposed Office</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:	5593-028 Plan	12th May 2014	Site Location	5593-031 Layout	19 <sup>th</sup> June 2014	Proposed Site	5593-029 Plan	12th May 2014	Site Location	2061-PL001 Rev A Landscape Proposals	12th May 2014	Preliminary	2061-DL001 Showing Proposed Plantings at Year 1	12th May 2014	Cross Sections	2061-DL002 Showing Proposed Plantings at Year 7	12th May 2014	Cross Sections	2061-DL003 Showing Proposed Plantings at Year 15	12th May 2014	Cross Sections				Building DC1 5593-020 Floor plans	12th May 2014	Proposed Office	5593-019 Building Plan	12th May 2014	Proposed	5593-021 Elevations	12th May 2014	Proposed				Building DC2 5593-022 Building Plan	12th May 2014	Proposed	5593-024 Elevations	12th May 2014	Proposed	5593-023 Floor Plans	12th May 2014	Proposed Office
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4.	<p>Development of Building DC1 shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority, notwithstanding the previously submitted plans. The drainage strategy should demonstrate that 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 scheme shall include details of the surface water discharge rates and details of how the scheme shall be maintained and managed after completion. The scheme shall also include details of surface water from yard storage areas, vehicle washing areas, loading and unloading areas. Any areas which are likely to be contaminated by spillage should be connected to the foul sewer. In the absence of a sewerage system, such drainage must go to a tank(s) with no discharge to watercourse. The scheme shall subsequently be implemented in accordance with the approved</p>																																																

	<p>details before the development is completed.                  REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.</p>
5.	<p>Development of Building DC2 shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority, notwithstanding the previously submitted plans. The drainage strategy should demonstrate that 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 scheme shall include details of the surface water discharge rates and details of how the scheme shall be maintained and managed after completion. The scheme shall also include details of surface water from yard storage areas, vehicle washing areas, loading and unloading areas. Any areas which are likely to be contaminated by spillage should be connected to the foul sewer. In the absence of a sewerage system, such drainage must go to a tank(s) with no discharge to watercourse. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.                  REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.</p>
6.	<p>In respect of Building DC1 prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking / servicing areas shall be passed through an oil interceptor in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority, notwithstanding the previously submitted plans. The scheme shall be designed and constructed to have a capacity and details compatible with, the site being drained. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.                  REASON: To protect water quality.</p>
7.	<p>In respect of Building DC2 prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking / servicing areas shall be passed through an oil interceptor in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority, notwithstanding the previously submitted plans. The scheme shall be designed and constructed to have a capacity and details compatible with, the site being drained. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.                  REASON: To protect water quality.</p>
8.	<p>Before the development of Building DC1 hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.                  Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby properties.</p>
9.	<p>Before the development of Building DC2 hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with</p>

	<p>the approved details at all times. Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby properties.</p>
10.	<p>Prior to the commencement of the development full details, of the 2.5 metre high acoustic fence to be erected along the car park boundary (between the two buildings) in accordance with appendix B, Figure B.4, of the submitted Noise Assessment dated April 2014, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved plans. <i>Reason: To protect the amenities of the neighbouring residents</i></p>
11.	<p>Within six months of the first use of Building DC1 hereby permitted, a Business Travel Plan shall be submitted to and approved in writing by, the local planning authority. The measures in the agreed Travel Plan shall then thereafter be complied with. Reason: To reduce the number of car borne trips and to encourage the use of public transport.</p>
12.	<p>Within 6 months of the first use of building DC2 hereby permitted, a Business Travel Plan shall be submitted to and approved in writing by, the local planning authority. The measures in the agreed Travel Plan shall then thereafter be complied with. Reason: To reduce the number of car borne trips and to encourage the use of public transport.</p>
13.	<p>Before Building DC1 hereby permitted is first brought into use full details of lighting proposals for the site shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details. Reason: To protect the appearance of the locality, to prevent light pollution and in the interests of public safety and crime prevention.</p>
14.	<p>Before the development of Building DC2 hereby permitted is first commenced full details of lighting proposals for the site shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details. Reason: To protect the appearance of the locality, to prevent light pollution and in the interests of public safety and crime prevention</p>
15.	<p>The development of Building DC1 hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details. Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</p>
16.	<p>The development of Building DC2 hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details. Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</p>
17.	<p>Before Building DC1 hereby permitted is first occupied details of the cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall be in accordance with the approved details. Reason : To ensure adequate on site provision for cycle parking</p>
18.	<p>Before Building DC2 hereby permitted is first occupied details of the cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall be in accordance with the approved</p>



	<p>details. Reason : To ensure adequate on site provision for cycle parking.</p>
19.	<p>The car park and vehicle manoeuvring areas for Building DC1 shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles. Reason: To ensure adequate on site provision of car parking and manoeuvring areas</p>
20.	<p>The car park and vehicle manoeuvring areas for Building DC2 shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles. Reason: To ensure adequate on site provision of car parking and manoeuvring areas.</p>
21.	<p>The development of Building DC1 shall not begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification. Reason: To ensure the development is in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework</p>
22.	<p>The development of Building DC2 shall not begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification. Reason: To ensure the development is in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework</p>
23.	<p>Within 6 months of occupation of each building hereby approved a 'Post Construction Stage' assessment shall be carried out and a Final Certificate, certifying that a BREEAM standard of minimum 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure the development is in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework</p>
24.	<p>Prior to the commencement of the development of Building DC1 full details of the on-site measures to reduce the carbon emissions of the development (related to predicted energy use) by 15% shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details Reason: To ensure the development is in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework</p>
25.	<p>Prior to the commencement of the development of Building DC2 full details of the on-site measures to reduce the carbon emissions of the development (related to predicted energy use) by 15% shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details Reason: To ensure the development is in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework</p>
26.	<p>All planting, seeding or turfing comprised in the approved details of landscaping (excluding the western boundary landscaping strip) shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. Reason: In the interest of the appearance of the locality</p>

27.	Any trees or plants which within a period of 5 years from the completion of the western boundary landscaping strip die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species. Reason: In the interest of appearance of the locality.																																																										
28.	The external facing materials detailed on the approved plans shall be used and no others substituted. Reason: To ensure that the materials used are visually appropriate to the locality.																																																										
29.	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.																																																										
30.	If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with. Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in the National Planning Policy Framework																																																										
31.	No materials or equipment shall be stored on the site other than inside the buildings hereby permitted. Reason: In the interests of the amenity of the area.																																																										
32.	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 8, Classes A, B and C) or any Order revoking or re-enacting that Order, no extension or alteration shall be carried out in respect of the buildings to which this permission relates. Reason : To prevent an intensification in the use of the premises, in the interests of the visual amenities of the area and the amenities of local residents.																																																										
33.	The development hereby permitted shall be carried out in accordance with the submitted 'Obligations And Maintenance Operations For Landscape Works Post Completion Landscape Management (5 Years) & Woodland Establishment (15 Years)', dated April 2012. Reason: In the interests of the proper development if the site.																																																										
34.	<p>Building DC1 hereby approved shall be constructed in accordance with the mitigations measures set out within the submitted Noise Assessment, dated April 2014. In particular:</p> <ul style="list-style-type: none"> <li>the noise limits set out in Table 2.1 of the report should be applied to all service plant;</li> </ul> <p>Table 2.1</p> <table border="1" data-bbox="379 1458 1222 1794"> <thead> <tr> <th rowspan="2">Location</th> <th rowspan="2">Period</th> <th colspan="2">Measured Existing L<sub>A90</sub></th> <th colspan="2">Proposed Noise Limit L<sub>A,r</sub><sup>(1)</sup></th> </tr> <tr> <th>Weekday</th> <th>Weekend</th> <th>Weekday</th> <th>Weekend</th> </tr> </thead> <tbody> <tr> <td rowspan="3">New Housing</td> <td>Daytime</td> <td>44</td> <td>41</td> <td>44</td> <td>41</td> </tr> <tr> <td>Evening</td> <td>34</td> <td>41</td> <td>34</td> <td>41</td> </tr> <tr> <td>Night</td> <td>31</td> <td>37</td> <td>31</td> <td>37</td> </tr> <tr> <td rowspan="3">Foxglove Drive</td> <td>Daytime</td> <td>40</td> <td>43</td> <td>40</td> <td>43</td> </tr> <tr> <td>Evening</td> <td>38</td> <td>41</td> <td>38</td> <td>41</td> </tr> <tr> <td>Night</td> <td>39</td> <td>36</td> <td>39</td> <td>36</td> </tr> <tr> <td rowspan="3">Euxton Lane</td> <td>Daytime</td> <td>47</td> <td>49</td> <td>47</td> <td>49</td> </tr> <tr> <td>Evening</td> <td>39</td> <td>40</td> <td>39</td> <td>40</td> </tr> <tr> <td>Night</td> <td>32</td> <td>33</td> <td>32</td> <td>33</td> </tr> </tbody> </table> <p>Note: <sup>(1)</sup> The proposed noise limits are applicable at a point close to, but at least 4 metres in front of, the relevant façade.</p> <ul style="list-style-type: none"> <li>the external building fabric envelope will be designed to optimise the containment of noise to reduce noise emissions from the site.</li> <li>The noise emission limits set out in Table 2.1 shall be incorporated into the building design; and</li> <li>intrinsically quiet plant shall be utilised.</li> </ul> <p>Prior to the occupation of the building on Plot DC1 hereby permitted full details of</p>	Location	Period	Measured Existing L <sub>A90</sub>		Proposed Noise Limit L <sub>A,r</sub> <sup>(1)</sup>		Weekday	Weekend	Weekday	Weekend	New Housing	Daytime	44	41	44	41	Evening	34	41	34	41	Night	31	37	31	37	Foxglove Drive	Daytime	40	43	40	43	Evening	38	41	38	41	Night	39	36	39	36	Euxton Lane	Daytime	47	49	47	49	Evening	39	40	39	40	Night	32	33	32	33
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	<p>the measures which have been installed to achieve the above measures shall be submitted to and approved in writing by the Local Planning Authority. Reason: To protect the amenities of the neighbouring residents</p>																																																										
35.	<p>Prior to the occupation of either Building DC1 or Building DC2 by a B2 operator the following noise mitigation measures must be installed/implemented</p> <ul style="list-style-type: none"> <li>• Penetrations through the building fabric shall be minimised;</li> <li>• The number and sizes of doors and windows in noisy areas shall be minimised;</li> <li>• The building materials shall have sufficient mass to contain the noise generated by any plant or machines that generate low frequency noise;</li> <li>• The buildings shall be designed such that their natural frequencies do not coincide with the dominant frequencies of the plant;</li> <li>• All personnel openings shall be fitted with self-closing doors; and</li> <li>• fast-closing roller doors will be used where large openings are required.</li> </ul> <p>Prior to occupation full details of the measures which have been installed in accordance with the above criteria shall be submitted to an approved in writing by the Local Planning Authority. Reason: To protect the amenities of the neighbouring residents</p>																																																										
36.	<p>Prior to the occupation of Building DC1 hereby permitted full details of any external fixed plant shall be submitted to and approved in writing by the Local Planning Authority. Any fixed plant shall be designed, located and installed to ensure that the recommended noise limits in Table 2.1 of the submitted Noise Assessment, dated April 2014, are achieved.</p> <p>Table 2.1</p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th rowspan="2">Period</th> <th colspan="2">Measured Existing L<sub>A90</sub></th> <th colspan="2">Proposed Noise Limit L<sub>Ae</sub><sup>(1)</sup></th> </tr> <tr> <th>Weekday</th> <th>Weekend</th> <th>Weekday</th> <th>Weekend</th> </tr> </thead> <tbody> <tr> <td rowspan="3">New Housing</td> <td>Daytime</td> <td>44</td> <td>41</td> <td>44</td> <td>41</td> </tr> <tr> <td>Evening</td> <td>34</td> <td>41</td> <td>34</td> <td>41</td> </tr> <tr> <td>Night</td> <td>31</td> <td>37</td> <td>31</td> <td>37</td> </tr> <tr> <td rowspan="3">Foxglove Drive</td> <td>Daytime</td> <td>40</td> <td>43</td> <td>40</td> <td>43</td> </tr> <tr> <td>Evening</td> <td>38</td> <td>41</td> <td>38</td> <td>41</td> </tr> <tr> <td>Night</td> <td>39</td> <td>36</td> <td>39</td> <td>36</td> </tr> <tr> <td rowspan="3">Euxton Lane</td> <td>Daytime</td> <td>47</td> <td>49</td> <td>47</td> <td>49</td> </tr> <tr> <td>Evening</td> <td>39</td> <td>40</td> <td>39</td> <td>40</td> </tr> <tr> <td>Night</td> <td>32</td> <td>33</td> <td>32</td> <td>33</td> </tr> </tbody> </table> <p>Note: <sup>(1)</sup> The proposed noise limits are applicable at a point close to, but at least 4 metres in front of, the relevant façade.</p> <p>The development thereafter shall be carried out in accordance with the approved details. Reason: To protect the amenities of the neighbouring residents</p>	Location	Period	Measured Existing L <sub>A90</sub>		Proposed Noise Limit L <sub>Ae</sub> <sup>(1)</sup>		Weekday	Weekend	Weekday	Weekend	New Housing	Daytime	44	41	44	41	Evening	34	41	34	41	Night	31	37	31	37	Foxglove Drive	Daytime	40	43	40	43	Evening	38	41	38	41	Night	39	36	39	36	Euxton Lane	Daytime	47	49	47	49	Evening	39	40	39	40	Night	32	33	32	33
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38.	<p>. Building DC2 hereby approved shall be constructed in accordance with the mitigations measures set out within the submitted Noise Assessment, dated April</p>																																																										

2014. In particular:

- the noise limits set out in Table 2.1 of the report should be applied to all service plant;

Table 2.1

Location	Period	Measured Existing L <sub>A90</sub>		Proposed Noise Limit L <sub>A,r</sub> <sup>(1)</sup>	
		Weekday	Weekend	Weekday	Weekend
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Euxton Lane	Daytime	47	49	47	49
	Evening	39	40	39	40
	Night	32	33	32	33

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

- the external building fabric envelope will be designed to optimise the containment of noise to reduce noise emissions from the site.
- The noise emission limits set out in Table 2.1 shall be incorporated into the building design; and
- intrinsically quiet plant shall be utilised.

Prior to the occupation of the building on Plot DC2 hereby permitted full details of the measures which have been installed to achieve the above measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of the neighbouring residents



notes  
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Schedule of Accommodation		
All areas are approximate gross internal		
DC1		
Distribution Centre	105,970 sq.ft.	9,845 sq.m.
Two Storey Offices	6,000 sq.ft.	557 sq.m.
<b>Total</b>	<b>111,970 sq.ft.</b>	<b>10,402 sq.m.</b>
Parking	85no. car spaces	
Site Area	6.33 acres	2.56 hectares
DC2		
Distribution Centre	71,516 sq.ft.	6,644 sq.m.
Two Storey Offices	4,000 sq.ft.	372 sq.m.
<b>Total</b>	<b>75,516 sq.ft.</b>	<b>7,016 sq.m.</b>
Parking	58no. car spaces	
Site Area	3.88 acres	1.57 hectares
<b>Total Development</b>	<b>187,486 sq.ft.</b>	<b>17,418 sq.m.</b>
Other Site Areas		
Western Landscaping	1.58 acres	0.64 hectares
<b>Total</b>	<b>11.79 acres</b>	<b>4.77 hectares</b>

no.	date	revision	by



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 client



project  
**Proposed Development  
 Revolution Park  
 Chorley**

drawing  
**Proposed Site Layout Plan**

scale 1:1000 @ A1 drawn spp

checked date 23/06/14

no  
**5593 - 032  
 PLANNING**

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<b>Item 3F</b>	<b>14/00560/FULMAJ</b>
<b>Case Officer</b>	<b>Paul Whittingham</b>
<b>Ward</b>	<b>Clayton-le-Woods West And Cuerden</b>
<b>Proposal</b>	<b>Full Planning Permission for the development of 14, two storey, detached residential dwellings.</b>
<b>Location</b>	<b>Formerly Burrows (Grass Machinery) Limited Wigan Road Clayton-Le-Woods</b>
<b>Applicant</b>	<b>Eccleston Homes Limited</b>
<b>Consultation expiry:</b>	<b>11.06.2014</b>
<b>Decision due by:</b>	<b>18.08.2014</b>

**Recommendation Permit Full Planning Permission subject to a Legal Agreement**

#### **Executive Summary**

Planning Permission has been granted on this site previously for the same number of properties and the site is also allocated for housing within the Emerging Local Plan. The development of this site is acceptable in principle and the details within the application are also acceptable subject to attaching conditions to the consent.

**Representations**

<b>Clayton-le-Woods West And Cuerden Parish Council does not wish to comment on this application</b>		
<b>In total 2 representations have been received which are summarised below</b>		
<b>Objection</b>	<b>Support</b>	<b>Not specified</b>
Total No. received: 2	Total No. received: 0	Total No. received:0
<ul style="list-style-type: none"> <li>Wish to ensure that the properties that are built do not have lights permanently on at night like the new properties on the next site.</li> <li>The fence at the front of the house should be set at a lower height than 1.8 metres to ensure that there is visibility for cars coming out of adjoining drives.</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>
Lancashire County Council Highways	Raise no objections to the scheme however are seeking some improvements to the entrance road width and wish conditions to be attached to any consent granted for the scheme.
Ecology	The main ecology issue remains the pond at the rear of the site and to ensure that the relationship of the boundary of the nearest dwelling to the pond is considered and to ensure that the pond is retained, maintained and protected.
CBC Planning Policy	Have identified a playspace contribution of £26,432 is required
United Utilities	Raise no objection subject to conditions including a restriction on the surface water discharge rate from the site.
Environment Agency	Have no comments to make. Refer to standing advice.



**Assessment**Principle of the DevelopmentBackground

1. Planning permission was first granted in September 2011 (ref: 11/00480/FULMAJ) for the erection of 13 detached dwellings which established the principle of developing the site for this purpose. A subsequent planning application was approved in January 2012 (ref: 11/00894/FULMAJ) which granted permission for a different layout, accommodating 14 instead of 13 detached dwellings.
2. Planning permission was most recently granted (ref 13/00062/FULMAJ) for the erection of 14 detached two and two and a half storey dwellings on 24 April 2013 and the consent must be commenced by 24 April 2016.
3. The former buildings and tanks associated with the former petrol station and the Burrows Grass Machinery use have been removed and some decontamination has taken place but the site has not been fully remediated to a developable state.

Principle of the Development.

4. The site is within the settlement of Clayton-le-Woods as defined by Policy 1 of the Core Strategy wherein some growth and investment is envisaged and is within the same settlement within the Adopted Chorley Borough Local Plan Review 2003 and within the Emerging Local Plan the site is allocated as HS 1.32. The site was last used for grass machinery sales, servicing, repairs, car sales and petrol station and is predominately a brownfield site.
5. Having regard to the previous consents on the site and the position within the emerging local plan, the proposal for residential development is therefore considered to be acceptable in principle.

Density

6. The application site extends to an area of approximately 0.80 hectares. The provision of 14 dwellings on the site therefore equates to a density of 17 dwellings per hectare. This is considered to be slightly less than normal figure used by the Council, however, there are a number of site specific circumstances which have dictated this density. This includes the provision of a footpath along Wigan Road, that the properties nearest the road (plots 1 and 14) are set back significantly from the edge of the carriageway to respect the established building line and the constraints dictated by the pond positioned to the north-east of the site. Additionally, it is also relevant to note that the surrounding area is made up of properties occupying larger plots. As such, taking all relevant points into consideration, the density is considered acceptable for the local context.
7. It is also relevant to note that the density proposed with this application is the same as that previously accepted by the Council by permitting the application 11/00894/FULMAJ and 13/00062/FULMAJ

Impact on Neighbour Amenity

8. It has been noted that a letter of objection has been received from the occupier of the adjacent property Oaktree Bungalow. This neighbour has raised specific concerns outlined in more detail at the beginning of the report, however, many of the issues raised relate to the position of plot 14 and concerns of dominance, overlooking and loss of privacy.
9. It has been noted that Oaktree Bungalow is the only neighbouring property directly bounding the application site to the south. This property comprises a bungalow with a driveway and single width tandem garage attached to it on the side bounding with the application site. The property has a window, door and high level window in its northern elevation facing plot 14 which would have a two storey gable end nearest this boundary.

10. In terms of the proposed relationship, the side window of Oaktree Bungalow will face the gable end of the property at plot 14. However, a gap of approximately 5.5m will be maintained (the same gap as that approved with the previously approved application 11/00894/FULMAJ). Furthermore, such an arrangement is not considered to be an unusual relationship between residential properties.
11. It has been noted that the property at plot 14 includes a first floor window serving a dressing room. In terms of the impact on Oaktree Bungalow, the first floor window would serve a dressing room (not a habitable room), would be conditioned to be obscure glazed and so would not result in any significant detrimental harm in respect of overlooking or loss of privacy.
12. In terms of overshadowing from the dwelling at plot 14, the previously approved was two and a half stories high compared to the proposed property that is a true two storey property and so would have less direct impact although it will still be substantial in size. However, the proposed dwelling would be positioned directly north of Oaktree Bungalow and so whilst appearing visible, would not result in any overshadowing.
13. As such, it is not considered the occupier of Oaktree Bungalow would experience any significant detrimental harm in terms of their amenity to warrant refusal of the application on these grounds.
14. In terms of other outward neighbour relationships, it has been noted that the Secretary of State granted outline permission for 300 residential properties on land adjoining the site. The Council has also granted reserved matters consent (ref: 13/00138/REMAJ). It is therefore relevant to consider the relationship between the proposed dwellings and those at the adjacent site.
15. To the north, plot 1 would face Wigan Road and would only have a dressing room window at first floor facing the adjacent site in a northerly direction. Therefore this relationship is considered acceptable.
16. Plots 2 and 3 would face the rear gardens of 2no. residential properties at the adjacent site, however, both would maintain a distance of 10m to the northern site boundary (at first floor) and so would be in accordance with the Council's adopted interface distances (which require a minimum distance of 10m).
17. The distance between the rear first floor elevations of Plots 4 to 11 would maintain a distance of 10m to the northern site boundary (at first floor) and so would be in accordance with the Council's adopted interface distances (which require a minimum distance of 10m).
18. Plot 11 would be marginally shorter than required 10m at 9.8m. However, these properties would overlook the end of the garden to Oaktree Bungalow and the rear garden of a plot yet to be built and as the proposed property would not be overlooking the private amenity space of any properties then the relationship is considered acceptable.

#### Levels

19. There will be approximately a 1m difference in levels between the properties on the frontage with Wigan Road and those to the rear of the site as the land raises gently from west to east. However, this would not be readily noticeable due to the length of the site and the gradual rise in levels.
20. The proposed levels are therefore considered to be acceptable when viewed internally within the site, when compared to those submitted with the application 13/00138/FULMAJ and when compared to those at neighbouring properties which already exist in the area.

#### Design and Layout

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

#### Trees and Landscaping

27. The majority of the site is previously developed and includes large areas of hardstanding. This means there are no substantial trees within the body of the site, however, there is hedging to part of the northern and southern site boundaries and sporadic tree planting to the north-east and south-west site boundaries.
28. The proposed site plan indicates that the existing hedging will be retained as will some of the more valuable trees positioned on the site boundary. The application would also retain more mature trees to the southern boundary which provide a natural screen to the garden of Oaktree Bungalow.
29. None of the trees are protected by tree preservation order and although to be retained (as shown on plan), none are worthy of protection for future retention. Indicative landscaping has been shown as part of the development which will be secured by planning condition.

#### Ecology

30. The application site in the main is considered to have limited ecological value. However, the site includes part of a pond to the north-east of the site which is proposed to be retained by the development. The remainder of the pond is within the ownership of the adjacent land owner and will be managed accordingly as part of that application.

31. LCC Ecology have shown concern about securing the future maintenance of the pond. The applicant plans to exclude the pond area from the domestic curtilage of the property of plot 6 by way of a 1.8m high featheredged fence. The applicant has also agreed to have the pond maintained and managed by an independent management company. Covenants will be included in the private land transfer to allow access to the pond for any necessary works. Details of the management company will be secured by planning condition and implemented accordingly thereafter.

#### Impact on Highways, access and parking

32. 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 are severe.
33. The application site was formally occupied by Burrows Grass Machinery which involved grass machinery sales, servicing, repairs, car sales and a petrol filling station. The existing access included two entry points from Wigan Road at both north and south points on the western site boundary, incorporating a typical 'in/out' arrangement.
34. The application seeks an access arrangement that would include a single principle vehicular access from Wigan Road, positioned centrally to the western site boundary. The proposed access would enjoy good visibility in both a north and south direction and would include a relatively wide opening to allow easy access for vehicles entering and exiting the site. LCC sought that the access was provided at a width of 5.5 meters upto the gate and this has now been provided.
35. There would be no other points of access for vehicles from Wigan Road, which is considered to be an improvement on the two previously approved schemes. The site would include a straight access road, measuring approximately 25m back from the edge of the highway, at which point, access to the site would be gated for both vehicles and pedestrians. Gating of the access could cause issues in respect of refuge collection or access for emergency vehicles and so a condition will be imposed (should permission be granted) to ensure access to the site is managed and controlled in such a way that access can be gained if necessary. Once entrance to the site has been gained, the road would then unfold in a standard cul-de-sac arrangement including vehicular access to each property and a turning head towards the eastern part of the site.
36. All the properties proposed with this development would in accordance with the relevant parking standards be required to have 3no. off-road parking spaces. These spaces will be achieved in different ways depending on the position of the plot. Plots 1, 6, 9, 10,13 and 14 would include off-road parking space in front of and within a detached garage, whereas plots 2-5 and 11-12 would include off-road parking space in front of an integral garage. The parking arrangements are considered acceptable.
37. Aside from the above, LCC Highways have requested a contribution to improve the 2no. existing bus stops on Wigan Road and to provide a new footway along Wigan Road. However, it must be considered that the existing three permissions at the site did not include such contribution requests and the works on which the contribution would be spent are not considered to be essential to make the development acceptable in planning terms. As such, it is not considered reasonable or necessary in this case to secure such a contribution. Should LCC Highways wish to pursue this, they could do this through Section 278 of the Highways Act 1980 when negotiating the access works with the developer.

#### Drainage and Sewers

38. In considering the three previously approved applications, discussions were held with both the Environment Agency and United Utilities. In the case of the current application the Environment Agency have no comments to make and United Utilities have raised no

objection, subject to the site draining on a separate system with only foul drainage connected to the foul sewer.

39. United Utilities have also stated they will accept surface water to existing flow rates of 31l/s, provided they do not increase as a result of the development. This will be controlled by planning condition (the same as the two previous applications) to ensure the development does not increase the risk of flooding.

#### Section 106 Agreement

40. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Therefore, these comments 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 surplus of provision in Clayton-le-Woods in relation to this standard, a contribution towards new provision in the settlement is therefore not required from this development. However, the site is within the accessibility catchment (800m) of an amenity greenspace which is identified as being of low quality and low value in the Open Space Study (site 1954 – off Cypress Close). A contribution towards improvements to this site 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 deficit of provision in Clayton-le-Woods in relation to this standard, a contribution towards new provision in the settlement is therefore required from this development. The amount required is £134 per dwelling.

#### Parks and Gardens

43. There is no requirement to provide a new park or garden on-site within this development.
44. 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

45. There is no requirement to provide new natural/semi natural greenspace on-site within this development.
46. 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

47. There is no requirement to provide allotment provision on site within this development.
48. There is an allotment site within the accessibility catchment (10 mins drive time) of this site that is identified as being of low quality in the Open Space Study (1648 - Rear of Bay Horse, Preston Rd, Whittle-le-Woods).
49. The site is also within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Land at Sylvesters Farm, Euxton (HW5.2). A contribution towards new allotment provision or improving existing provision is therefore required from this development. The amount required is £15 per dwelling.

#### Playing Pitches

50. 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.

THE TOTAL FINANCIAL CONTRIBUTION REQUIRED FROM THIS DEVELOPMENT IS AS FOLLOWS:

Amenity greenspace	= £1,960
Equipped play area	= £1,876
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £210
Playing Pitches	= £22,386
<b>Total</b>	<b>= £26,432</b>

#### Community Infrastructure Levy (CIL)

51. 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.
52. The original planning approval for housing at this site pre-dates the levy and as such was not subject to CIL. However this full application proposes new residential development after the levy is applied and as such could be liable for CIL.
53. In the case of sites within Chorley it is considered that a pragmatic approach is appropriate given that the intention of CIL was never to retrospectively impose CIL charging on approved schemes. As such the extent of approved development is subtracted from the extent of proposed development and CIL is only charged on the uplift created by virtue of the proposed amendments. In this instance the previously approved development was two and half storey development and this scheme is for two storey development and as such the scale of the development is smaller than the extant scheme so the CIL charge is Nil.
54. The previously approved scheme was approved on 24.04.2013 for a period of 3 years and whilst the Council has adopted a pragmatic approach any new consent granted should not provide a consent that extends the life of the previous consent without the consideration of CIL. It is appropriate in this instance to limit the consent to the same period as the existing and extant consent. That would mean that the consent would extend to 24.04.2016 and the applicant is willing to accept such a limited consent.

#### **Overall Conclusion**

55. The proposed site has an extant planning consent for the development of the site for the same number of properties and the site is also allocated for housing development within the emerging local plan. The layout and design of the properties and the access to the site are all considered to be acceptable subject to the imposition of conditions and the associated 106 agreement to secure a POS contribution.

#### **Planning Policies**

56. 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**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
11/00480/FULMAJ	Demolition of Burrows Grass Machinery and removal of car sales forecourt and demolition of The New Bungalow and erection of 13 no. detached two-storey dwellings and associated infrastructure.	Permit Full Planning Permission	07.09.2011
11/00894/FULMAJ	Demolition of Burrows Grass Machinery and removal of car sales forecourt and demolition of The New Bungalow and erection of 14 no. detached two-storey dwellings and associated garaging and infrastructure (changes to access point and layout of the previously approved permission 11/00480/FULMAJ and an additional house).	Permit Full Planning Permission	18.01.2012
13/00062/FULMAJ	Erection of 14 no. detached two and a half storey dwellings, associated garaging and infrastructure	Permit Full Planning Permission	24.04.2013

**Suggested Conditions**

The conditions are to follow





SCHEDULE OF ACCOMMODATION				
KEY	NAME	SIZE	NO.	SQFT
Hol	Holmeswood	1497	2	2994
Whit	Whittington	1554	2	3108
Maw	Mawdsley	1750	4	7000
Ch	Chipping	1992	2	3984
Wh	Whitechapel	2249	4	8996
<b>TOTAL</b>			<b>14</b>	<b>26082</b>

**ENCLOSURES**

- 1.8m high feather edge screen fence.
- 0.9m galvanised mild steel railings finished in black paint

**KEY**

- Existing trees to be retained
- Indicative planting
- Shared Drives shown thus
- Existing trees to be removed.

Rev. E. 3m Wide footpath, cycle way added to site entrance. TGH17/07/14  
 Rev. D. Holmeswood block updated to match working drawing. SCK 15/07/14  
 Rev. C. Northern boundary amended. TGH 02/06/14  
 Rev. B. Northern boundary amended. TGH 28/05/14  
 Rev. A. Issued for planning. TGH 15/05/14

**PRELIMINARY**

Client: eccleston HOMES

Project: Wigan Road, Clayton Le Woods.

Drawing Title: Proposed Site Layout.

Job No: 14-028

Drawing No: 0001

Rev: E

Date: April 2014

Drawn: TGH

Checked:

Scale: 1:500 @ A3

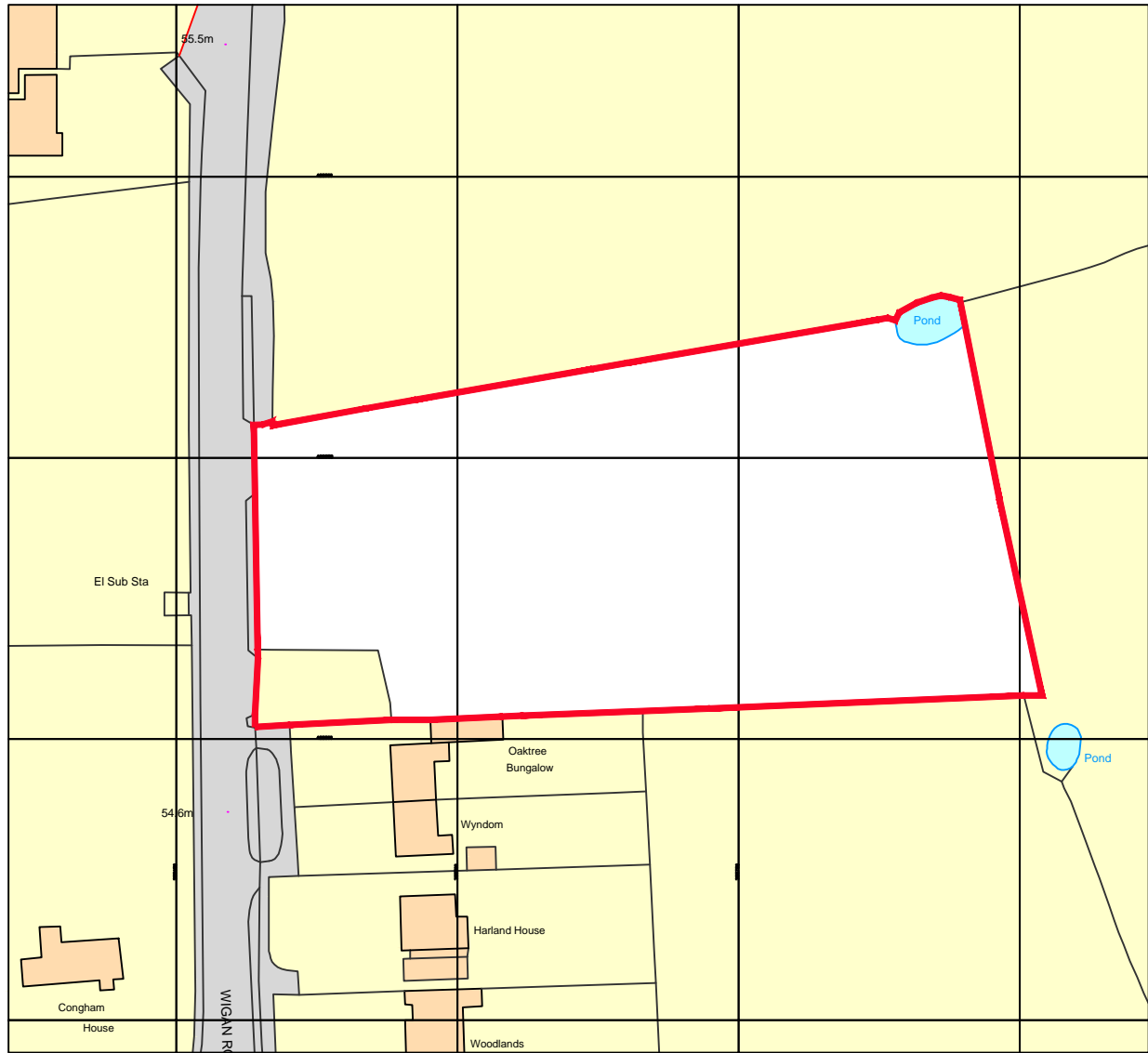
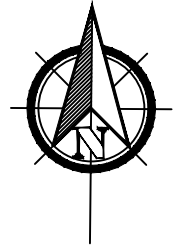
architecture | building surveying | urban design

burnaby villa ■ 48 walling street road ■ fulwood ■ preston ■ pr2 8bp  
 tel: 01772 774510 fax: 01772 774511 email mck@mckassociates.co.uk

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0m 50m 100m 150m 200m

1 : 1250



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PRELIMINARY

Client:  
Eccleston Homes

Project:  
Wigan Road ,Clayton-Le-Woods

Drawing Title:  
Location Plan



**associates limited**

architecture | building surveying | urban design

burnaby villa > 48 watling street road > fulwood > preston > pr2 8bp  
tel: 01772 774510 fax: 01772 774511 email mck@mckassociates.co.uk

Drawn: PM	Checked:	Scale: 1:1250@A4	Date: March 2014	Job No: 14-028	Drawing No: SLP01	Rev:
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**Item 3g** 14/00563/REMMAJ

**Case Officer** Caron Taylor

**Ward** Pennine

**Proposal** Reserved Matters planning application for residential development comprising of 34 dwellings and associated works (re-plan of north part of the site).

**Location** Land Bounded By Town Lane (To The North) And Lucas Lane (To The East)  
Town Lane  
Whittle-Le-Woods

**Applicant** Redrow Homes Ltd

**Consultation expiry:** Insert date

**Decision due by:** insert date

Delegated		Delegated following Chairs Brief		Committee	
Date:					

	Case Officer	Authorising Officer
	CT	
Date		

**Recommendation**

That the application is approved.

**Executive Summary**

The application is to re-plan part of the previously approved scheme with 34 houses on a part of the site where 33 were previously approved. The same range of house types and materials will be used and the road layout will stay largely the same apart from in the northwest corner of the site where the properties will be set further back from the site boundary than the previous approval which is looked upon favourably. There have been no objections from consultees and the application is recommended for approval.

**Representations**

<b>Whittle-le-Woods Parish Council</b> no response received.
<b>In total 1 representation has been received which is summarised below</b>
<b>Objection</b>
Total No. received: 1
<ul style="list-style-type: none"> <li>States it is a conditional objection on the following grounds: The plans show retaining of tree to rear of their house on Lady Crosse Drive. They believe the tree is dangerous as it is only showing little signs of life and could fall on theirs or their neighbour's property. As such, and as this is on Redrow's land and clearly shown on the plan this should be removed and additional trees to those planned ought to be provided to make up for its loss. If this issue falls outside the remit of the planning department they ask for details of who to contact (these have been passed on).</li> </ul>

**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
<b>The Environment Agency</b>	State they are satisfied that the amended proposed drainage layout (Ref: 4300/ENG001-1, Revision E, dated 26 June 2014) complies with the agreed surface water discharge rate for the entire development site of 30.5l/s, comprising two hydrobrakes restricting rates to 15l/s and 15.5l/s. This rate was agreed in relation to the Discharge of Conditions application 13/00256/DIS following the permitted Outline application 11/00992/OUTMAJ.
<b>United Utilities</b>	State they have no objection to the proposal and therefore request no conditions are attached to any approval.
<b>Lancashire County Council Highways</b>	Have no objection to the application.
<b>Chorley's Waste and Contaminated Land Officer</b>	Have no objection to the application.
<b>Chorley's Environmental Health</b>	Have no objection to the application.

**Assessment**Principle of the Development

1. The principle of the development has already been established by the original outline permission (allowed on appeal) and the subsequent reserved matters application. The issue for consideration therefore is whether the change to the original layout is acceptable or not.

Background information

2. When this application was originally submitted it was to vary the north part of the site and allow for 41 dwellings where 39 had been previously approved (an additional two dwellings were proposed as part of the re-plan). However, during the application the applicant advised they wished to keep the properties on plots 10-16 inclusive as per the originally approved plans and they did not therefore wish to re-plan these plots. The application now therefore excludes these plots and is for 34 dwellings on an area where 33 were previously approved, so is an increase of 1 dwelling.
3. The increase the number of dwellings by one is still in line with the original outline permission as it allowed up to 135 dwellings on the site and this application would result in a total of 123 dwellings with Reserved Matters consent.

Layout

4. The layout will not differ dramatically from that previously approved. The proposal will stay within the same built area as before but will change the house types and some of the groupings of the plots. There will also a minor change to the internal access road that serves plots 39 to 42. This will have a more gradual bend in it than previously approved and will not extend as far north on the site than originally approved. This will result in the properties on plots 38-41 being set further back from the northeast boundary of the site. This is looked upon favourably as it will result in the properties being less prominent from Town Lane.
5. The Council's parking standards are set out in ST4 of the emerging Local Plan and its associated appendix that now carries significant weight in decision making. The proposal complies with the parking standards as all the properties have two off road parking spaces and four bed properties also have in addition a single or double garage large enough to be counted as an additional space. Subject to a condition that the garages should be left free for parking the proposal is acceptable in relation to the parking standards.

Appearance

6. The proposed properties will be from the Redrow Heritage range as are the properties on the southern part of the site. The same house types as approved previously will be used but on different plots. The appearance of the proposed properties is considered acceptable and in keeping with the rest of the site.
7. The Council generally seek red based bricks on housing schemes within the Borough as they are appropriate to the locality. The number of buff brick properties on the site was reduced as part of the previous application. A limited number were allowed because the scheme will be viewed in the context of and accessed through the existing earlier Redrow properties around Dunham Drive on which there are some buff brick properties. The current application reflects the material palette of the previously approves scheme and also limits the number of buff brick properties. The materials are therefore considered acceptable.

Scale

8. All the properties will be two-storey as per the previously approved house types and this is therefore considered acceptable.

Landscaping

9. A landscaping plan accompanies the application and is considered acceptable and appropriate to the landscaping approved on the rest of the site.

Other matters

10. The issue of the tree raised by the neighbour is noted, however it is outside the red edge and therefore scope of this application. The neighbour's comments will be passed onto Redrow.
11. An updated drainage plan has been submitted with the application due to the layout changes. The Environment Agency has confirmed that this complies with the previously agreed surface water discharge rate for the development that was agreed in relation to the discharge of the conditions attached to the original outline approval.

**Overall Conclusion**

12. The amendments to the scheme are considered acceptable and the application is recommended for approval.

**Planning Policies**

13. 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**

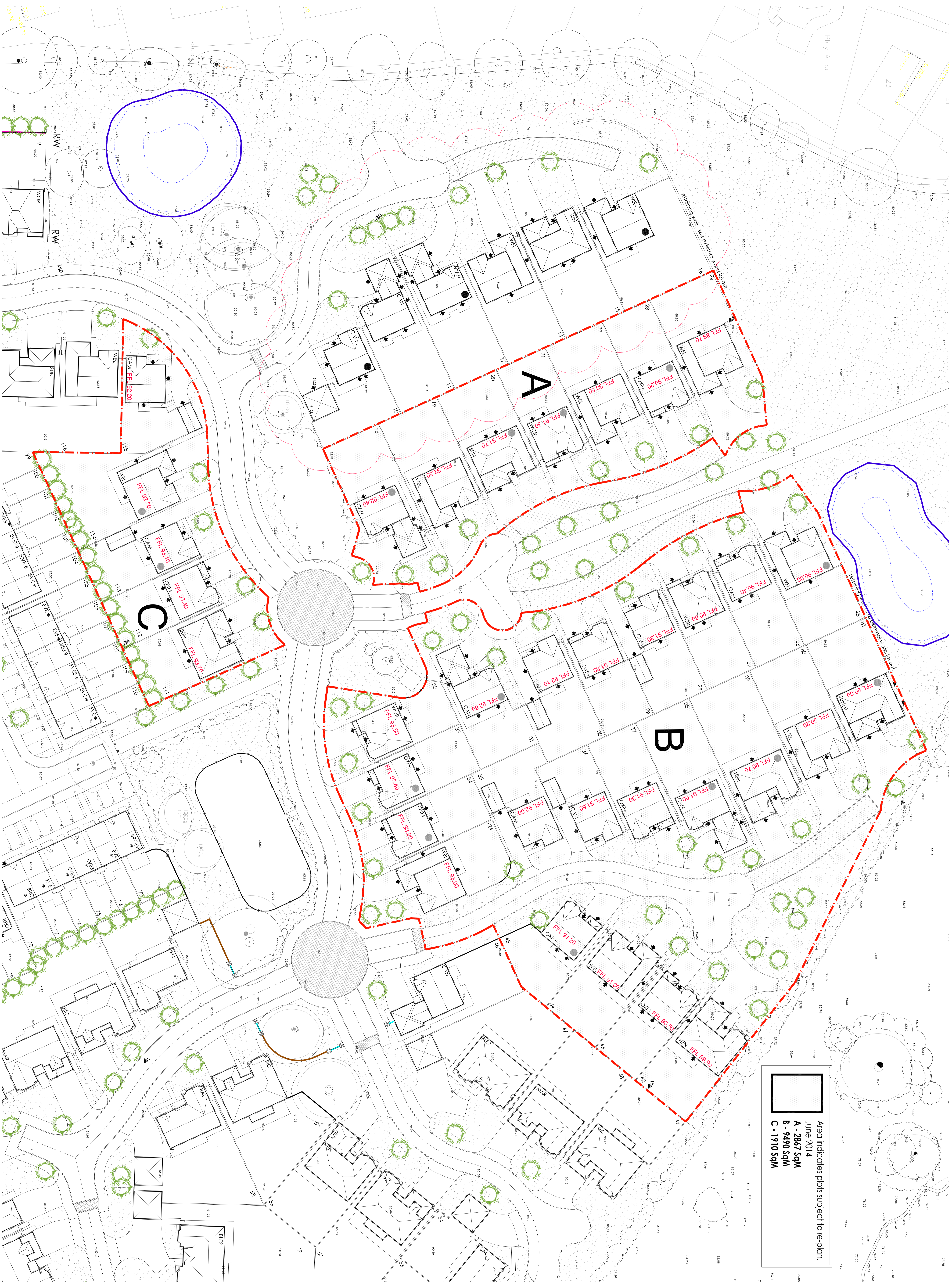
<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
11/00992/OUTMAJ	Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access.	Refused – Appeal allowed	14 <sup>th</sup> February 2012 (refusal date)
12/00362/OUTMAJ	Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access (resubmission of previous application 11/00992/OUTMAJ)	Refused	13 <sup>th</sup> June 2012
12/01244/REMAJ	Reserved Matters application for residential development comprising of 121 dwellings and associated works (pursuant to outline permission ref: 11/00992/OUTMAJ).	Permitted	6 <sup>th</sup> March 2013
13/00804/OUTMAJ	Section 73 application to vary condition 11 (Code for Sustainable Homes) attached to outline planning approval 11/00992/OUTMAJ	Permitted	25 <sup>th</sup> November 2013



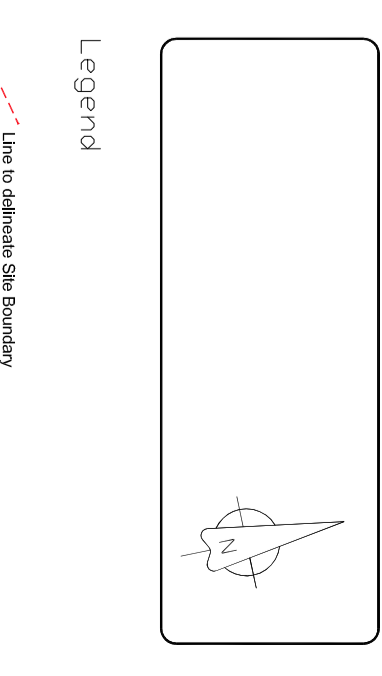
**Suggested Conditions**

No.	Condition																																																																																																												
1.	<p>The hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="368 344 1340 1832"> <thead> <tr> <th data-bbox="368 344 863 405">Title</th> <th data-bbox="863 344 1123 405">Drawing Reference</th> <th data-bbox="1123 344 1340 405">Received date</th> </tr> </thead> <tbody> <tr> <td colspan="3" data-bbox="368 405 1340 562"><b>The following plans are approved only as far as the elements of that plan that fall within the red edge of the planning application as defined by the Detailed Site Layout Plan ref: 335-001 Rev A received 24<sup>th</sup> June 2014. Areas shown on any of the plans below outside the red edge are not approved by this permission.</b></td> </tr> <tr><td data-bbox="368 562 863 591">The Worcester 2013 Edition</td><td data-bbox="863 562 1123 591">E3H118</td><td data-bbox="1123 562 1340 591">20<sup>th</sup> May 2014</td></tr> <tr><td data-bbox="368 591 863 620">The Oxford 2013 Edition Brick</td><td data-bbox="863 591 1123 620">E4H131-2</td><td data-bbox="1123 591 1340 620">21<sup>st</sup> May 2014</td></tr> <tr><td data-bbox="368 620 863 649">The Oxford + 2013 Edition Render</td><td data-bbox="863 620 1123 649">E4H131-2</td><td data-bbox="1123 620 1340 649">21<sup>st</sup> May 2014</td></tr> <tr><td data-bbox="368 649 863 678">The Sunningdale Floor Plans</td><td data-bbox="863 649 1123 678">E4H162</td><td data-bbox="1123 649 1340 678">21<sup>st</sup> May 2014</td></tr> <tr><td data-bbox="368 678 863 707">The Sunningdale Elevations</td><td data-bbox="863 678 1123 707">E4H162</td><td data-bbox="1123 678 1340 707">21<sup>st</sup> May 2014</td></tr> <tr><td data-bbox="368 707 863 736">The Cambridge 2013 Edition Brick</td><td data-bbox="863 707 1123 736">E4H138</td><td data-bbox="1123 707 1340 736">21<sup>st</sup> May 2014</td></tr> <tr><td data-bbox="368 736 863 766">The Cambridge 2013 Edition</td><td data-bbox="863 736 1123 766">E4H138</td><td data-bbox="1123 736 1340 766">21<sup>st</sup> May 2014</td></tr> <tr><td data-bbox="368 766 863 842">The Canterbury Floor Plans 2013 Edition</td><td data-bbox="863 766 1123 842">E4H141</td><td data-bbox="1123 766 1340 842">21<sup>st</sup> May 2014</td></tr> <tr><td data-bbox="368 842 863 902">The Canterbury Elevations 2013 Edition Brick</td><td data-bbox="863 842 1123 902">E4H141</td><td data-bbox="1123 842 1340 902">21<sup>st</sup> May 2014</td></tr> <tr><td data-bbox="368 902 863 931">The Welwyn Floor Plans 2013 Edition</td><td data-bbox="863 902 1123 931">E4H153</td><td data-bbox="1123 902 1340 931">20<sup>th</sup> May 2014</td></tr> <tr><td data-bbox="368 931 863 992">The Welwyn Elevations 2013 Edition Brick</td><td data-bbox="863 931 1123 992">E4H153</td><td data-bbox="1123 931 1340 992">20<sup>th</sup> May 2014</td></tr> <tr><td data-bbox="368 992 863 1052">The Welwyn Elevations 2013 Edition Render</td><td data-bbox="863 992 1123 1052">E4H153</td><td data-bbox="1123 992 1340 1052">20<sup>th</sup> May 2014</td></tr> <tr><td data-bbox="368 1052 863 1081">The Worcester 2013 Edition</td><td data-bbox="863 1052 1123 1081">E3H118</td><td data-bbox="1123 1052 1340 1081">20<sup>th</sup> May 2014</td></tr> <tr><td data-bbox="368 1081 863 1111">The Henley 2013 Edition Floor Plans</td><td data-bbox="863 1081 1123 1111">E4H176</td><td data-bbox="1123 1081 1340 1111">21<sup>st</sup> May 2014</td></tr> <tr><td data-bbox="368 1111 863 1140">The Henley 2013 Edition Elevations</td><td data-bbox="863 1111 1123 1140">E4H176</td><td data-bbox="1123 1111 1340 1140">21<sup>st</sup> May 2014</td></tr> <tr><td data-bbox="368 1140 863 1169">Boundary Details Layout</td><td data-bbox="863 1140 1123 1169">335-002 Rev A</td><td data-bbox="1123 1140 1340 1169">24<sup>th</sup> June 2014</td></tr> <tr><td data-bbox="368 1169 863 1198">Free Standing Brick Walls</td><td data-bbox="863 1169 1123 1198">D-SD0808</td><td data-bbox="1123 1169 1340 1198">20<sup>th</sup> May 2014</td></tr> <tr><td data-bbox="368 1198 863 1227">Post and Rail Fencing</td><td data-bbox="863 1198 1123 1227">D-SD0900</td><td data-bbox="1123 1198 1340 1227">20<sup>th</sup> May 2014</td></tr> <tr><td data-bbox="368 1227 863 1256">Close Boarded Fencing</td><td data-bbox="863 1227 1123 1256">D-SD0906</td><td data-bbox="1123 1227 1340 1256">20<sup>th</sup> May 2014</td></tr> <tr><td data-bbox="368 1256 863 1285">Gate within Close Boarded Fence</td><td data-bbox="863 1256 1123 1285">D-SD0910</td><td data-bbox="1123 1256 1340 1285">20<sup>th</sup> May 2014</td></tr> <tr><td data-bbox="368 1285 863 1361">Hard Surfacing Plan</td><td data-bbox="863 1285 1123 1361">4172/ENG026 Rev B</td><td data-bbox="1123 1285 1340 1361">20<sup>th</sup> May 2014</td></tr> <tr><td data-bbox="368 1361 863 1391">Double Garage Type 1</td><td data-bbox="863 1361 1123 1391">TWDG1 1 001</td><td data-bbox="1123 1361 1340 1391">20<sup>th</sup> May 2014</td></tr> <tr><td data-bbox="368 1391 863 1420">Waste Management Layout</td><td data-bbox="863 1391 1123 1420">335-004 Rev A</td><td data-bbox="1123 1391 1340 1420">24<sup>th</sup> June 2014</td></tr> <tr><td data-bbox="368 1420 863 1449">Land Disposal Layout</td><td data-bbox="863 1420 1123 1449">335-006 Rev A</td><td data-bbox="1123 1420 1340 1449">24<sup>th</sup> June 2014</td></tr> <tr><td data-bbox="368 1449 863 1478">Materials Layout</td><td data-bbox="863 1449 1123 1478">335-003 Rev A</td><td data-bbox="1123 1449 1340 1478">24<sup>th</sup> June 2014</td></tr> <tr><td data-bbox="368 1478 863 1507">Code for Sustainable Homes Layout</td><td data-bbox="863 1478 1123 1507">335-007 Rev A</td><td data-bbox="1123 1478 1340 1507">24<sup>th</sup> June 2014</td></tr> <tr><td data-bbox="368 1507 863 1536">Planning Dimensions</td><td data-bbox="863 1507 1123 1536">335-005 Rev A</td><td data-bbox="1123 1507 1340 1536">24<sup>th</sup> June 2014</td></tr> <tr><td data-bbox="368 1536 863 1612">Engineering Layout</td><td data-bbox="863 1536 1123 1612">4300/ENG100 Rev E</td><td data-bbox="1123 1536 1340 1612">20<sup>th</sup> May 2014</td></tr> <tr><td data-bbox="368 1612 863 1641">Landscape Proposal 1 of 4</td><td data-bbox="863 1612 1123 1641">4079.03 Rev D</td><td data-bbox="1123 1612 1340 1641">29<sup>th</sup> May 2014</td></tr> <tr><td data-bbox="368 1641 863 1671">Landscape Proposal 2 of 4</td><td data-bbox="863 1641 1123 1671">4079.04 Rev D</td><td data-bbox="1123 1641 1340 1671">29<sup>th</sup> May 2014</td></tr> <tr><td data-bbox="368 1671 863 1700">Landscape Proposal 3 of 4</td><td data-bbox="863 1671 1123 1700">4079.05 Rev D</td><td data-bbox="1123 1671 1340 1700">29<sup>th</sup> May 2014</td></tr> <tr><td data-bbox="368 1700 863 1729">Landscape Proposal 4 of 4</td><td data-bbox="863 1700 1123 1729">4079.06 Rev D</td><td data-bbox="1123 1700 1340 1729">29<sup>th</sup> May 2014</td></tr> <tr><td data-bbox="368 1729 863 1758">Detailed Site Layout</td><td data-bbox="863 1729 1123 1758">335-001 Rev A</td><td data-bbox="1123 1729 1340 1758">24<sup>th</sup> June 2014</td></tr> <tr><td data-bbox="368 1758 863 1787">Boundary Details Layout</td><td data-bbox="863 1758 1123 1787">335-002 Rev A</td><td data-bbox="1123 1758 1340 1787">24<sup>th</sup> June 2014</td></tr> </tbody> </table> <p data-bbox="368 1832 1340 1861"><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Drawing Reference	Received date	<b>The following plans are approved only as far as the elements of that plan that fall within the red edge of the planning application as defined by the Detailed Site Layout Plan ref: 335-001 Rev A received 24<sup>th</sup> June 2014. 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The Cambridge 2013 Edition	E4H138	21 <sup>st</sup> May 2014																																																																																																											
The Canterbury Floor Plans 2013 Edition	E4H141	21 <sup>st</sup> May 2014																																																																																																											
The Canterbury Elevations 2013 Edition Brick	E4H141	21 <sup>st</sup> May 2014																																																																																																											
The Welwyn Floor Plans 2013 Edition	E4H153	20 <sup>th</sup> May 2014																																																																																																											
The Welwyn Elevations 2013 Edition Brick	E4H153	20 <sup>th</sup> May 2014																																																																																																											
The Welwyn Elevations 2013 Edition Render	E4H153	20 <sup>th</sup> May 2014																																																																																																											
The Worcester 2013 Edition	E3H118	20 <sup>th</sup> May 2014																																																																																																											
The Henley 2013 Edition Floor Plans	E4H176	21 <sup>st</sup> May 2014																																																																																																											
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Boundary Details Layout	335-002 Rev A	24 <sup>th</sup> June 2014																																																																																																											
Free Standing Brick Walls	D-SD0808	20 <sup>th</sup> May 2014																																																																																																											
Post and Rail Fencing	D-SD0900	20 <sup>th</sup> May 2014																																																																																																											
Close Boarded Fencing	D-SD0906	20 <sup>th</sup> May 2014																																																																																																											
Gate within Close Boarded Fence	D-SD0910	20 <sup>th</sup> May 2014																																																																																																											
Hard Surfacing Plan	4172/ENG026 Rev B	20 <sup>th</sup> May 2014																																																																																																											
Double Garage Type 1	TWDG1 1 001	20 <sup>th</sup> May 2014																																																																																																											
Waste Management Layout	335-004 Rev A	24 <sup>th</sup> June 2014																																																																																																											
Land Disposal Layout	335-006 Rev A	24 <sup>th</sup> June 2014																																																																																																											
Materials Layout	335-003 Rev A	24 <sup>th</sup> June 2014																																																																																																											
Code for Sustainable Homes Layout	335-007 Rev A	24 <sup>th</sup> June 2014																																																																																																											
Planning Dimensions	335-005 Rev A	24 <sup>th</sup> June 2014																																																																																																											
Engineering Layout	4300/ENG100 Rev E	20 <sup>th</sup> May 2014																																																																																																											
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Landscape Proposal 4 of 4	4079.06 Rev D	29 <sup>th</sup> May 2014																																																																																																											
Detailed Site Layout	335-001 Rev A	24 <sup>th</sup> June 2014																																																																																																											
Boundary Details Layout	335-002 Rev A	24 <sup>th</sup> June 2014																																																																																																											
2.	<p>The detached and integral garages hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter or convert the space into living or other.</p>																																																																																																												

	<i>Reason: To ensure adequate garaging/off street parking provision is made/maintained in accordance with Council's Parking Standards and thereby avoid hazards and nuisance caused by on-street parking.</i>
3.	The parking and / or garaging and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the properties. <i>Reason: To ensure the development meets the Council's parking standards.</i>
4.	The hard ground surfacing materials detailed on the approved plans shall be used and no other substituted. <i>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</i>
5.	Prior to the marketing of the site full details of the marketing documentation showing prospective purchasers the location and approved details of the play area shall be submitted to an approved in writing by the Local Planning Authority. The play area shall be completed prior to the occupation of plots 32, 33, 34,124 or 111 in accordance with the approved plans (submitted as part of this application). <i>Reason: To ensure the provision of equipped play space to benefit the future occupiers of the site.</i>
6.	All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any dwellings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. <i>Reason: In the interest of the appearance of the locality.</i>



Area indicates plots subject to re-plan.  
 June 2014  
**A - 2867 SQM**  
**B - 9490 SQM**  
**C - 1910 SQM**



**LOT AREA ACCOMMODATION SCHEDULE**

HOUSE TYPE	LOT	AREA	STATUS	COMMENTS
1	1	1	1	1
2	2	2	2	2
3	3	3	3	3
4	4	4	4	4
5	5	5	5	5
6	6	6	6	6
7	7	7	7	7
8	8	8	8	8
9	9	9	9	9
10	10	10	10	10
11	11	11	11	11
12	12	12	12	12
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26	26	26	26	26
27	27	27	27	27
28	28	28	28	28
29	29	29	29	29
30	30	30	30	30
31	31	31	31	31
32	32	32	32	32
33	33	33	33	33
34	34	34	34	34

**RE-PLAN ACCOMMODATION SCHEDULE**

HOUSE TYPE	LOT	AREA	STATUS	COMMENTS
1	1	1	1	1
2	2	2	2	2
3	3	3	3	3
4	4	4	4	4
5	5	5	5	5
6	6	6	6	6
7	7	7	7	7
8	8	8	8	8
9	9	9	9	9
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33	33	33	33	33
34	34	34	34	34

**REDROW HOMES**  
 Redrow Homes Ltd  
 12500000  
 335-001  
 Lucas Lane  
 12500000  
 335-001  
 Lucas Lane  
 12500000  
 335-001  
 Lucas Lane

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<b>Item 3H</b>	<b>14/00618/FUL</b>
<b>Case Officer</b>	<b>Iain Crossland</b>
<b>Ward</b>	<b>Clayton Le Woods</b>
<b>Proposal</b>	<b>Erection of single storey front extension to include café (C3)</b>
<b>Location</b>	<b>Clayton Brook Community Hall Great Greens Lane Bamber Bridge Preston PR5 8HL</b>
<b>Applicant</b>	<b>Chorley Council</b>
<b>Consultation expiry:</b>	<b>18 July 2014</b>
<b>Decision due by:</b>	<b>15 August 2014</b>

**Recommendation**

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

**Executive Summary**

The main issues to consider are whether the proposal would result in an acceptable impact on the Local Centre, neighbour amenity and the character and appearance of the hall and surrounding area. As assessed below the proposals are considered to be acceptable when assessed against the relevant criteria.

**Representations**

<b>Clayton Le Woods Parish Council - No comments to make</b>
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**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
<b>Environmental Health</b>	<b>No objection to this proposal and no comments to make</b>

**Assessment**The Site

1. The application site is a Council owned Community Hall located in the local centre at Clayton Brook. This is within the core settlement area.
2. The application property is a single storey community hall building that is faced in painted concrete block with timber panelled sections. The roof is laid in concrete roof tiles. There is an outdoor area with landscaping to the front, contained within the space created by the L shaped building layout.

The Proposal

3. It is proposed to extend the existing community hall to the front, in order to accommodate a café (C3), meeting rooms and new entrance. The extension would be single storey and would measure around 12.2m by 9.2m filling a space in the existing L shaped building layout, which currently comprises an outdoor communal area.

**Assessment**

The main issues are as follows:-

Issue 1 – Impact on the Local Centre

Issue 2 – Neighbour amenity

Issue 3 – Impact on character and appearance of the locality

Issue 4 - Impact on highways/access

Principle of the Development

4. The National Planning Policy Framework (The Framework) is strongly in support of proposals that enhance community facilities stating in paragraph 70 that decisions should ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.
5. This is reinforced by Central Lancashire Core Strategy Policy 25, which seeks to ensure that local communities have sufficient community facilities, encouraging new provision in locations that are accessible.
6. 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.
7. 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 in 2014 to consider Gypsy & Traveller Matters, which would enable adoption of the local plan, following a supplementary report.
8. 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." The Council accepted the Inspectors modifications for Development Management purposes at its Executive Committee on 21st November 2013.
9. It is therefore considered that significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications.

10. The emerging Local Plan 2012-2026 is supportive of the retention of Community Facilities and seeks to safeguard existing facilities within the Borough through Policy HW6.
11. It is noted that the community centre is located in a Local Centre and the Local Plan 2012-2026 states that Local Centres act as social centres and places of employment providing the function of convenience shopping, a range of services and community facilities to a local area. In this sense the extension of a community hall would be compatible with the function of a Local Centre.

#### Impact on the Local Centre

12. The proposed development would add meeting rooms and a café facility to the community hall. This has been identified through a community consultation process and is likely to increase demand for the facilities and services provided at the hall. This would improve the viability of the hall and contribute to a likely improvement in the vitality and viability of the Local Centre at Clayton Green.

#### Impact on Neighbour Amenity

13. The community hall is located within the Clayton Brook Local Centre and as such is in close proximity to commercial units rather than residential dwellings. There is a parade of shops with offices over to the south west of the community hall and a plaza and green to the south east. The proposed extension would be located around 9m from the parade of shops and would not result in any loss of light or amenity.
14. The nearest dwellings are located at Long Acre and are over 60m away. As such the proposal would have no impact on the occupiers of these properties.
15. It is considered that the proposed development would not have an unacceptable impact on the amenity of the occupiers of any neighbouring properties through loss of outlook, privacy or light.

#### Impact on character and appearance

16. The proposed extension would be constructed of materials to match the existing building, and would include some replacement and upgrade. The timber panels would be replaced by painted render resulting in an improved appearance.
17. The extension would be of a lower height to the original building and therefore subservient in scale. It would include a dual pitched roof with a roof pitch to match the existing.
18. The existing landscaping to the outdoor area has become tired and difficult to maintain. It also creates barriers to natural surveillance resulting in safety issues. Its removal would not therefore be detrimental to the appearance of the area, and serve to improve security for users.
19. The proposed development would be in keeping with the form of the existing building and would result in an overall improvement in its appearance. The proposal would therefore make a positive contribution to the character and appearance of the area.

#### Impact on highways/access

20. The community hall is located in the centre of the Clayton Green estate making it readily accessible on foot. There are over 30 parking spaces in the public car park and a high frequency bus route along Great Greens Lane.
21. It is also acknowledged that this particular use, as a community hall, attracts predominantly local residents. On this basis and the proximity of a high frequency bus route it is considered that the parking provision is acceptable.
22. The location is highly sustainable and accessible and therefore in line with Policy 25 of the Central Lancashire Core Strategy.

**Overall Conclusion**

23. The proposed development would improve the facilities provided at the community hall and would add to the vitality of the Local Centre. There would be no impact on the amenity of neighbouring occupiers and an overall improvement in the appearance of the building and character of the area. On the basis of the above, it is recommended that planning permission be granted.

**Planning Policies**

24. 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**

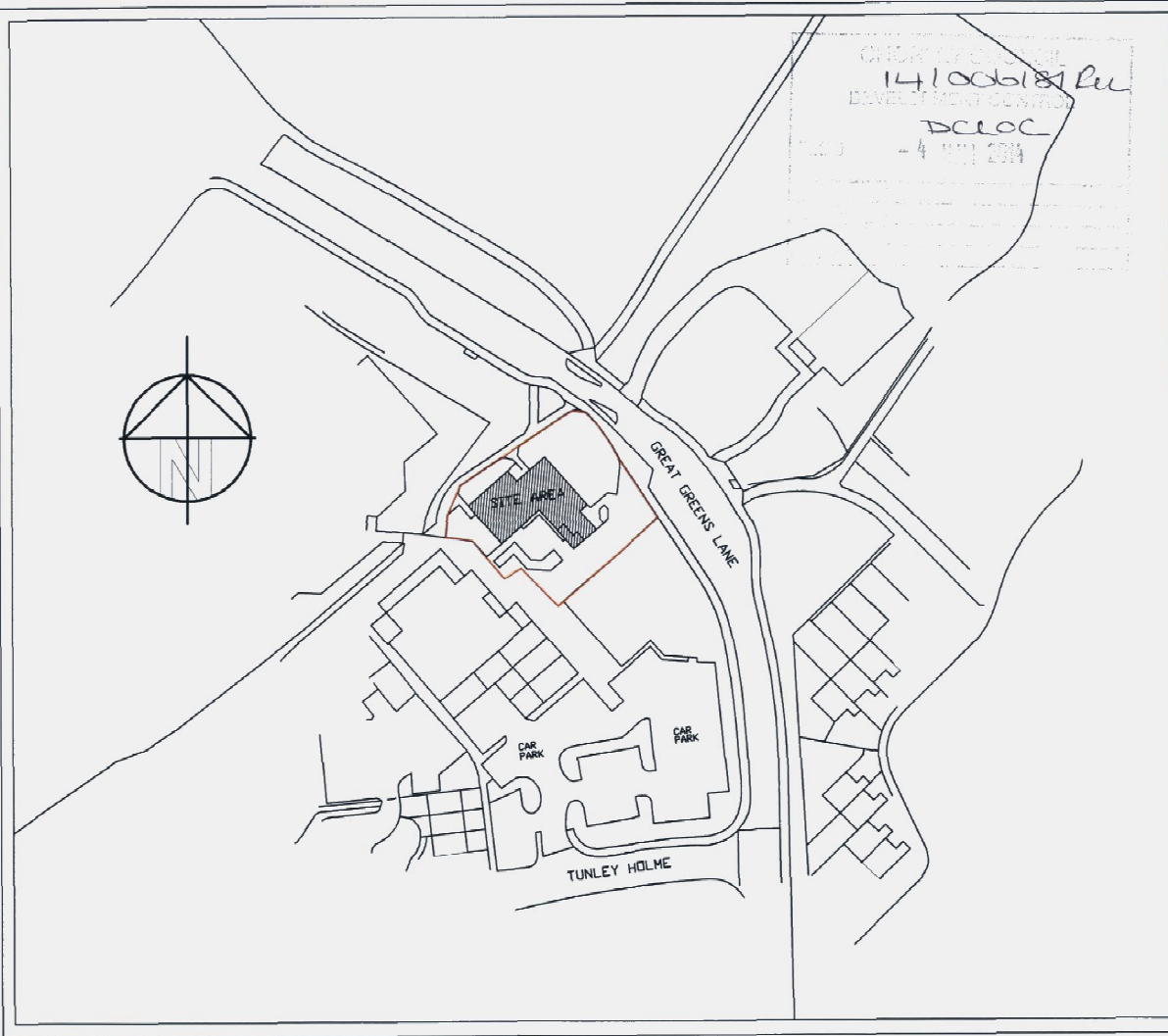
There is no recent planning history at the property.



**Suggested Conditions**

<b>No.</b>	<b>Condition</b>															
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>All external facing materials shall match in colour, form and texture those on the existing building and as stated on the approved plans.  <i>Reason: In the interests of the visual amenity of the area in general and the existing building in particular.</i></p>															
3.	<p>The approved plans are:</p> <table border="0" data-bbox="363 622 1345 779"> <thead> <tr> <th data-bbox="363 622 842 656">Title</th> <th data-bbox="842 622 1134 656">Plan Ref.</th> <th data-bbox="1134 622 1345 656">Received On:</th> </tr> </thead> <tbody> <tr> <td data-bbox="363 656 842 689">Location Plan</td> <td data-bbox="842 656 1134 689">A13/04/09</td> <td data-bbox="1134 656 1345 689">04 June 2014</td> </tr> <tr> <td data-bbox="363 689 842 723">Existing and Proposed Plans</td> <td data-bbox="842 689 1134 723">A13/04/10B</td> <td data-bbox="1134 689 1345 723">26 June 2014</td> </tr> <tr> <td data-bbox="363 723 842 757">Existing and Proposed Roof Plan</td> <td data-bbox="842 723 1134 757">A13/04/12B</td> <td data-bbox="1134 723 1345 757">26 June 2014</td> </tr> <tr> <td data-bbox="363 757 842 790">Existing and Proposed Elevations</td> <td data-bbox="842 757 1134 790">A13/04/11A</td> <td data-bbox="1134 757 1345 790">26 June 2014</td> </tr> </tbody> </table>	Title	Plan Ref.	Received On:	Location Plan	A13/04/09	04 June 2014	Existing and Proposed Plans	A13/04/10B	26 June 2014	Existing and Proposed Roof Plan	A13/04/12B	26 June 2014	Existing and Proposed Elevations	A13/04/11A	26 June 2014
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Existing and Proposed Elevations	A13/04/11A	26 June 2014														

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**Chorley Council**

**PROPERTY SERVICES**  
 23 Gillibrand Street  
 Chorley PR7 2EJ

Tel: 01257 515273  
 Fax: 01257 515279

Revisions		
No.	Detail	Date

Client  
 CHORLEY BOROUGH COUNCIL

Project  
 EXTENSION TO  
 CLAYTON BROOK  
 VILLAGE HALL

Description  
 SITE LOCATION PLAN

Scale  
 1:1250 @ A4

Drawn By MS	Checked by	Date MAY 14
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Drawing Number  
 A13/04 / 09

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<b>Item 3i</b>	<b>14/00332/OUT</b>
<b>Case Officer</b>	<b>David Stirzaker</b>
<b>Ward</b>	<b>Coppull</b>
<b>Proposal</b>	<b>Erection of 3 no. dwellings</b>
<b>Location</b>	<b>Land Between Wheatsheaf Hotel And 2, Chapel Lane, Coppull</b>
<b>Applicant</b>	<b>Inglenorth Contracting Ltd</b>
<b>Consultation expiry:</b>	<b>3<sup>rd</sup> June 2014</b>
<b>Decision due by:</b>	<b>8<sup>th</sup> August 2014</b>

**Recommendation**  
**Permit Outline Planning Permission**

**Executive Summary**

The main issues to consider are whether residential development is acceptable in principle, the design and scale parameters of the dwellings, their impact on neighbour amenity, the suitability of the access thereto and the level of car parking provision. For the reasons set out below, it is considered that the residential development proposed is therefore consistent with the aims of the Framework and in accordance with the provisions of the development plan.

## Representations

<b>Coppull Parish Council</b> comments draw the Council's attention to the land being allocated in the Local Plan as "Open Space"
<b>Two representations have been received.</b>
<b>Objection</b>
<p>Two objections have been received which are summarised as follows: -</p> <ul style="list-style-type: none"> <li>• The occupier of 2 Chapel Lane states that the side of their bungalow is next to the land where the proposed houses are to be built and on that side of the bungalow there are windows to a kitchen, dining room, bathroom and bedroom windows. If houses are built all of their privacy will disappear as well as most of their daylight.</li> <li>• An objection is raised by another neighbour in relation to the erection of the 2 storey house due to the impact this will have on the amount of light reaching their house and garden.</li> <li>• It will also mean a lack of privacy.</li> <li>• The buildings on that side of Chapel Lane are all bungalows so a house will look totally out of character there.</li> <li>• Also the close proximity will mean a lot of noise if the construction goes ahead.</li> </ul>

## Consultees

<b>Consultee</b>	<b>Summary of Comments received</b>
Coal Authority	No objections and no specific remediation measures are required as the submitted Coal Mining Risk Assessment is considered to be satisfactory
Waste & Contaminated Land Officer	Recommends a condition requiring a Desk Study and then a further more intrusive ground investigation if the Desk Study deems necessary to identify contamination. Remediation measures may also be necessary if contamination is found to be present on site.
Environmental Health Officer	Initially raised concerns about the proximity of the northernmost semi-detached property to a proposed extraction system in the pub as part of works permitted by 12/00920/FUL, However, the agent has confirmed this will no longer be installed so on this basis, the Environmental Health Officer no longer has concerns with the development.
LCC (Highways)	LCC (Highways) advise that the application should be resisted based on each dwelling only having a single off road parking space when 2 no. are required to meet the parking standards.
Planning Policy	Planning Policy advise that the site is allocated as proposed play space in the adopted Local Plan but is not

	<p>allocated in the emerging Chorley Local Plan as open space. The development therefore falls to be considered against Policy HW2 of the emerging Chorley Local Plan and it is considered the proposal does not contravene Policy HW2. Planning Policy also draw attention to the fact that Coppull is an Urban Local Service Centre under Policy 1 of the Central Lancashire Core Strategy where some growth is encouraged. Planning Policy do not raise objections to the application and the comments are fully detailed in the 'Principle of Development' section of this report.</p>
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Proposed development

1. This outline application seeks planning permission for the erection of 3 no. dwellings on land to the southeast of the Wheatsheaf Pub which is located on the corner of Spendmore Lane and Chapel Lane. The application site comprises land that was last used as a bowling green and part of the car park associated with the pub. The site is in the settlement of Coppull.
2. The proposed dwellings will front onto Chapel Lane and comprise of a detached dormer bungalow adjacent to 2 Chapel Lane and a pair of semi-detached two storey dwellings adjacent to the pub. The site plan indicates that each dwelling will have 2 no. off road car parking spaces.
3. The application site comprises a bowling green and part of the car park associated with the pub. It is evident that the bowling green has not been in use for some time. There are no trees or hedgerows on the site which is enclosed by an existing post and panel fence. The other part of the site comprises of a tarmac hardstanding.

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

4. The relevant national planning policy guidance/statements are as follows:
  - National Planning Policy Framework (the Framework)
5. 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.'*
6. 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.
7. 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).
8. 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).
9. 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**

10. 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.
11. 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**

12. 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.
13. The relevant policies of the Local Plan are as follows:

- **GN1 – Settlement Policy – Main Settlements**
- **GN5 - Building Design and Retaining Existing Landscape Features and Natural Habitats**
- **HS3 – Housing Density**
- **HS4 – Design & Layout of Residential Developments**
- **HS6 – Housing Windfall Sites**
- **TR4 – Highway Development Control Criteria**
- **LT13 – Playspace Allocations**
- **LT14 – Public, Private, Educational and Institutional Playing Fields, Parks and Other recreational Open Space**

### **Supplementary Planning Guidance**

- Design (which includes the Spacing Standards for new residential developments)

### **Central Lancashire Core Strategy July 2012**

14. 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**
  - **Policy 4 – Housing Delivery**
  - **Policy 5 – Housing Density**
  - **Policy 17 – Design of New Buildings**
  - **Policy 24 – Sport and Recreation**
  - **Policy 27 – Sustainable Resources and New Development**

### **Supplementary Planning Documents**

- Central Lancashire Design Guide (SPD) October 2012

### **Emerging Policy**

15. 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.

16. 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.
17. 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.”*
18. 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:
- V1: Settlement Areas
  - ST4: Parking Standards
  - HS4A: Open Space Requirements in New Housing Developments
  - HS4B: Playing Pitch Requirements in New Housing Developments
  - BNE1: Design Criteria for New Development
  - HW2: Protection of Existing Open Space, Sport and Recreation Facilities

#### Principle of the Development

19. The application site is in Coppull which is a main settlement area identified by Policy GN1 of the adopted Local Plan and Policy V1 of the emerging Chorley Local Plan Policy as an area where there is a presumption in favour of sustainable development, subject to material planning considerations and other planning policies. Core Strategy Policy 1 also identifies Coppull as an Urban Local Service Centre where some growth and investment is encouraged to help meet housing and employment needs.
20. In the adopted Local Plan, the site is also allocated as proposed playspace under Policy LT13 and this suggests that the site was not in use as open space at the time the emerging Chorley Local Plan was prepared. It is evident that whilst the site was previously used as a bowling green, it has not been used for this purpose for some time and as such the site is not allocated as open space in the emerging Local Plan.
21. In the emerging Chorley Local Plan, Policy HW2 protects land and buildings currently or last used as open space and requires alternative provision to be made unless the proposal satisfies all of criteria b) to e). The text of Policy HW2 is set out as follows: -
- Land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless:
- a) Alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facilities cease to be available; or
  - b) It can be demonstrated that the loss of site would not lead to a deficit of provision in the local area in terms of quantity and accessibility; and
  - c) The site is not identified as being of high quality and/or high value in the Open Space Study; and
  - d) It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area; and
  - e) The site does not make a significant contribution to the character of an area in terms of visual amenity.
22. The proposal is therefore assessed against these criteria as follows: -

- b) The site is not currently in use as open space and does not fall within any of the typologies of open space identified in Policy HS4A of the emerging Local Plan, it would therefore not lead to a deficit of provision in the area.
  - c) The site was not included in the Open Space Study as it is not in use as open space therefore its quality and value has not been assessed.
  - d) Retention of the site is not considered necessary to satisfy a recreational need in the area as it has not been in use for many years.
  - e) The site does not make a significant contribution to the character of the area, given the state of the site at the present time.
23. It is therefore considered that the proposed development of the site meets all of criteria b) to e) hence the redevelopment of this site is acceptable without the need for alternative provision under criterion a), subject to other policies and material considerations.
24. A small part of the site also encompasses part of the existing car park serving the pub.
25. It should also be noted that Core Strategy Policy 1: Locating Growth identifies Coppull as an Urban Local Service Centre where some growth and investment is encouraged. Based on this and the above factors, the 'principle' of residential development on the application site is therefore considered to be acceptable subject to the other material considerations set out in this report.

#### Impact on neighbours

26. The nearest residential property is located to the southeast of the site and this comprises 2 Chapel Lane, a semi-detached bungalow. The finished floor level of the proposed detached bungalow on plot 3 is proposed to be just below the drive level of 2 Chapel Lane. The side elevation of 2 Chapel Lane incorporates windows to habitable rooms and the occupier of this property has raised an objection to the application citing loss of privacy and daylight as a result of the development. The proposed bungalow adjacent to this property would be positioned 4.9m from the side elevation of 2 Chapel Lane. The outlook from the aforementioned windows in this property will be onto the single storey side elevation which incorporates the hipped roof of the bungalow which extends to a ridge which is at a right angle to the boundary and has a height of approximately 5.7m so the hipped roof slopes away from the boundary. The other pitched roofs over the bungalow are located towards the boundary with the next plot and these roofs have eaves heights of approximately 2.5m and ridge heights of approximately 4.4m. The main impact will therefore stem from the hipped roof. However, whilst this roof has an overall height of approximately 5.7m, it extends to a point when seen from 2 Chapel Lane and given it slopes away from the boundary and starts approximately 4.9m from 2 Chapel Lane, it is not considered that the bungalow will have a detrimentally harmful impact on outlook from the habitable room windows in the side elevation of 2 chapel Lane nor will it have an overbearing impact. In terms of light, the proposed bungalow is located to the northwest of 2 Chapel Lane so given the sun rises in the east and sets in the west following a clockwise path, the bungalow will not lead to a detrimental loss of direct light nor will it cause detrimental overshadowing for the occupier/s of 2 Chapel Lane.
27. There are residential properties to the rear (southwest) of the site which back onto it (13 and 15 Clayton Gate). These properties are semi-detached bungalows and 13 Clayton Gate has a rear dormer extension which contains habitable room windows. The distance between these windows and the dormer window in the proposed bungalow is approximately 27m which is 6m in excess of the require 21m standard. The distance between the nearest first floor rear window in the proposed semi-detached dwellings, which are offset from the dormer window in 13 Clayton Gate, is approximately 29m.
28. Whilst 13 and 15 Clayton Gate have also been extended at ground floor, with flat roofed single storey extensions and in the case of 13 Clayton Gate a conservatory, which extends to approximately 6.3m from its original rear elevation, there are no interface standards stipulated in the Spacing Standards between first floor habitable room windows and ground floor habitable room windows. However, the dormer window in the proposed

bungalow will still be approximately 21m from the rear elevation of the conservatory extension to 13 Clayton Gate so the relationship is considered acceptable. Also, the first floor dormer window in the bungalow would be sited approximately 12.5m from the boundary it faces with 13 and 15 Clayton Gate, which is 2.5m in excess of the normal 10m standard required and the first floor windows in the rear elevation of two storey semi-detached dwellings would be approximately 13m from the boundary with 13 Clayton Gate, which again exceeds the 10m standard required.

29. In terms of the two storey properties facing the site, the first floor windows in the proposed two storey dwellings would be in excess of the 21m interface required by the Spacing Standards. With regards to the pub, the first floor appears to be living accommodation. However, the windows nearest the boundary facing the two storey dwelling proposed on plot 1 do not serve habitable rooms so the development will not be of detriment to the living conditions of the occupier/s of the living accommodation above the pub.

#### Levels

30. Given the last use of the site as a bowling green, there are no significant level differences across it and the proposed finished floor levels (FFL's) of the dwellings are proposed to be set just above the existing ground levels shown on the submitted topographical survey. An indicative streetscene drawing has also been submitted which shows the dwellings in relation to 2 Chapel Lane and the pub and this confirms that the proposed FFL's of the dwellings does not give rise to any concerns. The proposed levels are therefore considered to be acceptable and a condition is recommended requiring the FFL's of the dwellings to be in accordance with those stipulated on the submitted plans.

#### Design & Scale

31. The application has been submitted in outline format with all matters reserved, it does include an indicative site layout plan, elevations and floor plans which are submitted for the purposes of demonstrating that the site can accommodate the proposed development in a satisfactory manner. These indicative plans detail the provision of a detached dormer bungalow and a pair of two storey semi-detached dwellings.
32. The locality comprises a mix of semi-detached bungalows and two storey semi-detached properties. The bungalows are located on the application site side of the road and the two storey dwellings face the site. The rear of the site is also characterised by semi-detached bungalows (Clayton Gate) whilst the pub itself is a substantial two storey building.
33. The proposed bungalow would be sited adjacent to 2 Chapel Lane which is the last semi-detached bungalow on Chapel Lane before the application site. The proposed bungalow is more substantial in scale but it does pick up some of the design features of the bungalows by incorporating a hipped roof and a projecting element to the front which presents a gable to Chapel Lane. The submitted streetscene drawing shows that the ridge height of the proposed bungalow will be just above that of 2 Chapel Lane given it is to be set at a lower level. The two storey dwellings are proposed between the bungalow and the pub and the ridge height of these properties will be approximately 1.8m higher. After this, the pub roof is higher again so in the streetscene, there is a gradual step up in height from 2 Chapel Lane to the pub. As stated, there are two storey properties opposite the site so given the mix of scale types, it is considered that the bungalow and two dwellings as laid out on the plans will not cause detrimental harm to the character and appearance of the Chapel Lane streetscene subject to satisfactory final design and facing materials.
34. The scale and levels details set out on the indicative plans are therefore recommended to be the subject of a planning condition which requires that the reserved matters application is submitted in accordance with these details to ensure the final development form on the site is satisfactory. Subject to this, there are no objections to the application on design and scale grounds.

Traffic & Parking

35. As stated, LCC (Highways) originally expressed concerns in relation to this application based on the level of car parking provision for the proposed dwellings in that only one was proposed for each dwelling. The applicant has submitted an amended plan showing that each dwelling will now have 2 no. spaces within its curtilage thus addressing the LCC (Highways) concern.
36. Also, the amended site plan demonstrates that the retained car park serving the pub will have space for 28 no. vehicles which means that the level of car parking for the pub is in accordance with the standards in the Chorley Local Plan.
37. LCC (Highways) have not raised any objections to the access and traffic generation so on the basis of the amended site plan which demonstrates that the dwellings and the pub will have sufficient off road car parking, there are no objections to the application from a traffic and parking perspective.

S106 Requirements

38. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17<sup>th</sup> September 2013. Therefore, the commuted sum requirements are based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD and are set out as follows: -

39. Amenity Greenspace

Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.

There is currently a deficit of provision in Coppull 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.

40. Provision for children/young people

Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.

There is currently a surplus of provision in Coppull in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young people. A contribution towards new provision in the settlement is therefore not required from this development. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Study (sites 1360.1 – Brookside, 1363.1 – Longfield Ave). A contribution towards improvements to these sites is therefore required from this development. The amount required is £134 per dwelling.

41. Parks and Gardens

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.

42. Natural and Semi-Natural Greenspace

There is no requirement to provide new natural/semi natural greenspace on-site within this development.

The site is within the accessibility catchment (800m) of an area of natural/semi-natural greenspace that is identified as being low quality in the Open Space Study (site 1728 – Reservoir Mill Lane), a contribution towards improving this site is therefore required. The amount required is £557 per dwelling.

43. Allotments

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 allotments that are identified as being low quality and/or low value in the Open Space Study (sites 1647 – Chapel Lane, 1644 – Whittam Road, Chorley, 1646 – Worthy Street, Chorley).

The site is also within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Land at Sylvesters Farm, Euxton (HW5.2). A contribution towards new allotment provision or improving existing provision is therefore required from this development. The amount required is £15 per dwelling.

44. Playing Pitches

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

45. The total commuted sum requirement is therefore as follows: -

Amenity greenspace	= £420
Equipped play area	= £402
Parks/Gardens	= £0
Natural/semi-natural	= £1,671
Allotments	= £45
Playing Pitches	= £4,797
<b>Total</b>	<b>= £7,335</b>

Community Infrastructure Levy (CIL)

46. With regards to CIL, the total floor space of the dwellings of 312m<sup>2</sup> equates to a CIL charge of £20280.

Contaminated Land & Coal Mining

47. The Council's Waste and Contaminated Land Officer recommends a condition requiring an initial desk study to identify any potential sources of contamination based on historic data and maps. Depending on the results of this, a further intrusive ground investigation may be necessary along with measures to remediate the land to make it safe for residential development

48. The application site is in a Coal Mining Development Referral Area and the application includes a Coal Mining Risk Assessment which has been referred to the Coal Authority for consideration. Based on this, the Coal Authority advise that the Coal Mining Risk Assessment has been informed by an appropriate range of sources of information and concludes that the site is underlain by 49m of superficial soils and there is therefore no potential for shallow mine workings to affect the proposed development. Accordingly, no specific remedial measures are recommended to address coal mining legacy by the Coal Authority.

Sustainability

49. In line with Policy 27 of the Core Strategy, the dwellings will be required to be constructed to meet the relevant code level 4 of the Code for Sustainable Homes and level 6 if commenced from January 2016 onwards. The standard conditions are recommended to secure this.

Waste Storage & Bin Collection

50. There would be adequate storage space within the curtilage of each property for bins and on collection days, they can be placed kerbside on Chapel Lane.

**Overall Conclusion**

51. The 'principle' of the proposed residential development on this site is considered to be an acceptable one given the development complies with Policy HW2 of the emerging

Chorley Local Plan whilst Policy 1 identifies Coppull as an Urban Local Service Centre where some growth and investment is encouraged.

52. In terms of neighbour amenity, it is not considered that the proposed dwellings will have a detrimental impact on the living conditions of the occupiers of the nearest residential properties. The scale parameters and proposed levels are recommended to be the subject of a condition to ensure the reserved matters application is based on these to ensure a satisfactory form of development in the streetscene.
53. In terms of the initial concerns with car parking, these have also been addressed and the level of car parking proposed for the dwellings, and that retained for the pub, is acceptable.

#### **Planning Policies**

54. 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**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
75/010238/ADV	Illuminated Sign	Consent Granted	09.02.1976
84/00612/FUL	Extending ladies toilets and erection of canopy over main entrance	Permitted	23.10.1984
97/00604/OUT	Outline application for the erection of one pair of semi-detached houses with garages	Refused	08.10.1997
12/00920/FUL	Single storey extensions to public house to form new customer toilets & new front porch	Permitted	12.11.2012

**Suggested 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><i>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.</i></p>
2.	<p>All dwellings 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><i>Reason: In the interests of minimising the environmental impact of the development</i></p>
3.	<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><i>Reason: In the interests of minimising the environmental impact of the development</i></p>
4.	<p>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.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
5.	<p>Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.</p> <p><i>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</i></p>
6.	<p>Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have</p>



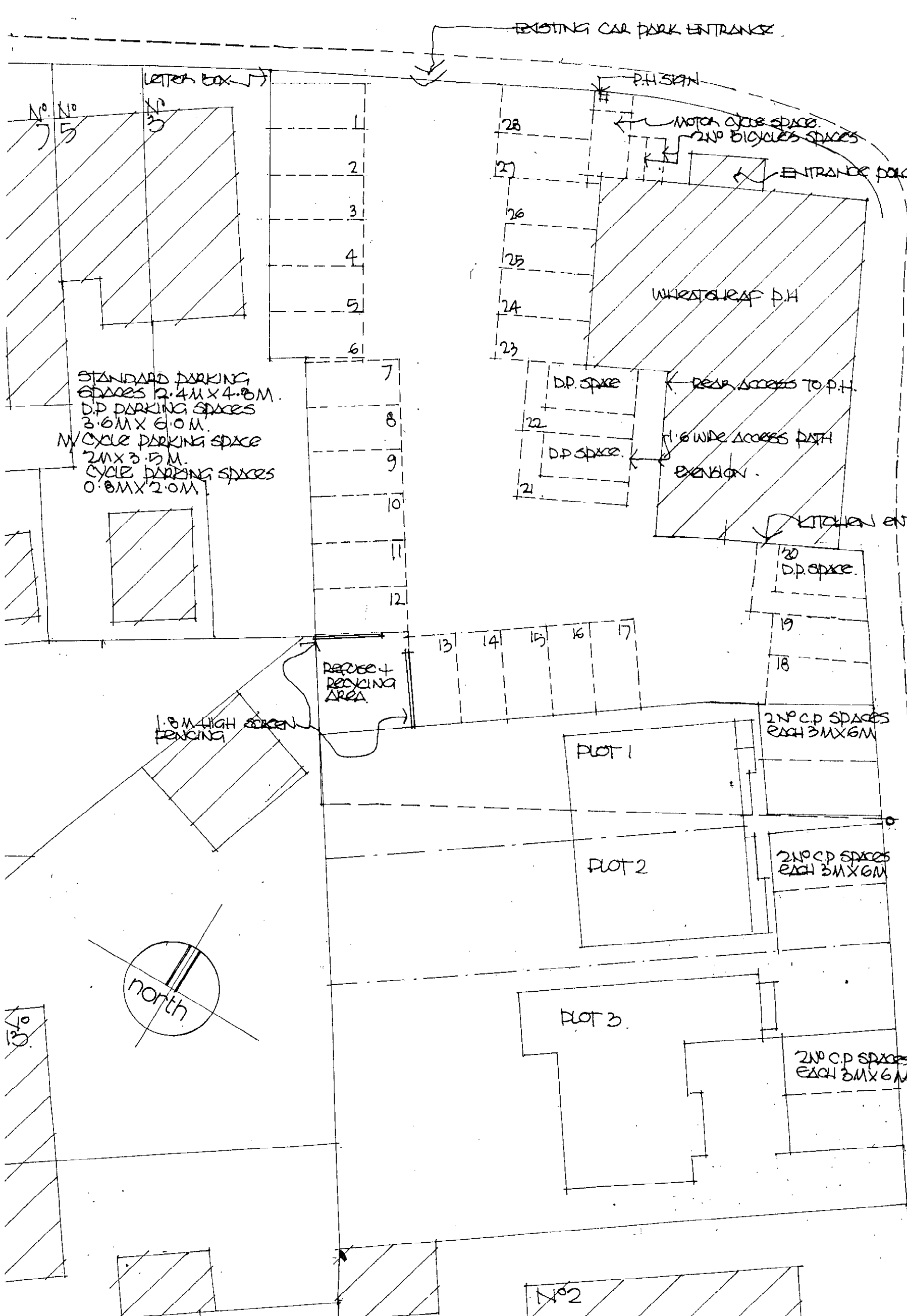
	<p>been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
7.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
8.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted as part of the reserved matters application. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures.</p> <p>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.</p> <p><i>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.</i></p>
9.	<p>Prior to the first occupation of the dwellings hereby permitted, the car parking spaces 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.</p> <p><i>Reason: To ensure adequate on site provision of car parking and manoeuvring areas</i></p>
10.	<p>Due to the proposed sensitive end-use (residential housing with gardens), the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.</p> <p>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.</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><i>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).</i></p>																																							
11.	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the dwellings shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety and to prevent flooding</i></p>																																							
12.	<p>The outline planning permission hereby granted is only for the erection of a detached dormer bungalow and a pair of two storey detached dwellings and the final details of the dwellings submitted as part of a reserved matters application shall be in strict accordance with the roof heights and finished floor levels detailed on the approved plans.</p> <p><i>Reasons: To define the permission and to ensure that the final design of the dwellings is consistent with those assessed as part of this outline planning application.</i></p>																																							
13.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="368 1093 1353 1787"> <thead> <tr> <th data-bbox="368 1093 791 1155">Title</th> <th data-bbox="791 1093 1054 1155">Drawing Reference</th> <th data-bbox="1054 1093 1353 1155">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 1155 791 1189">Location Plan</td> <td data-bbox="791 1155 1054 1189">01/09</td> <td data-bbox="1054 1155 1353 1189">26<sup>th</sup> March 2014</td> </tr> <tr> <td data-bbox="368 1189 791 1223">Site Plan</td> <td data-bbox="791 1189 1054 1223">02/09 Rev A</td> <td data-bbox="1054 1189 1353 1223">7<sup>th</sup> May 2014</td> </tr> <tr> <td data-bbox="368 1223 791 1285">House Type A Ground &amp; First Floor Plan</td> <td data-bbox="791 1223 1054 1285">03/09</td> <td data-bbox="1054 1223 1353 1285">26<sup>th</sup> March 2014</td> </tr> <tr> <td data-bbox="368 1285 791 1348">House Type A Front &amp; Side Elevation</td> <td data-bbox="791 1285 1054 1348">04/09</td> <td data-bbox="1054 1285 1353 1348">26<sup>th</sup> March 2014</td> </tr> <tr> <td data-bbox="368 1348 791 1411">House Type A Rear &amp; Side Elevation</td> <td data-bbox="791 1348 1054 1411">05/09</td> <td data-bbox="1054 1348 1353 1411">26<sup>th</sup> March 2014</td> </tr> <tr> <td data-bbox="368 1411 791 1473">House Type B Ground Floor Plan</td> <td data-bbox="791 1411 1054 1473">06/09</td> <td data-bbox="1054 1411 1353 1473">26<sup>th</sup> March 2014</td> </tr> <tr> <td data-bbox="368 1473 791 1536">House Type B Proposed Loft Floor Plan</td> <td data-bbox="791 1473 1054 1536">07/09</td> <td data-bbox="1054 1473 1353 1536">26<sup>th</sup> March 2014</td> </tr> <tr> <td data-bbox="368 1536 791 1599">House Type B Front &amp; Side Elevation</td> <td data-bbox="791 1536 1054 1599">08/09</td> <td data-bbox="1054 1536 1353 1599">26<sup>th</sup> March 2014</td> </tr> <tr> <td data-bbox="368 1599 791 1662">House Type B Rear &amp; Side Elevation</td> <td data-bbox="791 1599 1054 1662">09/09</td> <td data-bbox="1054 1599 1353 1662">26<sup>th</sup> March 2014</td> </tr> <tr> <td data-bbox="368 1662 791 1695">Topographical Land Survey</td> <td data-bbox="791 1662 1054 1695">S14/203</td> <td data-bbox="1054 1662 1353 1695">7<sup>th</sup> May 2014</td> </tr> <tr> <td data-bbox="368 1695 791 1729">Overall Development Plan</td> <td data-bbox="791 1695 1054 1729">10/09</td> <td data-bbox="1054 1695 1353 1729">2<sup>nd</sup> July 2014</td> </tr> <tr> <td data-bbox="368 1729 791 1787">Proposed Street Scene Elevation</td> <td data-bbox="791 1729 1054 1787">11/09</td> <td data-bbox="1054 1729 1353 1787">2<sup>nd</sup> July 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	01/09	26 <sup>th</sup> March 2014	Site Plan	02/09 Rev A	7 <sup>th</sup> May 2014	House Type A Ground & First Floor Plan	03/09	26 <sup>th</sup> March 2014	House Type A Front & Side Elevation	04/09	26 <sup>th</sup> March 2014	House Type A Rear & Side Elevation	05/09	26 <sup>th</sup> March 2014	House Type B Ground Floor Plan	06/09	26 <sup>th</sup> March 2014	House Type B Proposed Loft Floor Plan	07/09	26 <sup>th</sup> March 2014	House Type B Front & Side Elevation	08/09	26 <sup>th</sup> March 2014	House Type B Rear & Side Elevation	09/09	26 <sup>th</sup> March 2014	Topographical Land Survey	S14/203	7 <sup>th</sup> May 2014	Overall Development Plan	10/09	2 <sup>nd</sup> July 2014	Proposed Street Scene Elevation	11/09	2 <sup>nd</sup> July 2014
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14.	<p>All windows in the first floor of the northwest and southeast facing elevations and roof planes of the dwellings and bungalow hereby permitted shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.</p>																																							

	<i>Reason: In the interests of the privacy of occupiers of neighbouring property.</i>
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SPENDMORH LANE



CHORLEY COUNCIL  
DEVELOPMENT CONTROL

REC'D - 2 JUL 2014

FILE NO. 14/00332/01  
ACK'D  
ATTEN OF  
COPIES TO

PC PLAN

CHAPEL LANE

14/00332/01

(A3)

SEE ALL SITE DEVELOPMENT PLAN 1:200

DRAWING 10/10/00

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<b>Item 3J</b>	<b>14/00541/REM</b>
<b>Case Officer</b>	<b>Adele Hayes</b>
<b>Ward</b>	<b>Clayton-le-Woods West and Cuerden</b>
<b>Proposal</b>	<b>Reserved matters application pursuant to outline planning permission 13/00803/OUTMAJ for substitution of house types on Plots 1, 2 and 3 including separate access to Woodcocks Farm approved under reserved matters approval 13/00822/REMMAJ</b>
<b>Location</b>	<b>Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane Lancaster Lane Clayton-Le-Woods</b>
<b>Applicant</b>	<b>Redrow Homes</b>
<b>Consultation expiry:</b>	<b>16 July 2014</b>
<b>Decision due by:</b>	<b>7 August 2014</b>

### **Proposal**

1. The applicant's wider site is 8.48 hectares and is located to the north of Clayton-le-Woods, outside of the defined settlement boundary. It is characterised by trees and hedgerows within and around the perimeter of the site which delineate the existing field boundaries. On the southern boundary there is a pond and Woodcocks Farm is located to the north. The land directly to the south of the application site benefits from planning permission for up to 300 dwellings and that development is currently under construction.
2. The site is relatively flat with a rise in land levels from the west towards Shady Lane.
3. This application seeks reserved matters approval for the substitution of the house types on Plots 1, 2 and 3, and for revisions to the separate access to Woodcocks Farm, approved under reserved matters approval 13/00822/REMMAJ.
4. Consent is sought for details of appearance, landscaping, layout and scale. Details relating to means of access into the site from Wigan Road were approved at the outline stage.
5. The proposed development is subject to a number of conditions attached to the outline permission and a separate S106 Obligation.

### **Recommendation**

6. It is recommended that the application is approved.

### **Representations**

7. No representations have been received

### **Consultations**

8. Clayton-le-Woods Parish Council have confirmed that they have no comments to make.

9. Lancashire County Council Highways have confirmed that they have no objections to the proposal.

### **Assessment**

#### Principle of the development

10. The principle of redeveloping the site with housing was originally established as being acceptable by the grant of outline planning permission in 2012; the subsequent Section 73 application to vary condition 2 (Code for Sustainable Homes); and by the grant of reserved matters approval earlier this year. This application purely proposes amendments to the detail of the approval which is addressed below.
11. The acceptability of the principle of development has been established and this application is for the consideration of plot substitutions and revisions to the access to the adjacent farm only.

#### Design and character of the development

12. The design principles for the proposed development are set out in the Design Code for the site and the proposed plot substitutions are considered acceptable.
13. Redrow Homes are proposing changes to the approved house types as follows:
  - Plot 1 - substituting a 4 bedroom Canterbury house type, with a triple car garage, with a 4 bedroom Canterbury house type with a double car garage, both of which are 2 storey properties. FFL will remain at 56.50.
  - Plot 2 - substituting a 4 bedroom Oxford house type with a 4 bedroom Harrogate house type both of which are 2 storey properties. FFL will remain at 56.50.
  - Plot 3 – Relocating the access driveway off the main spine road rather than from the access drive. FFL will remain at 56.50.
14. The route of the access to the adjoining farm has been revised so that it is completely separate from estate traffic.

#### Traffic and Transport

15. The acceptability of the principle of the site access was established by the grant of outline planning permission. This is a further reserved matters application that seeks approval for the outstanding details.
16. The Highway Engineer at Lancashire County Council has been consulted and has raised no objections.

#### Impact on the neighbours

17. The plots are located close to the main site entrance and are remote from existing properties. It is considered that their relationship with each other would be acceptable and would not result in a reduction in the level of residential amenity expected to be enjoyed by the occupiers of other dwellings within the development, or a greater degree of harm, when assessed against the approved scheme. The proposed slab levels remain unchanged to those previously approved.

#### Conclusion

18. The reserved matters details are considered acceptable and the application is recommended for approval. The applicant is bound by the conditions placed on the outline permission and the legal agreement that was submitted at that time.



Suggested Conditions

No.	Condition																																							
1.	<p>The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters.</p> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>																																							
2.	<p>The proposed development must be begun not later than two years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>																																							
3.	<p>The approved plans are:</p> <table border="1" data-bbox="336 887 1321 1872"> <thead> <tr> <th data-bbox="336 887 671 958">Plan reference number:</th> <th data-bbox="671 887 1070 958">Title:</th> <th data-bbox="1070 887 1321 958">Date received:</th> </tr> </thead> <tbody> <tr> <td data-bbox="336 958 671 1030">111213 1250</td> <td data-bbox="671 958 1070 1030">Location Plan</td> <td data-bbox="1070 958 1321 1030">13 May 2014</td> </tr> <tr> <td data-bbox="336 1030 671 1102">4225-DSL-01 Rev D</td> <td data-bbox="671 1030 1070 1102">Detail Site Layout</td> <td data-bbox="1070 1030 1321 1102">13 May 2014</td> </tr> <tr> <td data-bbox="336 1102 671 1173">4225-PPL-7 Rev B</td> <td data-bbox="671 1102 1070 1173">Phasing Plan</td> <td data-bbox="1070 1102 1321 1173">13 May 2014</td> </tr> <tr> <td data-bbox="336 1173 671 1245">4255-ML-05 Rev D</td> <td data-bbox="671 1173 1070 1245">Materials Layout</td> <td data-bbox="1070 1173 1321 1245">13 May 2014</td> </tr> <tr> <td data-bbox="336 1245 671 1317">4255-LDL-06 Rev B</td> <td data-bbox="671 1245 1070 1317">Land Disposal Layout</td> <td data-bbox="1070 1245 1321 1317">13 May 2014</td> </tr> <tr> <td data-bbox="336 1317 671 1388">4225-WML-02 Rev B</td> <td data-bbox="671 1317 1070 1388">Waste Management Layout</td> <td data-bbox="1070 1317 1321 1388">13 May 2014</td> </tr> <tr> <td data-bbox="336 1388 671 1460">4225 WML-10 Rev B</td> <td data-bbox="671 1388 1070 1460">Code for Sustainable Homes</td> <td data-bbox="1070 1388 1321 1460">13 May 2014</td> </tr> <tr> <td data-bbox="336 1460 671 1532">4255-BDL-04 Rev C</td> <td data-bbox="671 1460 1070 1532">Boundary Details Layout</td> <td data-bbox="1070 1460 1321 1532">13 May 2014</td> </tr> <tr> <td data-bbox="336 1532 671 1603">E4H141 (plans)</td> <td data-bbox="671 1532 1070 1603">The Canterbury</td> <td data-bbox="1070 1532 1321 1603">13 May 2014</td> </tr> <tr> <td data-bbox="336 1603 671 1675">E4H141 (elevations)</td> <td data-bbox="671 1603 1070 1675">The Canterbury</td> <td data-bbox="1070 1603 1321 1675">13 May 2014</td> </tr> <tr> <td data-bbox="336 1675 671 1747">E4H113-2</td> <td data-bbox="671 1675 1070 1747">The Shrewsbury</td> <td data-bbox="1070 1675 1321 1747">13 May 2014</td> </tr> <tr> <td data-bbox="336 1747 671 1818">WE4H151-3</td> <td data-bbox="671 1747 1070 1818">The Harrogate</td> <td data-bbox="1070 1747 1321 1818">13 May 2014</td> </tr> </tbody> </table> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>	Plan reference number:	Title:	Date received:	111213 1250	Location Plan	13 May 2014	4225-DSL-01 Rev D	Detail Site Layout	13 May 2014	4225-PPL-7 Rev B	Phasing Plan	13 May 2014	4255-ML-05 Rev D	Materials Layout	13 May 2014	4255-LDL-06 Rev B	Land Disposal Layout	13 May 2014	4225-WML-02 Rev B	Waste Management Layout	13 May 2014	4225 WML-10 Rev B	Code for Sustainable Homes	13 May 2014	4255-BDL-04 Rev C	Boundary Details Layout	13 May 2014	E4H141 (plans)	The Canterbury	13 May 2014	E4H141 (elevations)	The Canterbury	13 May 2014	E4H113-2	The Shrewsbury	13 May 2014	WE4H151-3	The Harrogate	13 May 2014
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4.	<p>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.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
5.	<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.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
6.	<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 dwellings or the completion of the development within the relevant Phase, 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, unless the Local Planning Authority gives written consent to any variation.</p> <p><i>Reason: In the interest of the appearance of the locality.</i></p>
7.	<p>The car parking spaces for each dwelling shall be surfaced or paved, drained and marked out all in accordance with the approved plan before it is first occupied. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.</p> <p><i>Reason: To ensure adequate on site provision of car parking and manoeuvring areas.</i></p>
8.	<p>The detached and integral garages hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter or convert the space into living or other accommodation.</p> <p><i>Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards and nuisance caused by on-street parking.</i></p>
9.	<p>Prior to the marketing of the site full details of the marketing documentation showing prospective purchasers the location and approved details of the play area shall be submitted to an approved in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure the provision of equipped play space to benefit the future</i></p>

	<p><i>occupiers of the site.</i></p>
<p>10.</p>	<p>The new estate road/access for each phase of the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within each phase.</p> <p><i>Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.</i></p>
<p>11.</p>	<p>No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> <li>1. the parking of vehicles of site operatives and visitors</li> <li>2. hours of operation (including deliveries) during construction</li> <li>3. loading and unloading of plant and materials</li> <li>4. storage of plant and materials used in constructing the development</li> <li>5. siting of cabins</li> <li>6. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>7. wheel washing facilities</li> <li>8. measures to control the emission of dust and dirt during construction</li> <li>9. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ol> <p><i>Reason: In the interests of highway safety and to protect the amenities of the nearby residents.</i></p>
<p>12.</p>	<p>The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:</p> <ol style="list-style-type: none"> <li>1. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units;</li> <li>2. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;</li> <li>3. the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;</li> <li>4. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and</li> </ol>

	<p>5. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.</p> <p><i>Reason: To ensure the residential development provides appropriate affordable housing.</i></p>
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## Planning Policies

### National Planning Policies:

The Framework

### Adopted Chorley Borough Local Plan Review

GN1- Settlement Policy – Main Settlements

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

GN9 – Transport Accessibility and Mixed Uses

DC1- Green Belt

DC3 – Safeguarded Land

EP2 – County Heritage Sites and Local Nature Reserves

EP4 - Species Protection

EP9 - Trees and Woodlands

EP10 - Landscape Assessment

EP12 – Environmental Improvements

EP17- Water Resources and Quality

EP18 – Surface Water Run Off

EP21A - Light Pollution

EP22 - Energy Conservation

EP23 - Energy from Renewable Resources

HS1- Housing Land Requirements in Chorley

HS4 – Design and Layout of Residential Development

HS5 – Affordable Housing

HS6 – Housing Windfall Sites

HS19 – Public Open Space in Housing Developments

HS20 – Ornamental Open Space

HS21 – Playing Space Requirements

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

LT10 – Public Rights of Way

### Joint Core Strategy

Policy 1, Policy 4, Policy 7, Policy 9, Policy 14

## Planning History

The site history of the property is as follows:

**Ref:** 11/00981/SCE

**Decision:** PESCEZ

**Decision Date:** 8 December 2011

**Description:** Request for a screening opinion under the Town and Country Planning (EIA) regulations by Fox Land & Property for Land off Wigan Road, Clayton le Woods

**Ref:** 11/00990/SCE      **Decision:** PESCEZ      **Decision Date:** 7 December 2011  
**Description:** Request for a screening opinion under the Town and Country Planning (EIA) regulations by Redrow Homes for Land off Wigan Road, Clayton le Woods

**Ref:** 11/01004/OUTMAJ **Decision:** PCO      **Decision Date:** Pending  
**Description:** Outline application for a mixed use development incorporating upto 700 dwellings, 40,000sqft of B1 office space, public house/ restaurant, convenience store, community building, single form entry primary school, public open space, highway works and associated works. (All matters reserved save for access)

**Ref:** 11/01093/OUTMAJ **Decision:** REFOPP      **Decision Date:** 13 June 2012  
**Description:** Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access.

**Ref:** 12/00941/OUTMAJ **Decision:** PEROPP      **Decision Date:** 6 November 2012  
**Description:** Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access. (Resubmission of Application: 11/01093/OUTMAJ).

**Ref:** 13/00803/OUTMAJ **Decision:** PDE      **Decision Date:** 25 November 2013  
**Description:** Section 73 application to vary condition 2 (Code for Sustainable Homes) attached to outline planning approval 12/00941/OUTMAJ

**Ref:** 13/00821/DIS      **Decision:** PEDISZ      **Decision Date:** 29 October 2013  
**Description:** Application to discharge conditions 13 (Master plan and a Design Code), 15 (phasing programme) \_ 18 (vehicular and pedestrian connections) attached to outline planning approval 12/00941/OUTMAJ

**Ref:** 13/00822/REMMAJ **Decision:** PERRES      **Decision Date:** 15 January 2014  
**Description:** Reserved matters application pursuant to outline planning permission 13/00803/OUTMAJ for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space.

**Ref:** 13/01059/DIS      **Decision:** PEDISZ      **Decision Date:** 5 December 2013  
**Description:** Application to discharge condition 13 (Design Code and Masterplan) attached to outline planning approval 13/00803/OUTMAJ

**Ref:** 14/00025/OUTMAJ **Decision:** PCO      **Decision Date:** Pending  
**Description:** Section 73 application to vary condition 16 of outline permission 13/00803/OUTMAJ to omit reference to the construction of a footpath / cycleway link along the eastern side of Wigan Road from the site entrance to Lancaster Lane

**Ref:** 14/00046/DIS      **Decision:** PEDISZ      **Decision Date:** 2 May 2014  
**Description:** Application to discharge conditions numbered 4 - (DESIGN OF SEWER NETWORK), 5 - (ECOLOGICAL MANAGEMENT PLAN), 8 - (CONSTRUCTION METHOD STATEMENT), 9 - (LANDSCAPING), 10 - (HARD GROUND SURFACING MATERIALS), 14 - (SURFACE WATER DRAINAGE), 16 - (SITE ACCESS AND HIGHWAY IMPROVEMENT WORKS), 19 - (HIGHWAY IMPROVEMENT WORKS TO HIGHWAY JUNCTIONS), 21 - (TRAVEL PLAN CO-ORDINATOR), 22 - (GROUND CONTAMINATION), 23 - (FOUL WATER DRAINAGE), 24 - (PUBLIC OPEN SPACE AND PLAY SPACE PROVISION), 25 - (EXTERNAL FACING MATERIALS), 26 - (WALLS AND FENCES) AND 29 - (CARBON REDUCTION STATEMENT) attached to planning permission 13/00803/OUTMAJ

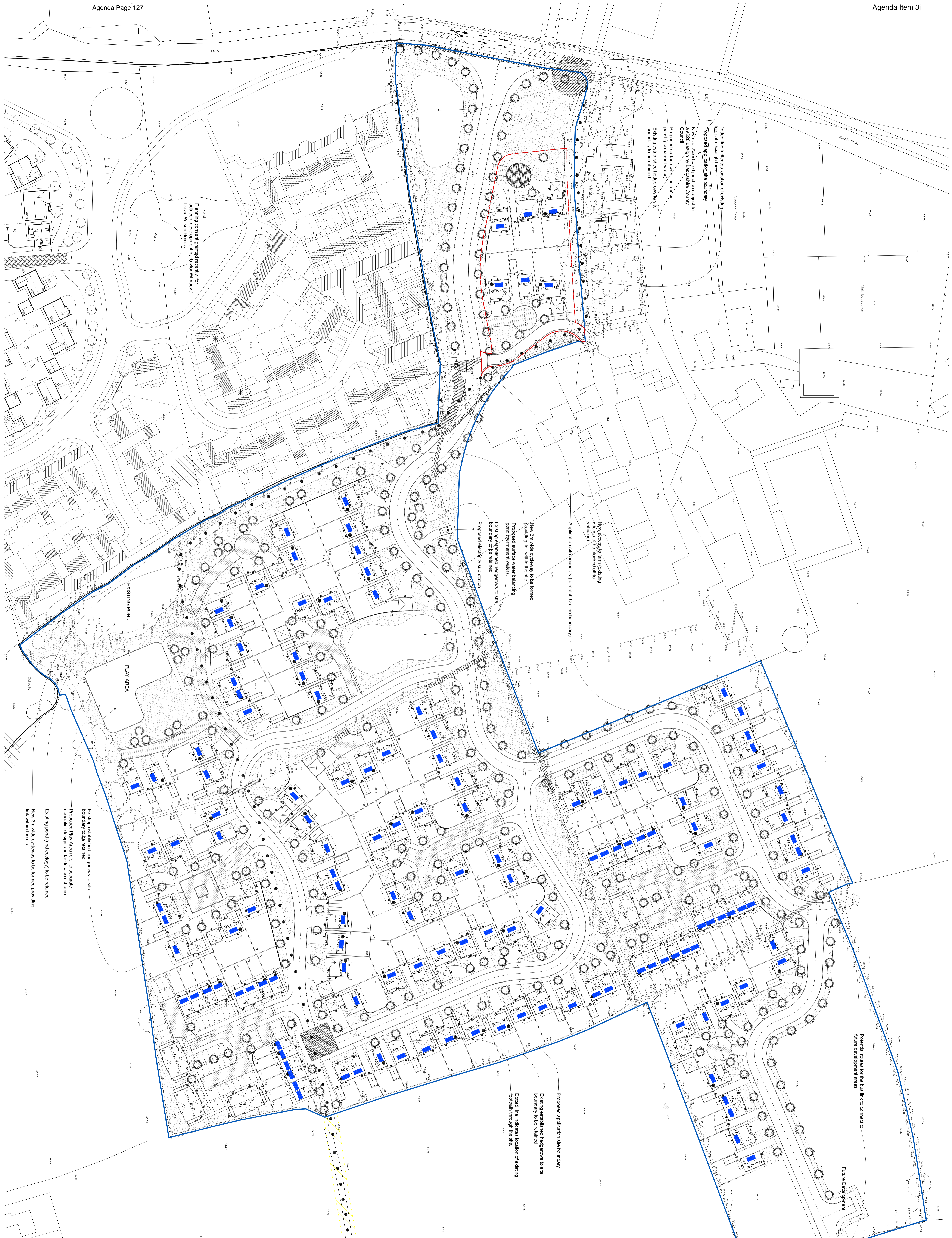
**Ref:** 14/00397/DIS      **Decision:** PEDISZ      **Decision Date:** 30 April 2014  
**Description:** Application to discharge condition 3 (Archaeological Evaluation Report) attached to outline planning approval 13/00803/OUTMAJ

**Ref:** 14/00600/DIS

**Decision:** PEDISZ

**Decision Date:** 16 June 2014

**Description:** Application to discharge condition 27 (Design Stage Assessment) of outline planning permission 13/00803/OUTMAJ



Planning consent granted recently for adjacent development by Taylor Wimpey / David Wilson Homes.

Dotted line indicates location of existing footpaths through the site.  
 Proposed application site boundary.  
 New site access and junction subject to a s278 order by Lancashire County Council.  
 Proposed surface water balancing pond (permeable water).  
 Existing established hedgerows to site boundary to be retained.

New 3m wide cycleway to be formed providing link within the site.  
 Proposed surface water balancing pond (permeable water).  
 Existing established hedgerows to site boundary to be retained.  
 Proposed electrically sub-station.

New access to farm (existing access to be blocked off to vehicles).  
 Application site boundary (to match Outline boundary).

Existing established hedgerows to site boundary to be retained.  
 Proposed Play Area refer to separate specialist design and landscape scheme.  
 Existing pond (and ecology) to be retained.  
 New 3m wide cycleway to be formed providing link within the site.

Potential routes for the bus link to connect to future development areas.

Proposed application site boundary.  
 Existing established hedgerows to site boundary to be retained.  
 Dotted line indicates location of existing footpaths through the site.

Code	Description	Quantity	Unit
A	1000mm x 500mm x 100mm concrete blocks	1000	m <sup>2</sup>
B	1500mm x 750mm x 100mm concrete blocks	1500	m <sup>2</sup>
C	2000mm x 1000mm x 100mm concrete blocks	2000	m <sup>2</sup>
D	2500mm x 1250mm x 100mm concrete blocks	2500	m <sup>2</sup>
E	3000mm x 1500mm x 100mm concrete blocks	3000	m <sup>2</sup>
F	3500mm x 1750mm x 100mm concrete blocks	3500	m <sup>2</sup>
G	4000mm x 2000mm x 100mm concrete blocks	4000	m <sup>2</sup>
H	4500mm x 2250mm x 100mm concrete blocks	4500	m <sup>2</sup>
I	5000mm x 2500mm x 100mm concrete blocks	5000	m <sup>2</sup>
J	5500mm x 2750mm x 100mm concrete blocks	5500	m <sup>2</sup>
K	6000mm x 3000mm x 100mm concrete blocks	6000	m <sup>2</sup>
L	6500mm x 3250mm x 100mm concrete blocks	6500	m <sup>2</sup>
M	7000mm x 3500mm x 100mm concrete blocks	7000	m <sup>2</sup>
N	7500mm x 3750mm x 100mm concrete blocks	7500	m <sup>2</sup>
O	8000mm x 4000mm x 100mm concrete blocks	8000	m <sup>2</sup>
P	8500mm x 4250mm x 100mm concrete blocks	8500	m <sup>2</sup>
Q	9000mm x 4500mm x 100mm concrete blocks	9000	m <sup>2</sup>
R	9500mm x 4750mm x 100mm concrete blocks	9500	m <sup>2</sup>
S	10000mm x 5000mm x 100mm concrete blocks	10000	m <sup>2</sup>
T	10500mm x 5250mm x 100mm concrete blocks	10500	m <sup>2</sup>
U	11000mm x 5500mm x 100mm concrete blocks	11000	m <sup>2</sup>
V	11500mm x 5750mm x 100mm concrete blocks	11500	m <sup>2</sup>
W	12000mm x 6000mm x 100mm concrete blocks	12000	m <sup>2</sup>
X	12500mm x 6250mm x 100mm concrete blocks	12500	m <sup>2</sup>
Y	13000mm x 6500mm x 100mm concrete blocks	13000	m <sup>2</sup>
Z	13500mm x 6750mm x 100mm concrete blocks	13500	m <sup>2</sup>

**Wigan Road, Clayton Woods**

Client: T.B.C.

Project Name: Detailed Site Layout

Project Number: 4225-DL-01

Scale: 1:500

Drawn by: CHM

Checked by: CHM

Date: 25.07.13

Redrow Homes Lancashire

15000/040

25.07.13

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<b>Item 3K</b>	<b>14/00584/FUL</b>
<b>Case Officer</b>	<b>Adele Hayes</b>
<b>Ward</b>	<b>Chorley South West</b>
<b>Proposal</b>	<b>Erection of single storey extension to side with boundary fencing, soft/hard landscaping to front and installation of children's play equipment to front</b>
<b>Location</b>	<b>Eaves Green Community Centre Cottage Fields Chorley PR7 3QE</b>
<b>Applicant</b>	<b>Chorley Council</b>
<b>Consultation expiry:</b>	<b>16 July 2014</b>
<b>Decision due by:</b>	<b>1 August 2014</b>

#### **Recommendation**

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

#### **Executive Summary**

**The main issues to consider are whether the proposal will result in an acceptable impact on the Local Centre, neighbour amenity and the character and appearance of the hall and surrounding area. As assessed below the proposals are considered to be acceptable when assessed against the relevant criteria.**

#### **Representations**

One letter has been received from a local resident raising queries about what equipment will be stored in the extension and about how the Centre will be managed. Concern is expressed that the works should be sympathetically landscaped and that additional vehicular traffic may result in a reduction in highway safety

#### **Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
Environmental Health	No objection to this proposal and no comments to make

## **Assessment**

### The Site

1. The application site is a Council owned Community Hall located in the local centre at Eaves Green. This is within the core settlement area of Chorley Town.

### The Proposal

2. It is proposed to build a single storey pitched roof extension on vacant land to the east elevation of the existing building that will be used for the storage of miscellaneous sports equipment that will be used within the community centre and on the adjacent Cottage Fields playing fields.
3. The proposed extension will have a floor area of approximately 35.04 m<sup>2</sup> and will be constructed from brickwork and detailed to match the existing building. The principal entrance door will be a mechanical roller shutter for increased security. There are no windows being installed as part of the proposed works.
4. Soft landscaping is proposed to the front elevation together with the installation of toddler's play equipment that will have a maximum height of 3m. The side elevation will be hard landscaped with materials of similar appearance to existing.
5. Access to the site is via Cottage Fields. The centre has use of the adjacent car park which will remain unaltered by the proposed development.

## **Assessment**

### Principle of the Development

6. The National Planning Policy Framework (The Framework) is strongly in support of proposals that enhance community facilities stating in paragraph 70 that decisions should ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.
7. This is reinforced by Central Lancashire Core Strategy Policy 25, which seeks to ensure that local communities have sufficient community facilities, encouraging new provision in locations that are accessible.
8. 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.
9. 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 in 2014 to consider Gypsy & Traveller Matters, which would enable adoption of the local plan, following a supplementary report.
10. 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." The Council accepted the Inspectors modifications for Development Management purposes at its Executive Committee on 21st November 2013.

11. It is therefore considered that significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
12. The emerging Local Plan 2012-2026 is supportive of the retention of Community Facilities and seeks to safeguard existing facilities within the Borough through Policy HW6.
13. It is noted that the community centre is located in a Local Centre and the Local Plan 2012-2026 states that Local Centres act as social centres and places of employment providing the function of convenience shopping, a range of services and community facilities to a local area. In this sense the extension of a community hall will be compatible with the function of a Local Centre.

#### Impact on the Local Centre

14. The proposed development will add storage capacity and improved play provision to the community hall.

#### Impact on Neighbour Amenity

15. The community hall is located within the Eaves Green Local Centre and as such is in close proximity to commercial units rather than residential dwellings. There are shops to the west of the community hall, playing fields to the east and a car park opposite to the south. The proposed extension will be located to the eastern elevation and will occupy land between the existing building and Cottage Fields highway.
16. The nearest dwellings are located to the north on Cottage Fields, approximately 30m away, and it is considered that the proposed development will not have an unacceptable impact on the amenity of the occupiers of any of these neighbouring properties through loss of outlook, privacy or light.

#### Impact on character and appearance

17. The proposed extension will be constructed of materials to match the existing building. It will be of a lower height to the original building and therefore subservient in scale. It will include a dual pitched roof with a roof pitch to match the existing.
18. Soft landscaping is proposed to the front elevation of the building with the installation of toddler's play equipment. Paving to the rear will be concrete flag to match in with the existing footpath that bounds the site. The disabled ramp will be bitmac to match in with the existing pavement. Deterrent paving will be installed between the extension and the retaining wall to discourage unauthorised access/congregation.
19. It is considered that the proposed development will be in keeping with the form of the existing building and will result in an overall improvement in its appearance. The proposal will therefore make a positive contribution to the character and appearance of the area.

#### Impact on highways/access

20. The community hall is located in the Eaves Green local centre making it readily accessible on foot.
21. Access to the site is via Cottage Fields. The community centre has use of the adjacent car park, which will remain unaltered by the proposed development.
22. It is also acknowledged that this particular use, as a community hall, attracts predominantly local residents. On this basis and the proximity of a high frequency bus services it is considered that the parking provision is acceptable.

23. The location is highly sustainable and accessible and therefore in line with Policy 25 of the Central Lancashire Core Strategy.

**Overall Conclusion**

24. The proposed development will improve the facilities provided at the community hall and will add to the vitality of the Local Centre. There will be no impact on the amenity of neighbouring occupiers and an overall improvement in the appearance of the building and character of the area. On the basis of the above, it is recommended that planning permission be granted.

**Planning Policies**

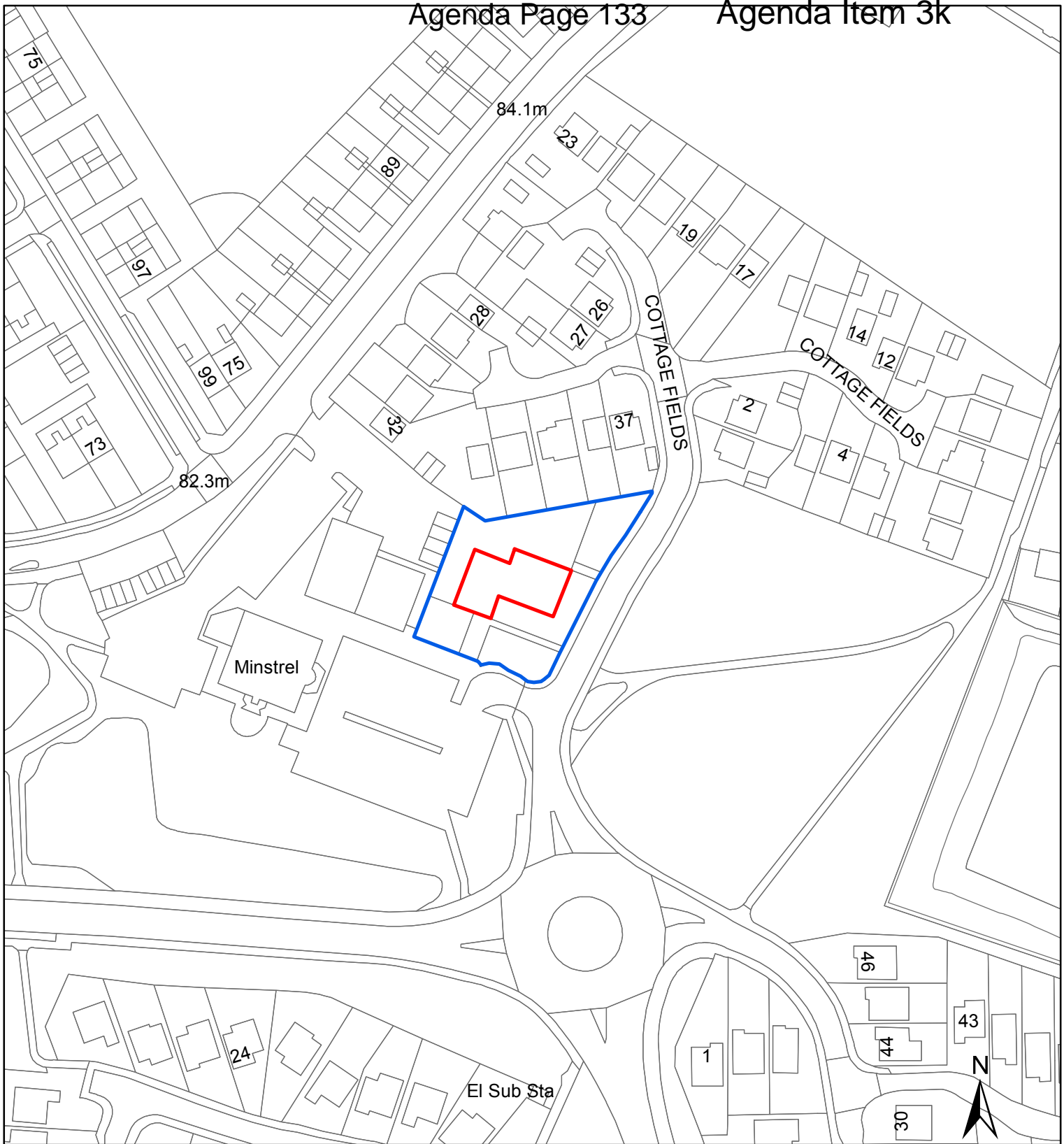
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**Planning History**

There is no recent planning history at the property.

**Suggested Conditions**

No.	Condition																		
1.	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>																		
2.	All external facing materials shall match in colour, form and texture those on the existing building and as stated on the approved plans. <i>Reason: In the interests of the visual amenity of the area in general and the existing building in particular.</i>																		
3.	The approved plans are: <table border="0" data-bbox="363 1420 1361 1628"> <thead> <tr> <th data-bbox="363 1420 831 1449">Title</th> <th data-bbox="831 1420 1134 1449">Plan Ref.</th> <th data-bbox="1134 1420 1361 1449">Received On:</th> </tr> </thead> <tbody> <tr> <td data-bbox="363 1449 831 1478">Location Plan</td> <td data-bbox="831 1449 1134 1478">A13/32/02</td> <td data-bbox="1134 1449 1361 1478">28 May 2014</td> </tr> <tr> <td data-bbox="363 1478 831 1507">Existing and Proposed Side Elevations</td> <td data-bbox="831 1478 1134 1507">A13/32/03</td> <td data-bbox="1134 1478 1361 1507">28 May 2014</td> </tr> <tr> <td data-bbox="363 1507 831 1536">Existing and Proposed Rear Elevation</td> <td data-bbox="831 1507 1134 1536">A13/32/04</td> <td data-bbox="1134 1507 1361 1536">28 May 2014</td> </tr> <tr> <td data-bbox="363 1536 831 1565">Existing and Proposed Front Elevation</td> <td data-bbox="831 1536 1134 1565">A13/32/06</td> <td data-bbox="1134 1536 1361 1565">28 May 2014</td> </tr> <tr> <td data-bbox="363 1565 831 1594">Retaining Wall/Fence Detail</td> <td data-bbox="831 1565 1134 1594">A13/32/05</td> <td data-bbox="1134 1565 1361 1594">28 May 2014</td> </tr> </tbody> </table>	Title	Plan Ref.	Received On:	Location Plan	A13/32/02	28 May 2014	Existing and Proposed Side Elevations	A13/32/03	28 May 2014	Existing and Proposed Rear Elevation	A13/32/04	28 May 2014	Existing and Proposed Front Elevation	A13/32/06	28 May 2014	Retaining Wall/Fence Detail	A13/32/05	28 May 2014
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Description		<p><b>LIBERATA</b></p> <p><b>Property Services</b>                  17-23 Gillibrand Street,                  Chorley,                  Lancashire                  PR7 2EJ</p> <p>WORKING IN PARTNERSHIP WITH...</p> <p><b>Chorley Council</b></p>
<p>Eaves Green Community Centre,                  Chorley.</p>		
Scale 1:1,250	Drawing Number	
Drawn By HP	Date May 2014	CAD Reference

**LIBERATA**

**Property Services**  
 17-23 Gillibrand Street,  
 Chorley,  
 Lancashire  
 PR7 2EJ

Tel. 01257 515273  
 Fax. 01257 515279  
 www.liberata.com

WORKING IN PARTNERSHIP WITH...

**Chorley Council**

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<b>Item 3I</b>	<b>14/00620/FUL</b>
<b>Case Officer</b>	<b>Nicola Hopkins</b>
<b>Ward</b>	<b>Chorley North East</b>
<b>Proposal</b>	<b>Erection of a detached two bedroom bungalow</b>
<b>Location</b>	<b>Land West At Rear Of 5 Fendley Cottage, Blackburn Brow, Chorley</b>
<b>Applicant</b>	<b>Mr Carl Fendley</b>
<b>Consultation expiry:</b>	<b>2<sup>nd</sup> July 2014</b>
<b>Decision due by:</b>	<b>5<sup>th</sup> August 2014</b>

**Recommendation**

**Permit planning permission subject to the associated S106 Agreement.**

**Executive Summary**

**The main issues to consider are whether the principle of the development is acceptable and whether the proposals will adversely impact on the existing neighbours. For the reasons set out below the proposals although sited on a relatively small piece of land are considered to be acceptable.**

**Representations**

<b>In total 3 representations have been received which are summarised below</b>	
<b>Objection</b>	<b>Not specified</b>
Total No. received: 1	Total No. received: 2
<ul style="list-style-type: none"> <li>• Not clear where the bungalow will be sited</li> <li>• Inappropriate site- no room for bungalow</li> <li>• Loss of privacy</li> <li>• No means of access to the site</li> <li>• Loss of trees</li> <li>• Impact on local wildlife</li> </ul>	<ul style="list-style-type: none"> <li>• The land in question was until 40 years ago not in existence- the site was created by tipping a large amount of building rubble- underlying structure not suitable to support a structure</li> <li>• Hazardous materials may be present</li> <li>• Extra traffic would compromise the stability of the access track (which is owned by 9 and 11 Blackburn Brow</li> <li>• Existing drainage cannot cope with additional connections</li> <li>• Overlooking and more vehicle movements to the rear of the existing dwellings</li> </ul>

**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
Council's Waste and Contaminated Land Officer	Due to the proposed sensitive end-use (residential housing with garden) and the proximity to a site formerly classified as 'chemical manufacturing' circa 1849, 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.
Council's Tree Officer	The area planned for development contains three multi stemmed willow trees. Two of the trees are aged semi mature, one early mature. None of the three willow trees are of merit and removal would could go ahead to accommodate the planned construction.
United Utilities	Have no objection
LCC Highways	No objection



**Assessment**Principle of the Development

1. The application site comprises of a piece of backland to the rear of the existing dwellings on Blackburn Brow within the settlement boundary of Chorley. Policy 1 of the Adopted Central Lancashire Core Strategy states that growth will be focused on well-located brownfield sites and the Strategic Location of Central Preston, the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble, whilst protecting the character of suburban and rural areas. Chorley is identified as a Key Service Centre.
2. Part of the site is brownfield land with a detached garage present although part of the site is greenfield undeveloped land. Policy 1 confirms that some Greenfield development will be required on the fringes of the main urban areas. It is considered that the location of the site, within the settlement area of Chorley, is an appropriate location for new development in accordance with policy 1 of the Core Strategy.
3. A small section of the application site extends into the mixed use allocation for Botany Bay contained within the emerging Local Plan (Policies EP1.1, EP2 and HS1.8). 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.
4. 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.
5. 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.”*
6. The Council accepted the Inspectors modifications for Development Control purposes at its Executive Committee on 21st November 2013. As such the policies contained within the emerging Plan can be afforded significant weight in determining applications subject to the modifications.
7. When the previous application at this site was considered the application site extended into this mixed use allocation which was raised as a concern with the applicant. Additionally it was noted that part of the application site (that part within the mixed use allocation) was owned by third parties. The part of the site owned by third parties has been removed from the application site boundary as part of this new planning application reducing the extent of incursion into the mixed use allocation.
8. The extent of the adjacent mixed use allocation was based upon information submitted at the site suggestions stage of the emerging Local Plan received from third parties. Following further consideration it is assumed that the small part of the mixed use allocation which falls within the ownership of this applicant was included as a drafting error however it is important to note that this is a very small area of land which is sited at a higher land level than the rest of the mixed use allocation:



Area of land within mixed use allocation

9. Policy EP2 confirms that within the area defined on the Policies Map at Botany Bay/Great Knowley (the hatched area on the above plan), new development, redevelopment or change of use will be permitted subject to the following:
  - a) Comprehensive development of the site is demonstrated through a masterplan;
  - b) The implementation of development in accordance with an agreed design code;
  - c) A phasing and infrastructure delivery schedule for the area; and
  - d) An agreed programme of implementation in accordance with the masterplan.
  
10. Given that the piece of land in question is only small, is at a higher land level than the remainder of the mixed use allocation and falls within the ownership of this applicant it is not considered that the loss of this small section of land will hinder the delivery of the scheme on the Botany Bay/Great Knowley site.

#### Density

11. The red edge site location plan covers an area of 0.04 hectares which results in a density of 25 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. 25 dwellings per hectare is a low density which given the character of the area is considered to be appropriate and reflects the character of the area.

#### Levels

12. The land gently slopes downwards from north to south however the land where the bungalow is proposed to be sited is relatively flat and reflects the ground level of the adjacent dwellings. As such it is considered that a suitable land level which reflects the adjacent dwellings can be secured on this site.

#### Impact on the neighbours

13. 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.
  
14. 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.
  
15. 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.

16. The immediate neighbours to the site are 3, 5, 7 and 9 Blackburn Brow. Number 3 is a detached dwelling located to the east of the application site. The rear projection of the proposed bungalow will be located to the rear of this property although approximately 17 metres is maintained between the rear elevation of number 3 and the side elevation of the proposed bungalow.
17. There is a side window located within the rear projection facing 3 Blackburn Brow however as this property is a bungalow this window will be at ground floor level. This window will be approximately 4 metres from the boundary of 3 Blackburn Brow which could be perceived as having an adverse impact on privacy, even though it is a ground floor window, due to the proximity of the proposed house to the garden area of 3 Blackburn Brow. This window is however a secondary window to the room it serves and as such could be obscurely glazed to remove the perceived impact. This will be secured by condition.
18. Number 3 Blackburn Brow is located over 12 metres from the rear garden of the proposed bungalow which exceeds the Council's required 10 metre window to garden spacing standard. As such it is not considered that the private amenity space of the proposed dwelling will be overlooked by the existing dwelling.
19. 5 Blackburn Brow is located to the east of the proposed bungalow and is the applicant's property. Over 9 metres is maintained between the proposed bungalow and the rear elevation of number 5. Given the distance maintained and the fact that the proposals are for a bungalow it is not considered that the application warrants refusal in respect of the impacts on number 5. There is a bathroom window in the side elevation of the proposed dwelling facing number 5 which will be obscurely glazed and as such there will be no loss of amenity created by this window.
20. The proposed site plan appears to include a detached garage which will be located between the proposed bungalow and the rear boundary of 5 Blackburn Brow however no plans of the garage have been submitted. Whilst this is not part of the proposals it would not be considered that a standard single storey standard garage in this location would adversely impact on the amenities of the occupants of number 5. Its siting to the west of the rear garden ensures that loss of light would only be late on the afternoon with the garden area retaining sunlight for the majority of the day. However any such garage at this property would require the submission of a planning application.
21. Number 7 Blackburn Brow is located to the east of the application site and has a rear conservatory. The proposed bungalow is set back within the application site and as such only part of the proposal will be sited close to the boundary with number 7. The proposed dwelling will be sited approximately 9.4 metres from the rear elevation of the conservatory. Given that only part of the proposed dwelling will be sited directly behind number 7 and the distance maintained it is not considered that the proposals will create any loss of amenity to the residents of number 7 Blackburn Brow.
22. Number 9 Blackburn Brow will face the proposed front garden area of the dwelling. As this area will not be used a private amenity space it is not considered that the proposals will create loss of privacy to either the existing or future residents.

#### Highways and Traffic

23. As set out above issues have been raised about the use of the private access way between 9 and 11 Blackburn Brow to serve the site however this is a private issue between the land owners and it will be the applicants responsibility to secure an access to the application site. The access between these 2 dwellings forms part of the mixed use allocation at Botany Bay however the proposed development would not impact on this part of the allocation. Recent case law confirms that planning applications do not have to include the means of vehicular access within the application site (i.e. the red edge does not have to extend upto an adopted highway) and as this is outside the applicants control this access has not been included within the application site. It is however clear that

access to the site by vehicles is achievable as the land is currently used for parking and garages.

24. The Highway Engineer at LCC has assessed the proposals and made the following comments. The junction of Blackburn Brow and the access road has capacity to accommodate additional trips from the single vehicle associated with the development and although no vehicle parking space is indicated on the submitted plans there is adequate space available within curtilage to enable vehicle(s) to be parked off-street. The Highway Engineer has no objections to the proposed bungalow.
25. For a two bedroomed bungalow two off road parking spaces are required, as set out within Policy ST4 of the emerging Local Plan. The submitted plans detail a driveway and what is assumed to be a detached garage. The garage indicated measures 6x3 metres which is suitable to accommodate a car and the driveway exceeds 8 metres in length which is also suitable to accommodate a vehicle. Without the garage a driveway length in excess of that required for 2 cars can easily be accommodated on the site. As such it is considered that sufficient onsite parking can be provided.

#### Trees

26. The previously undeveloped part of the site is occupied by vegetation and trees. As such the application is supported by a Arboricultural Report. This concludes that there are several trees on the site/ adjacent to the site including Hawthorn, Willow and Oak. All but the Oak Tree are classified as category C within the assessment which are low quality trees. The Council's Tree Officer has visited the site and confirmed that the area planned for development contains three multi stemmed willow trees. Two of the trees are aged semi mature, one early mature. None of the three willow trees are of merit and as such would not warrant protection.
27. The Oak Tree which is categorised as moderate quality is outside the application site and as such does not require removal to facilitate the development.

#### Sustainable Resources

28. 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. This will be secured by condition.

#### Community Infrastructure Levy

29. 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.
30. The submitted CIL form states that 87.63m<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 a value of £5,695.95. However the floorspace of the detached garage has been excluded from a calculation which when included will create 105.63m<sup>2</sup> which equates to a £6,865.95.

#### Open Space

31. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. In accordance with the emerging Local Plan Policies HS4A and HS4B and the approach in the SPD the following open space contributions are generated from the proposed development. This will be secured via a separate S106 Legal Agreement:

#### Amenity Greenspace

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

Provision for children/young people

33. Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a deficit of provision in the Chorley North East ward in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £134.

Parks and Gardens

34. 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

35. 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

36. 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 allotments that are identified as being low quality and/or low value in the Open Space Study (sites 1646 – Worthy Street, Chorley, 1644 – Whittam Road, Chorley, 1648 – Preston Road, Whittle-le-Woods, 1649 – Maybank, Withnell Fold).
37. The site is also within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Sylvesters Farm, Euxton (HW5.2). A contribution towards improving existing provision and new allotment provision is therefore required from this development. The amount required is £15.

Playing Pitches

38. 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.

39. The total financial contribution required from this development is as follows:

• Amenity greenspace	= £140
• Equipped play area	= £134
• Allotments	= £15
• Playing Pitches	= £1,599
• <b>Total</b>	<b>= £1,888</b>

Ownership

40. Part of the site (a strip of land to the rear of 7 and 9 Blackburn Brow) is not within the applicants ownership and not registered however in accordance with the requirements in respect of this planning application the application has been advertised in the local paper by the applicant.

Land Stability

41. Concerns have been raised that this site was created by tipping waste material etc and its not capable of accommodating a new dwelling. This however is an issue which will be addressed at building regulations stage as various measures could be considered in ensuring that the development can be accommodated on the site dependent on the site conditions.

**Overall Conclusion**

42. It is acknowledged that this is a small piece of back land typical with terraced properties throughout the Borough. For the reasons set out above however the proposed development is considered to be in accordance with the relevant planning policies and guidance. As such the application is recommended for approval.

**Planning Policies**

43. 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**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
3 Blackburn Brow: 5/1/02925	Re-siting of existing garage and erection of new garage	Approved	1967
7 Blackburn Brow: 5/1/03118	Erection of lock-up garage	Approved	1968
76/00252/FUL	Infilling disused railway cutting	Refused. Appeal Withdrawn	
Heapey: 77/00418/FUL	Tipping	Refused. Appeal Dismissed	
78/00054/FUL	Garage for overnight parking of asphalt wagon.	Refused	January 1978
13/00837/FUL	Erection of a detached two bedroom bungalow	Withdrawn	

**Suggested Conditions**

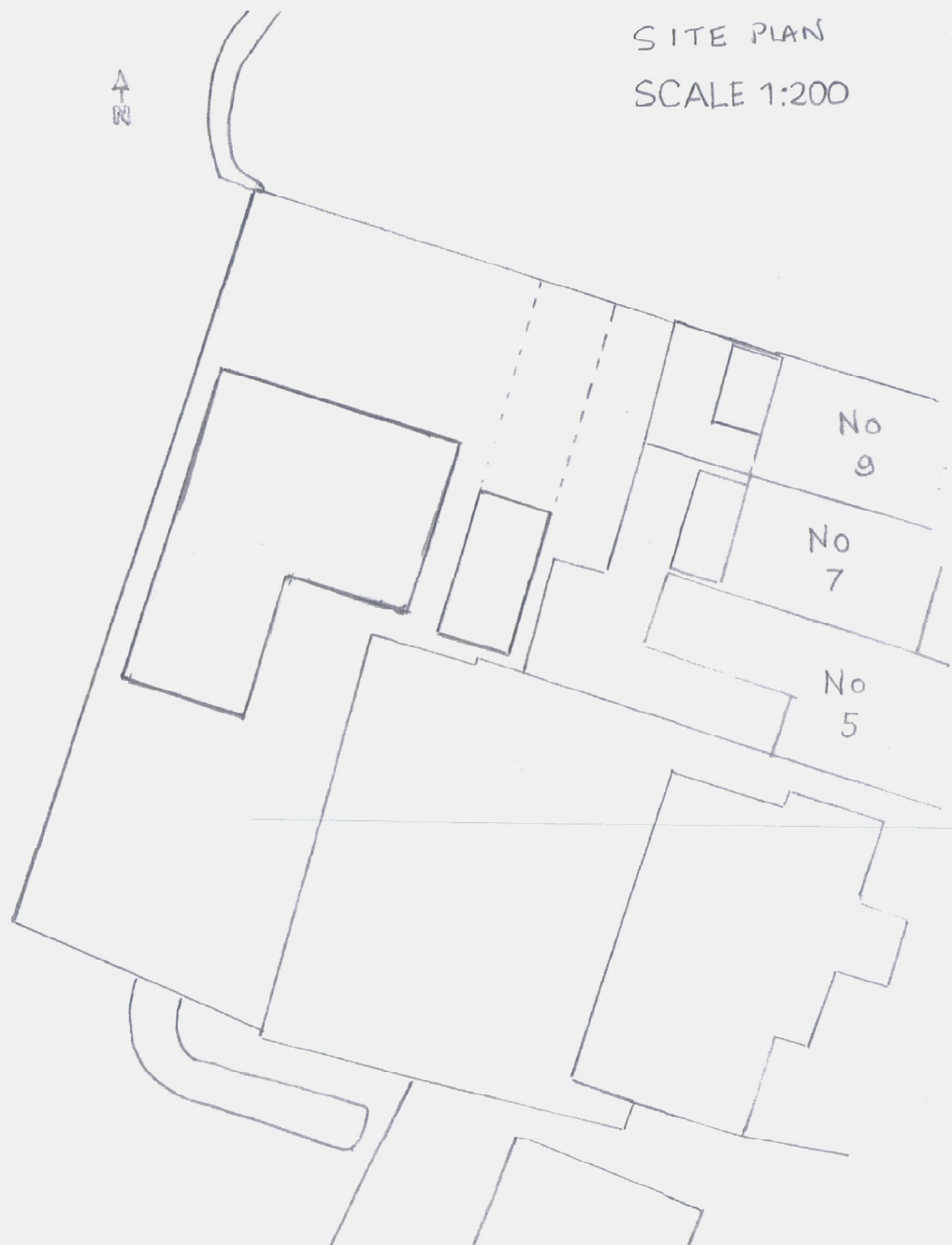
No.	Condition						
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Site and Location Plan	5th June 2014						
Elevations	5th June 2014						
3.	<p>Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.</p> <p>Reason: To secure proper drainage</p>						
4.	<p>Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>						
5.	<p>Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. The 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.</p> <p>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</p>						
6.	<p>Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.</p> <p>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area</p>						
7.	<p>Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall be carried out strictly in conformity with the approved details.</p> <p>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</p>						
8.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall indicate the types and numbers of trees and shrubs to be planted, their distribution on site and those areas to be seeded, paved or hard landscaped. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p>						

	<p>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.</p> <p>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.</p>
9.	<p>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.</p> <p>Reason: To safeguard the trees to be retained</p>
10.	<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.</p> <p>Reason: In the interests of neighbour amenity.</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.</p> <p>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.</p> <p>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.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>
14.	<p>All windows in the east elevation of the dwellinghouse hereby permitted shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.</p> <p>Reason: In the interests of the privacy of occupiers of neighbouring property</p>
15.	<p>Prior to the occupation of the dwellinghouse hereby permitted sufficient driveway space shall be provided within the application site for the parking of 2 vehicles. Thereafter sufficient space for the parking of 2 vehicles shall be maintained in perpetuity.</p> <p>Reason: To ensure an adequate amount of parking is provided at the application</p>

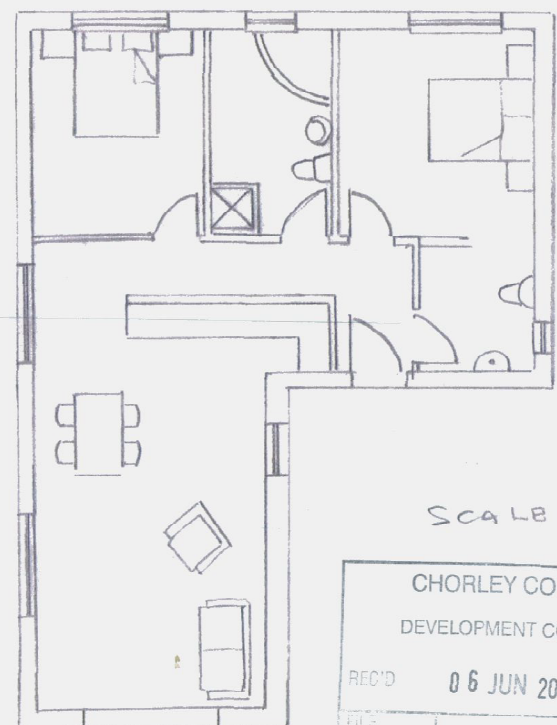


	<p>site for the dwellinghouse hereby approved.</p>
<p>16.</p>	<p>Due to the proposed sensitive end-use (residential housing with garden) and the proximity to a site formerly classified as 'chemical manufacturing' circa 1849, the development hereby permitted shall not commence until a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures, has been submitted to and approved in writing by the Local Planning Authority.</p> <p>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.</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: Please note 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>
<p>17.</p>	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority. Reason: In the interests of highway safety and to prevent flooding</p>

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CHORLEY COUNCIL	
DEVELOPMENT CONTROL	
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COPIES	

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Report of	Meeting	Date
Head of Governance	Development Control Committee	5 August 2014

## **PROPOSED CONFIRMATION OF DIVERSION OF A SECTION OF PUBLIC FOOTPATH NUMBER 31 COPPULL NEAR MILTON ROAD S.257 TOWN AND COUNTRY PLANNING ACT 1990**

### **PURPOSE OF REPORT**

1. To determine whether the Diversion Order in relation to part of Public Footpath No. 31 Coppull (in order to facilitate the development of 8 two bedroomed bungalows for affordable rent) should be confirmed as an unopposed order.

### **RECOMMENDATION(S)**

2. That the Chorley Borough Council (Public Footpath No. 31 Coppull) Public Path Diversion Order 2014 made on 16 January 2014 pursuant to Section 257 of the Town and Country Planning Act 1990 be confirmed as an unopposed order in respect of a length of Footpath Number 31 Chorley.
3. That the Head of Governance is authorised to serve notice regarding the confirmation of the order on prescribed persons and arrange for notice in the local press and on site and certify the order as being complied with having regard to any representations from the Public Rights of Way Team (PROW) at Lancashire County Council (LCC) or to confirm the order in the absence of representations from PROW and certify its terms as being complied with.

### **EXECUTIVE SUMMARY OF REPORT**

4. A section of Public Footpath No. 31 Coppull Chorley affects a parcel of land to the east of Milton Road, running in a broadly east-west direction. The parcel of land was subject of a planning application by Chorley Community Housing (CCH), a subsidiary of the Adactus Group, to build 8 two bedroomed bungalows for affordable rent.
5. Planning permission was granted by Development Control Committee on 14 January 2014 (Ref 13/01096/FUL). The making of the diversion order was also approved at that committee.
6. The south western area of the application site is affected by a section of Footpath Number 31. Members are referred to the order map within Appendix A to this report which shows a section of the existing legal footpath by a continuous bold black line between the points A-B-C. This is the route which is to be diverted i.e. it will cease to be a legal right of way if Chorley Council certifies the terms of the order as being complied with following confirmation.
7. In order to facilitate the development it is proposed to divert the path onto a route between the points A-D shown by bold black dashes on the plan in Appendix A.
8. To illustrate the wider context of Footpath 31 a continuation of Footpath No. 31 is shown by thin dashes to the east of Point "A" and to the west of Point "C" on the plan in Appendix A. These sections are not affected by the proposed diversion.

<b>Confidential report</b> Please bold as appropriate	Yes	No
--	-----	----

### CORPORATE PRIORITIES

9. This report relates to the following Strategic Objectives:

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

### DETAILS OF THE MAKING OF THE ORDER ON 16 JANUARY 2014

10. The length of Footpath No. 31 between the points A-B-C forming the subject of the application runs for a total distance of about 40 metres.
11. The length of the proposed diverted route between the points A-D runs for a total distance of about 25 metres.
12. The diversion comprises a slightly shorter route so it is no less convenient for users. It is not significantly different in nature (i.e. gradients, extent, length or direction) to the existing route.
13. Before the development authorised in January 2014 the section of Footpath No. 31 to be diverted was in practice not used by the general public as it was obstructed by a fence bounding the application site. The diversion will in fact improve matters for the public by restoring a route along footpaths which will become part of the public footpath network and therefore maintainable at public expense.
14. Consent of the owner of the land affected by the newly diverted route is required. Both the existing legal route and the route of the proposed diversion are on land owned by the applicant CCH.
15. Approximately at Point D the land is affected by a 225 mm public sewer which runs in an east-west direction and a 4 inch water main which runs in a north-south direction. In accordance with Schedule 14 to the Town and Country Planning Act 1990 United Utilities were consulted after the making of the order.
16. Enquiries with National Grid revealed that they have gas apparatus running along Milton Road. National Grid objected to an earlier version of the proposed order which envisaged a diversion running from A-D-C on the map in Appendix A. This would have affected the apparatus between the points D-C. However as Milton Road is adopted it is not necessary to effect a diversion along the points D-C as the public already enjoy rights of way over this section and indeed such a diversion would not be lawful. National Grid were sent the revised proposal in December 2013 shown on the plan in Appendix A and they replied that they had no objection.
17. The width of the existing unadopted pathway at Point A is about 1.8 metres. However it widens to about 3 metres by Point D. No change in the width of the path was specified in the order.
18. The cost of dealing with the application has been met by CCH.
19. The order was made i.e. with provisional effect on 16 January 2014 following approval by Development Control Committee on 14 January. The relevant notices were served on statutory consultees on 21 January 2014 and notice placed on site and in the local press. Two of the statutory consultees (LCC and the Peak and Northern Footpaths Society) responded that they had no objection. No other responses were received.

### IMPLICATIONS OF REPORT

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

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

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

21. The applicant developer made a contribution of £1500 to the costs of making the order and paid for the notice of making in January 2014. Costs of placing the notice of confirmation in the local press will be recovered from the applicant developer. When the order comes into effect after it is certified that its provisions have been complied with legal responsibility for maintenance of the newly created section of public footpath will rest with Lancashire County Council.

**COMMENTS OF THE MONITORING OFFICER**

22. An order made under s.257 may provide for the creation of an alternative highway for the footpath to be diverted. The order may also authorise or require works and require any person named in the order to meet the costs of such works.
23. A public notice describing the order must be advertised in the local press and the order placed on deposit for public inspection. This public notice and order map must also be placed at each end of the length of public footpath to be diverted. Owners of land affected by the order and various statutory consultees must be contacted and served with the order and notice and allowed the opportunity to make objections within 28 days from the making of the order. If no objections are made the order may then be recommended for confirmation to Development Control Committee as an unopposed order.
24. On confirmation of the order similar steps to those outlined in paragraph 23 above must be repeated enclosing a copy of the confirmed order. Objectors may challenge the confirmation in the High Court within six weeks after notice of the confirmation is published on the grounds that the confirmation is outside the Council's powers or that there has been a procedural defect. The diversion order does not come into effect until Chorley Borough Council certifies that the provisions of the order have been complied with. It is reasonable to take into account the views of LCC because the County will be responsible for maintaining the newly diverted route and ensuring that it remains unobstructed. However the decision to certify is ultimately one for Chorley Council as the order making authority.

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
E-mailed letter of objection from National Grid	10/12/13	2120	Town Hall
Plan from applicant showing services	04/12/13		
Plan from Building Control			

showing services	3/12/13		
E-mailed letter from National Grid confirming have no objection to revised proposal	24/12/13		
Letter from LCC stating no objection	14/02/14		
E-mail from Peak & Northern Footpaths Society stating no objection	17/02/14		

Report Author	Ext	Date	Doc ID
Alex Jackson	5166	21/07/14	IKEN File 2120



**PUBLIC PATH DIVERSION ORDER****TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257****THE CHORLEY BOROUGH COUNCIL (PUBLIC FOOTPATH NO. 31 COPPULL)  
PUBLIC PATH DIVERSION ORDER 2014**

This order is made by Chorley Borough Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath to which this Order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely: Planning Permission 13/01096/FUL for the development of residential housing situate near Milton Road Coppull Chorley

**BY THIS ORDER:**

- 1 Footpath No. 31 over the land shown by a bold black line on the attached map and described in Part I of the Schedule to this Order ("the Schedule") shall be diverted as provided below.
- 2 There shall be created to the reasonable satisfaction of Chorley Borough Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
- 3 The diversion of the footpath shall have effect on the date on which Chorley Borough Council certify that the terms of Article 2 above have been complied with.
4. The following works shall be carried out in relation to the highway described in Part 2 of the schedule:
  - (i) Bringing the surface to the same level as the adopted footway of Milton Road by adding identical material to that already present on the compacted stone surface and compacting of same
  - (ii) Such other works as may be notified to the applicant Chorley Community Housing Limited following inspection by Chorley Borough Council
5. Chorley Community Housing Limited is hereby required to pay for the costs of carrying out the said works.
- 6 Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

**SCHEDULE****PART 1****Description of site of existing path or way known as Footpath No. 31 Coppull**

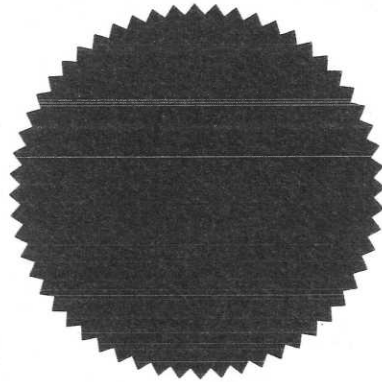
The section of Footpath No. 31 connecting land near the north eastern boundary of 15 Milton Road with Milton Road to be diverted is shown on the attached map from point A (National Grid Reference SD 5639 1392) running in a north westerly direction to point B (National Grid Reference SD 5638 1394) and thence in a westerly direction to point C (National Grid Reference SD 5637 1394), a total distance of 40 metres as shown by a bold black line on the map.

**PART 2**

**Description of site of alternative highway**

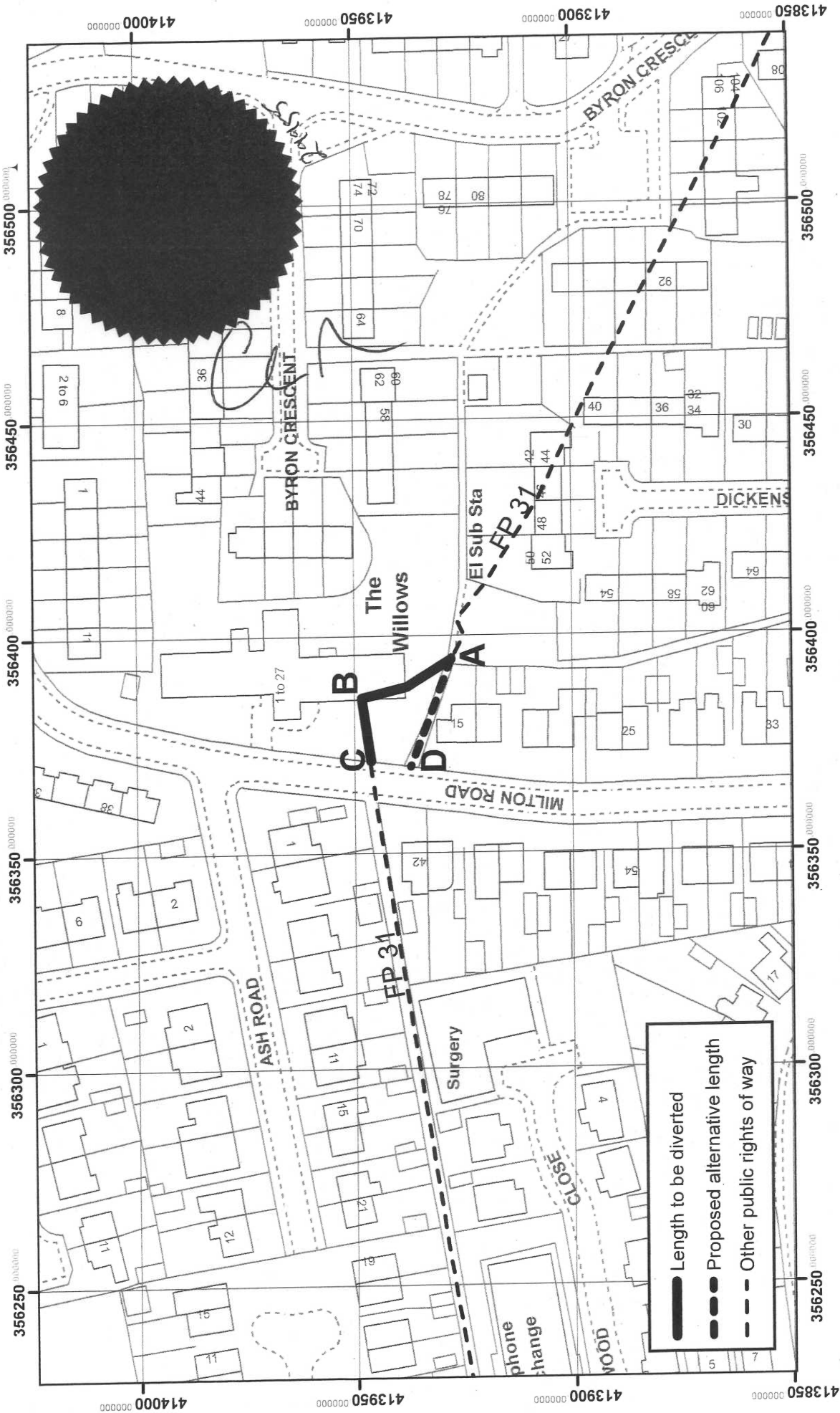
The section of Footpath No.31 described in Part 1 of this Schedule to be diverted onto the pathway running from point A (National Grid Reference SD 5639 1392) to point D (National Grid Reference SD 5636 1393), a total distance of 25 metres as shown by bold black dashes on the map with the section from point A to point D with a width of 1.8 metres widening gradually along the last 1.8 metres to the point where the pathway attains Point D to a width of 3 metres

**The Common Seal of the Chorley Borough Council was hereunto affixed on the 16 day of January 2014**



29955

**Authorised Signatory**



	Plan No. 9-10-31A
<h2 style="margin: 0;">Town and Country Planning Act 1990 Section 257</h2> <h3 style="margin: 0;">Coppull Footpath 31 (Part), Chorley Borough, Diversion Order 2014</h3>	
The digitised Rights of Way information should be used for guidance only as its accuracy cannot be guaranteed. Rights of Way information must be verified on the current Definitive Map before being supplied or used for any purpose. This Map is reproduced from the 1:1250 Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationery Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to Prosecution or civil proceedings. Lancashire County Council Licence No. 100023320	
<h1 style="margin: 0;">Chorley Council</h1>	

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Report of	Meeting	Date
Head of Governance	Development Control Committee	5 August 2014

**PROPOSED CONFIRMATION CHORLEY BOROUGH COUNCIL TREE PRESERVATION ORDER NO 1 (WHITTLE-LE-WOODS) 2014 WITHOUT MODIFICATION**

**PURPOSE OF REPORT**

- To consider formal confirmation of the Chorley Borough Council Tree Preservation Order No 1 (Whittle-Le-Woods) 2014 without modification.

**RECOMMENDATION(S)**

- Formal confirmation of the Order affords permanent as opposed to provisional legal protection to the trees covered by the Order.

**EXECUTIVE SUMMARY OF REPORT**

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

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
--	-----	-----------

**CORPORATE PRIORITIES**

- This report relates to the following Strategic Objectives:

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

**BACKGROUND**

- The Order was made on the 14 May 2014. The Order was made and served along with the statutory notice prescribed in Regulations on all those with an interest in the land on which the trees are situated on the 22 May 2014. The same documents were also served on owners/occupiers of adjacent properties. The Order was made because on the assessment of the Council's Tree Officer the trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public.

6. No objection has been received in response to the making of the above Order. It is therefore, now open to the Council to confirm the above Order as unopposed. The effect of formally confirming the Order will be to give permanent legal force to the Order, as opposed to provisional force, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc, any of the trees covered by the Orders without first having obtained lawful permission.

**IMPLICATIONS OF REPORT**

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

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

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

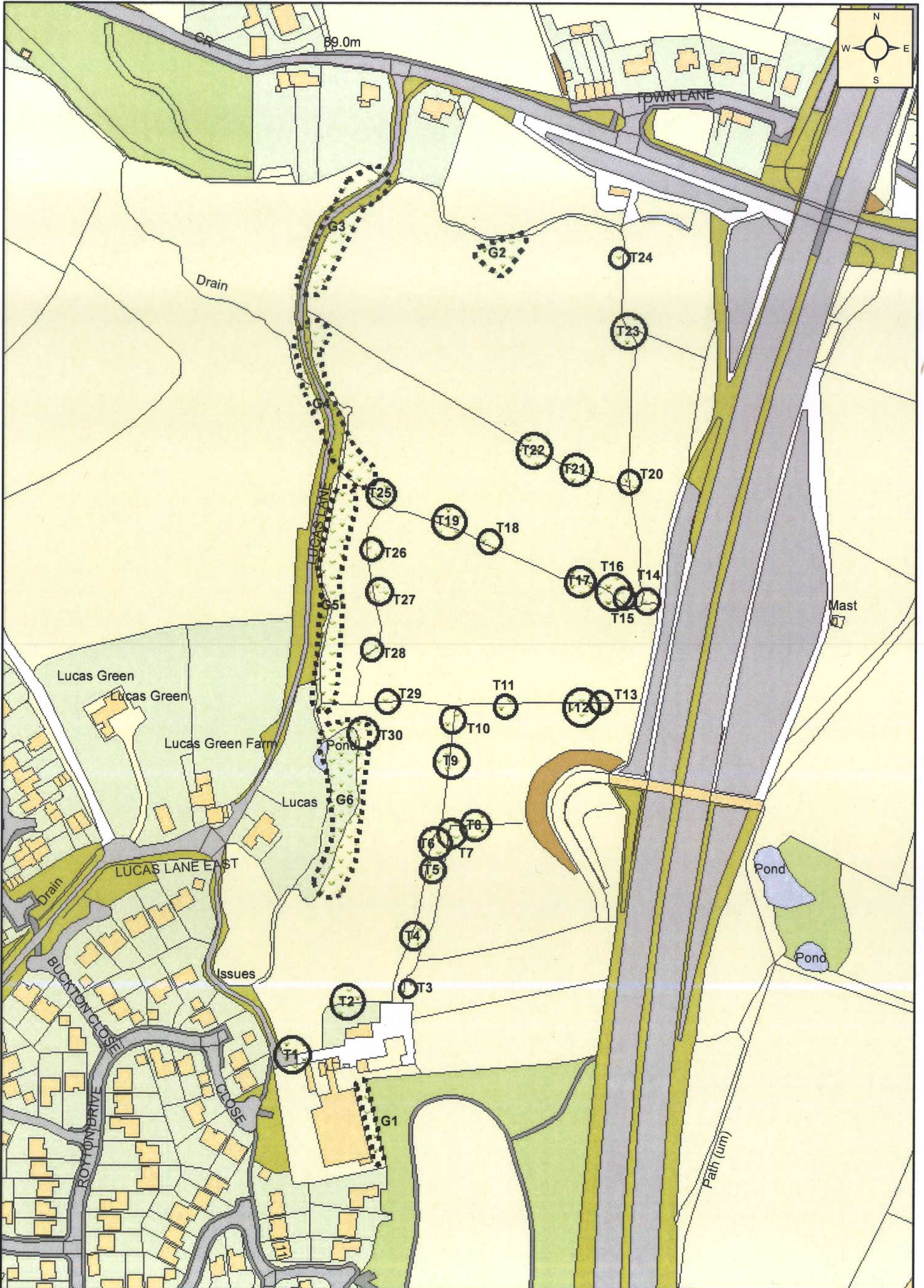
1. If the trees were to be lopped or pruned or chopped in breach of the order the Council would incur staff costs in any criminal investigation and prosecution. Staff costs in the Planning Department are also involved when dealing with applications for consent to work to protected trees.

**COMMENTS OF THE MONITORING OFFICER**

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

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Jodi Fitzpatrick	01257 515112	07 July 2014	062745



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Report of	Meeting	Date
Head of Governance	Development Control Committee	5 August 2014

## **PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO.3 (CLAYTON-LE-WOODS) 2014 WITHOUT MODIFICATION**

### **PURPOSE OF REPORT**

1. To consider formal confirmation of the Tree Preservation Order No.3 (Clayton-le-Woods) 2014 without modification.

### **RECOMMENDATION(S)**

2. Formal confirmation of the Order affords permanent as opposed to provisional legal protection to the tree covered by the Order.

### **EXECUTIVE SUMMARY OF REPORT**

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

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

4. This report relates to the following Strategic Objectives:

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

### **BACKGROUND**

5. The Order was made on the 23<sup>rd</sup> June 2014. The Order was made and served along with the statutory notice prescribed in Regulations on all those with an interest in the land on which the trees are situated on the 23<sup>rd</sup> June 2014. The Order was made because on the assessment of the Council's Tree Officer the trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public.
6. No objection has been received in response to the making of the above Order. It is therefore, now open to the Council to confirm the above Order as unopposed. The effect of

formally confirming the Order will be to give permanent legal force to the Order, as opposed to provisional force, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc, any of the trees covered by the Orders without first having obtained lawful permission.

### IMPLICATIONS OF REPORT

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

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

### COMMENTS OF THE STATUTORY FINANCE OFFICER

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

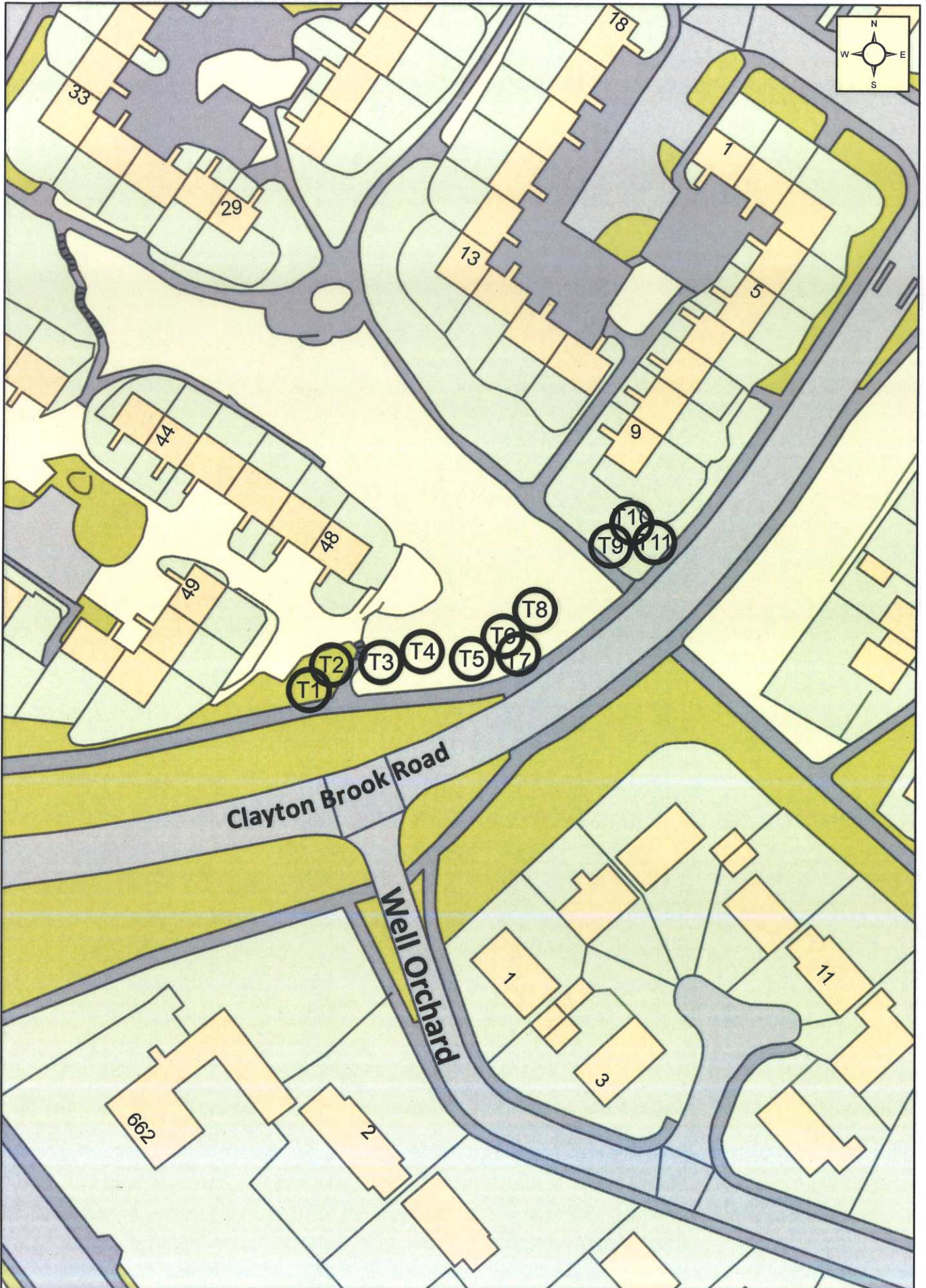
### COMMENTS OF THE MONITORING OFFICER

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

I attach a Plan of the location of the trees affected in this Order.

Report Author	Ext	Date	Doc ID
Elizabeth Walsh	5169	22.07.14	63656

Chorley BC TPO 3 (Clayton-le-Woods) 2014



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Report of	Meeting	Date
Director of Public Protection, Streetscene and Community	Development Control Committee	5 August 2014

## **PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 25 JUNE AND 24 JULY 2014**

### **PLANNING APPEALS LODGED**

1. Appeal by Mrs Susan Perrins against the delegated decision to Refuse Full Planning Permission for the Erection of first floor front extension and detached double garage to front at 26 Ollerton Street, Adlington, Chorley PR6 9LF (Planning Application: 14/00370/FUL Inspectorate Reference APP/D2320/D/14/2221003). Inspectorate letter received 3 July 2014.
2. Appeal by Mr A Pitalia against the delegated decision to Refuse Full Planning Permission for Proposed amended house type to Plot 3 of previously approved plans at Kendal House Bolton Road, Anderton, Horwich BL6 7RW (Planning Application: 14/00364/FUL Inspectorate Reference APP/D2320/A/14/2222239). Inspectorate letter received 21 July 2014.

### **PLANNING APPEALS DISMISSED**

3. None.

### **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**

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

appellant has withdrawn their appeal and intends to comply with the Enforcement Notice by 31 July 2014. Inspectorate letter received 4 July 2014.

#### LANCASHIRE COUNTY COUNCIL DECISIONS

10. Decision by Lancashire County Council to vary Condition no. 3 of planning permission no. 09/13/0185 granted by Lancashire County Council to allow Variation of condition 3 of planning permission no. 09/13/0185 (granted by Lancashire County Council) to allow an extension of the hours of use of the multi-use games area to 8:30 to 20:00 Monday to Fridays (during British Summertime April to October) and 08:30 to 18:00 Saturdays and Sundays at Weldbank House Hostel/Shafesbury High School, Weldbank Lane, Chorley. LCC Decision made 9 July 2014 (Lancashire County Council Reference: LCC/2014/0063 Chorley Reference: 14/00478/CTY). LCC Decision received 15 July 2014.
11. Decision by Lancashire County Council for the erection of new single storey extensions to provide a reception area and workshop/community meeting room. Minor demolition where new structures meet existing structures at Withnell Fold Primary School, Withnell Fold, Withnell PR6 8BA. LCC Decision made 9 July 2014 (Lancashire County Council Reference: LCC/2014/0077 Chorley Reference: 14/00556/CTY). LCC Decision received 15 July 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 PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

Report Author	Ext	Date	Doc ID
Robert Rimmer	5221	25 July 2014	***

Town and Country Planning Act 1990  
Town and Country Planning General Regulations 1992

Form P2

## PLANNING PERMISSION

Submission by Lancashire County Council

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### Part I – Particulars of application

Date of application: **16 April 2014** Application No. **LCC/2014/0063**

Particulars and location of development:

**VARIATION OF CONDITION 3 OF PERMISSION 09/13/0185 TO ALLOW AN EXTENSION OF THE HOURS OF USE OF THE MULTI USE GAMES AREA TO 08.30 TO 20.00HRS MONDAY TO FRIDAYS (DURING BRITISH SUMMERTIME APRIL TO OCTOBER) AND 08.30 TO 18.00 SATURDAYS AND SUNDAYS AT SHAFTESBURY HIGH SCHOOL MULTI USE GAMES AREA, WELDBANK LANE, CHORLEY**

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### 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:

#### Working Programme

1. The development shall be carried out in accordance with the following documents:
  - a) The Planning Application received by the County Planning Authority on 16 04 2014
  - b) Submitted Plans and documents:
    - Drawing A-44 Rev D entitled 'Proposed Site Plan'
    - Drawing A-43 Rev D entitled 'Site Location Plan - Proposed'

*Reason: To minimise the impact of the development on the amenities of the area and to conform with Policies EP20 and LT 16 of the Chorley Borough Local Plan*

**Hours of use**

2. The multi use games area shall only be available for use between the hours of:

0830 to 2000 hours, Mondays to Fridays between 1 April and 31 October (excluding Public Holidays).

0830 to 1800 hours, Mondays to Fridays between 1 November and 31 March (excluding public holidays)

10:00 to 16:00 hours on Saturdays, Sundays and Public Holidays.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to conform with Policy EP20 of the Chorley Borough Local Plan.*

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**Date: 9 July 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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Town and Country Planning Act 1990  
Town and Country Planning General Regulations 1992

Form P2

## PLANNING PERMISSION

Submission by Lancashire County Council

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### Part I – Particulars of application

Date of application: **13 May 2014**      Application No. **LCC/2014/0077**

Particulars and location of development:

**NEW SINGLE STOREY EXTENSIONS TO PROVIDE A RECEPTION AREA AND WORKSHOP/COMMUNITY MEETING ROOM. MINOR DEMOLITION WHERE NEW STRUCTURES MEET EXISTING STRUCTURES AT WITHNELL FOLD SCHOOL, WITHNELL FOLD, WITHNELL, CHORLEY**

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### 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. The development shall commence not later than 3 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.*

#### Working Programme

2. The development shall be carried out in accordance with the following documents:
  - a) The Planning Application and supporting statement received by the Director of Transport and Environment on 13 05 2014
  - b) Submitted Plans and documents:

Drawing No. PL02 Rev B Existing Plan Layout and Elevations  
Drawing No. PL03 Rev B Proposed Plan Layout and Elevations

*Reason : To minimise the impact of the development on the amenities of the area and to conform with Policies 14 and 17 of the Central Lancashire Core Strategy and Policies C21, HT7 and DC1 of the Chorley Local Plan.*

**Notes**

The applicant's attention is drawn to the requirements of the Equality Act 2010 and the British Standards Institution Code of Practice for Design of Buildings and their approaches to meet the needs of Disabled People (BS8300:2009). The design of the building will also need to comply with Part M of the Building Regulations 2010. In the case of educational buildings, the applicant's attention is drawn to the Special Educational Needs and Disability Act 2001 and the guidance prepared by the Department of Education and Skills Building Bulletin 91 (Access for the Disabled to School Buildings) and Building Bulletin 94 (Inclusive School Design).

---



**Date: 9 July 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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