

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 28TH OCTOBER 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 - 6)

To confirm the minutes of the Development Control Committee held on the 30 September 2014 as a correct record and be signed by the Chair (enclosed).

2 DECLARATIONS OF ANY INTERESTS

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3 PLANNING APPLICATIONS TO BE DETERMINED

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

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

3A 14/00879/FUL - 18A THE FARTHINGS, ASTLEY VILLAGE, CHORLEY, PR7 1TP

(Pages 7 - 18)

3B	14/00767/FULMAJ - LAND 110M WEST OF COPPULL ENTERPRISE CENTRE, MILL LANE, COPPULL	(Pages 19 - 48)
3C	14/00900/OUTMAJ - LAND 150M WEST OF LEATHERLANDS FARM	(Pages 49 - 64)
3D	14/00741/FUL - THE COTTAGE TEA ROOMS, 25A SCHOOL LANE, BRINSCALL	(Pages 65 - 76)
3E	14/00881/FUL - BRINSCALL HALL FARM, DICK LANE, BRINSCALL, CHORLEY	(Pages 77 - 90)
3F	14/00975/FUL - BRINSCALL HALL FARM, DICK LANE, BRINSCALL	(Pages 91 - 102)
3G	14/00626/FUL - BRAMBLEWOOD NURSERY, WIGAN LANE, HEATH CHARNOCK	(Pages 103 - 116)
3H	14/00952/FUL - GREEN FARM, WOOD LANE, HESKIN	(Pages 117 - 126)
3I	14/00315/FUL - 127A STATION ROAD, CROSTON	(Pages 127 - 140)
3J	14/00960/CB3 - LAND TO THE REAR OF 3 - 5 COTTAGE FIELDS, CHORLEY	(Pages 141 - 150)
4	ENFORCEMENT REPORT	(Pages 151 - 156)
	To consider the enforcement report of the Director of Public Protection Streetscene and Community (enclosed).	
5	PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO. 2 (CROSTON) 2014	(Pages 157 - 162)
	To consider the report of the Chief Executive (enclosed).	
6	VARIATION OF CONFIRMED TREE PRESERVATION ORDER NO.13 (CHORLEY) 2013	(Pages 163 - 172)
7	PLANNING APPEALS AND OTHER DECISIONS	
	To consider a report of the Director of Public Protection, Streetscene and Community (to follow)	
8	ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR	

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Development Control Committee Councillor Steve Holgate (Chair), Councillor Dave Rogerson (Vice-Chair) and Councillors Charlie Bromilow, Henry Caunce, Jean Cronshaw, David Dickinson, Christopher France, Danny Gee, Keith Iddon, 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

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, 30 September 2014**MEMBERS PRESENT:** Councillor Steve Holgate (Chair), Councillor Dave Rogerson (Vice-Chair) and Councillors Charlie Bromilow, Henry Counce, Jean Cronshaw, David Dickinson, Christopher France, Danny Gee, Keith Iddon, Alistair Morwood, Mick Muncaster, Richard Toon, Paul Walmsley and Alan Whittaker**RESERVES:** Councillor Mike Handley**OFFICERS:** Paul Whittingham (Development Control Team Leader), Alex Jackson (Legal Services Team Leader), Ian Heywood (Senior Planner (Conservation)) and Cathryn Filbin (Democratic and Member Services Officer)**APOLOGIES:** Councillor June Molyneaux**OTHER MEMBERS:** Councillors Matthew Lynch and Mark Perks**14.DC.74 Minutes**

Councillor Richard Toon welcomed the new Chair of the Development Control Committee, Councillor Steve Holgate to his first meeting and expressed thanks to the previous Chair, Councillor Matthew Crow, for this service on the Committee. Councillor Toon also welcomed the participation of younger elected members of the Council.

RESOLVED – That the minutes of the Development Control Committee held on 3 September 2014 be confirmed as a correct record and signed by the Chair.

14.DC.75 Declarations of Any Interests

There were no declarations of interest.

14.DC.76 Planning applications to be determined

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

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

14.DC.76a 14/00500/OUTMAJ - Cowling Mill, Cowling Brow, Chorley

RESOLVED (unanimously) – That the decision be deferred to a future meeting of the Development Control Committee to enable ecological issues to be addressed.

(Councillor Christopher France entered the room whilst Councillor Matthew Lynch was addressing the Committee in relation to the following application.)

14.DC.76b 14/00879/FUL - 18A The Farthings, Astley Village, Chorley, PR7 1TP

Speakers: Objector – Malcolm Walkden, Ward Councillor Matthew Lynch and Ward Councillor Mark Perks

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

14.DC.77 Variation of Tree Preservation Order No.13 (Chorley) 2013

Members of the Development Control Committee considered a report from the Chief Executive which recommended a variation to Tree Preservation Order No. 13 (Chorley) 2013. The variation was to remove a group of trees identified as G4 in the original confirmed Tree Preservation Order.

The plan in the current Tree Preservation Order was tabled at the meeting since it identified the location of the group of trees within G4. The plan appended to the report had been intended as the plan to be used in the variation. However it was defective because it omitted the broken black line around G3 and erroneously included G4 but named it as G3. An amended plan would be used for the variation.

RESOLVED (unanimously) – That the variation, to remove a group of trees identified as G4, on the Tree Preservation Order No. 13 (Chorley) 2013 be approved as it was felt that this group of trees no longer made a valuable contribution to the visual amenities of the area and did not have a significant impact on the environment and its enjoyment by the public.

14.DC.78 Planning appeals and other decisions

The Director of Public Protection, Streetscene and Community submitted a report which informed Member of the Development Control Committee of one appeal that had been lodged with the Planning Inspectorate, three appeals that had been allowed, and one planning appeal that had been withdrawn.

RESOLVED – That the report be noted.

Chair

Date

Item 3a	14/00879/FUL
Case Officer	Iain Crossland
Ward	Astley And Buckshaw Ward
Proposal	Change of use of land from public open space to domestic garden curtilage, raising of ridge to create first floor extension and erection of single storey rear extension.
Location	18A The Farthings, Astley Village, Chorley, PR7 1TP
Applicant	Mr & Mrs Parker
Consultation expiry:	12 September 2014
Decision due by:	06 October 2014

Recommendation

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

Executive Summary

The main issues to consider are the loss of open space, impact on neighbour amenity, the character and appearance of the surrounding area, and highway safety. As assessed below the proposals are considered to be acceptable when assessed against the relevant criteria.

Representations

<p>Astley Village Parish Council - objects to the principle of the use/disposal of public open space for private gardens, which will eat away the buffer area between West Way and the village.</p>
<p>Cllr Perks has requested that the application is considered at Development Control Committee and has raised the following objections:</p> <ul style="list-style-type: none"> • Impact on neighbour amenity • Character of the area • Lack of parking for the number of vehicles at the address • Covenants relating to retention of open space
<p>In total 10 representations have been received which are summarised below</p>
<p>Objection</p>
<p>Total No. received: 10</p> <ul style="list-style-type: none"> • Lack of parking provision and access • Impact on neighbour amenity • Character of the area • Loss of open space • Covenants • Business use • Inconsiderate parking and excessive numbers of vehicles

Consultees

Consultee	Summary of Comments received
LCC Highways	No comments received

AssessmentThe Site

1. The application site comprises a detached bungalow and associated residential curtilage, with an area of public open space to the rear. The dwelling is faced in red brick, the roof is laid in concrete roof tiles and there are white UPVC window frames and a timber front door.
2. The public open space to the rear consists of a land locked area of grass beyond which is a woodland buffer separating the estate from West Way. There is a surfaced path running across the open space that appears to be unused and ends at the garden to 18a The Farthings.
3. The site is located on the outer edge of Astley Village in the settlement area of Chorley. The location is characterised by part single part two storey dwellings and bungalows of modern design set in a typical suburban context. The estate is characterised by small areas of woodland resulting in a rather sylvan appearance and context.

The Proposal

4. The proposed development is for the raising of the ridge height to create first floor accommodation and for the erection of a single storey rear extension. The ridge and eaves height over the southern part of the dwelling would be raised by around 2.4m up to a height of 6.9m and 5.2m respectively. There would be a hipped roof. The rear extension would project around 3.4m from the rear elevation of the dwelling. It would be around 9m in width and would have a mono pitched roof with a ridge and eaves height of around 3.9m and 2.7m respectively.
5. The proposal also includes the change of use of an area of public open space to the rear of the property to garden curtilage. This would bring a triangular section of land within the curtilage of 18a The Farthings measuring approximately 260m.sq. in area.

AssessmentPrinciple of the Development

6. The National Planning Policy Framework (The Framework) states that applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
7. 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.
8. 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.
9. 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.
10. 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.

11. The application site is located in the core settlement area of Chorley. The emerging Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
12. Policy HW2 of the emerging Chorley Local Plan 2012 – 2026 states that land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless certain criteria can be met. These are assessed below.
13. This approach is reflected and supported in the National Planning Policy Framework (The Framework).

Loss of Public Open Space

14. The proposal involves the loss of a small part of land allocated as open space under Policy HW2 in the emerging Local Plan. Policy HW2 protects all existing open space, sport and recreational facilities and requires alternative provision to be made under criterion a) of the policy unless the proposal satisfies all of criteria b) to e). The proposal is assessed against these criteria below:
 15. *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;*
There is currently a surplus of amenity greenspace in the Astley and Buckshaw ward. Therefore, the loss of this site would not lead to a deficit in provision in the local area in terms of quantity and accessibility.
 16. *c) The site is not identified as being of high quality and/or high value in the Open Space Study;*
The site is not identified as being of high value in the Open Space Study, but it is identified as being of high quality. As the proposal results in the loss of high quality open space this is contrary to criterion c.
 17. *d) It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area;*
The retention of the site appears unlikely to be required to satisfy a recreational need in the local area.
 18. *e) The site does not make a significant contribution to the character of an area in terms of visual amenity;*
This site is allocated as amenity open space and forms part of the much larger 'Adjacent to Chancery Road/Wymundsley/The Farthings' amenity open space (Open Space Study site ref: 1687) Much of this open space is wooded. However, the proposal involves the loss of part of an open area of the space, which lies to the rear of the wooded area. It is not visible from public highways and is not easily accessible. Therefore, this part of the site does not make a significant contribution to the character of the area in terms of visual amenity.
19. The proposal does not accord with criterion c) of Policy HW2 because the site (as a whole) is assessed as being of high quality. Therefore, in order to satisfy this policy, alternative provision is required under criterion a). The policy requires that this provision is provided nearby before the existing provision ceases to be available. As this proposal only involves the loss of a small part of the open space, which is not visible or easily accessible, it is considered acceptable in this case to secure a commuted sum payment to be spent on new provision or improving existing provision in the area. Any planning approval would therefore be dependent upon a section 106 agreement detailing and securing such payment. The amount of open space to be lost is 230 m². The commuted sum that would be required to replace this amount of amenity open space is £1,840 (230 x £8).

Design and impact on the character of the area

20. The proposed extensions to the existing dwellinghouse involve the addition of first floor accommodation along with a single storey rear extension. The proposal also includes the change of use of land at the rear from public open space to form part of the garden curtilage.
21. The application property occupies a corner plot on a cul-de-sac and as such is not in a prominent position. The addition of first floor accommodation to the rear part of the dwelling would be enabled through raising the ridge and eaves height by around 2.4m. It is noted that both neighbouring dwellings at 18 and 18b The Farthings are two storey and as such the proposed alterations would result in a dwelling of similar height to the neighbouring properties, which is appropriate to the location. The scale and mass of the dwelling following the alterations would be commensurate with the dwelling curtilage and would not be out of character with other dwellings on the estate.
22. The proposed alterations would be faced in materials to match the existing dwelling, and rendered to match neighbouring dwellings. The window openings would be of a horizontal orientation consistent with those of the application dwelling and surrounding properties. Their positioning is considered appropriate in design terms. The design and overall finish would not harm the appearance of the dwelling and would not cause unacceptable harm to the character of the surrounding area.
23. The proposed single storey rear extension would not be visible in the street scene and would be of a domestic design and scale appropriate to the appearance of the dwelling and character of the area.
24. The area of open space to the rear of the application site is not visible from West Way or any other surrounding roads as it is screened by residential curtilage to the east and by woodland to the south and west. The area of open space subject to this application is grassed and of low visible quality. The incorporation of this land into the garden curtilage at 18a The Farthings by way of a 1.8m high concrete post and timber panel fence would have very little impact on the character and appearance of the area.
25. The development is therefore considered to be in accordance with Policy BNE1 and HS5 of the emerging Chorley Local Plan 2012 - 2026.

Impact on the neighbours

26. The proposed first floor accommodation would be located around 3.4m from the common boundary with 18 The Farthings and around 4.3m from the property itself. There would be no windows in the side elevation facing this neighbouring property and the windows in the rear elevation would not provide any views of the private intimate amenity space at 18 The Farthings due to the relative positioning of these dwellings.
27. It is noted that there is a conservatory to the rear of 18 The Farthings, however, the proposed first floor would be positioned to the north west of this conservatory and would not therefore result in any loss of light. There would be no unacceptable loss of outlook as the primary aspect from the conservatory at 18 The Farthings is towards the rear of the garden to the south west. It is noted that the first floor addition would not interfere with a 45-degree line drawn from the near edge of any ground floor rear-facing window to a habitable room at 18 The Farthings.
28. The proposed rear extension would be located around 6m from the common boundary with 18 The Farthings and around 10m from the property itself. The proposed extension would be positioned a similar distance from this neighbour as an existing fully glazed conservatory that would be removed to make way for the rear extension. The rear extension would project around 3.4m from the rear elevation of the application dwelling. It would not interfere with a line drawn at 45 degrees plus 3m from the near edge of the closest ground floor rear facing window at 18 The Farthings or from the edge of the pane of glass closest to the back wall of the original house in relation to the conservatory at 18

The Farthings. There would be no unacceptable impact on light or outlook from this element of the scheme.

29. It is noted that high level windows would be included in the side elevation of the proposed rear extension facing the garden at 18 The Farthings, however, these would not result in any direct overlooking due to their high level positioning. In addition to this the windows would effectively replace the fully glazed elevations in an existing conservatory of similar positioning at the property. As a result the impact on privacy would be improved in relation to the existing situation. The windows in the rear elevation would not provide any views of the private intimate amenity space at 18 The Farthings due to the relative positioning of these dwellings. It is therefore concluded that the proposed development would not have a detrimental impact on the occupants of 18 The Farthings through loss of privacy, outlook or light.
30. The proposed first floor accommodation would be located around 13.5m from the common boundary with 18b The Farthings and around 16m from the property itself. It is noted that there would be windows to habitable rooms in the front elevation of the first floor accommodation facing 18b The Farthings. The proposed window to the eastern bedroom would provide views towards the front of the property however it would be located around 22.5m from the nearest facing window at 18b The Farthings which exceeds the Council's required 21 metres and as such it will not have a harmful impact on privacy.
31. The proposed window to the western bedroom would result in views towards the rear garden of 18b The Farthings. The window would be located at least 21m from the most intimate private amenity space at 18b The Farthings, due to the existence of an attached garage between the application site and dwelling at 18b The Farthings, and it would be 13.5m from the boundary. The Householder Design Guidance states that windows to habitable rooms at first floor level, which overlook a neighbour's garden, should be a minimum of 10 metres from the boundary they face. On the basis of this separation and the Council's adopted guidance it is considered that the proposed first floor addition would not result in any unacceptable impact on the privacy of the occupiers of 18b The Farthings.
32. The proposed first floor addition would be located to the south of 18b The Farthings. The first floor would be located 13.5m from the boundary and around 22.5m from the main body of the dwelling. Due to the degree of separation there would be a limited impact on light as a result of the proposal. The proposed first floor would be located around 22.5m from the nearest facing window at 18b The Farthings and would therefore have a limited impact on outlook. It is therefore concluded that the proposed development would not have a detrimental impact on the occupants of 18b The Farthings through loss of privacy, outlook or light.
33. There are no dwellings to the rear of the site, however, it is noted that some views from the rear facing windows of the proposed first floor addition towards 22 The Farthings would be possible. Any views would not be direct and only possible at an angle. The windows would be around 15m from the property boundary at 22 The Farthings and over 21m from the most intimate private amenity space at 22 The Farthings. As a result of this positioning and degree of separation the proposed development would not have a detrimental impact on the occupants of 22 The Farthings through loss of privacy, outlook or light.
34. Having regard to the above, the proposed development is considered to be in accordance with policy HS9 of the Chorley Borough Local Plan Review, HS5 of the Chorley Local Plan 2012 – 2026 and the guidance set out within the Householder Design Guidance SPD.

Impact on highways/access

35. The site currently has an established vehicular access to The Farthings which is shared with 18b The Farthings. This existing access will be retained within the proposed development and is unaffected. Should the access be obstructed for any reason then this becomes a private matter to be resolved between the parties involved.
36. The application dwelling would retain off street car parking on site with a capacity for at least 5 vehicles. The dwelling would have 5 bedrooms as a result of the proposed development. The Council's adopted Householder Design Guidance and emerging Local Plan 2012-2026 (Appendix A) states that residential dwellings of 4 bedrooms or more should have 3 off road car parking spaces and as such the parking provision detailed is considered to be sufficient for the size of dwelling.

S106 Requirement

37. The proposal involves the loss of a small part of land allocated as open space under Policy HW2 in the Local Plan. Policy HW2 protects all existing open space, sport and recreational facilities and requires alternative provision to be made under criterion a) of the policy unless the proposal satisfies all of criteria b) to e). The proposal does not accord with criterion c) of Policy HW2 because the site (as a whole) is assessed as being of high quality. Therefore, in order to satisfy this policy, alternative provision is required under criterion a).
38. The grant of planning permission is subject to the applicant entering into a Section 106 agreement to make alternative provision or improvement to offset the loss of the public open space.

Other matters

39. Covenants on the public open space: As the Council has an interest in this land the Council's legal team have been asked to investigate the details of any such covenants and implications for both the Council and applicant in transferring such land into private ownership for private domestic use. Any covenants relating to the land cannot, however, be taken into account as part of the assessment of this planning application as covenants are a legal matter and not a material planning consideration.
40. Business use: No business use is specified or proposed as part of this planning application. If the property were in use for a business that could not be considered ancillary to the domestic character of the dwelling then this may be subject to enforcement action and may require a separate assessment as part of a full planning application.
41. Nuisance caused during the construction phase: This is not a material planning consideration and may be dealt with by other legislation.

Overall Conclusion

42. The proposed development would not impact unacceptably on the amenity of neighbouring occupiers or the overall appearance and character of the area. Nor would there be an unacceptable impact on highway safety. Although a small part of the protected open space would be lost the impact is considered acceptable and will be fully mitigated against by payment of a commuted sum. On the basis of the above, it is recommended that planning permission be granted.

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 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

There is no recent planning history at the property.

Suggested Conditions

No.	Condition												
1.	<p>The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>												
2.	<p>All external facing materials shall match in colour, form and texture those specified on the application form and 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 data-bbox="355 622 1356 817"> <tr> <td data-bbox="355 622 1021 654">Title</td> <td data-bbox="1021 622 1356 654">Received On:</td> </tr> <tr> <td data-bbox="355 654 1021 685">Location Plan, Site Plan, Fencing Detail (Amended)</td> <td data-bbox="1021 654 1356 685">11 September 2014</td> </tr> <tr> <td data-bbox="355 685 1021 716">Existing and proposed plans (Amended)</td> <td data-bbox="1021 685 1356 716">11 September 2014</td> </tr> <tr> <td data-bbox="355 716 1021 748">Proposed front and east side elevations (Amended)</td> <td data-bbox="1021 716 1356 748">22 September 2014</td> </tr> <tr> <td data-bbox="355 748 1021 779">Existing elevations and proposed rear</td> <td data-bbox="1021 748 1356 779"></td> </tr> <tr> <td data-bbox="355 779 1021 810">and west side elevations (Amended)</td> <td data-bbox="1021 779 1356 810">11 September 2014</td> </tr> </table> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>	Title	Received On:	Location Plan, Site Plan, Fencing Detail (Amended)	11 September 2014	Existing and proposed plans (Amended)	11 September 2014	Proposed front and east side elevations (Amended)	22 September 2014	Existing elevations and proposed rear		and west side elevations (Amended)	11 September 2014
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and west side elevations (Amended)	11 September 2014												

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Location Plan – 18a The Farthings



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Item 3b	14/00767/FULMAJ
Case Officer	Nicola Hopkins
Ward	Coppull
Proposal	Full planning application for the erection of 75 dwellings with associated access arrangements at land adjacent to Coppull Enterprise Centre, Chorley
Location	Land 110M West Of Coppull Enterprise Centre, Mill Lane, Coppull
Applicant	Miller Homes And Tatton Settled Estates Ltd
Consultation expiry:	8th October 2014
Decision due by:	13th October 2014 (extension agreed until 7th November 2014)

Recommendation

It is recommended that full planning permission is granted subject to the associated legal agreement

Executive Summary

The proposals involve the development of an allocated housing site and some of the adjacent land. Outline planning consent has previously been granted at this site for upto 49 dwellings, the current proposals involve the erection of 75 dwellings. Although this results in the loss of a small section of employment land it is not considered that this land represents a viable option for future employment use. The proposed scheme secures additional affordable housing and additional contributions to open space and is considered to be an appropriate use of this brownfield site within the settlement of Coppull.

Representations

Coppull Parish Council object on the grounds of access to the site, which would be from Spendmore Lane/Regent Street/Mill Lane, which are already struggling with the amount of traffic from the Mill, and also there is not the infrastructure for additional houses, i.e. schools, doctors.
In total 2 representations have been received which are summarised below
Objection
Total No. received: 2
<ul style="list-style-type: none"> • The impact of the additional traffic generated by this development will have on the residents of Mill Lane. • Very few of the houses on Mill Lane have any off-street parking, and the width of the road together with the number of parked cars make it impossible for vehicles travelling in opposite directions to pass safely. • The times construction traffic can access the site should be restricted to between 9.30am and 4.00pm, as has been done recently with Clancutt Lane. • It is misleading to state that site access would be via a junction. In fact it would be via a branch or spur off an already over-used cul de sac (Mill Lane). • It currently feels that things are getting approved incrementally with no apparent recourse for residents who are unhappy with the significantly changed ambience of the street caused by greatly increased traffic.

Consultees

Consultee	Summary of Comments received
Architectural Liaison Officer Lancashire Constabulary HQ	Reference has been made to designing out the opportunity for crime in the Design and Access Statement which is supported. In order to prevent the opportunity for criminal activity at the proposed development security recommendations are provided
United Utilities	No objection
CBC Waste and Contaminated Land Officer	Has suggested conditions in respect of contamination
SUDs Approval Body (SAB)	Lancashire County Council's Flood Risk Management Team does not object to the proposed development.
Environment Agency	Initially objected to the application in the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy however on receipt of further information they have removed their objection
LCC Education	Have requested contributions towards primary places £228,563 and secondary school places £145,011
LCC Highways	No objection
CBC Environmental Health Officer	Has commented in respect of noise generation- no objection subject to a condition
CBC Tree Officer	Has assessed the proposed tree removal and recommended some tree retention- addressed below

Assessment***Principle of the Development***

1. MemberS may recall that outline planning permission was granted on part of this site in 2013 for upto 49 dwellings. Since securing outline planning permission Miller Homes have worked with the land owners with the view to develop the site. The site area has been extended, to include two additional parcels of land, and now the proposals involve the erection of 75 dwellings on the land adjacent to the existing Mill.
2. At present, the site is occupied by an overflow car park associated with the Enterprise Centre, on which Mavis Mill originally stood until it was demolished, and land which, until recently, was occupied by REMA (located in the north eastern corner of the site) who have recently relocated off the site (it is understood that they have relocated locally). The site falls to be considered as previously developed land within the Framework definition and as such is the preferred choice for residential redevelopment rather than greenfield land.
3. The site is located within the settlement boundary of Coppull which is identified as an Urban Local Service Centre within Policy 1 of the Core Strategy. Within such areas Policy 1 confirms that some growth and investment will be encouraged to help meet housing and employment needs.
4. The majority of the site is allocated for housing development as part of Policy HS1 (HS1.36) of the emerging Local Plan. The Inspector has issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. 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 and Travellers.
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 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 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 Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
7. As such the principle of housing development on this site is established.

Loss of employment land

8. When the previous application on this site was considered the loss of employment land was a consideration as the land formed part of the planning unit associated with the Mill and as such was considered under Policy EM9 of the current Local Plan and Policy 10 of the Core Strategy.
9. The majority of the site now benefits from outline consent for residential development and is allocated for housing within the emerging Local Plan which is afforded significant weight in decision making however part of the site is the former REMA site which was an employment use.
10. As this application proposes redevelopment of employment premises for redevelopment other than B use class employment uses it should be assessed under the criteria in Policy 10 of the Core Strategy and the provisions in the SPD on Controlling the Re-Use of Employment Premises, which aim to protect all existing employment premises and sites last used for employment uses. Policy 10 states:

All existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under the following criteria:

- (a) there would not be an unacceptable reduction on the type, quality or quantity of employment land supply;
- (b) the provision and need for the proposed use;
- (c) the relative suitability of the site for employment and for the alternative use;
- (d) the location of the site and its relationship to other uses;
- (e) whether the ability to accommodate smaller scale requirements would be compromised;
- (f) there would be a net improvement in amenity.

Any proposals for housing use on all employment sites/premises will need to accommodate criteria (a)-(f) above and also be subject to:

- (g) convincing evidence of lack of demand through a rigorous and active 12 month marketing period for employment re-use and employment redevelopment;
- (h) an assessment of the viability of employment development including employment re-use and employment redevelopment.

11. In accordance with Policy 10 the supporting information has assessed the proposals against the requirements of Policy 10 as follows:

(a) there would not be an unacceptable reduction on the type, quality or quantity of employment land supply;

12. Although the site was previously used for employment REMA have recently relocated nearby and their former buildings demolished. The quality of their former premises were informally modest at best, with the facilities bespoke to the former use. Access to the site was obtained solely using a bridleway to the rear of the main Enterprise Centre, therefore the premises do not actually benefit from any formal access rights.

13. The Enterprise Centre itself has been operating at no more than 75% of its capacity for many years, and therefore there is scope for a significant amount of additional employment to be accommodated there. In addition, some 57,000 sq. ft. of floorspace over and above the vacant space just referenced, also exists, which although currently unusable could be upgraded if the demand required it.

14. The location of the site itself is not considered to be particularly suitable any longer for the type of employment previously found here (B2), given the location of the site adjacent to the listed mill, the presence of existing residential development to the east, and the consented outline residential development to the west. Given the quality of the site is low, and the quantity of space available in the Enterprise Centre is considerable, it is considered this criteria is satisfied.

(b) the provision and need for the proposed use;

15. The acceptability of the principle of residential development at this location is firmly established, and the Framework encourages growth. The addition of this parcel of land to that approved at the outline stage will deliver a much improved layout than that originally proposed, and will ensure that the site will deliver houses within years 1-5 as envisaged by the Council and included in its evidence base. Therefore there is a clear need for this use.

(c) the relative suitability of the site for employment and for the alternative use;

16. The former REMA site has no legal rights of access, effectively making it landlocked. This makes it unsuitable to potential employment users, as access would need to be taken on

an informal basis to the rear of the Enterprise Centre, or through the new residential development.

17. Furthermore the principle of residential development on the land immediately adjacent to the west reduces the attractiveness of the site for employment uses, and the listed status of the Enterprise Centre would require any new employment use to commit to giving careful consideration to the setting of the listed building, which serves to potentially increase costs and reduce the appeal of the site.
18. In contrast the site is very well suited to residential use, which would create a development of much higher quality than that which might otherwise be achieved. In addition suitable access can be achieved through the proposed residential development.

(d) the location of the site and its relationship to other uses;

19. The site is located in a sustainable location, suitable for housing as justified by the extant outline planning consent and the allocation in the emerging Local Plan. As detailed above the site enjoys a very strong relationship with the adjacent land covered by the extant consent and the listed Enterprise Centre. Development for residential is the most appropriate relationship to other uses.

(e) whether the ability to accommodate smaller scale requirements would be compromised;

20. Smaller scale requirements could be accommodated in the Enterprise Centre, which has very significant amounts of floor space vacant. Therefore, the proposed development would not have an adverse impact on the ability to accommodate smaller scale employment requirements.

(f) there would be a net improvement in amenity.

21. The application proposals would result in a net improvement in amenity for both existing occupants of Coppull Enterprise Centre and for future occupants of the residential development.

(g) convincing evidence of lack of demand through a rigorous and active 12 month marketing period for employment re-use and employment redevelopment;

22. The parcel of the site which already benefits from planning consent was subject to comprehensive marketing which demonstrated no demand for the site for employment purposes. The REMA site is impossible to market as a standalone site as the site does not have a legal right of access.

(h) an assessment of the viability of employment development including employment re-use and employment redevelopment.

23. As discussed throughout this Statement, the majority of the site benefits from outline planning consent for residential development, which is supported by the allocation of the site as a housing allocation within the Chorley Local Plan 2012 – 2026. The REMA parcel of land would not be viable as a standalone development site as the site does not have a legal right of access. Access is currently taken by an informal access to the rear of the Coppull Enterprise Centre. No form of employment use, or any form of standalone development, would be viable on this parcel of land due to the significant access issues. This parcel of land can only be brought forward as part of a wider masterplanned approach for the site.

24. In conclusion although this site currently provides an element of employment within Coppull it is not considered that the loss of the premises will adversely impact on the supply of employment land within the Borough, particularly as this site is not proposed for such an allocation within the emerging Local Plan. The adopted Core Strategy sets the

overall employment requirement for Chorley as 112 ha to 2026. The Inspector's Partial Report is accompanied by an Appendix containing the Main Modifications. In respect of employment the Inspector concluded *"that allocations accord with the quantum and locational strategy of the CS for employment development, and that the range and of site sizes and types provide a flexible portfolio of sites"*. The Main Modifications provide a Chorley employment land supply for the period 2010 -2026 as 100.61 ha with commitments (MMEC48). This figure does not take into account vacant stock in the Borough.

25. As employment uses have not been specifically identified on this site this ensures that the development will not compromise the Council's land allocations for employment and the overall employment land supply.

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. In the case of this site there is the requirement to provide 30% affordable housing (or 23 units) on site.
27. The proposals incorporate 18 affordable housing units (or 24% affordable housing). This reduced percentage is based on the fact that the existing approval on this site incorporates 20% affordable housing, 10 units (6 being housing for Social Rented Units and 4 Intermediate Accommodation), in accordance with the Policy at the time of consideration.
28. This outline consent is extant until August 2016 and as such could still be implemented. As such it is considered that the current Policy requirement of 30% affordable housing should only be applicable to the additional houses now proposed although this will be based upon the current proposals being implemented within a similar timeframe as the approved scheme and as such will be subject to a two year planning consent.
29. 30% of the additional 26 units equate to 8 units which results in a total affordable housing provision of 18 units on the site. Nine 2 bedroom units have been provided and nine 3 bedroom units have been provided. In accordance with the Adopted Central Lancashire Affordable Housing SPD these should be provided on a 30:70 split of intermediate: rented as follows:
- 13 rented (9 two bed and 4 three bed)
 - 5 intermediate (5 three bed)
30. However the agreed split on this site for the 10 affordable units as part of the approved scheme is 6 social rented and 4 intermediate which is a 60/40 split. As such the 10 units for the first 49 units will be based on a split of 6 rented/4 intermediate as per the original agreement and the additional 8 units will be based upon a 70/30 split which equates to 6 rented and 2 intermediate in accordance with current Policy. This results in a affordable housing split as follows:
- 12 social rented homes (eight 2 bed and four 3 bed)
 - 6 Shared ownership / intermediate (five 3 bed and one 2 bed)
31. This will be secured as part of the legal agreement

Open Space

32. Extant outline consent already exists on this site for residential development which has an associated open space requirement. Since the grant of outline consent the Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Therefore, the scheme as proposed has been assessed against the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD as follows:

Amenity Greenspace

33. Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.
34. 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. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The amount required is 0.114 hectares. A maintenance cost of £45,500 is also required.
35. The scheme includes the provision of 0.0216 hectares on site open space which is 0.0924 hectares below the required provision. It is considered in this case that an element of on site provision is acceptable with a contribution to off site provision also secured.

Provision for children/young people

36. Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.
37. 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.

Parks and Gardens

38. There is no requirement to provide a new park or garden on-site within this development.
39. 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

40. There is no requirement to provide new natural/semi natural greenspace on-site within this development.
41. The site is within the accessibility catchment (800m) of areas of natural/semi-natural greenspace that are identified as being low quality and/or low value in the Open Space Study (sites 1728 – Reservoir Mill Lane, 1372 – Tanyard Close), a contribution towards improving these sites is therefore required.

Allotments

42. There is no requirement to provide allotment provision on site within this development.
43. 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). A contribution towards improving the quality/value of these sites is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

44. 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. However as there is a fallback position at this site from the previous consent and negotiations in terms of the required open space provisions have taken place in this

regard. The previous approval at this site incorporated on site casual/informal play space with the associated commuted sum for maintenance (£21,522) and an off site contribution to equipped play space and playing pitches (£63495). Taking into account the fallback position the contribution for the first 49 houses has been calculated, in respect of the provision for children/young people and playing pitches typologies, based on the previous figures and the additional 26 houses based upon the most up to date figures. Natural and Semi-Natural Greenspace and allotments are new typologies, which the Local Plan evidence base has identified as a requirement in the Borough, as such this provision will be based upon all 75 units (there is no requirements for a parks and gardens contribution from this development). As such the contributions have been negotiated as follows (along with a comparison related to all 75 units being calculated on the most up to date info):

Typology	Calculation	Up to date calculation	Difference
Amenity greenspace	0.0216 hectares on site Maintenance= £864 0.0924 hectares off site. Provision= £7,392 Total= £8256	£45,500 (10 year maintenance cost) for 0.114 hectares of greenspace	-£37,244
Equipped play area	49 x 426= 20,874 26 x 134= 3484 Total= £24,358	£10,050	+ £14,308
Parks/Gardens	£0	£0	0
Natural/semi-natural	75 x 557= £41,775	£41,775	0
Allotments	75 x 15= £1,125	£1,125	0
Playing Pitches	49 x 868= 42,532 26 x 1599= 41,574 Total= £84,106	£119,925	- £35,819
Total	£159,620	£218,375	-£58,755

46. As such this scheme secures contributions of £74,603 over and above that secured as part of the previous consent at this site and whilst this is less than what would be secured if the 75 dwellings were assessed against the most up to date evidence this is considered to be the most appropriate way forward given the fallback position in this case. This will be secured as part of the legal agreement

Density

47. The site area covers 1.99 hectares. The erection of 75 dwellings, as proposed, equates to a density of 38 dwellings per hectare. Strategic objective SO6 seeks to achieve densities for new housing that respect the local character of surrounding areas, whilst making efficient use of land. This is supported by Policy 5 of the Core Strategy which states that the authorities will secure densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land. A density of 38 dwellings per hectare is considered to be appropriate for this brownfield site in the context of the area.

Design & Layout

48. The proposals represent a typical housing layout and expand upon the indicative layout submitted as part of the previous outline application. When the application was originally submitted there were a number of relationships in terms of the proposed houses which

did not accord with the Council's spacing standards however the plans have been amended. The scheme now accords with the Council's spacing standards.

49. The Kipling house types wrap around the plot to create corner features. When the plans were originally submitted this house type did not retain the required 10 metres from the first floor bedroom window (bedroom 3) in the rear of the dwelling to the adjacent neighbours garden. However the plans have been amended in accordance with the requirement.
50. The originally submitted scheme incorporated the use of 900mm post and rail fences to delineate rear garden areas however this did not provide private rear gardens and as such the plans have been amended to incorporate a 1.8 metre high close boarded fence.

Impact on the existing & future residents

51. The immediate neighbours to the application site are the properties on Mill Lane, the properties on Mavis Drive and the properties on the opposite side of the railway line on Longfield Avenue and Holly Crescent.
52. The properties on Mill Lane and Mavis Drive are adjacent to the fishing pond which is being retained as part of the development. The nearest dwelling is in excess of 85 metres from proposed plot 1 and as such it is not considered that the proposals will adversely impact on the amenities of these neighbours.
53. The properties on Longfield Avenue and Mavis Drive are located on the opposite side of the railway line and the nearest properties are in excess of 40 metres from proposed plots 40-43. Due to the separation distance and the presence of the railway, although noting that there will be tree removal within this part of the site making the site more visible to the neighbours on the opposite side of the railway, it is not considered that the proposals will adversely impact on the amenities of the existing or future residents.
54. Planning permission has also recently been granted for the residential development of the site allocated for housing by Policy HS1.29 of the existing Local Plan and HS1.35 of the emerging Local Plan (ref: 10/00833/FULMAJ/ 11/00865/FULMAJ/ 12/00235/FUL) for 26 new dwellings. 12 and 13 Spinners Close of the recently constructed dwellings are located closest to the application site boundary and in particular plots 1 and 2.
55. The new dwellings are sited at a much lower land level than the application site. The property on plot 1 will be constructed 6 metres higher than the nearest property. The dwelling on plot 1 is a Darwin house type with no side windows. The orientation of the dwelling on plot 1 ensures that no direct overlooking or loss of privacy will be created to the detriment of the amenities.
56. The property on plot 2 is a Rolland house type which will be constructed approximately 5.7 metres higher than the dwelling to the rear. The rear elevation of plot 2 will face a driveway area so will not result in loss of privacy and the rear garden of 12 Spinners Close. The property on plot 2 will be located approximately 32.5 metres from the rear elevation of 12 Spinners Close and approximately 23.5 metres from the rear garden boundary. The Council's spacing standards require 21 metres window to window distance and 10 metres to rear garden boundaries however in this case given the level difference there is a requirement for 42 metres window to window distance and 31 metres to the rear garden boundary. This is not achieved in this case however it is noted that the proposed windows do not directly face the windows in the rear of 12 Spinners Close and the angle of the properties reduces the potential for loss of privacy. There is also dense vegetation between the application site and the neighbouring properties. As such it is considered in this case that the separation distance maintained, which exceeds the Councils standard requirements, and the site specific considerations that the proposals will not adversely impact on the amenities of the neighbours.

Highway safety

57. The application has been reviewed by the Highway Engineer at Lancashire County Council. The Engineer has confirmed that as part of the assessment of the approved outline application no major highway issues were identified and as such no highway objections were raised.
58. For the current proposal, the applicant has resubmitted the Transport Statement (TS) associated with the approved 51 dwellings, with a supplementary technical note to address the traffic and transport issues relating to the additional 24 dwellings.
59. It is apparent from the information provided, that there would be a corresponding increase in vehicular trips to be generated by the site as a result of the increased scale of development. However the TS has satisfactorily demonstrated that this increase will be marginal with minimal impact on the highway network.
60. The Highway Engineer considers that there is need for connectivity of the site towards north to integrate the proposed development with the existing built environment and the wider community. Improved connectivity would ensure sustainability of the site and ease accessibility for residents in line with the Manual for Streets 2 (MFS2) (Chapter 2; Section 2.5), which calls for developments to link-in with surrounding networks to achieve connected growth.
61. There is a bridleway beginning from the junction of Mill Lane and the access road to the side of no. 90 Mill Lane. The bridleway runs parallel to the railway towards north of the site up to Chorley Lane. A public footpath (Public Right of Way) also runs from the north end of the site over the bridleway to Church Lane. The Highway Authority currently has proposals to provide a cycle route over the bridleway/footpath to extend across Chorley Lane to Church Lane.
62. The Highway Engineer considers that improving the bridleway/footpath into a 3m wide link with tarmac surfacing for use by cyclists and pedestrians and linking this to the development would ensure connectivity and sustainability of the site. The section of bridleway/footpath considered necessary for improvement is the stretch from the existing paved area at the south east corner of the site towards north to the railway footbridge leading to Clancutt Lane (approximately 400m) long. The improvement will not stop horses from using the bridleway.
63. The Highway Engineer considers that the above improvements are an essential highway requirement to make the site sustainable and to enhance its accessibility and has requested a financial contribution towards this measure to be implemented through the s278 agreement.
64. It is important to note however that such a requirement was not identified as part of the previous approval at this site for upto 49 dwellings which could still be implemented. This development will also be CIL liable and as such it is considered that the improvements identified can be secured via the CIL levy if agreed following receipt of the CIL payment.
65. The Engineer has commented that the proposed layout seems acceptable and has no objections to the proposed development.
66. In accordance with Policy ST4 of the emerging Local Plan 2/3 bedroom properties are required to incorporate 2 off road parking spaces and 4+ bedroom properties are required to provide 3 off road parking spaces. When the scheme was originally submitted insufficient parking space was proposed however the plans have been amended to address this.
67. The scheme incorporates a number of integral garages which are not large enough to count as a parking space (6x3 metres). However for these house types a plan of the garages have been provided which demonstrates that a family car (Audi A4) can be accommodated within the integral garage of the Orwell, Greene, Travers and Crompton housetypes.

68. The reason why 6x3 metre garages are required is to enable a car to be accommodated along with storage space. As such where integral garages are proposed a shed will be required within the rear garden to address the storage requirements of the house.
69. Where driveways are provided in front of garages the driveway needs to measure 6 metres in length so a car can be parked clear of the highway with the garage door open. The originally submitted scheme did not incorporate sufficient driveway length in all cases however the plans have been amended in this regard.
70. As such the amended scheme now incorporates sufficient parking provision.

Impact on local services

71. Lancashire County Council have requested a contribution of £228,563 towards primary places and £145,011 towards secondary school places. Although the comments of the Education Authority are noted part of this site is proposed to be allocated for housing development (49 new housing units) and as such was taken into account as part of the Council's housing land supply over the plan period which partly led the CIL charging schedule.
72. The previous approval on this site secured a commuted sum payment of £36,642.00 towards the provision of additional primary school places within a 3 mile radius of the site required as a consequence of the development. The intention of the CIL charging is to fund infrastructure that is needed as a result of development. The Council's CIL charging schedule includes funding for education provision and as such the additional school places required to accommodate the pupils generated by this development will be funded via the CIL charge attributed to this development. In the case of this site the 49 units identified as part of the Council's Housing Land Supply have extant planning permission which is not subject to CIL. CIL will be applicable on the additional houses, set out further below, which equates to a greater amount than previously secured on this site for education. As such there is the potential for a greater contribution to education than previously secured within this area through the CIL levy associated with this development.

Community Infrastructure Levy

73. This is a full application and the CIL regulations specify that the fall back position of approved schemes can only be taken into account in respect of CIL when a S73 application is submitted. However 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.
74. As the fallback position is being taken into account in respect of CIL it is considered appropriate to tie this permission to the same time limit as the previous outline approval. The condition on the previous approval requires the following:

Before the development hereby permitted is first commenced, full details of all reserved matters (namely the siting, design, landscaping of the site and the external appearance of the dwellings) 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.

75. The date of the permission was 30 August 2013 and as such reserved matters would need to be submitted prior to 30th August 2016 which is just less than 2 years from now. As the fallback position has been taken into account this permission will only be for 2 years to tie into the extant consent at this site.

76. The previous approval on this site was outline with no floorspace indicated however the indicative Masterplan detailed a mix of 2, 3 and 4 bedroom dwellings on a moderate density for the size of the site.

77. To calculate the CIL levy on this site it is considered appropriate to work out the average floorspace across the whole site which based upon 7,433m² as proposed equates to 99.11m² per dwelling. As such the calculation is as follows:

75 dwellings (75x99.11)= 7433-
 49 dwellings (49x99.11)= 4856+
 5 detached garages (5x18)=90=

Total = 2667m² chargeable floor space (or £173,355)

78. The 2014 CIL Regulations do allow for affordable housing to be exempt from the CIL levy if the correct procedures are adhered to. As the original 10 affordable units have already been deducted as part of the originally approved 49 units this would only relate to the additional 8 units. The supporting information includes a floor space of 533 for the 8 affordable units which results in the following calculation

2667m² chargeable floor space-
 533m² for the affordable housing=

Total = 2134m² chargeable floor space (or £138,710)

79. The supporting information states that the former REMA building, which has been demolished, will be deducted from the CIL liability also. The 2014 CIL Regulations do allow for the gross internal area of any existing building(s) on the site to be demolished to be deducted from the final CIL liability provided it has been in continuous lawful use for six months of the previous 3 years. The onus is on the applicant or their agent to demonstrate lawful use by providing appropriate evidence such as Council Tax records or Business Rate documentation.

80. The extent of the floorspace to be deducted from the CIL liability is stated to be 1017m² (which would reduce the amount of liability by £66,105) however the CIL forms are clear that the deduction relates to gross internal floorspace **to be lost** by change of use or demolition. The application forms state the site is vacant and that works on site have not yet commenced and as such it is not considered that the demolition of the former REMA building forms part of this development and therefore should not be taken into account in terms of the level of CIL liability.

81. It is noted that a dangerous structure notice was submitted to the Council in December 2010 (13/00057/DEM) which related to the REMA building. As the current application was not submitted until July 2014 it is clear that the demolition was not a requirement of the current development.

82. As such the CIL liability associated with this development equates to £173,355 although if the affordable housing exemption is applied this will be reduced to take into account 8 affordable units. The previous REMA building cannot be used to offset the CIL liability at this site.

Ecology

83. Due to the nature of the proposals and the proximity to Biological Heritage Sites the application is supported by an Ecological Assessment which has been reviewed by the Ecologist at LCC. The Ecologist originally commented that the following matters will need to be addressed before the application is determined:

Clarification of potential impacts on European protected species (bats).

84. The ecological assessment (paragraph 5.14) notes that several trees possess features suitable to support roosting bats, but that current proposals indicate these trees would not be affected. The Arboricultural Impact Assessment contradicts this however. If trees with

bat roost potential are to be removed to facilitate development, the presence or absence of bats must be established prior to determination.

85. In response to this the applicant's appointed ecological and arboricultural consultants, TEP, have undertaken a further site visit to survey the trees to ascertain whether the presence or absence of bats is likely. Two of the trees (T18 and T19) on the western boundary and a number of trees within Group G7 have features classifying the trees as Bat Conservation Trust Category 1. Additional bat surveys have therefore been undertaken.
86. The Ecological Assessment has been updated following further bat surveys on trees T18, T19 and G7 and this updated document has been reviewed by the Ecologist at LCC. The Ecologist has commented that the updated report indicates that the three poplar trees on the western boundary may provide roosting opportunities for bats, but there was no evidence to suggest that bats were present at the time of surveys. Precautionary measures are required to minimise the risk of an offence (impact on bats) during felling works. This can be secured by condition.
87. The updated report does not provide any further information in respect of lighting, merely re-stating that direct lighting of woodland and trees could affect bat behaviour and should therefore be avoided. The Ecologist considers that in order that Chorley Council can demonstrate, in the making of the planning decision, adequate engagement with the legislative protection afforded to bats she recommends that the Council should be satisfied that they can adequately control external lighting to avoid illumination of bat foraging and commuting habitat (trees, woodland edges, hedgerows, scrub, water bodies, etc). It is considered that this can be addressed by a prior commencement condition.
88. The Ecologist at LCC also commented that Chorley Council should also be satisfied that:
 - the proposed site layout can accommodate adequate replacement native tree planting (to compensate for the loss of 0.5ha of trees/ tree groups);
 - the Biological Heritage Site can be adequately buffered and protected from the adverse effects of development (construction and operation);
 - the development will not result in light pollution of retained trees, hedgerows and woodland edges. If lighting impacts cannot be avoided (trees with roost potential, woodland edges), then bat surveys should be carried out to establish bat activity and inform the need for mitigation and compensation.
89. In response to this the applicant's appointed Ecologist considers that the submitted Ecological Assessment, Arboricultural Impact Assessment and Detailed Planting Plans demonstrate how the application proposals will accommodate adequate replacement native tree planting.
90. In respect of the updated information the Ecologist at LCC has commented that the updated TEP report does not appear to provide any further information to demonstrate that adequate replacement planting would be delivered. The ecologist has confirmed that it remains the case that Chorley Council should be satisfied that adequate retention/ replacement planting is secured to offset losses. The TEP report indicates that the proposals "could" strengthen the BHS by incorporating a planting strip (paragraph 5.22); recommends a new mixed species native hedgerow should be planted to compensate for the loss of dense scrub (paragraph 5.23); and additional enhancements should be incorporated (paragraph 5.24).
91. Although it is not clear that any of these proposals are implemented in the proposed layout the Ecologist considers that these measures are all appropriate and as such will be secured by condition.
92. The Ecologist at LCC is satisfied that the following ecological impacts can be addressed by condition:

- Any necessary and approved mitigation measures for impacts on bats/ bat roosts shall be implemented in full.
 - The submission of a scheme of mitigation measures (Reasonable Avoidance Measures) for amphibians.
 - Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections by a suitably qualified/ experienced individual.
 - The submission of a mitigation/compensation scheme for impacts on Darlington Sidings and Clancutt Brook Biological Heritage Site.
 - The submission of a scheme of landscaping, the scheme shall demonstrate adequate replacement planting to offset the loss of 0.5ha of scrub/ tree groups, native species buffering between the Local Site (Biological Heritage Site) and the development (a mixed species native hedgerow would be appropriate), maintenance and enhancement of habitat connectivity (boundary hedgerows, but also permeable boundary treatments – fences and walls to allow passage of wildlife).
 - The submission of a scheme of external site lighting to demonstrate avoidance of light pollution (increase in artificial illumination) of wildlife habitats.
 - All trees being retained in or adjacent to the application area to be adequately protected during construction.
93. Following a recent high court decision 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.
94. It is considered that a favourable conservation status of protected species at the site will be retained and secured by appropriate conditions. The site is an allocated housing site within the emerging Local Plan and as such forms part of the Council's housing land supply over the plan period. It is considered that appropriate mitigation can be secured by condition to address the impact of the development.

Trees

95. The application site area occupies a larger site area than the previous approval on this site and the housing allocation. The application site now includes land which is vegetated and contains trees and as such the application is supported by an Arboricultural Impact Assessment. A total of 20 individual trees (T1 - T20) and 14 groups (G1 - G14) were surveyed and categorised in respect of the quality of the trees.
96. The Assessment identifies that the trees on the north west periphery and northern portion of the site require removal to facilitate the development (T14, T15, T16, T17, T18, T19 T20, G4 (part), G5 (part), G6, G7, G8, G9, G10, G11) however only 8 of these trees (T14 and 7 trees included in G4) are categorised as moderate quality with the rest being low quality trees.
97. The Council's Tree Officer has reviewed the proposals and made the following comments:

Removal required to facilitate the development:

Tree Category B

- T14 Mature Goat Willow, good condition, no visible defects.

Category C

- T15 Middle Aged Hawthorn, low vigour, fence inclusion.
- T17 Middle Aged Hawthorn, good condition no visual defects.
- T20 Middle Aged Hawthorn, good condition, shrubby form.
- Group 5 consisting of Elder, Hawthorn, Goat Willow, Hazel, Ash. Middle aged, fair condition, self-set regeneration.
- Group 6 consisting of Lombardy Poplar, Middle aged, fair/poor condition although some trees have defects, poor branch attachments, several branch failures, several cracks and cavities throughout the group.
- Group 7, Lombardy Poplar, mature. Previous branch failures with poor regrowth, several major cavities and large stem wounds.
- G8 consisting of young/middle aged Goat Willow and Hawthorn. Self-set, low shrubby form.
- Group 9 Goat Willow, middle aged, dense group, multi stemmed, shrubby form, self-set.
- Group 10, consisting of Goat Willow, silver Birch, young/middle aged, self -set, low shrubby form, no visual defects.
- G11 Goat Willow, Silver Birch, Ash. Young/middle aged.

Category U trees (Trees with irremediable defects and anticipated early loss due to collapse, dead trees or those in immediate decline and those with infectious pathogens that threaten other trees.)

- T16 Middle aged Hawthorn, low vigour, sparse crown, deadwood throughout the crown.
 - T18 Mature Lombardy Poplar, sever basal cavity, large stem wounds, sparse crown.
 - T19 Mature Lombardy Poplar, sever basal cavity from base to 3m, sparse crown.
98. The Tree Officer recommends that the tree works are approved as per the Arboricultural Assessment to Tree Groups: G4(part), G5(part), G6, G7, G8, G9, G10 and recommends retention of 5 Silver Birch trees and retention of eastern most boundary trees along railway fencing to form barrier between dwellings and railway. These trees however are category C trees which are categorised as being low quality. It is not appropriate to protect such trees although the landscaping condition will require tree planting along the railway boundary to mitigate for the loss of trees on the site.
99. Conditions will be attached to the recommendation requiring mitigation in respect of the loss of trees and scrub to mitigate for the loss of the higher quality trees.
100. A number of the trees around the southern pond are identified for retention and are moderate/ higher quality. These trees offer a valuable amenity value to the area and given they are close to the proposed sewer easement the higher quality trees detailed as being retained will be protected by virtue of a TPO.

Drainage, Flooding & Ground Contamination

101. The application was originally submitted with a Flood Risk Assessment (FRA) and concept drainage strategy. The Environment Agency however originally commented that the application lies within Flood Zone 1 defined as having a low probability of flooding although the site area exceeds 1 hectare and as such is required to be accompanied by a suitable FRA.
102. The village of Croston and the surrounding area, which flooded twice in 2012, is located downstream of this development and the Environment Agency are currently investing in a multi-million pound flood alleviation scheme. The Agency identified specific issues with the originally submitted FRA which required further information in order to ensure that flood risk is not increased downstream of the development, and to ensure the effectiveness of the flood alleviation scheme now and in the future.
103. Following receipt of these comments an amended Flood Risk Assessment was submitted which has been reviewed by the Environment Agency (EA). The EA have confirmed that they are satisfied that the proposed development would be safe and that it

would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. Appropriate conditions will be attached in this regard.

104. United Utilities have no objection to the proposals subject to a condition in respect of the submission of details of the foul and surface water infrastructure.
105. Due to past processes and activities at the above site, there is a potential for ground contamination. The application is supported by a Phase I and Phase II Geo-Environmental Site Investigation and a Remediation Strategy (REC Ref: 44209P4R0).
106. The Council's Waste and Contaminated Land Officer is satisfied with the submitted strategy however the Environment Agency (EA) have commented that the site is located in a sensitive location with respect to protection of surface water quality with two tributaries of Clancutt Brook issuing within 30 metres of the site. Therefore surface waters are considered to be the primary controlled waters receptor for this site.
107. The site investigation has found that shallow groundwater on the site has been contaminated with metallic contaminants and to a lesser extent some petroleum hydrocarbons. The hydrocarbons are of heavier end oils and therefore are not likely to present a significant risk of migration to nearby surface waters. However, the EA consider that the metal contamination found in shallow groundwater on the site warrants further assessment. Due to the above concerns regarding the assessment of risk to surface water quality the EA has recommended a condition which will be attached to the recommendation.

Noise

108. The proposed development now involves taking the residential development in close proximity to the railway line. The proposed development will also be sited in close proximity to the existing commercial operators and as such the proposals are supported by a Noise & Vibration Impact Assessment. The assessment concludes that in order to control noise within residential dwellings along the eastern site boundary, the boundary with the railway upgraded glazing and window-mounted trickle ventilators are recommended. The trickle ventilator should be combined with a Mechanical Extract Ventilator (MEV) or Passive Extract Ventilator (PEV) system. This can be addressed by condition.
109. This assessment has been reviewed by the Council's Environmental Health Team who have commented the report seeks to make an assessment of the impact of several noise sources (rail traffic and commercial noise) and vibration from the railway line.
110. Measurement of the commercial noise was undertaken between 06:55hrs and 09:55hrs on Friday the 11th July and , at that time comprised, 'occasional noise' from the enterprise centre and movements of a HGV delivery vehicle on the car park. There appears to be no mention of noise from cars using the enterprise centre car park unless this is the 'occasional noise. The Officer does have slight concerns over how representative this actually is, as it is unclear whether Friday's a 'quiet' or a 'noisy' days?
111. The Officer has commented that consideration should be given to the likelihood for new businesses to occupy the enterprise centre which has the potential to give rise to increased levels of noise however, at this stage, accurate predictions of this would be difficult. At this stage it is not possible to predict noise generation from potential future occupiers of the Mill however the future house owners will be fully aware of the proximity of the Mill when deciding whether to purchase a dwelling.
112. The submitted report identifies that, with regards to rail noise for dwellings 'at least' 30m from the centre of the rail noise, with windows open that the required internal target noise levels will be exceeded. The report goes on to recommend that the mitigation measure is to provide an alternative ventilation scheme which does not require the opening of any windows. The Officer has commented that whilst this does appear to be a suitable means of achieving the required acoustic internal targets (according to the

report) consideration should be given to the occupants of the affected rooms and thermal comfort.

113. The Officer has commented that the proposed ventilation systems provide ventilation but during warm summer weather external noise levels may take away the choice of the occupant of the dwelling to purge ventilate rooms for thermal comfort.
114. The Officer has advised that I would suggest that a more suitable way forward would be to install mechanical ventilation systems with a boost function to provide additional comfort ventilation.
115. The report does not provide clarification of the number of properties which would be subject to higher noise levels and as such would require the necessary mitigation measures however this can be adequately addressed by condition.

Impact on the Listed Building

116. The application site is immediately adjacent to Coppull Ring Mill, now known as Coppull Enterprise Centre, which is a grade II listed building and is thereby defined as a designated heritage asset by Annex 2 to the Framework (National Planning Policy Framework).
117. Paragraphs 129, 132, 133 and 134 of the Framework are pertinent as are policy 16 of the Adopted Central Lancashire Core Strategy (2012) and policy BNE8 of the emerging Chorley Local Plan 2012 – 2026.
118. Within the Framework paragraph 129 states that, *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'*
119. Paragraph 132 states, *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*
120. Paragraph 133 states, *'Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
The nature of the heritage asset prevents all reasonable uses of the site; and
No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
The harm or loss is outweighed by the benefit of bringing the site back into use.'*
121. Paragraph 134 states, *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*

122. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, *'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by: Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'*
123. The emerging Chorley Local Plan 2012 – 2026, Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, *'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate. The enhancement of the setting of heritage assets.'*
124. The Council's Conservation Officer has reviewed the proposals and has commented that the area immediately to the north was until recently occupied by an industrial contractor who filled the area with unsightly scrap metal and industrial storage tanks awaiting refurbishment. In the Officer's opinion these caused substantial harm to the setting on the designated heritage asset by introducing visual blight to the area. The area to the west was previously occupied by another mill, Mavis Mill, that was demolished in the latter part of the 20th Century and that part of the site has been left vacant and disused until the present day.
125. The Conservation Officer considers that the proposed development, particularly to the north of the designated heritage asset, enhances its setting by removing the industrial blight from the scene and by deriving the optimum use of the land. The Officer considers that the proposed development will sustain the significance of the designated heritage asset although the following suggestions are included within the officers comments:
- The relationship with the heritage asset would be improved if the house types proposed immediately next to the listed building were all of the Yare type, which would more closely resemble the typical terraced housing found to the south of the site on Mill Lane. Could plots 43, 44 and 45 be swapped for four Yare properties instead and other 'affordable' units be swapped for other house types elsewhere on the site?
 - The boundary treatment between the listed building and the site adjacent to plots 45 and the adjacent Yare properties should be kept open to emulate the typical traditional relationship between a mill and its workers dwellings.
126. In response to these requests the plans have been amended to swap the location of plots 45 and 46 with plot 44. This change results in a scheme which is more complementary to the Coppull Enterprise Centre building. The 1.8m high boundary adjacent to the Enterprise Centre has been replaced with metal railings. In respect of these changes the Conservation Officer is now happy with the proposed scheme.

Sustainability

127. Policy 27 of the Adopted Central Lancashire Core Strategy states that all dwellings will be required to meet Level 4 of the Code for Sustainable Homes from January 2013. This increases to Level 6 in 2016.
128. The Policy also states that subject to other planning policies, planning permission for new built development will only be granted on proposals for 5 or more dwellings where all of the following criteria are satisfied:
- (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;

(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%;

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

(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.

129. As the proposed development exceeds 5 dwellings both parts of the Policy will need to be satisfied in respect of the proposals. This is typically addressed by condition however in respect of the uplift the Code 6 in 2016 the supporting information includes the following:

The Parliamentary Under Secretary of State for Communities and Local Government (Stephen Williams) produced a Written Ministerial Statement regarding Building Regulations, which was published on 13 March 2014, setting out the outcome of the housing standards review. The technical housing standard review was launched in October 2012 following the housing and construction Red Tape Challenge, introduced in Spring 2012.

The Government is committed to consolidating necessary standards into the Building Regulations during this Parliament. Draft regulations and technical standards will be published in the summer, with necessary statutory regulations and supporting approved documents coming into force at the turn of the year. The requirements for the Code for Sustainable Homes will be consolidated into Building Regulations, which would require substantial changes to the content of the current Code, as well as a reconsideration of its role. In light of this, the Government has suggested that the current Code will need to be wound down to coincide with the changes incorporating the new standards coming into force.

Given the commitment by Government to wind down the current Code and consolidate into Building Regulations, this application proposes that the development is built to Code Level 4 in accordance with Central Lancashire Core Strategy Policy 27. It is considered too premature for the Council to impose Code Level 6 within any Condition, for development which is started after 1 January 2016, when Government has indicated that changes to the Code for Sustainable Homes are imminent.

It is not practical, nor viable to provide Code Level 6 on this development.

In summary, the application proposals are to be built to Code Level 4 and an attached planning condition on any associated planning permission should refer to a blanket requirement for Code Level 4.

130. It is acknowledged that changes to Building Regulations and the Code have been suggested over the past few years however nothing has been published to date even though documents were supposed to be published in the summer.

131. The supporting information states that it is not practical, nor viable to provide Code 6. The preamble to Policy 27 allows for variations in the requirements, if demonstrated on viability grounds, and in this regard a financial viability assessment to demonstrate that Code 6 would render the scheme unviable has been submitted. This assessment is being

reviewed by the Council's Property Services Section whose comments will be provided on the addendum.

Car Park Upgrading

132. As part of the previous application the applicant advised that a legal agreement between Tatton Estates and Bizspace was being drawn up to oblige the applicant to upgrade the existing car park. This was to ensure that the existing car park is upgraded and made more user friendly to existing and proposed users of the Enterprise Centre.

Overall Conclusion

133. The acceptability of the principle of the residential development of this site has been established by the grant of outline planning permission. The access to the site and level of traffic it would generate is also considered to be acceptable by LCC (Highways). The relationship between the development and the Grade II Listed Mill is considered to be an acceptable one and there are also no concerns in terms of the ecological impact of the development. On this basis, it is recommended that planning permission be granted subject to the signing of a S106 legal agreement that will secure on site affordable housing and contributions to open space.

Planning Policies

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

Planning History

Reference	Description	Decision	Date
04/01289/CLEUD	Certificate of Lawful Use in respect of an existing use of a compound for storage of bottled gas.	Refused	November 2004
04/00933/FUL	Extension of existing compound using a concrete post and chainlink fence, and installation of a skid pan mounted Autogas unit.	Refused	February 2007
04/00834/CTY	To construct a temporary stone access with chain link mesh gate.	No objection	
10/00735/OUTMAJ	Outline planning application for the erection of a residential development with associated access arrangements	Approved	August 2013

Suggested Conditions

No.	Condition																																																																				
1.	<p>The proposed development must be begun not later than two years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</p>																																																																				
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="368 593 1211 2027"> <thead> <tr> <th data-bbox="368 593 584 651">Title</th> <th data-bbox="584 593 791 651">Plot</th> <th data-bbox="791 593 1002 651">Drawing Reference</th> <th data-bbox="1002 593 1211 651">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 651 584 719">Site Layout Plan</td> <td data-bbox="584 651 791 719"></td> <td data-bbox="791 651 1002 719">100-002 Rev L</td> <td data-bbox="1002 651 1211 719">15th October 2014</td> </tr> <tr> <td data-bbox="368 719 584 842">Materials Layout & Boundary Treatment Plan</td> <td data-bbox="584 719 791 842"></td> <td data-bbox="791 719 1002 842">Mat/001 REV B</td> <td data-bbox="1002 719 1211 842">8th October 2014</td> </tr> <tr> <td data-bbox="368 842 584 898">Site Location Plan</td> <td data-bbox="584 842 791 898"></td> <td data-bbox="791 842 1002 898">LP/001</td> <td 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Buchan House Type (411-4B/6P/1264)	32/ 52	4118013 Rev A	8th July 2014																																																																		
Crompton	3/ 6/ 14/ 15/	4138013 Rev	8th July 2014																																																																		

	House Type (413-4B/7P/1341)	23/ 24/ 26/ 29	A	
	Twin Garage	1/ 2/	mh/tg/001	15th October 2014
	Single Garage	5/ 33/ 52	Mh/sg/001	15th October 2014
	Reason: For the avoidance of doubt and in the interests of proper planning			
3.	The external facing materials, detailed on the approved plans, shall be used and no others substituted without the prior written consent of the Local Planning Authority Reason: To ensure that the materials used are visually appropriate to the locality.			
4.	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 convert the space into living or other accommodation. Reason: To ensure adequate off street parking provision is maintained and thereby avoid hazards caused by on-street parking.			
5.	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 dwellings on plots 1, 2, 9, 44-53 (inclusive), 56 and 57 shall be erected other than those expressly authorised by this permission. Reason: In the interests of neighbour amenity and to ensure the amenities of the existing and future residents are protected in the future.			
6.	No dwelling on plots 8/ 13/ 16/ 19/ 30/ 35/ 47 (Orwell House Type), 4/ 7/ 12/ 27/ 28/ 33/ 46 53 (Greene House Type), 22/ 25/ 31/ 37 (Travers House Type), 3/ 6/ 14/ 15/ 23/ 24/ 26/ 29 (Crompton House Type) hereby permitted shall be occupied until garden sheds have been provided in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority. The garden sheds shall be retained in perpetuity thereafter. Reason: The garages are smaller than would normally be provided and therefore to ensure sufficient storage/cycle storage is provided at the properties in accordance with Manual for Streets			
7.	During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards. Reason: To safeguard the trees to be retained			
8.	The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.			
9.	Notwithstanding the submitted details a scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development (excluding site preparation works). 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			

	<p>areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels and means of enclosure. The scheme shall demonstrate adequate replacement planting to offset the loss of 0.5ha of scrub/ tree groups, native species buffering between the Local Site (Biological Heritage Site) and the development (a mixed species native hedgerow would be appropriate), new tree planting along the railway line, maintenance and enhancement of habitat connectivity (boundary hedgerows, but also permeable boundary treatments – fences and walls to allow passage of wildlife). The scheme should include a landscaping/habitat creation and management plan which should demonstrate enhancement of biodiversity. 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, to ensure maintenance of biodiversity in accordance with Framework, e.g. paragraphs 61, 118; treatment of a Local Designated Site in accordance with Framework paragraphs 109, 117; maintenance of habitat and habitat connectivity for protected species and species listed under section 41 of the NERC Act 2006 and to secure a high quality design</p>
<p>10.</p>	<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>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</p>
<p>11.</p>	<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 or in accordance with the national standard in place at the time of construction which has first been agreed in writing by the Local Planning Authority. 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>
<p>12.</p>	<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>
<p>13.</p>	<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</p>

	development
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 approved measures shall be implemented in accordance with the approved details and retained in situ thereafter.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>
15.	<p>Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.</p> <p>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>
16.	<p>No development shall take place, including any works of demolition, 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"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. wheel washing facilities v. measures to control the emission of dust and dirt during construction vi. a scheme for recycling/disposing of waste resulting from construction works vii. vehicle routing to the site ix. the proposed temporary closing of any roads or streets. <p>Reason: in the interests of highway safety and to protect the amenities of the nearby residents.</p>
17.	<p>The construction works (including deliveries) associated with the development hereby permitted shall not take place except between the hours of:</p> <ul style="list-style-type: none"> • 0800 to 1800 Monday to Friday • 0800 to 1300 on Saturdays. <p>No construction activities or deliveries shall take place on Sundays or Public and Bank Holidays. Reason: To safeguard the amenities of local residents and to protect nearby noise sensitive buildings</p>
18.	<p>Notwithstanding the details shown on the submitted plans, the private driveway/hardsurfacing areas to the front of the all the dwellinghouses shall be</p>

	<p>constructed using pervious paving subject to suitable ground conditions. Where ground conditions are not suitable for infiltration then underdrained pervious paving shall be utilised. Prior to the commencement of the development full details of the proposed solution for the driveways shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of highway safety and to prevent flooding</p>
19.	<p>Prior to the commencement of the development details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.</p> <p>Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety.</p>
20.	<p>Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.</p> <p>Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</p>
21.	<p>If any plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) occur on the site, such as Himalayan balsam, Japanese knotweed, rhododendron and giant hogweed, then they 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: to ensure the eradication and control of any invasive species which are found on the site</p>
22.	<p>Prior to the commencement of the development a scheme of mitigation measures (Reasonable Avoidance Measures) for amphibians (great crested newt, common toad) shall be submitted and approved in writing by the Local Planning Authority. The agreed measures thereafter shall be implemented in full.</p> <p>Reason: amphibians are known to be present in the wider area. Although habitats on site are largely unsuitable to support amphibians, and the development will not therefore result in significant impacts on a population, measures are required to avoid impacts to individuals (killing, injuring) during works; measures outlined in paragraphs 5.9 – 5.12 of the ecology report are not sufficiently detailed or comprehensive to be implemented. These measures are required for the avoidance of breach of Conservation of Habitats and Species Regulations 2010 (as amended), compliance with duty under section 41 NERC Act 2006</p>
23.	<p>No site clearance, site preparation or development work shall take place until a mitigation/compensation scheme for impacts on Darlington Sidings and Clancutt Brook Biological Heritage Site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full thereafter.</p> <p>Reason: the development is immediately adjacent to a Biological Heritage Site (Local Site); measures are required for protection during construction and operation; compliance with NPPF paragraphs 109, 117</p>
24.	<p>No site clearance, site preparation or development works shall take place until a scheme of external site lighting has been submitted to and approved in writing by the Local Planning Authority, and subsequent implementation in full. The scheme shall demonstrate avoidance of light pollution (increase in artificial illumination) of</p>

	<p>wildlife habitats including boundary hedgerows, woodlands and woodland edges, trees with bat roost potential and water bodies. The scheme shall be in accordance with guidance issued by the Bat Conservation Trust and Institute of Lighting Engineers.</p> <p>Reason: to ensure avoidance of impacts on European protected species (bats) and their habitat; compliance with NPPF paragraph 125</p>
<p>25.</p>	<p>No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.</p> <p>Reason: To ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</p>
<p>26.</p>	<p>Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 44.9l/s. The development shall be completed, maintained and managed in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off and to reduce the risk of flooding</p>
<p>27.</p>	<p>The development hereby permitted shall only be carried out in accordance with the approved FRA (Ref: ELLUC-MH-297-180913-FRA-F1, dated September 2014) and the following mitigation measures detailed within the FRA:</p> <ol style="list-style-type: none"> 1. Limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. 2. Surface water is discharged to the United Utilities surface water network at the agreed rate of 44.9 litres per second. <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</p> <ol style="list-style-type: none"> 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. 2. To reduce the risk of flooding to the proposed development and future occupants.
<p>28.</p>	<p>No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:</p> <ol style="list-style-type: none"> 1. A preliminary risk assessment which has identified: <ul style="list-style-type: none"> • all previous uses • potential contaminants associated with those uses • a conceptual model of the site indicating sources, pathways and receptors • potentially unacceptable risks arising from contamination at the site.

	<p>2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</p> <p>3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason: To ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</p>
<p>29.</p>	<p>Any trees which are felled which have been identified as having bat roost potential (T18, T19, G7) shall be undertaken through soft felling under the supervision of a licensed bat ecologist. The works shall be undertaken during September/October or April.</p> <p>Reason: in the interests of ensuring that bat roosts are not adversely affected by the proposed development</p>
<p>30.</p>	<p>Prior to the commencement of the development full details of the mechanical ventilation systems, with a boost function, to be installed within the dwellings, hereby approved, which will be subject to higher noise levels in respect of the railway shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a supplemental Noise & Vibration Impact Assessment which demonstrates which properties will be subject to higher noise levels. The approved system shall thereafter be installed within the affected properties identified within the supplemental report.</p> <p>Reason: In the interest s of the amenities of the future residents, to ensure that no undue loss of amenity is created in respect of noise from the railway and to ensure that suitable comfort ventilation is provided for the future residents.</p>

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MILL LANE, COPPULL

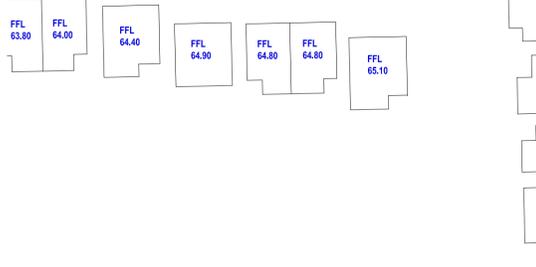


NOTES

- CAR PARKING PROVISION**
 PARKING SPACES 111 - GARAGES 31
 TOTAL NUMBER OF UNITS 69ND
 OVERALL PROVISION 20%
- ⊗ GATE
 - ⊗ LOCKABLE GATE (SERVING REAR GARDEN ACCESS PATHS - KEY TO ALL THOSE PLOTS WHICH IT SERVES)
 - REFUSE COLLECTION POINTS (600x750mm paving slab) 2 wheeled bins to be provided to each dwelling to Local Authority recycling collection policy with additional space for extra wheeled bin for any future changes in collection policy.

- AFFORDABLE HOUSING
- ▨ SEWER EASEMENT
- TREES TO BE RETAINED
- TREES TO BE REMOVED
- ★ Gable windows provided - refer to house type elevations
- as per House type handing

SITE AREA
 GROSS SITE AREA = 20.164 SQ.M - 2.01 HA - 4.98 ACRES
 PUBLIC OPEN SPACE PROVIDED ON SITE = 752 SQ.M - 0.07 HA - 0.18 ACRES
 COVERAGE = 34.8 DWELLINGS PER HECTARE
 PLANNING APPLICATION BOUNDARY 2.01 ha



L	Amended following comments from the LPA.	SJ	07.10.14
K	Block sizes to Plots 40-43 & 54-57 amended to composite plans. Plot 41 handed.	SJ	10.09.14
J	Site boundary rationalised. Plot 32 slightly adjusted.	SJ	27.08.14
I	Affordable units highlighted.	SJ	06.06.14
H	Amendments made to Plots 2-5 & 44-46 following additional comments from Sales.	SJ	06-05-14
G	Layout amended following Sales comments.	SJ	23-04-14
F	Layout re-planned and units increased to 75nd.	SJ	17-04-14
E	Plot number allocations corrected to Plots 55, 58, 70 & 71 corrected.	SJ	18-02-14
D	Plots 1 and 2 adjusted.	RP	30-01-14
C	Road to be 5.5m with 2m footpaths.	RP	26-11-13
B	Layout amended to reflect internal comments.	RP	05-11-13
A	Layout amended to reflect internal comments.	RP	12-07-13

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 Miller Homes Limited - North West Region
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Project Title
Mill Lane, COPPULL

Drawing Title
SITE LAYOUT PLAN

Scale	1:500	Drawn By	RP	Checked By		Authorised By	
Date	18-06-13	Date		Date		Revision	
Job No.	809760	Drawing No.	100-002	Revision			L

SCHEDULE OF ACCOMMODATION - Mill Lane - COPPULL							28th March 2014
House Type	Description	No	Parking	Stbreys	Bspace	sq ft	Total
2 BEDROOM							
YARE	2 BED TERRACED HOUSE	9	PS	2	3	657	5913
3 BEDROOM							
NEVIS	3 BED SEMI DET HOUSE	9	PS	2	5	754	6788
TOLKIEN	3 BED SEMI DET HOUSE R/R	4	PS	2	5	892	3568
DARWIN	3 BED DET HOUSE	3	SG	2	5	921	2763
ORWELL	3 BED DET HOUSE	7	IG	2	5	968	6776
KIPLING	3 BED DET HOUSE	6	SG	2	5	1027	6162
4 BEDROOM							
ROLLAND	4 BED SEMI DET HOUSE	15	SG	2.5	6	1086	16290
GREENE	4 BED DET HOUSE	8	IG	2	6	1081	8648
TRAVERS	4 BED DET HOUSE	4	IG	2	6	1266	5064
BUCHAN	4 BED DET HOUSE	2	SG	2	6	1264	2528
CROMPTON	4 BED DET HOUSE	8	IG	2	7	1348	10784
TOTAL		75					75282
GROSS SITE AREA ACRES (20.164SQ.M - 4.98 HA)							4.98
OPEN SPACE (752SQ.M - 0.07 HA)							0.18
NETT SITE AREA ACRES (19.412SQ.M - 1.94 HA)							4.79
COVERAGE SQ.FT/ACRE							15716.49

Note - Areas based on option 3 with square bays.

SITE LAYOUT PLAN 1:500 @ A1

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Item 3c	14/00900/OUTMAJ
Case Officer	Caron Taylor
Ward	Pennine
Proposal	Outline application for residential development on north and south side of Moss Lane cul-de-sac for up to 32 dwellings, specifying the access point
Location	Land 150M West Leatherlands Farm Moss Lane Whittle-Le-Woods
Applicant	The Talbot Estate
Consultation expiry:	23rd September 2014
Decision due by:	20th November 2014

Recommendation

That the application is approved subject to conditions and a Section 106 agreement.

Executive Summary

The application is made in outline with only the access point specified. The access is considered acceptable and it is considered that a scheme acceptable in terms of layout, appearance, scale and landscaping can be satisfactorily achieved on site.

Representations

<p>Whittle-le-Woods Parish Council state that despite being in the local plan there was some concern regarding access, as this would certainly make Moss Lane busier and residents at Springside Gardens already are concerned about junction safety.</p>
<p>Cllr Gordon France</p> <ul style="list-style-type: none"> • States he wrote to the people who did the public consultation about his worries over traffic problems on Moss Lane; • Along with County Councillor Kim Snape they have campaigned for many months for traffic calming measures on the bend before the A6; • The traffic particularly from Blackburn Road is travelling far too fast. Rumble strips will be installed; • The agent said that all the traffic won't be on the road at once but what about the school run; • These properties will be family homes so they object to the application even though the land is allocated [in the Local Plan], on road safety issues; • At the very least it needs to be seen if L.C.C calming measures have an effect before putting more traffic on a dangerous road.
<p>In total 1 representation has been received</p>
<p>Objection</p>
<p>Total No. received: 1</p>
<ul style="list-style-type: none"> • Increase traffic volumes on Moss Lane. There have been a spate of traffic accidents on Moss Lane over the past few years primarily as a result of speeding vehicles losing control and turning over; • The junction at the A6 end of Moss Lane at peak times is extremely busy and as result of this queuing occurs along Moss Lane, generally back to Springside Gardens. Despite complaints to LCC little has been done with the exception of new chevrons. Adding 32 housing plots equating to 50-60 vehicles potentially at peak times will only add to the standing traffic at the A6 Junction; • Moss Lane is not properly controlled by the Police with HGV's greater than 7.5t using Moss Lane constantly as a short cut along with hundreds of other vehicles to avoid the traffic light systems at the Sea View, Hartwood Hall Roundabout and the M61 Junction 8; • It will reduced the number of green fields to the west of the M61 Corridor; • Retention of the public footpath across the proposed development must be maintained, including the open ditch and the environmental habitat that exists as well as the existing trees being retained around the development;

Consultees

Consultee	Summary of Comments received
<p>Police Architectural Liaison Officer</p>	<p>Advise the principles of Secure by Design are incorporated.</p> <p>The site layout for the scheme incorporates a number of footpaths and cycle links running through them e.g. to northern and southern side of Moss Lane. Whilst permeability is supported in new housing developments it should be carefully integrated into the scheme so as not to generate crime. Footpaths should be at least 3 metres wide with a 2 metre verge on either side, should be well lit with an even spread of lighting and afforded as much natural surveillance from the surrounding dwellings as possible e.g. from active rooms such as the lounge.</p> <p>There are communal car parking areas shown on the site layout. These should be located where natural surveillance across them</p>

	is maximised from dwellings. It is important that communal parking areas are well lit and that they are not situated at the rear of the houses. Rear parking courts are discouraged.
Chorley's Contaminated Land Officer	Request a condition in relation to ground contamination.
Lancashire County Council Highways	<p>The current submission shows that footways will be provided in front of both sites for their full lengths. The existing Public Right of Way to the west of the site is to be diverted and upgraded to a pedestrian/cycle link with similar pedestrian/cycle link provided along the east boundary of the site for enhanced accessibility. The proposal seems to have addressed the concern relating to the closeness of proposed residential accesses at the south east corner of the site by moving the residential accesses further away from the potential access to the yet-to-be developed land east of the site.</p> <p>As recommended, the applicant has agreed to fund the extension of the existing 30mph speed limit restriction past the junction of B6229 Moss Lane and U5801 Moss Lane in the easterly direction. It should however be noted that all highway works are to be undertaken through the Section 278 agreement of the Highways Act 1980.</p> <p>The applicant indicated that parking will be provided to current standard, but will be finalised at reserved matters stage. In terms of layout, the indicative plan seems acceptable; however, the applicant should take a second look at the layouts of the units along the south easterly boundary of the main site and the unit at the end of the main access road to see if they are adequate in terms of space for providing parking, associated driveways and footways.</p> <p>Overall, they have no objection to the proposed development in principle and recommend conditions.</p>
Lancashire County Council Public Rights of Way Officer	<p>The application area incorporates Public Footpath No. 47 Whittle- Woods.</p> <p>They state that Public Rights of Way must not be obstructed during the proposed development. It is the responsibility of the landowner to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary. They provide information on how this can be done. This has been forwarded to the agent.</p>
Lancashire County Council's Flood Risk Management Team	Supports the proposed development subject to a full drainage strategy submitted to and approved by the local planning authority.
United Utilities	Have no objection to the proposal provided that a condition requiring a full scheme for the disposal of foul and surface water is submitted and approved is attached to any approval.
Environment Agency	Have reviewed the Flood Risk Assessment submitted with the application prepared by PSA Design Ltd, in relation to the risk of flooding on and off-site, and are satisfied that the proposed development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere, provided that any subsequent development proceeds in accordance with the recommendations

	<p>outlined in the approved Flood Risk Assessment. To this effect, they recommend conditions be applied to any permission.</p>
<p>Environmental Health (on noise)</p>	<p>Have stated that ideally the noise from the motorway should not exceed 55 decibels in garden areas, which are exceeded in this case. The internal levels would exceed guideline levels if windows were opened facing the motorway. Mitigation measures are proposed in the form of trickle ventilation and mechanical extraction ventilation or passive extract ventilation. This would leave the residents the option of keeping the windows closed and having difficulty in cooling the room or opening the window and being subjected to high noise levels which could affect lifestyle quality.</p>
<p>Chorley's Strategic Housing Officer</p>	<p>30% affordable housing provision is required on the site.</p> <p>Based on 32 units on the site, this would be 10 affordable units.</p> <p>As regards types their preferred mix would be 60% x 2bed and 40% x 3bed houses.</p> <p>In terms of tenure mix a 70%/30% split in terms of Social Rent and Intermediate sale/shared ownership as follows:</p> <p>7 units for Social Rent (5 x 2 bed 4person houses and 2 x 3 bed 5 person houses) 3 units for Intermediate sale/shared ownership (1 x 2 bed 4 person house and 2 x 3 bed 5 person houses).</p>
<p>Public Open Space Comments</p>	<p>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.</p> <p><u>Amenity Greenspace</u> Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.</p> <p>There is currently a surplus of provision in Whittle-le-Woods in relation to this standard and the site is within the accessibility catchment (800m) of an area of amenity greenspace. A contribution towards new provision in the settlement is therefore not required from this development. However there are areas of amenity greenspace within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Study (sites 1428 - Orchard Drive and 1432 – Foxglove Drive). A contribution towards improvements to these sites is therefore required from this development. The amount required is £140 per dwelling.</p> <p><u>Provision for children/young people</u> Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.</p> <p>There is currently a surplus of provision in Whittle-le-Woods 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 is</p>

	<p>an area of provision for children/young people within the accessibility catchment that is identified as being low quality and/or low value in the Open Space Study (site 1431 – The Ridings). A contribution towards improvements to this site is therefore required from this development. The amount required is £134 per dwelling.</p> <p><u>Parks and Gardens</u> There is no requirement to provide a new park or garden on-site within this development.</p> <p>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.</p> <p><u>Natural and Semi-Natural Greenspace</u> There is no requirement to provide new natural/semi natural greenspace on-site within this development.</p> <p>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.</p> <p><u>Allotments</u> There is no requirement to provide allotment provision on site within this development.</p> <p>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 1648 – Preston Rd, Whittle-le-Woods, 1646 - Worthy Street, Chorley, 1649 – Maybank/Oakdene, Withnell Fold). 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 allotments or new allotment provision is therefore required from this development. The amount required is £15 per dwelling.</p> <p><u>Playing Pitches</u> 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.</p> <p>THE TOTAL FINANCIAL CONTRIBUTION REQUIRED FROM THIS DEVELOPMENT IS AS FOLLOWS:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">Amenity greenspace</td> <td style="text-align: right;">= £4,760</td> </tr> <tr> <td>Equipped play area</td> <td style="text-align: right;">= £4,556</td> </tr> <tr> <td>Parks/Gardens</td> <td style="text-align: right;">= £0</td> </tr> <tr> <td>Natural/semi-natural</td> <td style="text-align: right;">= £0</td> </tr> <tr> <td>Allotments</td> <td style="text-align: right;">= £510</td> </tr> <tr> <td>Playing Pitches</td> <td style="text-align: right;">= £54,366</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">= £64,192</td> </tr> </table>	Amenity greenspace	= £4,760	Equipped play area	= £4,556	Parks/Gardens	= £0	Natural/semi-natural	= £0	Allotments	= £510	Playing Pitches	= £54,366	Total	= £64,192
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Assessment

Principle of the development

1. In the existing adopted Local Plan (2003) the site is designated as Safeguarded Land, so the proposal would be contrary to Policy DC3 (specifically DC3.8). Policy DC3 states that development other than that permissible in the countryside under Policies DC1 or DC2 will not be permitted on Safeguarded Land. However, the Inspector has issued a partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. The emerging plan has been found to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers.
2. The Council accepted the Inspector's modification for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to the Inspector's report, and to the policies and proposals of the emerging Local Plan, as amended by the main modification.
3. The site is part of a wider proposed housing allocation in the emerging Local Plan under Policy HS1.43C so housing development on the site is acceptable in principle.
4. In terms of phasing Policy HS2 of this plan sets out a phasing schedule and the land off Moss Lane allocation is scheduled for the second phase, 2016 – 2021 and the third phase 2021-2026.
5. The application is only made in outline and therefore a reserved matters application would need to be made before any development could start on site and therefore it may be that the development would not be completed until 2016. The pre-ambles to Policy HS2 states that it is not the intention of the indicative phasing to prevent development coming forward at an earlier phase than indicated but rather to deliver a flexible and responsible supply of housing land, it will be necessary to consider the impact on infrastructure. Given the size of the site it is not considered it would undermine policy HS2 as a whole if development took place a little earlier than 2016 and therefore the proposal is considered acceptable in this respect.

Affordable Housing

6. Policy 7 of the adopted Core Strategy requires affordable housing to be provided on sites of 15 or more dwellings or 0.5 hectares in size (which this is) otherwise the proposal would be contrary to this policy at a level of 30%. This is proposed by the application and will need to be secured by a Section 106 agreement. The proposal is therefore considered acceptable in relation to Policy 7.

Density

7. Policy 5 of the adopted Core Strategy covers housing density and requires developments to be in keeping with an area but also make an efficient use of land. The proposal, if 32 dwellings were built would result in the equivalent of 23.8 dwellings per hectare. An indicative layout has been provided and it is considered that the proposal would be in keeping with the modern housing estates to the north and west of the site and the proposal is therefore considered acceptable in this respect.

Levels

8. The site is roughly triangular in shape with a small portion of the site separated from the rest by Moss Lane cul-de-sac, which comes off the main road Moss Lane and leads to Leatherlands Farm and other residential properties, before continuing to a dead end where it meets the motorway.
9. The highest point of the site is in the west corner close to Springside Gardens and gradually slopes away to the northeast. There is an approximate gradual difference in levels of 4.5m across the site. From the southern boundary of the site there is banking

approximately 8m high from the site up to the main Moss Lane. This banking is outside the application site.

Impact on the neighbours

10. There are existing residential properties along the northwest boundary of the site and Leatherlands Farm is to the east. The northeast of the site bounds with an open field that forms the rest of the allocated housing site.
11. There is an existing ditch/drain and public footpath that run along the northeast boundary of the between the proposal and the existing development to the northwest.
12. The application is only made in outline specifying the access point, so the layout of the proposal is not applied for, however an indicative layout has been provided showing that an acceptable relationship between proposed and existing properties can be achieved on the site.

Noise from the motorway

13. The closest part of the application site is approximately 95m from the M61 Motorway. A noise assessment has been submitted with the application.
14. The Planning Practice Guidance (PPG) on noise states that local planning authorities in decision taking should identify whether the overall effect of noise exposure would be above the 'significant adverse effect level' or not. This is reiterated by the Noise Policy Statement for England. Noise above this 'significant adverse effect level' should be avoided, noise below this may need to be mitigated and reduced to a minimum.
15. In relation to noise there are no European or national noise limits which have to be met. The National Planning Policy Framework states that planning decisions should aim to:
 - avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
 - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
16. No guidance is given on what a significant impact is. There is a British Standard (BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings) that states: It is desirable that external noise level does not exceed 50 decibels with an upper guidelines of 55 decibels in noisier environment. It goes onto say that:

It is also recognised that these guidelines values are not achievable in all circumstances where development might be desirable. In higher noise area, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors might be warranted. In such situations, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.
17. In this case the site is adjacent to the strategic transport network in the form of the M61 and is therefore in a higher noise area. Therefore it is considered that the test for noise in this case is that the development is designed to achieve the lowest practicable noise levels.
18. The application is only made in outline and does not include the layout of the proposal. Therefore at this stage the Council must be satisfied that at any reserved matters stage a layout could be achieved that would have acceptable levels of noise from the motorway.
19. The report recommends a number of mitigation measures to reduce noise to the properties internally. This includes enhanced double glazing on some plots and mechanical ventilation along with acoustic trickle vents. Although the comments of Environmental Health are noted the Planning Practice Guidance on noise states that significant adverse effects should only be avoided when there is no alternative ventilation

so windows have to be kept closed. Alternative ventilation is proposed in this case so the proposal is considered in line with the PPG.

20. In terms of external areas the report recommends acoustic fencing at a height of 2.4m to mitigate noise. Noise mapping has been provided showing the impact of noise on the illustrative layout. This shows that the majority of the site does not suffer from external noise levels of more than 58 decibels, however some areas of rear gardens reach up to 60 decibels and front gardens nearest the motorway reach up to 64 decibels. The front gardens of properties are considered less sensitive to noise as they are not used as private amenity space. It is therefore considered that an acceptable layout can be achieved at reserved matters stage.
21. As the layout of the proposal will have an impact on the noise levels on the site it is considered necessary to impose a condition requiring any reserved matters application to be accompanied by a noise impact assessment demonstrating how the layout has been designed to minimise noise to the lowest practicable levels and include any necessary mitigation measures. Subject to this the proposal is considered acceptable in relation to noise.
22. As has already been noted, the site is part of a wider housing allocation, the rest of the site being nearer to the motorway than this part of the site. It is therefore likely that when the rest of the site (in separate ownership) is developed, noise mitigation measures will be implemented against the motorway that will further benefit this site. The Council cannot guarantee that this site will be developed in the future but it is considered the proposal is acceptable even if the adjacent site to the east is not developed.

Design and layout

23. The appearance and layout of the properties is not applied for, however it is considered that a scheme acceptable in these respects can be achieved on the site.

Open space

24. There is justification for a financial contribution of £64,192 towards public open space in relation to emerging Local Plan Policies HS4A and HS4B and the approach in the Open Space and Playing Pitch Supplementary Planning Document. This will need to be secured by a Section 106 agreement and subject to this the proposal is considered acceptable in relation to Policies HS4A and HS4B.

Trees and landscape

25. There are a number of trees on the perimeters of the site. One of these, an Oak on the northwest boundary adjacent to Olive Close, is already protected by Tree Preservation Order 12 (Whittle-le-Woods) 1992.
26. Other trees are either category B (moderate quality and value) or (low quality and value) C. A further Tree Preservation Order has been placed on the category B trees. One is on the left hand side of the side access and the others are along the north side of the separate smaller part of the site and the indicative layout shows these to be retained.
27. There is currently a hedgerow running along both sides of Moss Lane. It is considered necessary to introduce a new footway along the frontage of the development for pedestrians. On the north side of Moss Lane the indicative layout shows this will involve relocating the existing hedgerow to the west of the proposed access point 2-3m further north. The indicative layout also shows the potential for the introduction of a new footway to the north and south sides of the road. The relocation and retention of the hedgerows is considered necessary to retain the character of the area as much as possible and is welcomed.
28. The proposed landscaping of the site would form part of any reserved matters application.
29. The proposal is therefore considered acceptable in terms of trees and landscaping.

Ecology

30. An ecological survey and assessment accompanies the application. This states that development of the site will have no adverse effect on statutory or non-statutory designated sites.
31. In terms of vegetation and habitats the site is occupied by improved grassland, tall-herb vegetation and Bramble scrub and is in agricultural management. None of these habitats is species-rich or of significant interest in terms of the plant species composition. None of the habitats present are representative of semi-natural habitat and no rare or uncommon plant species were detected.
32. The hedgerows do not meet the criteria to be 'important' under The Hedgerows Regulations 1997, but all hedgerows are listed as a UK BAP Priority Habitat/Habitat of Principal Importance.
33. There is no evidence of protected species detected at the site.
34. There is dense Ivy on the trunks and upper branches of three trees and two others may be used by roosting bats. The report recommends that these trees are retained.
35. The report makes a number of recommendations to protect wildlife and to minimise any effects on biodiversity including retention of hedgerows and certain trees, protective fencing around trees during construction, works outside the bird breeding season and that the existing drainage ditch on the site is incorporated into a Sustainable Urban Drainage System. It also recommends the installation of boxes for House Sparrows.
36. The trees have been protected by a Tree Preservation Order and it is considered the other elements can be secured by conditions. The proposal is therefore considered acceptable in relation to ecology.

Flood risk and drainage

37. The site is not within Flood Zone 2 or 3 as identified by the Environment Agency, but it is over 1 hectare in size (1.34ha) and a necessary Flood Risk Assessment has been submitted. This has been reviewed by the Environment Agency and they are satisfied that the development could not be an unacceptable risk of flooding or exacerbate flood risk elsewhere provided that development proceeds in accordance with the assessment. Conditions are proposed to control this and the proposal is therefore considered acceptable in relation to flood risk.
38. In terms of drainage United Utilities have no objection to the application subject to a condition requiring a scheme for disposal of foul and surface water have been submitted to and approved by the Council. The Environment Agency also requests a condition securing a surface water drainage scheme and Lancashire County Council as the Lead Local Flood Authority request a drainage strategy condition. Such conditions are proposed and the proposal is therefore considered acceptable in this respect.

Traffic and transport

39. Access to serve the development is applied for as part of this outline application and comes off the Moss Lane cul-de-sac approximately halfway along the road frontage of the site.
40. Lancashire County Council Highways have no objection to the application and note that footways will be provided on both sides of Moss Lane for their full length. They also note that the developer has agreed to fund an extension of the existing 30mph speed limit restriction past the junction where the Moss Lane cul-de-sac meets the main Moss Lane to high speeds at the junction. They advise all physical highway works will be undertaken through Section 278 of the Highways Act 1980.

- 41. At present the 30mph speed limit coming out of Whittle-le-Woods changes to national speed limit on the main road just before the entrance to the Moss Lane cul-de-sac. To extend this further along the main Moss Lane would require a Traffic Regulation Order by Lancashire County Council as the Highways Authority. The Council cannot require Traffic Regulations Orders to be implemented as part of a planning permission as such Orders are open to public consultation and therefore it cannot guarantee that they are made. The Council can however, secure funding from a developer for the Traffic Regulation Process to take place. This will be secured via a Section 106 agreement.
- 42. The access is considered acceptable in relation to the application.
- 43. In terms of parking Policy ST4 of the emerging Local Plan requires two or three bed properties to have two parking spaces and four bed properties to have three parking spaces. It is considered that sufficient parking can be provided on the site at reserved matters stage.
- 44. The application is therefore considered acceptable in relation to traffic and transport.

Public Right of Way

- 45. Public Footpath number 47 runs along the northwest boundary and cuts across the west corner of the site. This is shown to be retained on the indicative plan and the applicant has been made aware that a diversion may be required under the Town and Country Planning Act depending on the layout at reserved matters stage.

Contamination and coal mines

- 46. The site is in a low risk area as identified by the Coal Authority. This requires an informative note to be applied to any permission.
- 47. The Council's contaminated land officer has required a condition be imposed on any permission requiring submission of a report including an initial desk study, site walkover and risk assessment.

Community Infrastructure Levy

- 48. The scheme will be liable for the Community Infrastructure Levy (CIL) at £65 per square meter. This scheme is only made in outline with access specified for up to 32 dwellings, the final CIL will be calculated at reserved matters stage. An exemption form CIL can be applied for in relation to affordable housing units.

Overall Conclusion

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

Planning Policies

- 46. 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 planning history directly relevant to this application.

Suggested Conditions

No.	Condition
1.	An application for approval of the reserved matters (namely the appearance,

	<p>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>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> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>						
3.	<p>Either, before the development hereby permitted is first commenced, or with any reserved matters application, full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>						
4.	<p>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:</p> <ul style="list-style-type: none"> • Demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event; • Fully appraise the use of various sustainable drainage systems (SUDS) methods on site at the detailed design stage. The development must allow the first 5mm of rainfall to be intercepted and infiltrated on site. <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><i>Reason: To prevent flooding both on and off site by ensuring the satisfactory storage of/disposal of surface water from the site.</i></p>						
5.	<p>The dwellings hereby permitted shall achieve Level 4 of the Code for Sustainable Homes if commenced after 1 January 2013 and Level 6 if commenced after 1 January 2016. Within six months of completion a Final Code Certificate shall be submitted to the Local Planning Authority showing it has met the relevant Code Level.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>						
6.	<p>The development shall be limited to no more than 32 new properties and shall be carried out in accordance with the following plans:</p> <table border="1" data-bbox="368 1973 1337 2036"> <thead> <tr> <th data-bbox="368 1973 687 2007">Title</th> <th data-bbox="687 1973 1007 2007">Drawing Reference</th> <th data-bbox="1007 1973 1337 2007">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 2007 687 2036">Location Plan</td> <td data-bbox="687 2007 1007 2036">0428/93 00A</td> <td data-bbox="1007 2007 1337 2036">18th August 2014</td> </tr> </tbody> </table>	Title	Drawing Reference	Received date	Location Plan	0428/93 00A	18 th August 2014
Title	Drawing Reference	Received date					
Location Plan	0428/93 00A	18 th August 2014					

	Illustrative Development Framework Plan (approving access point only)	473-TAL 03	18 th August 2014
<i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>			
7.	<p>Either, before the development hereby permitted is first commenced, or with any reserved matters application, details 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>		
8.	<p>Either, before the development hereby permitted is first commenced, or with any reserved matters application 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>		
9.	<p>Due to the size of the development and the proposed sensitive end-use (residential housing and gardens), either before the development hereby permitted is first commenced, or with any reserved matters application, the applicant shall submit and have approved in writing a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.</p> <p><i>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.</i></p>		
10.	<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><i>Reason: To safeguard the trees to be retained.</i></p>		
11.	<p>Any trees, shrubs, Bramble scrub or other suitable breeding bird habitat which are to be removed as part of the proposals are only removed outside the bird breeding season (March to August inclusive). If any buildings or vegetation is scheduled for removal in the bird breeding season advice from an Ecologist must be sought. It may be necessary to carry out a walkover survey to adequately demonstrate that no breeding birds, active nests, eggs or fledglings are present in the area to be cleared. If breeding birds are recorded the Ecologist will issue guidance in relation to the protection of the nesting birds in conjunction with the scheduled works. This may involve cordoning off an area of the site until the young birds have fledged.</p> <p><i>Reason: All wild birds are protected under the Wildlife and Countryside Act 1981 while they are breeding.</i></p>		
12.	<p>Either, before the development hereby permitted is first commenced, or with any reserved matters application, details of House Sparrow terraces (including their type and position of on the new properties and garages) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be</p>		

	<p>carried out in accordance with the approved details. <i>Reason: To maximise opportunities for nesting House Sparrow a UK Biodiversity Action Plan (BAP) Priority Species in serious decline.</i></p>
13.	<p>Before any development hereby permitted is first commenced full details of the means of foul water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal have been completed in accordance with the approved details. <i>Reason: To ensure a satisfactory means of drainage.</i></p>
14.	<p>Any reserved matters application shall be accompanied by a noise impact assessment demonstrating how the layout has been designed to minimise noise to the lowest practicable levels and shall include any necessary noise mitigation measures. <i>Reason: To ensure the site is laid out and designed to ensure the lowest practicable levels noise from the M61 motorway.</i></p>
15.	<p>No part of the development hereby approved shall be occupied until the approved access has been constructed and completed in accordance with the scheme details. <i>Reason: To ensure a satisfactory access for the development.</i></p>
16.	<p>No development shall commence until a stage 1 safety audit for the proposed extension of the speed limit restriction has been submitted to and approved in writing by the local planning authority. Any safety concerns highlighted shall be mitigated against by the developer according to details to be submitted to and approved in writing by the local planning authority. <i>Reason: In the interest of highway safety.</i></p>
17.	<p>Prior to commencement of the development, a construction management plan shall be submitted to and approved in writing by the local planning authority. The plan to include method and details of construction including vehicle routing to the site, construction and contractor's traffic parking (to prevent parking or waiting on the public highway) and specify construction hours and days. The approved construction plan to be implemented and adhered to during the construction of the development. <i>Reason: To maintain the operation of local streets and through routes in the area during construction, particularly during peak periods and safeguard the amenities of local residents.</i></p>
18.	<p>For the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. <i>Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials, thus creating potential hazards to road users.</i></p>
19.	<p>Any reserved matters application shall be accompanied by details of pedestrian/cycle links through the site from Orchard Drive to the north, to Moss Lane in the south. No part of the development shall be occupied or brought into use until the links have been constructed in accordance with the approved details and are available for use. <i>Reason: In the interest of highway safety and sustainability.</i></p>
20.	<p>Any reserved matters application shall include details of new public footways to be provided to Moss Lane (cul-de-sac). <i>Reason: To ensure acceptable pedestrian routes are provided to the site.</i></p>
21.	<p>Prior to the commencement of the development, a 'Design Stage' assessment and</p>

	<p>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>
<p>22.</p>	<p>Either, before the development hereby permitted is first commenced, or with any reserved matters application, full details of the alignment, height and appearance of all fences and walls to be erected between the plots and to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not 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.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.</i></p>

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Item 3d	14/00741/FUL
Case Officer	Helen Lowe
Ward	Wheelton and Withnell
Proposal	Single storey extension to rear of existing cafe and extension of opening hours to : Monday, Tuesday, Wednesday, Friday & Sunday: 10.00 - 17:00 and Thursday & Saturday: 10:00 - 2200
Location	The Cottage Tea Rooms, 25A School Lane, Brinscall
Applicant	Mr Robin Bamford
Consultation expiry:	11th September 2014
Decision due by:	27 August 2014
Recommendation	Refuse
Executive Summary	The proposed extension and increase in opening hours would have an unacceptable impact on the amenities of neighbouring residents. The proposal would also lead to an increase in on street parking and would be harmful to highway safety. The proposal is accordingly recommended for refusal.

Representations

Cllr Margaret France has objected to the proposals, stating the following reasons:

- The extension would have significant impact upon the adjoining properties;
- There would be more noise nuisance and loss of light;
- There is no provision for parking of vehicles;
- Extending the opening hours until 10pm would bring more cars to a road which already has insufficient parking spaces;
- Where is the smoking area to be sited?

Withnell Parish Council have stated they support the application as it is in line with aspects Parish Plan. The application will encourage tourism, provide employment and offer meeting facilities available in a similar environment within the community

In total 60 representations have been received which are summarised below

Objection	Support
Total No. received: 4	Total No. received: 56
<ul style="list-style-type: none"> • Parking on the Oak Tree car park cannot be taken into account as development for dwellings in the car park has been passed; • The café already cause parking problems in the area (double yellow lines have been introduced); • No smoking area has been provided; • Cars and vans park in the double yellow lines for takeaway; • There would be increased noise and activity while their children are trying to sleep; • The swimming pool does not want non-patrons parking there; • The noise report assumes doors and windows are closed. The rear stable door is often open as is the kitchen window. Also, the BS standards used to draw up the report aren't suited to this type of development in a residential area • It will overshadow and reduce sunlight and daylight • The increase in operating hours will be very invasive in terms of noise nuisance and disturbance; • Parking is currently at a premium in the village with no scope for increased capacity; • It is inappropriate to the nature and amenity of a predominantly residential neighbourhood; • It is reasonable to assume the window in the gable wall has 	<ul style="list-style-type: none"> • Would bring the community together more; • The café is currently not big enough; • Would provide more jobs; • Generates trade for the village; • Would help ease congestion; • Is a much needed facility as neither pub serves food; • The main transport method would be walking; • Local clubs would be able to meet there on an evening; • If it was a private property the extension would not need the approval of the planning committee; • The scale, design and appearance of the proposal is appropriate; • Loss of light would be minimal and only affect one window; • Loss of privacy, noise and disturbance would be minimal; • There is a lack of refreshment facilities in the area; • It is an asset to the village; • Visitors are always considerate; • Parking problems in the village are not sue to the tea room but residents on School Lane increasing number so cars per household; • Would encourage more people to shop locally and use other facilities in the village.

<p>existed since at least 1800;</p> <ul style="list-style-type: none"> • The daylight and sunlight report does find that there will be a reduction in available sunlight and daylight; • The increased opening hours would reduce the quality of life for locals and have a detrimental disturbance to the peaceful nature of the village. 	
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Consultees

Consultee	Summary of Comments received
Lancashire County Council Highways	The proposal makes no provision for car parking, although at least 3 no spaces are required. Given that School Lane has 'No Waiting at Anytime' restriction on one side for almost its entirety, it is essential that the required parking is provided for the proposal to be acceptable. The car park at the swimming pool may be Chorley Council owned but does not appear to have been provided for use by shoppers and the general public. Unlike take-away shops where customers buy meals and leave the premises within a reasonable time frame, tea rooms attract 'long stay' customers. Unless the applicant provides parking, Highways would wish to object to the proposal.
Chorley Council Environmental Health Officer	There is no record of any current or historical statutory nuisance complaints relating to the premises in terms of noise or odour. The exit to the rear of the building will be a fire escape which should not be used by customers for access or egress to the premises on a day to day basis. As such the door should remain closed and not used for either ventilation or as an additional entrance/exit and a condition stating such should be considered. It is not anticipated that the proposed extension would result in noise issues at the nearest residential properties and raise no objections to the proposals.

AssessmentBackground

1. The application property is a modestly sized single storey property, located on School Lane within the settlement boundary of Brinscall. It is located within the School Lane Local Centre as defined in the emerging Local Plan (policy EP7). The surrounding area is predominantly residential in character, the properties immediately adjacent to the application property – nos. 27 and 25B School Lane are both residential. Other shops located within the Rural Local Service Centre are located on the opposite side of School Lane, to the north west of the application property.
2. Planning permission was granted in 2006 to change the use of the property from a hairdressing salon to a café (reference 06/01017/FUL). Planning conditions were attached to that consent restricting the opening hours from 10:00 to 16:00 on Saturdays and Sundays; that the door approved in the rear elevation must remain closed and that no outdoor seating area should be created at the rear of the building. In 2008 an application was submitted to vary the opening hours (ref. 08/00275/FUL). The hours requested by the applicant were not agreed and a new condition imposed which restricted the opening hours to: Monday – Friday 10:00am-16:00pm; Saturday 10:00am – 18:00pm and Sunday 10:00-16:00pm.
3. The applicant then appealed against this condition, and two further conditions which seek to keep the rear door closed during opening hours and prevent the use of the rear yard area. The appeal was dismissed.

The proposal

4. The current application proposes the erection of a single storey rear extension. The proposed extension would project a maximum of 5.8m from the rear elevation of the application property. It would have a maximum width of 4.6m, although this varies along the depth of the extension, narrowing in width when adjacent to the window in the facing elevation of the neighbouring property. The maximum height of the proposed extension, to the ridge would be 3.7m. The eaves height would be 2.4m
5. It is also proposed to change the opening hours to:
 - Monday, Tuesday, Wednesday, Friday & Sunday: 10.00 - 17:00;
 - Thursday & Saturday: 10:00 – 22:00.

Applicant's case:

6. The applicant has provided a supporting statement, daylight and sunlight report and noise assessment in support of the application. They make the following comments:
 - To preserve the rural nature and the area, and enhance local employment, meaning less commuting, the village needs local facilities and the Cottage Tea Room serves as a meeting place and a focal point for the community attracting walkers, cyclists runners, day trippers and local residents, some of whom are elderly and come in almost daily.
 - The facility provides part-time employment for eight people which is much needed in rural economies and is encouraged in Policy 13 of the Core Strategy.
 - Currently the very limited size of the building causes problems. Due to of the lack of space, there are regular queues for tables and, at very busy periods, customers have to be turned away, which is not good for business, especially as the proprietors promote the Tea Room as a community facility open to all.
 - The retention of the amenities of the adjacent properties has been one of the main considerations in the design of the extension which incorporates a glazed roof with a light well adjacent to the adjoining neighbours existing boundary window and proposes windowless side walls to cut out flanking sound transmission.
 - It is not envisaged that the proposals would cause much increase to the amount of cars visiting the village as the majority of visitors are locals, dog walkers, cyclists etc. However, an arrangement has been made and visitors would be asked to park at the public car park at Lodge Bank or we have been given permission to use the large car park to the rear of the Oak Tree Inn on School Lane.

- The Daylight and Sunlight report concludes that the proposals have suitable regard to the BRE advice and the proposed design provides for reasonable access to light for this window. The neighbouring window in question is positioned on the site boundary and would therefore be regarded as having an unreasonable dependency over the neighbouring land regarding its access to light. The guidance is clear that the standard BRE Guidelines and parameters should be relaxed in this case.
- The noise assessment concludes that with the windows and doors of the proposed extension closed that the noise impact should not bar the grant of planning consent for the development. However, it also exercises caution that the British Standard used in their assessment (BS4142) is properly intended to be used as a 'Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas'. This is not an industrial noise source and not a mixed residential and industrial.

Neighbour Amenity

The extension

7. The application property is bounded on both sides by residential properties, to the west by no. 27 School lane and to the east by no. 25b School Lane.
8. Policy BNE1 of the emerging Local Plan states that new development should not cause harm to neighbouring property by virtue of overlooking, overshadowing or overbearing impact. Although the extension proposed is not to a residential property, the neighbouring properties are, therefore it is also considered appropriate to also have regard to the Council's Householder Design Guidance and policy HS5 of the emerging Local Plan.
9. The rear elevation of no. 27 extends beyond the rear elevation of the application property and as such no. 27 has a side elevation adjacent to the rear yard of the application property. This forms the site boundary. There is a window in this elevation, serving a lounge room. At the appeal the Inspector found that this window had been in place for some time, and would be expected to remain, and therefore its existence was a material consideration. The proposed extension would be 1.5m from this window, and once past the window the proposed extension would increase in width by 0.9m. The eaves height of the extension opposite this window would be 2.4m and the ridge height would be 3.7m. It is understood that this is the only window to serve the room.
10. The neighbour at no. 27 has also provided plans with their comments on the application to show how the proposals could be amended to comply with the BRE (Building Research Establishment) 25 and 45 degree guidelines. The 45 degree guideline is to be used where the proposed extension is perpendicular to the window that is affected. The proposed extension would be opposite this extension, therefore it is not considered to be appropriate to use this guideline. The BRE Guidance (Fact Sheet 1 25 and 45 degree rules of thumb 2013) states that where the 25 degree test is breached, daylight and sunlight levels should be checked using further detailed tests, such as the BRE's Vertical Sky Component, Daylight Distribution, Average Daylight Factor and Annual Probable Sunlight Hours. It does not automatically mean that the proposal will be unacceptable.
11. The applicant has submitted a Daylight and Sunlight Report with the application which assesses the vertical sky component, daylight distribution and annual probable sunlight hours as well as overshadowing. The report finds that the proposal would result in the window and room served by that window at no. 27 would not meet the recommended BRE guidelines in respect of the vertical sky component, daylight distribution and annual probable sunlight hours. However, it also concludes that the window is located unreasonably close to the boundary, and that such windows take more than their fair share of light and have an unreasonable dependency over neighbouring land, therefore the guidelines can be relaxed in this instance. With regards overshadowing in the report this is in reference to the amenity space (rear garden) of no. 27 and the proposed extension comfortably complies with the BRE Guidelines.

12. The report submitted by the applicant shows that the proposed extension would have a negative impact upon the occupiers of no. 27 in terms of the amount of overshadowing and loss of daylight that would occur. The appeal inspector found in 2008 that this window was a material consideration in determining the appeal, therefore whilst its position in relation to the application property is unusual, the fact remains that the window is the sole window serving a habitable room and the impact of the proposals upon the occupiers of that room is an important consideration in assessing this application.
13. Taking these matters into consideration, the findings of the Daylight and Sunlight Report, the proximity and size of the extension in relation to the window at no 27 it is considered that on balance the proposal does not comply with policies HS5 and BNE1. The proposed extension would have an unacceptably overbearing impact upon the occupiers of the neighbouring property and cause an undue degree of overshadowing and loss of light.
14. To the east the extension would be adjacent to the boundary with no. 25b School Lane. This property is at a slightly lower level than the application property. There are no windows in the side facing elevation of no. 25b and the proposed extension would not project beyond the rear elevation of no. 25b. It is not considered that the proposed extension would have an unduly overbearing impact upon the occupants of no. 25b.
15. The rear garden area of no. 25b wraps around the rear of the application site. At present there are two windows and a door in the rear facing elevation. One window serves the WC, the other the Kitchen. Both have top hung high level opening windows. There is a condition attached to planning approval 08/00275/FUL requiring The door hereby approved in the rear elevation shall be kept closed at all times during the permitted opening hours, other than for the access/egress of persons. There are no restrictions placed on the opening of the windows. A number of complaints have been received that the rear door has been opened in breach of this condition.
16. The application proposes a door and window in the rear facing elevation of the proposed extension. Based upon the advice received from the Council's Environmental Services Officer and the findings of the appeal inspector in 2008, should permission be granted, it would be considered appropriate to attach a condition restricting the proposed rear door to remain closed, as is currently attached to planning consent 08/00275/FUL.

Changes to opening hours

17. The increase in opening hours would result in the property potentially being open for an additional 15 hours a week, and until 22:00 on two days per week. In 2008 the Inspector found at the appeal that the coming and going of customers and their vehicles, until the time of 23:00 on a Saturday had the potential to be disturbing at that time of the evening, particularly for the occupiers of no 27, immediately adjoining.
18. It is considered that to open the cafe until 17:00 Monday to Saturday would be reasonable, however given the close proximity of the property to neighbouring residential properties, a closing time of 22:00, could lead to an unacceptable level of noise and disturbance for neighbouring residents, particularly from the comings and goings of customers. It also seems probable that some activity would also continue after the closing time, as staff clean/tidy up and leave the premises after customer trading has ceased.
19. The Framework and Planning Practice Guidance both emphasise the importance of the impact of noise on health and quality of life. As such it is considered that the proposed increased opening times would be contrary to National guidance due to the increased noise and disturbance created.

Highway Safety

20. There is no dedicated off street parking presently available at the application property, nor any capacity to provide any. The existing public floor area of the building is approximately 33 sq m and the proposed floor area would add around 19.6 sq m. This gives a total number of parking spaces required under policy ST4 of the emerging Local Plan of 10 spaces (one space per 5 sq m of public floor space outside of Chorley Town Centre).
21. The applicant has suggested that visitors could park within the car park of the Oak Tree Inn, however this is outside of the control of the applicant and its availability could not be secured. Planning permission has not been granted for residential development on this car park, an application was submitted (14/00412/FUL), but was withdrawn.
22. The car park on Lodge Bank to the rear of the swimming pool is owned by Chorley Council and approximately 100m away. Not only does it appear to be used by visitors to the pool, but also potentially people using the playground and walking locally. Many neighbouring properties nearby also do not benefit from off street parking and there are no waiting restrictions on the opposite of School Lane to the application property. Parking provision in the local area is therefore considered to be limited.
23. Lancashire County Council Highways have advised that they object to the proposals. In light of their advice, taking into account the lack of off street parking and limitations on parking in the locality, it is considered that the proposal would be harmful to highway safety. To increase the level of activity at the premises would cause increased demand for the limited parking available nearby also causing harm to the amenities of neighbouring residents.

Design and Appearance

24. It is proposed to construct the extension from blockwork covered render, with a natural slate roof. The colour of the render has not been specified. The existing property has a natural stone faced front elevation and cream coloured render to the side and rear elevations. It is considered that the proposed materials would be appropriate to the character of the existing building and the locality. The proposed extension would not be visible from within the street scene, although it would be visible from the rear of adjacent properties on School Lane and very limited views from properties on Lodge Bank to the south. The proposed extension would represent a large extension in relation to the existing building, however given the limited views of the extension it is not considered that its design and appearance would be so detrimental to the character of the building or wider area to warrant refusal of the proposals on this basis.

Overall Conclusion

25. The proposed extension would have an unacceptably overbearing impact upon the occupiers of the neighbouring property and cause an undue degree of overshadowing and loss of light and would therefore be contrary to policies BNE1 and HS5 of the emerging Local Plan.
26. It is considered that the increase in opening hours would lead to an increase in noise and disturbance for local residents.
27. The proposed extension would not comply with policy ST4 of the emerging Local Plan. No off street parking can be provided. The proposal would lead to an increase in on street parking in the vicinity, which is already limited. The proposal would therefore be detrimental to highway safety and cause harm to the amenities of neighbouring residents.
28. The proposal is accordingly recommended for refusal.

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 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.

Emerging Local Plan

The Inspector has issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. 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 and Travellers.

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 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 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 Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.

Planning History

Reference	Description	Decision	Date
04/01165/FUL	Alterations to shop front	Approve	8 December 2004
05/01166/FUL	Two storey rear extension and 1st floor added	Refused	13 February 2006
06/01017/FUL	Alterations to existing hairdressers to form new cafeteria	Approved	9 November 2006
08/00275/FUL	Variation of condition 4 of planning permission 06/01017/FUL to vary the opening hours to 10:00 - 16:00 Monday to Friday, 10:00 - 23:00 Saturday, and 10:00 - 16:00 Sunday,	Approved Appeal against conditions imposed, dismissed)	30 April 2008
11/00975/FUL	Installation of 10.no photovoltaic (PV) panels on the south facing roofpitch.	Approved	23 December 2011

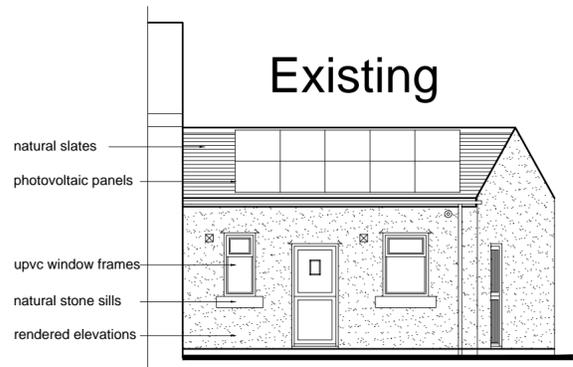
The following reasons for refusal are suggested:

1. The proposed extension would have a harmful impact upon the amenities of neighbouring residents, by reason of its size and siting. It would cause an overbearing impact and increased overshadowing and is, therefore, contrary to the Council’s Householder Design Guidance and policies BNE1 -Design Criteria for New

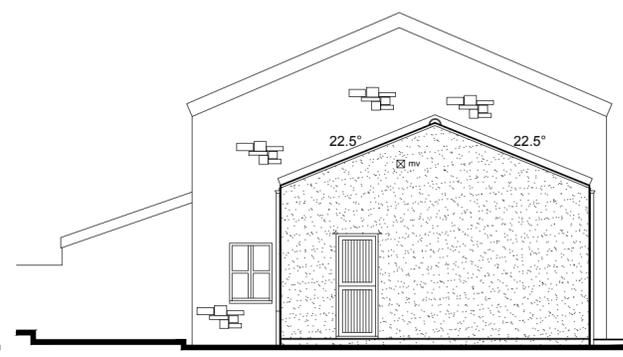
Development and HS5 – House Extensions of the emerging Chorley Local Plan (2012-2016).

2. The proposed increase in opening hours would lead to an unacceptable increase in noise and disturbance for local residents contrary to policy BNE1 -Design Criteria for New Development and HS5 – House Extensions of the emerging Chorley Local Plan (2012-2016).
3. The proposal would lead to an increase in on street parking in the vicinity, which is already limited. The proposal would therefore be detrimental to highway safety and cause harm to the amenities of neighbouring residents. The proposal is therefore contrary to policies BNE1 – Design Criteria for New Development and ST4 – Parking Standards of the emerging Chorley Local Plan (2012-2016).

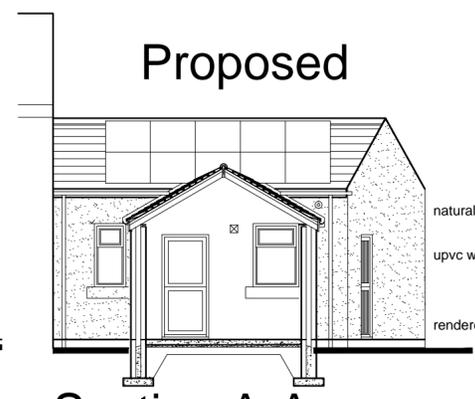
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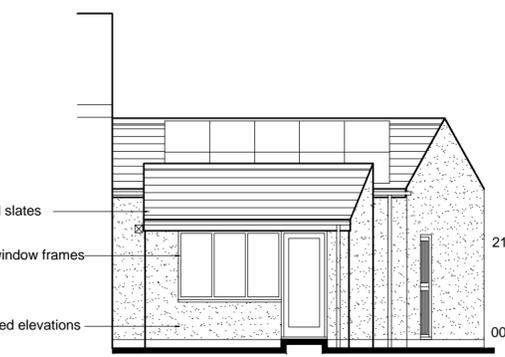
Rear Elevation



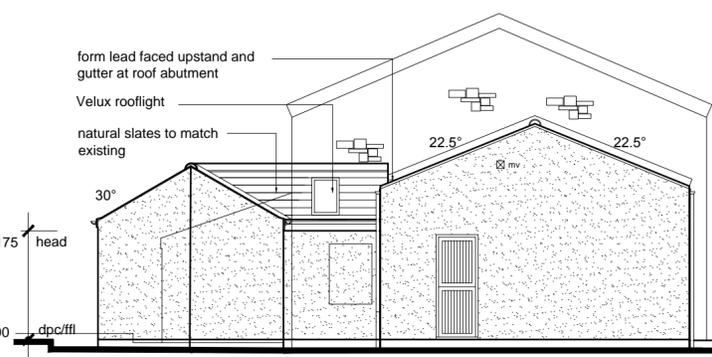
Side Elevation



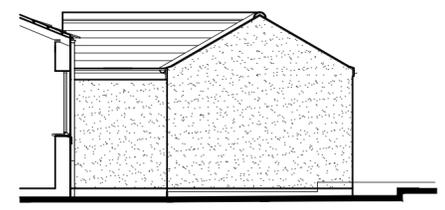
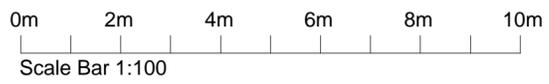
Section A-A



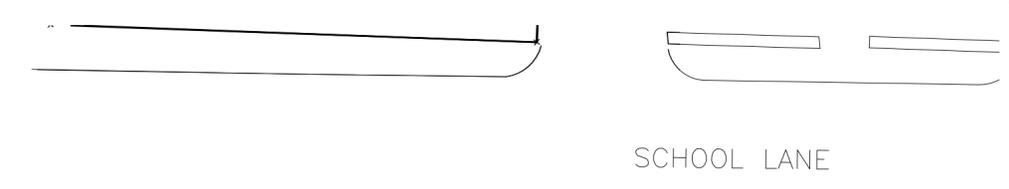
Rear Elevation



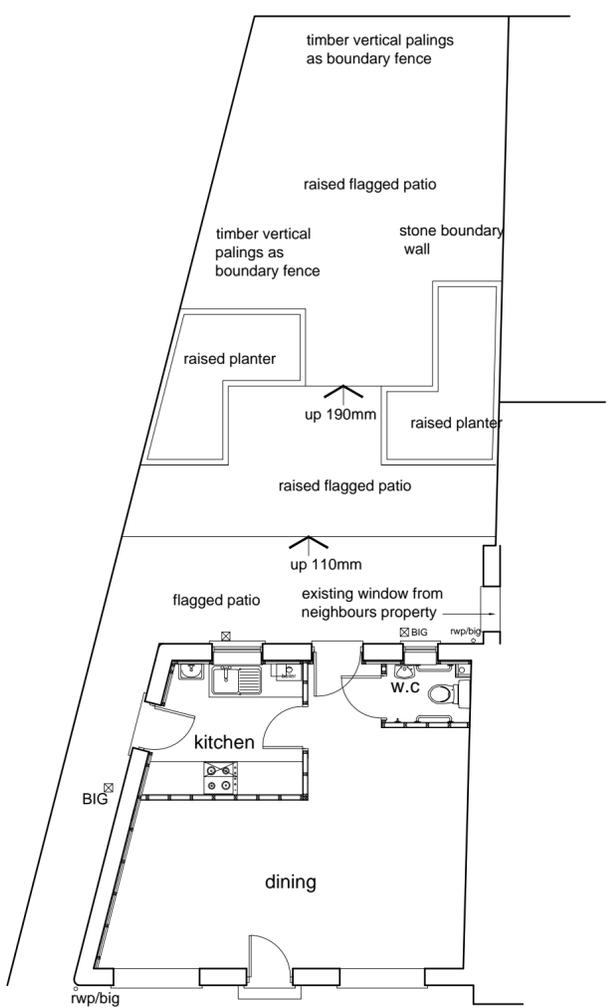
Side Elevation



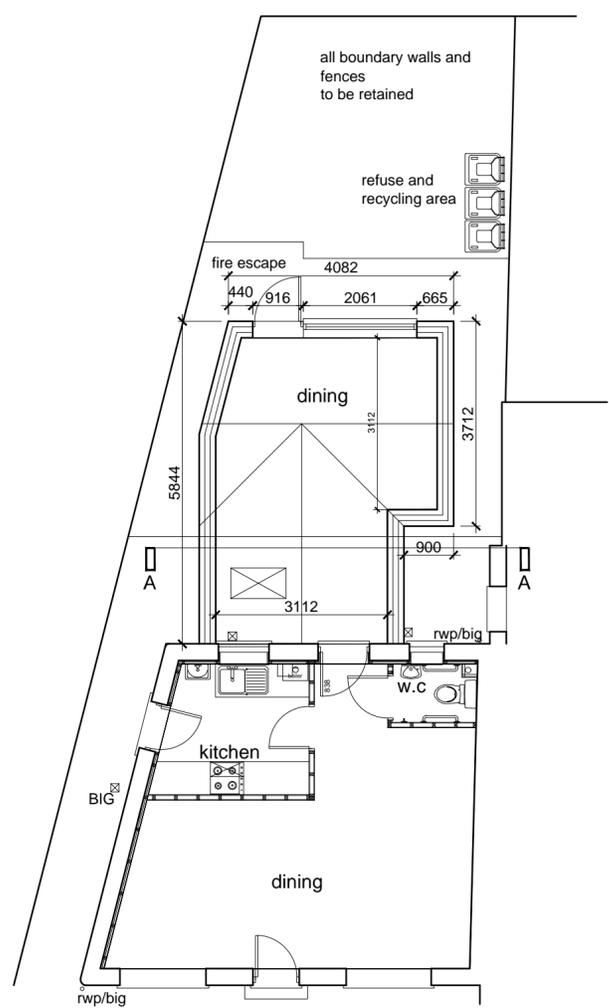
Side Elevation



SCHOOL LANE



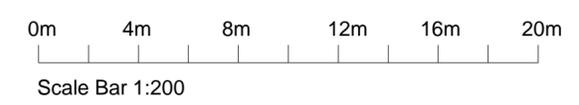
Existing Floor Plan



Proposed Floor Plan



Site Plan 1/200



A Slate roof and rooflight added to middle section. JRM 16:06:2014

CLIENT Robin Bamford.				
PROJECT Proposed Extension at Rear of The Cottage Tearooms, 25A School Lane, Brinscall.				
DRAWING TITLE Existing and Proposed Plans, Elevations, Sections & Site Plan				
DATE 06:08:2013	SCALE varies @ A2	DRAWN JRM	DRWG No. 13/068/P01	REV A
<p>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.</p>				

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Item 3h	14/00881/FUL
Case Officer	Ian Heywood
Ward	Wheelton and Withnell
Proposal	Conversion of redundant barns to form 6 no. dwellings including demolition of livestock building and part of existing barn, construction of rear extension to one barn, construction of two blocks of garages, extension of existing garage to create bin store and creation of associated vehicular parking areas.
Location	Brinscall Hall Farm Dick Lane Brinscall Chorley PR6 8Q
Applicant	Mr Muntzer Mughal
Consultation expiry:	8 October 2014
Decision due by:	4 November 2014
Recommendation	Permit Full Planning Permission (Subject to legal 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 development plan and the Framework and represent a sustainable form of development within the Parish of Withnell.

Representations

Councillor Kim Snape – objects to the proposal on the grounds of increased traffic, harm to the amenity and character of the area and problems that will arise from inadequate drainage and subsequent surface water flooding.
Councillor Gordon France - objects to the proposal on the grounds of increased traffic, harm to the amenity and character of the area and problems that will arise from inadequate drainage and subsequent surface water flooding.
Councillor Margaret France - objects to the proposal on the grounds of increased traffic, harm to the amenity and character of the area and problems that will arise from inadequate drainage and subsequent surface water flooding. She requests that the Development Control Committee defer the application for a site visit before making a decision.
Withnell Parish Council: Objects to the proposal on the grounds that it will cause undue highway hazards for the users of Dick Lane, harm to the amenity thereof and requests that a site visit is required before the application can be determined.
In total 79 representations have been received which are summarised below
Objection
Total No. received: 79
<ul style="list-style-type: none"> • Impact of additional traffic – highway hazards • Over development • Surface water drainage issues • Impact on the appearance of Dick Lane • Impact on neighbour amenity • Unsustainable location • Impact on the character of the buildings • Buildings still capable of agricultural use

Consultees

Consultee	Summary of Comments received
Lancashire County Council Highways	No objections, subject to conditions
Lancashire County Council Ecology	No objections subject to conditions
Lancashire County Council Rights of Way Officer	No comments received
The Ramblers Association	No comments received
Chorley Council Planning Policy	See the body of the report

Policy Position with regard to the emerging Chorley Local Plan 2012 – 2026

1. 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.
2. 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.
3. 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.”*
4. 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.

Description of the site

5. The site is located within the Green Belt in a rural situation to the south west of the village of Brinscall and positioned at the south western extremity of Dick Lane to the north west of Brinscall Hall (itself a Grade II listed Building and therefore a designated heritage asset as defined by Annex 2 to the Framework). The site is surrounded on the remaining three sides to a large extent by open countryside. To the immediate north east is Brinscall Hall Farm farmhouse. Immediately between Brinscall Hall and the application site are two residential properties – Brinscall Hall Bungalow and The Coach House.
6. Brinscall Hall Bungalow (which was originally an outbuilding – a boiler house to Brinscall Hall) and its associated curtilage structure referred to by the current occupant of the property as ‘the grotto’ (the remains of a small swimming pool that served Brinscall Hall) directly abuts a south eastern boundary wall, a party wall, to the application site.
7. 83 metres to the east of the application site are located two further dwellings, Brinscall Hall Cottages.
8. All the aforementioned buildings are constructed of local stone.
9. Dick Lane is a single-track, partly unadopted, road that splits into two access tracks, one turning to the north west to serve Brinscall Hall Cottage, Brinscall Hall Farm farmhouse and barns and to the south east to serve the Coach House and Brinscall Hall itself and the new site of Brinscall Hall Farm. The trees that line either side of Dick Lane are protected by a Tree Preservation Order.
10. All the trees within the surrounding area are protected by Tree Preservation Orders
11. Three public footpaths cross the site, one running in a north east – south west direction is FP 4, one other running in a north west – south east direction is FP 22, whilst the third is FP 29 which runs along Dick Lane.
12. Land to the south west of the site is part of the Brinscall Hall estate and here the countryside is open. The whole site is in a relatively elevated position, the footpaths that dissect the site affording long distance views to the south west and west.
13. Currently the site is comprised of four agricultural buildings. These are a substantial two-storey height barn, which is currently linked by a covered area with a substantial shippon. At the south eastern extremity of the site is large, modern covered cow shed. Immediately opposite the barn is located a garage building that is approximately the size of a modern 4 car garage. There are currently large areas of concrete hardstanding both between and

within the buildings and the site is set over ground levels that fall from the north east to the south west.

14. To the south west of the shippon the land is grassed and has a stone wall to its perimeter. Views of the site from countryside to the south west and west is largely obscured by this wall and by trees within the Brinscall Hall estate.
15. Farming operations ceased some years ago when the buildings were sold to the current owner. Farming operations subsequently transferred to another part of the then agricultural holding. The current buildings are thus divorced from the agricultural land that they previously served.

Assessment

Principle of the Development

16. Pertinent Policies are: Adopted Chorley local Plan Review (2003), Policy DC1 and DC7A; Adopted Central Lancashire Rural development SPD (2012); Emerging Chorley Local Plan 2012 – 2026, Policy HS9. Also of relevance is the Framework (National Planning Policy Framework) Section 9, paragraphs 87 – 92.
17. The site is within the Green Belt. Paragraphs 87 - 88 of the Framework state: (para 87) *'As with previous Green Belt Policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'* (para 88) *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'*
18. The Adopted Central Lancashire Rural development SPD (2012) mirrors paragraph 89 of the Framework. Policy DC1 of the Adopted Chorley Borough Local Plan Review (2003) and Policy HS9 of the emerging Chorley Local Plan 2012 – 2026 set out exceptions where development can be considered to be appropriate in the Green Belt:
 - a. The proposal does not have a materially greater impact on the openness of the Green Belt and the purposes of including land in it;
 - b. The proposal would not harm the character or quality of the countryside or landscape;
 - c. The re-use of the building must not be likely to result in additional farm buildings which would have a harmful effect on the openness of the Green Belt;
 - d. If an agricultural building, it is not one substantially completed within ten years of the date of the application;
 - e. The building is of permanent and substantial construction and capable of conversion without more than 30% reconstruction;
 - f. The building must be capable of conversion without the need for additions or alterations which would change its existing form and character. Particular attention will be given to curtilage formation which should be tightly drawn around the building footprint and the requirement for outbuildings, which should be minimal;
 - g. The building must already have, or there exists the capability of creating, a reasonable vehicular access to a public highway that is available for use without creating traffic hazards and without the need for road improvements which would have and undue environmental impact;
 - h. The development would not result in the loss or damage to any important wildlife habitat or protected species.
19. In this case:
 - a. Overall the amount of built development within the site will be less than is currently the case. Consequently it is considered that there will be a lesser impact on the openness of the Green Belt.
 - b. The proposal seeks to re-use existing buildings and to make alterations including the erection of garages that have been designed to complement this rural setting. It is therefore considered to sustain the character and quality of the Green Belt.

- c. Farming operations ceased at this site some years ago and the centre of farming operations re-located to a new site to the south of Brinscall Hall. There will therefore be no requirement for additional farm buildings as a result of the proposed development.
 - d. The building dates from the 19th Century.
 - e. A structural survey report accompanies the application which confirms the structural integrity of the building and its capacity for conversion.
 - f. The building is readily capable of conversion and only requires a limited number of outbuildings – garages to be erected. The extent of the proposed domestic curtilage follows the line of the existing farm yard wall which is considered to be both adequate for properties of this type and acceptable in terms of the relation with the open countryside beyond.
 - g. An existing access is already in place. This will be enhanced by the provision of passing places that are the subject of a proposed 'Grampian' (pre-commencement) condition.
 - h. Suitably worded conditions will ensure that protected and endangered species are safeguarded both during and post construction.
20. The proposal involves the removal of a sizeable modern cow shed, a form of development that is appropriate in the Green Belt, and the erection of a garage building that falls to be considered as inappropriate development in the Green Belt. However the overall impact on the openness of the Green Belt is considered to acceptable as, with reference to the Framework, it will not result in a disproportionate addition over and above the size of the original building. The overall mass of built development will be reduced at this point within the Green Belt.
21. In terms of alternative uses for the buildings they were originally taken out of agricultural use as being no longer fit for modern farming practices and are too small to accommodate modern farming machinery. They are now divorced from the land to which they were previously associated meaning that agricultural use is no longer a viable option. Other industrial uses, even office accommodation is considered inappropriate in this quite remote location as it would result in even heavier vehicle movements along Dick Lane than a residential use would create. Clearly these buildings, as with any building, have to be sustainable and have an active, economic and sustainable use. It is considered that residential use in this case is the most appropriate.
22. On balance it is considered that very special circumstances have been demonstrated and that these overcome the inappropriateness of development and any other harm caused and that the end product will sustain the openness and the quality of the Green Belt at this point.

Design

23. Pertinent Policies are: Chorley Borough Householder Design Guidance SPD (2008); Adopted Central Lancashire Core Strategy (2012), Policy 17; Adopted Central Lancashire Design SPD (2012); Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. Also of relevance is the Framework paragraph 56, 57 and 60 – 65.
24. A key thrust of these policies is the desire to encourage high quality and innovative design. Paragraph 56 of the Framework states that, *'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 57 continues, It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider development schemes.'*
25. Paragraphs 60 – 65 not only reinforce the need for good design and design which responds to context, but also the benefits of using independent design review arrangements to ensure high standards of design. Paragraph 63 states that, *'In determining applications, great weight should be given to outstanding or innovative*

designs which help raise the standard of design more generally in the area.’ Paragraph 65 concludes that, ‘Local planning authorities should not refuse planning permission for buildings or infrastructure which promotes high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.’

26. The application follows extensive pre-application discussions and further negotiations following the withdrawal of a previous, similar scheme. The design suggests some new interventions, however these are only proposed where they are necessary and are considered to be of a high-quality, complimentary yet contemporary design that will enhance the appearance of the building. High quality complimentary materials are proposed to support the overall design ethos and suitably worded conditions will secure these details.
27. It is therefore considered that the proposal represents the highest quality of design and that consequently it accords with the aforementioned policies.

Impact on the significance of a designated heritage asset

28. Pertinent Policies are: Adopted Central Lancashire Core Strategy (2012), Policy 16; Emerging Chorley Local Plan 2012 – 2026, Policy BNE8. Also of relevance is the Framework, Section 12.
29. Within the Framework paragraph 129 states that, ‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.’
30. Paragraph 132 states, ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.’
31. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, ‘Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:
 - a. *Safeguarding heritage assets from inappropriate development that would cause harm to their significances.’*
32. The emerging Chorley Local Plan 2012 – 2026, Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, ‘Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, *The Conservation and, where appropriate. The enhancement of the setting of heritage assets.’*
33. In this case given the relationship of the development site and the designated heritage asset, the design of the proposed works and the choice of materials proposed it is considered that the significance of the designated heritage asset will be sustained as a result of the development.

34. It is therefore considered that the proposed development is in accordance with the aforementioned policies.

Impact on the amenity of neighbours

35. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy HS4; Chorley Borough Householder Design Guidance SPD (2008); Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. These policies/ guidance suggest that any proposed development should not have an unacceptable impact upon the amenity currently enjoyed by neighbouring properties.
36. The proposed development will have a material impact upon the amenity currently enjoyed by the neighbours to the site. However it is considered that, with the inclusion of suitably worded conditions, that impact can be addressed. The occupants of Brinscall Hall Bungalow and, to a lesser extent, Brinscall Hall are the properties that would be directly affected by the proposed development as a result of overlooking to their current domestic garden areas. The distance from windows to the first floor of the proposed development, specifically to plot 1, that would have an oblique angle view of these domestic garden areas is such that the impact on the amenity currently enjoyed by Brinscall Hall Bungalow and Brinscall Hall itself is considered to be acceptable.
37. This being the case it is considered that the proposed development will not have an unacceptable material impact upon the amenity currently enjoyed by neighbouring properties.

Highway Safety and Parking

38. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy TR4; Emerging Chorley Local Plan 2012 – 2026, Policy ST4. The Lancashire County Council Highways Officer has commented that he has no objections to the proposed development, however he has asked for a pre-commencement 'Grampian' condition that requires the construction of passing places on Dick Lane. The development will accord with the Council's parking standards as set out in Appendix A of the emerging Chorley Local Plan 2012 – 2026.
39. The proposed development is therefore considered to accord with the aforementioned policies.

Ecology

40. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy EP4; Adopted Central Lancashire Core Strategy (2012), Policy 22; Emerging Chorley Local Plan 2012 – 2026, Policy BNE9. These policies, together with other legislation, seek to safeguard protected and endangered species and their habitats. The Lancashire County Council Ecologist has commented that the findings and proposed mitigation contained within the submitted ecological reports are acceptable. Suitably worded conditions will secure and safeguard protected species and their habitats.
41. The proposed development is therefore considered to accord with the aforementioned policies.

Trees

42. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy EP9; Emerging Chorley Local Plan 2012 – 2026, Policy BNE10. These policies seek to protect trees from development pressure where they have some amenity value.
43. The proposed development does not require works to any trees. However to safeguard any trees within or adjacent to the site a condition will require the submission and approval of tree protection details prior to the commencement of the development.
44. The proposal is therefore considered to be in conformity with the aforementioned policies.

Public Right of Way

45. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy LT10; Adopted Central Lancashire Core Strategy (2012), Policy 24; Emerging Chorley Local Plan 2012 – 2026, Policy ST1. The proposed development does not block or require the diversion of any of the public footpaths that intersect with the site. However a suitably worded informative will appraise any future developer of their legal obligations with this regard. The existing public footpath network will therefore be retained.
46. The proposed development is therefore considered to accord with the aforementioned policies.

Drainage and Sewers

47. Pertinent Policies are: Adopted Chorley Local Plan Review (2003), Policy EP18. The development proposes the use of independent drainage for both foul and surface water disposal. This accords with advice previously given by United Utilities, however the details a suitably worded condition has been suggested. Surface water run-off is likely to be less than at present as a result of the removal of extensive areas of concrete hardstanding.
48. The proposed development is therefore considered to accord with the aforementioned policy.

S.106 Agreement

49. Pertinent Policies are: Adopted Central Lancashire Open Space and Playing Pitch SPD (2013). A Section 106 Agreement has been drafted that seeks financial contributions with the following heads of terms:

Amenity Greenspace	£840
Equipped play area	£804
Natural/semi-natural	£3,342
Allotments	£90
Playing Pitches	£9,594
Total	<u>£14,670</u>

50. Additionally there is a requirement for the payment of a commuted sum in lieu of the provision of affordable housing on site to a value of £423,882.00. It has been agreed that on-site provision is not appropriate in this location.

CIL

51. The development is liable for the Community Infrastructure Levy (CIL) which equates to £63,570.

Overall Conclusion

52. It is considered that it will result in no material impact upon the amenity of neighbours and accords with local and national policy in terms of highway, arboriculture and ecology. Consequently the application is recommended for approval.

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.

Planning History

Ref: 13/01089/FUL **Decision:** WDN **Decision Date:** 13 January 2014
Description: Conversion of redundant barns to form 6 no. dwellings including demolition of livestock building and part of existing barn, construction of rear extension to one barn, construction of two blocks of garages, extension of existing garage to create bin store and creation of associated vehicular parking areas.

Ref: 12/00446/FUL **Decision:** WDN **Decision Date:** 9 July 2012
Description: Erection of an 'Endurance E-3120' 24.6m high (34.2m to blade tip) wind turbine.

Ref: 08/00221/TPO **Decision:** REFTRE **Decision Date:** 19 June 2008
Description: Removal of lower branches to various trees covered by TPO 3 (Wheelton & Withnell) 1976,

Ref: 88/00321/TPO **Decision:** WDN **Decision Date:** 15 June 1988
Description: Pruning of three trees included in tree preservation order no 12 (Wheelton) 1984

Ref: 84/00071/TPO **Decision:** PERFPP **Decision Date:** 21 February 1984
Description: Lopping and felling selected trees covered by tree preservation order no. 3 (Brinscall) 1976 approximately 3 fellings

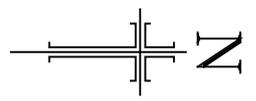
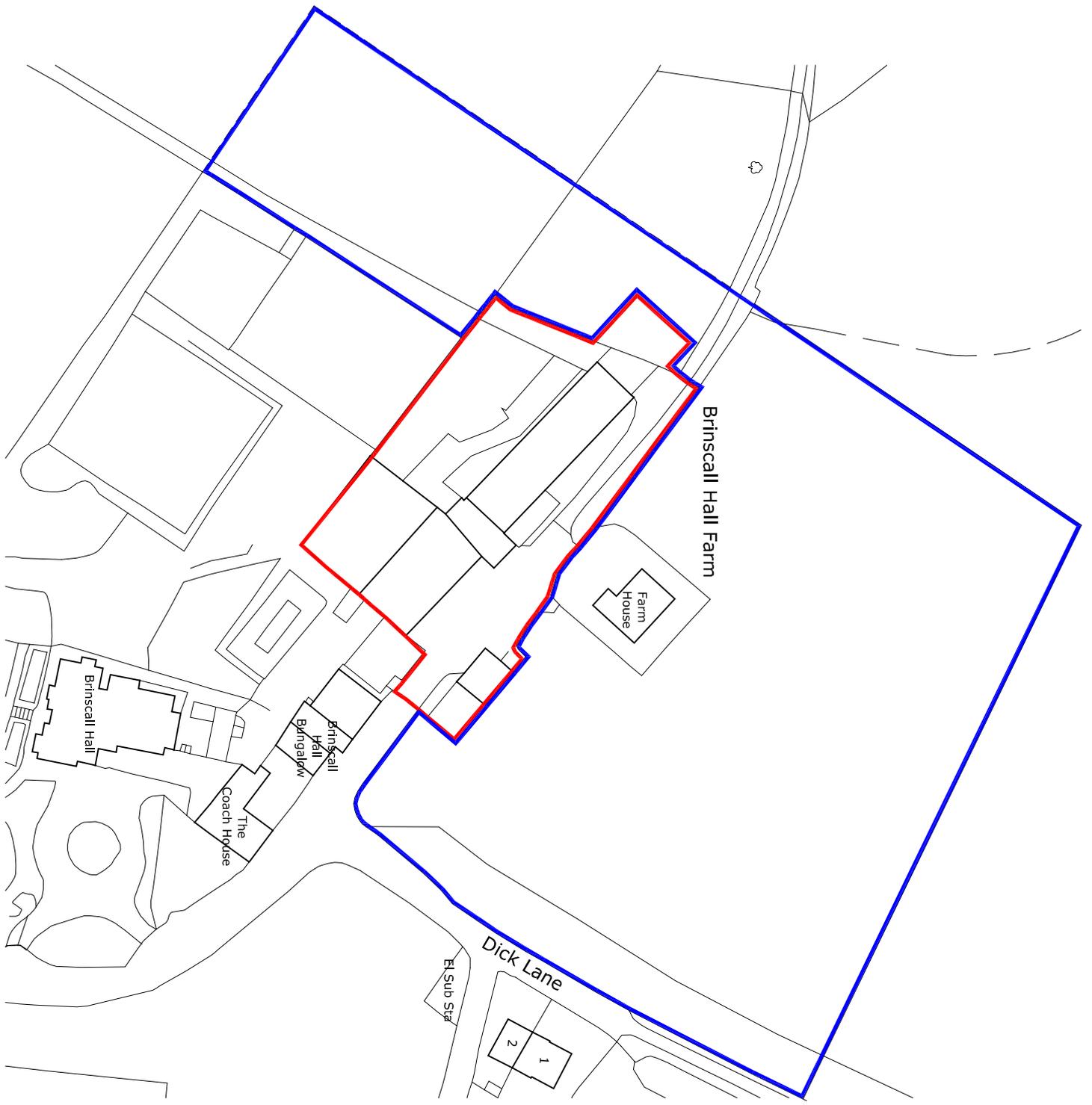
Ref: 74/00171/FUL **Decision:** REFFPP **Decision Date:** 29 May 1974
Description: Site for 80 dwellings

Proposed Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Drawing: BS.13-047/SK 01 Rev C received on 14 August 2014 Drawing: BS.13-047/SK 02 Rev B received on 14 August 2014 Drawing: BS.13-047/SK03 Rev B received on 14 August 2014 Drawing: BS.13-047/SK04 Rev A received on 14 August 2014 Drawing: BS.13-047/SK05 Rev - received on 14 August 2014</p> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>
3.	<p>The development hereby permitted shall not commence unless and until the developer has submitted to and received approval in writing from the local planning authority for a plan detailing four vehicle passing places on Dick Lane. Prior to the commencement of the development the passing places shall be provided in accordance with the approved plans. Each passing place should be 10 metres in length with 10metre tapers on both sides. The passing places should be staggered along each side of the road and the combined width of a passing place and the road at each location should be 5.5 metres. The passing places should be sited at 60 metre centres and tarmac covered. The passing places should be designed to include culverts for the current drainage ditches and must avoid damage to adjacent trees that are the subject of a Tree Preservation Order. The passing places shall be retained in perpetuity thereafter.</p> <p><i>Reason: In the interests of highway safety.</i></p>
4.	<p>The development hereby permitted shall not commence unless and until, plans and particulars showing a scheme of foul sewers and surface water drains, have been submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.</p> <p><i>Reason: To ensure a satisfactory means of drainage.</i></p>
5.	<p>The development hereby permitted shall not commence unless and until samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) 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.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
6.	<p>During the construction period, including the construction of the passing places as detailed at condition 3, 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><i>Reason: To safeguard the trees to be retained</i></p>
7.	<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>

	<i>Reason: In the interests of neighbour amenity.</i>
8.	The development hereby permitted shall not commence unless and until the applicant has received approval in writing from the local planning authority that the recommendations of the Ribble Ecology reports received on 14 August 2014 have been implemented in full. <i>Reason: To safeguard protected and endangered species and their habitats.</i>
9.	The parking and / or garaging and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995). <i>Reason: To ensure provision of adequate off-street parking facilities within the site.</i>
10.	The garages hereby approved as part of the development shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation. <i>Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.</i>
11.	The Development shall not proceed without the prior acquisition of a licence from Natural England for the derogation of the protection of bats under the Habitats Directive. <i>Reason: To safeguard protected species and their habitats.</i>
12.	A further precautionary survey for Barn Owl shall be carried out prior to commencement of works. No works shall commence when Barn Owl are nesting. If evidence of recent or current use by Barn Owl is detected than no works shall commence until alternative provision for them has been provided within 200m of the site and accordance with recognised guidance (Barn Owls and Rural Planning Applications "What needs to happen": A guide for planners, Ramsden and Twigg, 2009). <i>Reason: To safeguard protected species and their habitats.</i>
13.	A permanent accessible roosting/nesting space for Barn Owl shall be installed within one of the re-developed buildings. No works shall commence until full details of the permanent provision have been submitted to and approved in writing by Chorley Borough Council in consultation with their specialist advisors. The provision shall be in accordance with recognised guidance (Barn Owls and Rural Planning Applications "What needs to happen": A guide for planners, Ramsden and Twigg, 2009) and approved details shall be implemented in full. <i>Reason: To safeguard protected species and their habitats.</i>
14.	No vegetation clearance works, demolition work, works affecting stone walls, development works or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected. <i>Reason: To safeguard protected species and their habitats.</i>
15.	Replacement habitat for birds (to include replacement planting and replacement nesting opportunities for Swallow and passerine birds such as Wren) shall be installed within the re-developed site. No works shall commence until full details have been submitted and approved in writing by Chorley Borough Council in consultation with their specialist advisors. The

	<p>replacement habitat shall be sufficient to adequately offset the losses as a minimum. The approved details shall be implemented in full.</p> <p><i>Reason: To safeguard protected species and their habitats.</i></p>
<p>16.</p>	<p>No external lighting associated with the application shall be installed without the prior approval, in writing, from the local planning authority.</p> <p><i>Reason: To safeguard protected species and their habitats.</i></p>
<p>17.</p>	



NOTES

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Do not scale from this drawing. All dimensions must be checked and verified by the contractor prior to works commencing on site.

REV	DESCRIPTION	DATE	APPROVED
A	Revised development boundary	04-11-13	GM

LeaHough

CHARTERED SURVEYORS

Survey Valuation Design Planning Sales

Blakewater House
Phoenix Business Park
Blakewater Road
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Email: info@leahough.co.uk
Web: www.leahough.co.uk



CLIENT:
Mr & Mrs Mughal
Brinscail Hall Farm
Dick Lane
Brinscail, Chorley,
Lancashire,
PR6 8QL

PROJECT ADDRESS:
Brinscail Hall Farmhouse,
Dick Lane,
Brinscail, Chorley,
Lancashire,
PR6 8QL

DRAWING TITLE:
Re-development/Conversion of Existing Barns

LOCATION:
Location Plan

PAPER SIZE: A4
SCALE: 1:1250

DRAWING NUMBER: BS.13.047.01
DATE: April 2013

REV: A
DRAWN BY: GM

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Item 3f **14/00975/FUL**

Case Officer **Ian Heywood**

Ward **Wheelton and Withnell**

Proposal **Erection of a single dwelling with associated garaging and infrastructure for occupation by an agricultural worker.**

Location **Brinscall Hall Farm
Dick Lane
Brinscall
Chorley
PR6 9DQ**

Applicant **Mr Joey Drinkall**

Consultation expiry: **8 October 2014**

Decision due by: **6 November 2014**

Recommendation **Permit Full Planning Permission (Subject to legal 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 development plan and the Framework and represent a sustainable form of development within the Parish of Withnell.

Representations

<p>Councillor Margaret France: Objects to the proposed development on the following grounds:</p> <ul style="list-style-type: none"> • Inappropriate development in the Green Belt • Inappropriate materials • Highways safety/safety of walkers • Impact on the appearance of the area
<p>Withnell Parish Council: Objects to the proposal on the grounds that ‘a development of this size in the Green Belt is not appropriate. The proposed materials are also not in keeping with other buildings in the area. The Parish Council also question the “agricultural worker” statement for a dwelling and garages of this size’.</p>
<p>In total five representations have been received which is summarised below</p>
<p>Objection</p>
<p>Total No. received: 5</p> <ul style="list-style-type: none"> • Inappropriate development in the Green Belt – isolated location • Poor access • Inappropriate materials • Impact on the appearance of the area • Building too large for the alleged need • Impact on amenity of walkers who use the footpath.

Consultees

Consultee	Summary of Comments received
Lancashire County Council Highways	No objections
Lancashire County Council Ecology	No comments have been received
Lancashire County Council County Land Agent	Supports the need for an agricultural workers dwelling on the site.
Chorley Council Tree Officer	No objections
Chorley Council Planning Policy	See the body of the report

Policy Position with regard to the emerging Chorley Local Plan 2012 – 2026

1. 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.
2. 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.
3. 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.”*
4. 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.

Description of the site

5. The site is located within the Green Belt in a rural situation to the south west of the village of Brinscall and positioned at the southern extremity of Dick Lane 320 metres to the south of Brinscall Hall (itself a Grade II listed Building and therefore a designated heritage asset as defined by Annex 2 to the Framework).
6. Immediately to the north of the site are three substantial agricultural buildings where Brinscall Hall Farm farming operations have been based for a number of years (since 2007). This followed the sale of the original barns and farm house, located close to Brinscall Hall, and their separation from the agricultural land holding in 2005. To the east and south of the site is located the track bed of the former Chorley to Blackburn (Cherry Tree) railway line that is now used, at least in part, as a footpath (numbers 3 and 5). This is bordered by a significant number of trees that largely obscures longer distance views to the east of the site. Another public footpath, number 21, runs along Dick Lane but turns to cross the former railway line just to the north of the application site. The site is surrounded on the remaining sides to a large extent by open countryside.
7. To the north of the modern agricultural buildings are the remains of a former farmstead known as Shop Fold. The remains of a farm house and a barn can still be seen, however it is clear that these buildings have long since been abandoned. All the aforementioned buildings were constructed of local stone, which is the predominant vernacular building material.
8. Dick Lane is a single-track, unadopted, road that is currently used partly as footpath 21 and also by farm vehicles, including the farmers own vehicle, to gain access to the site of farming operations. Whilst it is roughly surfaced, passage by non-farm vehicles is quite reasonable.
9. Currently the application site is vacant with use occasionally for storage of farm equipment or poly-wrapped hay rolls (animal feed) and is formed of hard standing and disturbed ground.
10. The farming operation is based on sheep and livestock and covers a 124 Acre site owned by the applicant at Brinscall Hall. (The applicant rents approximately 5000 acres at a site in Anglezarke). Approximately 400 breeding ewes are lambed and 50 cows are calved at Brinscall Hall.
11. The nearest neighbouring residential property to the site is The Lodge, which is located 80 metres south east of the site on the eastern side of the former railway line and is largely screened by trees that line this, the route of footpath no.3/5.

AssessmentPrinciple of the Development

12. Pertinent Policies are: Adopted Chorley local Plan Review (2003), Policy DC1 and EP7; Adopted Central Lancashire Core Strategy (2012), Policy 13; Emerging Chorley Local Plan 2012 – 2026, Policy HS10. Also of relevance is the Framework (National Planning Policy Framework) Section 9, paragraphs 87 – 92.
13. The site is within the Green Belt. Paragraph 89 of the Framework states that, '*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: (first bullet point) buildings for agriculture and forestry*'.
14. Policy 13 of the Adopted Central Lancashire Core Strategy (2012) seeks to, *Achieve economic and social improvement for rural areas by sustaining and encouraging appropriate growth of rural businesses in the following ways: (paragraph e) Encouraging appropriate new farm buildings and structures where they can be shown to be necessary for increasing food production.*
15. Policy HS10 of the emerging Chorley Local Plan 2012 – 2026 states that, *outside the defined settlements and existing urban areas shown on the policies map, the erection of a new dwelling will only be permitted when accommodation is required to enable agriculture, horticulture, forestry (or other rural based enterprise) workers to live at, or in the immediate vicinity of, their place of work. New permanent dwellings will be allowed to support existing agricultural or forestry activities on well-established agriculture or forestry units provided that:*
 - i. There is a clearly established functional need;
 - ii. The functional need relates to a full time worker or one primarily employed in agriculture, forestry or rural based enterprise activities;
 - iii. The unit and the agricultural or forestry activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
 - iv. The functional need could not be fulfilled by another dwelling on the unit or any other existing accommodation in the area which is suitable and available; and
 - v. The siting of the proposed dwelling is well related to the existing farm buildings or its impact on the landscape could be minimised.
16. The County Land Agent has commented that in his opinion the proposal meets the aforementioned tests in terms of functional need and that the need could not be accommodated elsewhere in the locality in another dwelling which is suitable and available.
17. The unit was established in 2007 so has been in existence for approximately seven years.
18. The siting of the proposed dwelling is immediately adjacent to the farm buildings and is tucked into a corner of the site where there are clear boundaries marked by existing fences, tree planting and the former railway line footpath.
19. Consequently it is considered that the proposal meets the requirements of the aforementioned policies and that therefore it falls to be considered as appropriate development within the Green Belt.

Design

20. Pertinent Policies are: Chorley Borough Householder Design Guidance SPD (2008); Adopted Central Lancashire Core Strategy (2012), Policy 17; Adopted Central Lancashire

Design SPD (2012); Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. Also of relevance is the Framework paragraph 56.

21. A key thrust of these policies is the desire to encourage high quality and innovative design. Paragraph 56 of the Framework states that, *'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'*
22. Whilst local stone is the dominant vernacular building material in Brinscall there are quite a number of brick built buildings within the area. Similarly there are a number of properties with rendered masonry elevations and tiled roofs. The choice of brick elevations and a tiled roof for the proposed building is therefore not alien to the area and in this instance is considered to be acceptable. The proposed dwelling is therefore considered to be an acceptable design for this site.
23. It is therefore considered that the proposal represents an acceptable quality of design and that consequently it accords with the aforementioned policies.

Impact on the amenity of neighbours

24. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy HS4; Chorley Borough Householder Design Guidance SPD (2008); Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. These policies/ guidance suggest that any proposed development should not have an unacceptable impact upon the amenity currently enjoyed by neighbouring properties.
25. The nearest neighbouring residential property is located at 'The Lodge' which is situated 80metres south east of the site and which is largely screened by mature trees. It is therefore considered that the proposed development will not have a material impact upon the amenity currently enjoyed by the neighbours to the site.

Highway Safety and Parking

26. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy TR4; Emerging Chorley Local Plan 2012 – 2026, Policy ST4. The Lancashire County Council Highways Officer has commented that he has no objection to the proposed development and that it meets the requirements in terms of highways safety and parking.
27. The proposed development is therefore considered to accord with the aforementioned policies.

Ecology

28. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy EP4; Adopted Central Lancashire Core Strategy (2012), Policy 22; Emerging Chorley Local Plan 2012 – 2026, Policy BNE9. These policies, together with other legislation, seek to safeguard protected and endangered species and their habitats. A suitably worded condition will safeguard any protected species or their habitats within the site.
29. The proposed development is therefore considered to accord with the aforementioned policies.

Trees

30. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy EP9; Emerging Chorley Local Plan 2012 – 2026, Policy BNE10. These policies seek to protect trees from development pressure where they have some amenity value.
31. The proposed development does not require works to any trees. However to safeguard any trees within or adjacent to the site a condition will require the submission and approval of tree protection details prior to the commencement of the development.

32. The proposal is therefore considered to be in conformity with the aforementioned policies.

Public Right of Way

33. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy LT10; Adopted Central Lancashire Core Strategy (2012), Policy 24; Emerging Chorley Local Plan 2012 – 2026, Policy ST1. The proposed development does not block or require the diversion of any of the public footpaths that intersect with the site. However a suitably worded informative will appraise any future developer of their legal obligations with this regard. The existing public footpath network will therefore be retained.

34. The proposed development is therefore considered to accord with the aforementioned policies.

Drainage and Sewers

35. Pertinent Policies are: Adopted Chorley Local Plan Review (2003), Policy EP18. The development proposes the use of independent drainage for both foul and surface water disposal. To secure the details a suitably worded condition has been suggested.

36. The proposed development is therefore considered to accord with the aforementioned policy.

S.106 Agreement

37. Pertinent Policies are: Adopted Central Lancashire Open Space and Playing Pitch SPD (2013). A Section 106 Agreement has been drafted that seeks financial contributions with the following heads of terms:

Amenity Greenspace	£140
Equipped play area	£134
Natural/semi-natural	£557
Allotments	£15
Playing Pitches	£1,599
Total	<u>£2,445</u>

CIL

38. The development is liable for the Community Infrastructure Levy (CIL) which equates to £13,065.

Sustainable Resources

39. Pertinent Policies: Adopted Central Lancashire Core Strategy (2012), Policy 27. Suitably worded conditions will secure compliance with this policy in terms of the Code for Sustainable Homes.

Overall Conclusion

40. The application falls to be considered as appropriate development in the Green Belt. It is considered that it will result in no material impact upon the amenity of neighbours and accords with local and national policy in terms of highways, arboriculture and ecology. Consequently the application is recommended for approval.

Planning Policies

41. 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

Nil.

Proposed Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Drawing: BS.14-024/03 Proposed Plans & Elevations Received on 09.09.14</p> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>
3.	<p>The development hereby permitted shall not commence unless and until, plans and particulars showing a scheme of foul sewers and surface water drains, have been submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.</p> <p><i>Reason: To ensure a satisfactory means of drainage.</i></p>
4.	<p>The development hereby permitted shall not commence unless and until samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) 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.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
5.	<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><i>Reason: To safeguard the trees to be retained</i></p>
6.	<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><i>Reason: In the interests of neighbour amenity.</i></p>
7.	<p>The development hereby permitted shall not commence unless and until the applicant has received approval in writing from the local planning authority that the recommendations of the Ribble Ecology reports received on 14 August 2014 have been implemented in full.</p> <p><i>Reason: To safeguard protected and endangered species and their habitats.</i></p>
8.	<p>The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working at Brinscall Hall Farm in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependents.</p> <p><i>Reason: To ensure that the dwelling are kept available to meet the needs in the locality for agricultural or forestry workers' accommodation, as the site is within an area where residential development for purposes other than the essential requirements of agriculture, or forestry, are not normally permitted.</i></p>
9.	<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,</p>

	<p>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>
10.	<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>
11.	<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><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>

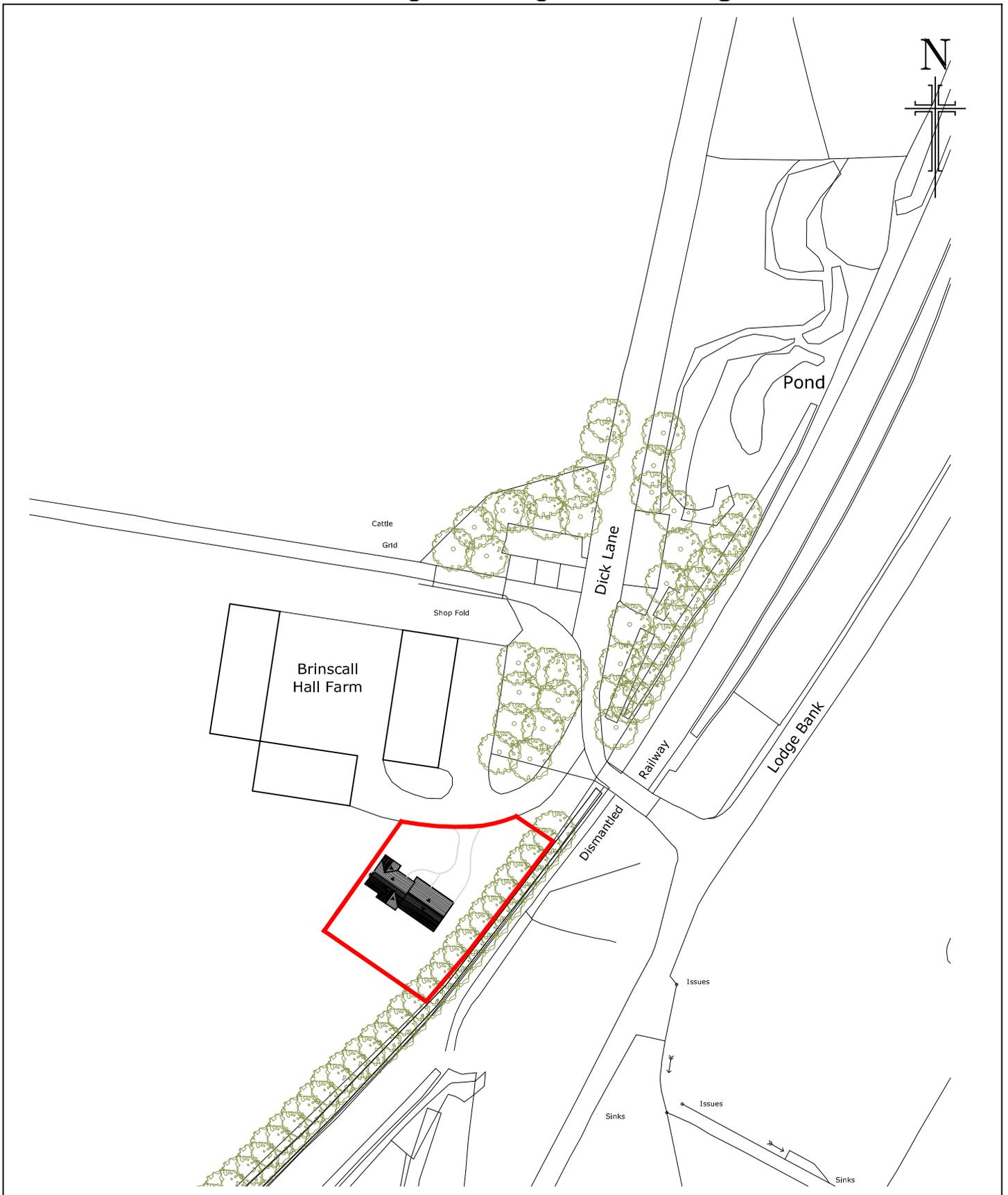
Proposed Informatives:

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

Please Note: The grant of planning permission does not infer any permission to block or divert any public footpath. All public footpaths must remain open and free from obstruction both during the course of construction and upon occupation of the dwelling hereby permitted.

Diversion of any footpath requires the consent of Lancashire County Council to whom a separate application must be made.

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LeaHough

CHARTERED SURVEYORS
Survey Valuation Design Planning Sales

Blakewater House
Phoenix Business Park
Blakewater Road
Blackburn
Lancashire
BB1 5RW
Tel: 01254 260196

8 Eaton Avenue
Matrix Office Park
Buckshaw Village
Preston
Lancashire
PR7 7NA
Tel: 01772 458866

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Web: www.leahough.co.uk



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PLAN REFERRED TO:

**Brinscall Hall Farm, Brinscall,
Chorley, Lancashire**

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Item 3g **14/00626/FUL**

Case Officer **Ian Heywood**

Ward **Heath Charnock and Rivington**

Proposal **Eco dwelling of exceptional design with an ancillary garden storage building and a gatehouse.**

Location **Bramblewood Nursery
Wigan Lane
Heath Charnock
PR7 4DD**

Applicant **Mr & Mrs Martyn and Sasha Warren**

Consultation expiry: **21 August 2014**

Decision due by: **28 October 2014**

Recommendation **Permit Full Planning Permission (Subject to legal 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 development plan and the Framework and represent a sustainable form of development within the Parish of Heath Charnock.

Representations

Heath Charnock Parish Council: raises no objections as regards the proposed development.

In total 14 representations have been received which are summarised below

Objection

Total No. received: 14

- Unsympathetic design
- Concern for future development of further dwellings on the site or on adjacent sites – potential to open the flood gates for further development in the future.
- Harm to wildlife
- Disturbance during construction
- Loss of private amenity
- Loss of Green Belt land

Consultees

Consultee	Summary of Comments received
Chorley Council Waste & Contaminated Land Officer	No objections, informative suggested.
Chorley Council Tree Officer	Tree protection (Tree Preservation Order) recommended
Lancashire County Council Highways	No objections
Lancashire County Council Ecology	No objections subject to suitably worded conditions.
United Utilities	No objections, inform applicant of the presence of a public sewer that runs across the (entrance drive) into the site close to Wigan Lane.

Policy Position with regard to the emerging Chorley Local Plan 2012 – 2026

1. 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.
2. 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.
3. 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.”*
4. 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.

Description of the site

5. The site is located within the Green Belt in the Parish of Heath Charnock on the eastern side of Wigan Lane and is comprised of a former nursery including greenhouses, polytunnels, substantial timber sheds and storage containers, significant areas of hardstanding and a substantial natural pond. The site also includes a significant number of trees.
6. The site lies behind (i.e. to the east of) a number of residential properties that front onto the eastern side of Rawlinson Lane (which branches off Wigan Lane in a southerly direction a short distance south of the entrance to the site) and to the south west of a cluster of houses on Martins Avenue. Liptrot’s Farm lies to the south of the site whilst open countryside is to be found to the east of the site.
7. To the west of the site on the western side of Wigan Lane is Duxbury Park golf course.
8. As the site has been empty and unoccupied for a number of years now it has begun to take on an appearance of dilapidation and neglect, with one of the greenhouses having collapsed in upon itself.

AssessmentPrinciple of the Development

9. Pertinent Policies are: Adopted Chorley local Plan Review (2003), Policy DC1; Adopted Central Lancashire Rural development SPD (2012). Also of relevance is the Framework (National Planning Policy Framework) paragraph 55 and 87 – 88.
10. The site is within the Green Belt. Paragraph 55 of the Framework states that, *‘...Local authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:(fourth bullet point) The exceptional quality or innovative nature of the design of the dwelling. Such a design should:

 - Be truly outstanding or innovative, helping raise standards of design more generally in rural areas;
 - Reflect the highest standards in architecture
 - Significantly enhance its immediate setting; and
 - Be sensitive to the defining characteristics of the local area.’*
11. Paragraphs 87 - 88 of the Framework state:
(para 87) *‘As with previous Green Belt Policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’*

(para 88) *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'*

12. The Adopted Central Lancashire Rural development SPD (2012) mirrors paragraph 89 of the Framework. Policy DC1 of the Adopted Chorley Borough Local Plan Review (2003) sets out exceptions where development can be considered to be appropriate in the Green Belt, however none of the exceptions are applicable in this case.
13. The issue raised by paragraph 55 of the Framework has been, on the advice of the Council, tested in terms of an assessment of the quality of architecture proposed by opening up the proposal, prior to submission of the application, to independent scrutiny by the Places Matter design Review Panel. They overwhelmingly support the proposal, praising the quality of the design and agreeing that it is of exceptional quality. It is therefore considered that the requirements of the Framework in respect to paragraph 55 have been met.
14. With regard to the proposed gate house a condition is proposed that will restrict this building, and the storage building, to be forever only used as ancillary accommodation to the dwelling thereby precluding their future sale as a separate dwelling. A similar situation to that when ancillary accommodation is used as a 'granny flat'. Whilst the scale of development is greater than would normally be acceptable, in respect of a house with two ancillary buildings, the design review panel considered the inclusion of two ancillary buildings to be an essential part of the overall design concept and contribute to the exceptional quality of the design in this case.
15. Whilst new dwellings are considered as inappropriate development in the Green Belt, consideration must be given as to whether very special circumstances exist that are sufficient to overcome that inappropriateness and any other harm caused. In this case the exceptional quality of the design, as accepted by the independent Places Matter Design Review Panel, is considered to represent very special circumstances. The innovative high quality of the design achieves all the objectives set out in Framework paragraphs 56, 57 and 60 – 65. It is the quality and innovative characteristics of the design that set this proposal apart from previous proposals on this site. Added to this the nature of the design and the positioning within it mean that overall the perceived scale of development is reduced from that which is currently the case. The significant reduction in the floor plate of the proposed development compared to that currently occupying the site together with the removal of significant areas of hardstanding are considered to considerably enhance the openness of the Green Belt at this point and to greatly improve the quality of the landscape such that any other harm to the Green Belt is considered to be overcome.
16. Furthermore the enhanced landscape management proposed is considered to further improve both the openness and the quality of the landscape throughout the site.
17. On balance it is considered that very special circumstances have been demonstrated and that these overcome the inappropriateness of development and any other harm caused and that the end product will enhance the openness and the quality of the Green Belt at this point.

Design

18. Pertinent Policies are: Chorley Borough Householder Design Guidance SPD (2008); Adopted Central Lancashire Core Strategy (2012), Policy 17; Adopted Central Lancashire Design SPD (2012); Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. Also of relevance is the Framework paragraph 56, 57 and 60 – 65.
19. A key thrust of these policies is the desire to encourage high quality and innovative design. Paragraph 56 of the Framework states that, *'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute*

positively to making places better for people. Paragraph 57 continues, 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider development schemes.'

20. Paragraphs 60 – 65 not only reinforce the need for good design and design which responds to context, but also the benefits of using independent design review arrangements to ensure high standards of design. Paragraph 63 states that, '*In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.*' Paragraph 65 concludes that, '*Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.*'
21. On advice from the Council the applicant sought the independent advice of the Places Matter Design Review Panel prior to the submission of the application. Indeed the scheme submitted is the second one considered by the Design Review Panel, the first being rejected as it did not take proper account nor did it assess the quality of the landscape and furthermore it failed to propose an adequate or acceptable design response to the landscape or the context of the site. The comments received from the Design Review Panel confirm that the proposed design is both high quality and innovative. They confirm that the gatehouse leads the observer in suggesting something rather special beyond. They also recognise the correlation with Wigan Lodge to Duxbury Hall, which is located only a short distance from the site on Wigan Lane. Whilst Duxbury Hall is long gone the principle of having a gate house or lodge at the entrance to a much grander house beyond is well established and there are numerous other examples within the Borough – the lodge to Shaw Hill or the lodge to Heskin Hall.
22. It is therefore considered that the proposal represents the highest quality of design and that consequently it accords with the aforementioned policies.

Impact on the amenity of neighbours

23. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy HS4; Chorley Borough Householder Design Guidance SPD (2008); Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. These policies/ guidance suggest that any proposed development should not have an unacceptable impact upon the amenity currently enjoyed by neighbouring properties. The proposed dwelling is to be located a considerable distance (not less than 90 metres) from neighbouring residential properties, and boundary planting (existing and proposed) will safeguard the privacy of the occupants to both the existing and proposed residential properties. These are now protected by a Tree Preservation Order (Chorley BC TPO No.8 (Heath Charnock) 2014). Views to/from the proposed gatehouse, which is only single storey, will be restricted by existing and proposed boundary treatments.
24. This being the case it is considered that the proposed development will have no material impact upon the amenity currently enjoyed by neighbouring properties.

Highway Safety and Parking

25. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy TR4; Emerging Chorley Local Plan 2012 – 2026, Policy ST4. The Lancashire County Council Highways Officer has commented that he has no objections to the proposed development. The development will accord with the Council's parking standards as set out in Appendix A of the emerging Chorley Local Plan 2012 – 2026. This requires dwellings with three bedrooms, as is proposed here, to have two parking spaces. The proposed scheme includes garaging for three cars.
26. The proposed development is therefore considered to accord with the aforementioned policies.

Ecology

27. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy EP4; Adopted Central Lancashire Core Strategy (2012), Policy 22; Emerging Chorley Local Plan 2012 – 2026, Policy BNE9. These policies, together with other legislation, seek to safeguard protected and endangered species and their habitats. The Lancashire County Council Ecologist has commented that protected species and their habitats will be safeguarded and that the application is acceptable, subject to the inclusion of suitably worded conditions.

Trees

28. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy EP9; Emerging Chorley Local Plan 2012 – 2026, Policy BNE10. These policies seek to protect trees from development pressure where they have some amenity value.

29. The application includes a detailed arboricultural report and proposes that the majority of trees, groups of trees and boundary hedges are to be retained. To safeguard the trees all of those categorised as being of category A or B (best quality and highest amenity value) plus one group of trees defined as category C, close to the entrance drive, have been protected by a Tree Preservation Order (TPO). In this way all the better quality trees that give a degree of amenity value have been protected.

30. The proposal is therefore considered to be in conformity with the aforementioned policies.

S.106 Agreement

31. Pertinent Policies are: Adopted Central Lancashire Open Space and Playing Pitch SPD (2013). A Section 106 Agreement has been drafted that seeks financial contributions with the following heads of terms:

Amenity Greenspace

A contribution of £140 towards new provision in the ward of Heath Charnock and Rivington

Provision for children/young people

A contribution of £134 towards new provision in the ward of Heath Charnock and Rivington

Allotments

A contribution of £15 to be spent on either of the following:

Towards improving the quality/value of the following sites as identified in the Central Lancashire Open Space Study, Final Open Space Audit Report, May 2012:

Site 1644 – Whittam Road/Moor Road Allotments, Chorley

Site 1646 – Allotments rear of Worthy Street, Chorley

Site 1647 – Rear of 297-315 Chapel Lane, Coppull.

Or

Towards the provision of new allotments at the following site allocated in the Chorley Local Plan 2012-2026:

HW5.3 Harrison Road, Adlington

Playing Pitches

A contribution of £1,599 towards the improvement of existing playing pitches in the Borough as identified in the Chorley Action Plan within the Central Lancashire Playing Pitch Strategy & Action Plan, June 2012.

CIL

32. The development is liable for the Community Infrastructure Levy (CIL) which equates to £62,335.00. The applicant has applied for exemption on the basis that the development will be constructed as a 'self build project' which is set out as a recognised exemption within the 2014 CIL Regulations, however the determination as to whether full or partial

exemption will be applicable in this case is dependent on the supply of further information by the applicant.

Overall Conclusion

33. The proposed development falls to be considered as inappropriate development in the Green Belt. However it is considered that the high quality and innovative nature of the design, which has been determined through independent scrutiny by the Places Matter Design Review Panel, represents very special circumstances as defined by paragraph 55 of the Framework. It is considered that it will result in no material impact upon the amenity of neighbours and accords with local and national policy in terms of highway, arboriculture and ecology. Consequently the application is recommended for approval.

Planning Policies

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

Planning History

Ref: 88/00702/FUL	Decision: PERFPP	Decision Date:	31 January 1989
Description:	Conversion of barn to residential unit		
Ref: 89/00180/FUL	Decision: PERFPP	Decision Date:	21 April 1989
Description:	Provision of one access to fields for agricultural purposes		
Ref: 02/00965/FUL	Decision: WDN	Decision Date:	22 November 2002
Description:	Erection of two storey dwelling for agricultural worker,		
Ref: 03/01016/FUL	Decision: REFFPP	Decision Date:	28 November 2003
Description:	Erection of agricultural workers house, (Resubmission of 02/00965),		
Ref: 04/00208/FUL	Decision: WDN	Decision Date:	4 March 2004
Description:	Temporary use of mobile home as an agricultural dwelling (for period of 3 years),		
Ref: 04/00209/FUL	Decision: PERFPP	Decision Date:	26 May 2004
Description:	Erection of propogation glasshouse,		
Ref: 04/00210/FUL	Decision: PERFPP	Decision Date:	26 May 2004
Description:	Erection of production glasshouse,		
Ref: 04/00211/FUL	Decision: PERFPP	Decision Date:	26 May 2004
Description:	Erection of liner production glasshouse,		
Ref: 04/00731/FUL	Decision: PERFPP	Decision Date:	26 August 2004
Description:	Erection of replacement glasshouse,		
Ref: 04/00159/INV	Decision: WDN	Decision Date:	26 February 2009
Description:	Erection of agricultural workers dwelling,		
Ref: 04/00817/FUL	Decision: REFFPP	Decision Date:	17 September 2004
Description:	Erection of agricultural workers dwelling,		
Ref: 05/00217/FUL	Decision: REFFPP	Decision Date:	25 April 2005

Description: Erection of agricultural workers dwelling,

Ref: 05/00213/INV **Decision:** APPVAL **Decision Date:**

Description: Temporary retention of the siting of a residential mobile home for a period of 3 years for occupation by agricultural worker,

Ref: 05/00536/COU **Decision:** NONALL **Decision Date:** 15 September 2006

Description: Continued temporary use of land for the siting of a residential mobile home for a period of 2 years for occupation by agricultural worker,

Ref: 06/00915/FUL **Decision:** PRRRTF **Decision Date:** 19 October 2006

Description: Retrospective application for the erection of 2 No. horticultural polytunnels and 1 No above ground water storage tank

Ref: 10/00137/FUL **Decision:** REFFPP **Decision Date:** 11 November 2010

Description: Erection of a two storey agricultural dwelling to create three bedroom house

Ref: 11/00964/CLEUD **Decision:** REFEUD **Decision Date:** 12 January 2012

Description: Application for a Certificate of Lawfulness for use of site as a garden centre

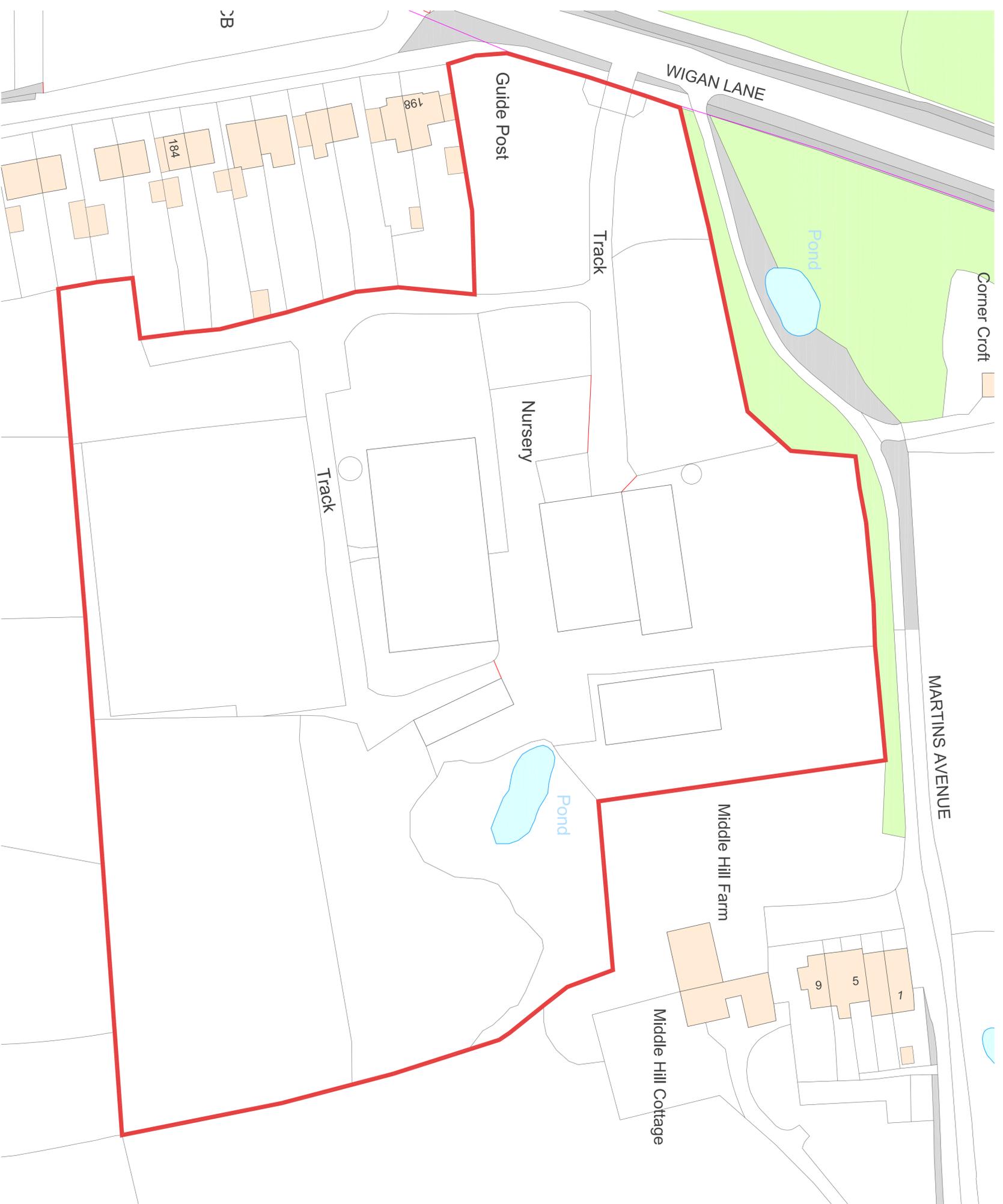
Proposed Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Drawing: 788/A/002 Proposed Site Plan Received on 6 June 2014</p> <p>Drawing: 788/A/003 Proposed Ground Floor</p> <p>Drawing: 788/A/004 Proposed First Floor</p> <p>Drawing: 788/A/005 Proposed Roof Plan</p> <p>Drawing: 788/A/006 Proposed Elevations</p> <p>Drawing: 788/A/009 Proposed Gate House</p> <p>Drawing: 788/A/008 Rev C Proposed Storage Building Received on 26 August 2014</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>
3.	<p>Due to past processes and activities upon/adjacent to the above site, there is a potential for ground contamination. Given the proposed sensitive end-use, no development shall take place until:</p> <p>a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;</p> <p>b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;</p> <p>c) the Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority for approval.</p> <p>Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.</p> <p>Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use. In accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</p>
4.	<p>Prior to the commencement of any development, plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the rest of the</p>

	<p>development and in any event shall be finished before the building is occupied.</p> <p>Reason: To ensure a satisfactory means of drainage.</p>
5.	<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>Reason: To ensure that the materials used are visually appropriate to the locality.</p>
6.	<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>
7.	<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>
8.	<p>The gate house and storage building included within the development hereby permitted shall be used solely for residential purposes ancillary to the main property and shall not be used at any time as a separate unit of living accommodation.</p> <p>Reason: In order to satisfy the need for this type of accommodation and to ensure that the whole building remains as one dwelling</p>
9.	<p>The dwelling hereby permitted 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 Code for Sustainable Homes Level (6) 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>
10.	<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>
11.	<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>

12.	<p>. The development hereby permitted shall not commence unless and until the applicant has received approval in writing from the local planning authority that the recommendations of the Ecology Services Ltd ecology report dated July 2014 have been implemented in full.</p> <p>Reason: to safeguard protected and endangered species and their habitats.</p>
13.	<p>The tree works included and hereby permitted shall be undertaken in accordance with British Standard BS 3998:2010 or any subsequent amendment to the British Standards.</p> <p>Reason: To safeguard the health and appearance of the trees being retained.</p>
14.	<p>The only tree works for which consent is hereby granted as part of the planning application are only as specified in the JCA Ltd Arboricultural Consultants report reference 11456/PH. No other tree works are permitted.</p> <p>Reason: To define the consent and to safeguard the appearance and health of the tree(s)</p>

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Notes

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Rev	Description	Date	By

Jennings Design Associates
Architects

C	Concept	G	Tender
D	Planning	J	Construction
E	Building Regs	L	As Built
F	Production	SK	Sketch

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Client: **Mathyn & Sacha Warren**
Project: **Wigan Lane, Chorley**

Scale:	VAR	Drawn by:	TK	Checked by:	
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Date:	02-06-14		

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Item 3h	14/00952/FUL
Case Officer	Helen Lowe
Ward	Chisnall
Proposal	Demolition of existing buildings and erection of three detached dwellings (resubmission of application 14/00709/FUL)
Location	Green Farm, Wood Lane, Heskin
Applicant	Mr Brian Thornley
Consultation expiry:	15th October 2014
Decision due by:	31st October 2014
Recommendation	Approve

Executive Summary The proposal would represent the redevelopment of a previously developed site within the Green Belt. It is considered that the proposed development would not have a significantly greater impact upon the openness of the Green Belt than the existing buildings. Lancashire County Council Highways have not raised any objections to the proposals. The impact on neighbouring residents would not warrant refusal of the proposals. The proposal is accordingly recommended for approval.

Representations

Heskin Parish Council no comments received
In total three representations have been received which are summarised below
Objection
Total No. received: Three
<ul style="list-style-type: none">• The houses would be built on Green Belt land• There would be increased traffic on a shared driveway, it will only be wide enough for one vehicle at a time;• There will be an impact on the character of the area, as at present it is rural;• Bats, swallows and other creatures live in the barns now.• Will lead to further applications.• On the south side of the site for the proposed dwelling is an underground pipe taking surface water, this has been blocked on many occasions. The foundations or constructions of properties must not affect this drain.• Will obstruct views and sunlight;• Will reduce privacy and quiet enjoyment• The development will devalue properties

Consultees

Consultee	Summary of Comments received
Lancashire County Council	Have stated that they have no objections to the proposals
Planning Policy	A financial contribution towards the provision and improvement of public open space is required.
Waste and Contaminate Land Officer	Recommends addition of informative
United Utilities	No objections, do not recommend any conditions

AssessmentPrinciple of the Development

1. The application site is located within the Green Belt, The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances. One of these exceptions is the redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it.
2. Within Annex 2, the glossary, of the Framework previously developed land is defined as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

3. The applicant has stated that the buildings that are to be demolished are used as an equestrian enterprise (buying horses from Ireland to retrain and sell). It is evident that the buildings are used for commercial equestrian purposes and therefore the site falls to be considered as previously developed land, in accordance with the definition in the framework.
4. The applicant has provided calculations to show that the volume of the buildings on the site that are to be demolished is greater than that of the new dwellings to be erected. The buildings presently on site are of a design and appearance that would be expected to be seen in a rural environment, although they are in relatively close proximity to other residential dwellings. The height of the proposed dwelling would not be significantly higher than the existing buildings on the site (0.8m higher).
5. It is considered that commercial equestrian activities of the scale existing on the site could potentially generate a significant number of vehicle movements and level of activity, with much of the site area presently being given over to hard standing and a number of vehicles and equipment being stored on the site.
6. Balancing the size and scale of the existing buildings, together with the character of the site and existing and potential level of activity on the site; it is considered that the proposed three dwellings (together with associated gardens, driveways and planting) would not have any significantly greater impact on the openness of the Green Belt. The proposal is therefore considered to be appropriate development within the Green Belt and in accordance with the Framework.

Neighbour Amenity

7. Policy BNE1 of the emerging Local Plan states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
8. To the north of the application site lies Green Farm House and Green Farm View. Plot 1 of the proposed development would be closest to the boundary with Green Farm View, with the north side facing elevation parallel to the site boundary with the rear garden of Green Farm View. There would be a dormer with a window facing the boundary of the rear garden of Green Farm View, this would be approximately 5.3m from the boundary. This window would serve a bathroom and could be conditioned to remain obscure glazed to ensure no overlooking is created.

9. The proposed layout of the development is such that the front (west facing elevation) of plot 1 would be set further to the east (rear) than that of Green Farm View, meaning that the proposed windows to the front would only offer oblique views of the front garden area of Green Farm View and the proposed rear windows would offer only oblique views of the rearmost part of the rear garden of Green Farm View.
10. As plot 1 would be to the south of Green Farm View it would cause a degree of overshadowing to the rear garden area of Green Farm View, and those windows of the property that are closest to the side boundary. The roof would be hipped away from Green Farm View and the dormer style design of the proposed dwellings reduces their bulk and scale
11. Plot 3 would be oriented so that the front elevation (north facing) would look towards the front garden area of Green Farm View, although due to the position of Green Farm View, this is also a relatively private area, not directly visible from Wood Lane. The proposed dwelling would be 15m from the boundary. This complies with the Council's interface standards.
12. The rear garden of Green Farm would be overlooked by a first floor window serving a bathroom, this is a non-habitable room and Green Farm is in the control of the applicant. This relationship is considered to be acceptable.
13. The proposed development would have some impact upon the amenities of neighbouring residents in particular Green Farm View. The proposals would, however, comply with the Council's interface standards and, on balance, it is considered that it would not be reasonable to refuse the proposals on this basis.

Design and Appearance

14. The proposed dwellings would be similar in appearance to the Green Farm and Briarsfield, adjacent properties to the west fronting Wood Lane. The three proposed dwellings would not be visible from within the streetscene of Wood Lane. Surrounding properties in this area of Wood Lane are constructed in a wide variety of styles and designs and from a variety of materials. The exact materials have not been specified, but it is indicated that a red brick, to match Green Farm would be used. The details could be secured by condition. It is considered that the proposed design, scale and materials are appropriate.

Highway Safety

15. Access to the application site from Wood Lane is shared by Green Farm House, Green Farm View and Green Farm. The proposed plans show that an access to the fields to the rear (east), owned by the applicant, would be retained. Lancashire County Council highways have stated that they have no objections to the proposals.
16. Each dwelling would have four bedrooms. The Council's parking standards within policy ST4 require that four bedroom dwellings should have at least three of street parking spaces. In order for garage accommodation to be considered large enough to be used as a parking space, it must measure at least 6m by 3m internally. Each house would have a garage with these internal dimensions. It is considered that there would be sufficient space on the driveway for each dwelling to park an additional two vehicles.
17. As the relevant parking standards would be met, and Lancashire County Council Highways have not objected to the proposals, it is not considered that a refusal on the grounds of highway safety could be sustained.

Ecology

18. An extended phase 1 habitat survey has been submitted with the application, carried out in May 2014. The survey also includes a preliminary bat roost evaluation of the equestrian buildings, and evaluation of Barn Owl of the equestrian buildings and an

evaluation of the potential effects on Great Crested Newts,. The survey found that no significant areas of vegetation would be affected by the proposals. The buildings to be demolished offer little bat roosting potential and no signs of bat habitation were found. The potential for barn owls in the buildings is limited to roosting birds only. No evidence of use was found. The possibility of Great Crested Newts being affected is considered to be remote. No further surveys are required however to avoid impacts on nesting birds it is recommended that the buildings are dismantled outside of the breeding season between October and March. The findings of the survey are considered to demonstrate that the proposal would not give rise to any harm to protected species

Section 106 agreement

19. There is a requirement for a financial contribution towards equipped play space, casual/informal play space and playing fields for all new housing planning permissions in the Borough irrespective of size. This is set out in policies HS4A and HS4B of the Emerging Local Plan.
20. Also, in September 2013 the Council adopted The Open Space and Playing Pitch Supplementary Planning Document. The Council's requests for financial contributions towards the provision and improvement of public open space within the Borough are therefore now based on comments are based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD. The Council has also produced an Open Space Study and Playing Pitch Strategy which provides detailed information on local needs, deficits and surpluses, therefore such requests for contributions are based on a robust and up to date assessment on the level of need and existing provision in the local area.
21. The Council's Planning Policy have advised that a figure of £5262 is required in this instance. The applicant has been made aware and a draft s106 agreement has been produced.

CIL

22. The Chorley CIL Charging Schedule provides a specific amount for housing - £65 per sq m. This was adopted in July 2013 and charging commenced on 1 September 2013. As the proposal results in new residential floor space being a CIL liability notice will be issued for the development.

Other Matters

23. One of the letters of objection has raised concerns with regard to the drainage of the site and the condition of existing field drains within the site. Whilst the means of drainage of the proposed development can be secured by conditions (and is also dealt with the through the building control process), the potential of damage to existing infrastructure is not a matter that can be addressed through the planning process and is a private matter between the applicant and the neighbour.
24. The impact of a development on property values is not a material planning consideration and cannot be taken into consideration in determining the planning application.

Overall Conclusion

The proposal would represent the redevelopment of a previously developed site within the Green Belt. It is considered that the proposed development would not have a significantly greater impact upon the openness of the Green Belt than the existing buildings. Lancashire County Council Highways have not raised any objections to the proposals. The impact on neighbouring residents would not warrant refusal of the proposals. The proposal is accordingly 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 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.

Emerging Local Plan

The Inspector has issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. 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 and Travellers. .

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 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 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.”*

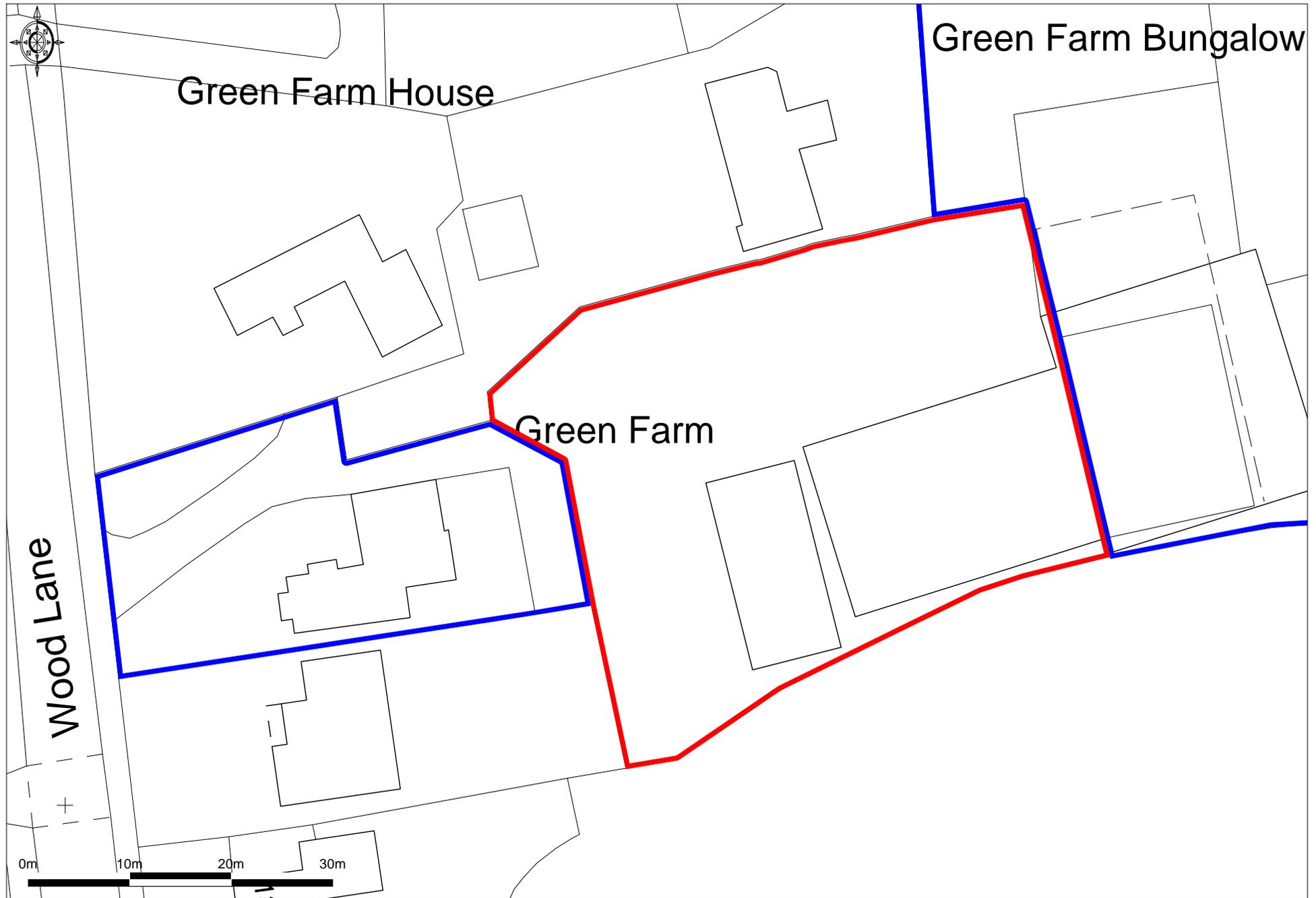
The Council accepted the Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.

Planning History

Reference	Description	Decision	Date
14/00709/FUL	Demolition of existing buildings and erection of three detached dwellings	Withdrawn	26 August 2014
10/00246/AGR	Application for agricultural prior notification for a steel portal framed agricultural building	Prior approval not required	26 April 2014
09/00346/FUL	Proposed extension to existing barn	Refused	2 July 2009
06/00448/FUL	Proposed barn extension	Approved	1 June 2006
03/01079/FUL	Erection of barn and formation of sand paddock	Approved	1 April 2004
03/00753/AGR	Agricultural determination for the erection of a portal frame building,	Withdrawn	21 August 2003

Conditions to follow on the addendum

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Item 3i **14/00315/FUL**

Case Officer **Ian Heywood**

Ward **Lostock**

Proposal **Residential development to land at 127A Station Road Croston to include retention of the existing bungalow and the erection of four new dwellings with associated access road, driveways, private gardens and communal landscaping (Resubmission of withdrawn application: 13/00496/FUL)**

Location **127A Station Road
Croston
Leyland
PR26 9RP**

Applicant **Mrs Lyn Glover**

Consultation expiry: **1 October 2014**

Decision due by: **28 October 2014**

Recommendation **Permit Full Planning Permission (Subject to legal 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 development plan and the Framework and represent a sustainable form of development within the Parish of Croston.

Representations

Croston Parish Council: Supports the application
In total 1 representation has been received which is summarised below
Objection
Total No. received: 1
<ul style="list-style-type: none">Impact on localised flooding from surface water runoff.

Consultees

Consultee	Summary of Comments received
Lancashire County Council Highways	No objections, subject to condition
Lancashire County Council (Lead Flood Authority)	Has made no comments on the application
The Environment Agency	Standing advice is noted. The EA previously commented that they had no objections to the proposed development and that adequate mitigation measures have been included in the submitted Flood Risk Assessment. Suitably worded conditions will ensure compliance with these.
Chorley Council Waste and Contaminated Land Officer	No objections to the proposed development. Suitably worded conditions have been suggested to ensure compliance with the appropriate regulations as regards contaminated land and flooding.

Policy Position with regard to the emerging Chorley Local Plan 2012 – 2026

1. 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.
2. 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.
3. 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.”*
4. 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.

Description of the site

5. The site is located on the eastern side of Station Road at the centre of the Croston settlement close to the junction of Town Road and Westhead Road. The western or front part of the site is located within Croston Conservation Area, a designated heritage asset as defined by Annex 2 to the Framework. Located at the front of the site is a mid-twentieth century bungalow constructed of red brick with a Welsh slate roof positioned side on to the highway. Immediately behind that building is a builder's merchant's yard, now disused, that contains a number of storage buildings. The yard is accessed by a single track drive, albeit wide enough for commercial vehicles.
6. Permission was previously granted on this site (12/00942/FUL) for a similar proposal to the current application, the difference being that it included the demolition of the bungalow and its replacement with a house and the inclusion of work 'pods' to the rear of the new dwellings.

AssessmentPrinciple of the Development

7. Pertinent Policies are: Adopted Chorley local Plan Review (2003), Policy GN4, HS6 and EM4; Adopted Central Lancashire Core Strategy (2012), Policy 10.
8. These policies relate to the reuse or redevelopment of sites located within rural settlements that are or were last used for employment purposes.
9. The site is located within the settlement, with the western edge of the site being within the boundary of the Croston Conservation Area. However unlike the previously approved application (12/00942/FUL) in this case the development, apart from the access road, is confined to the area of the site beyond the boundary of the Conservation Area.
10. The site is accepted as being a previously developed or 'brown field' site, being previously used as a builders merchants yard that principally supplied roofing contractors. It is also located within an area of residential development with residential properties located immediately adjacent to the entrance to the site. It is considered that consequently residential is the most appropriate use of this site.
11. Consent has previously been granted on this site for redevelopment for housing, but including work 'pods' attached to each dwelling. The current application follows extensive discussion with the agent and the applicant and includes office accommodation within each dwelling's floorspace.
12. The framework seeks to retain employment use within rural settlements such as Croston. Policy 10 of the Adopted Central Lancashire Core Strategy Policy 10 seeks to protect

employment sites and requires a number of conditions to be met before reuse of a site for non-employment use can be accepted.

13. In response to these criteria it is considered that:
- a. There would not be an unacceptable reduction in the type, quality or quantity of employment land supply as the site has been redundant for a number of years;
 - b. There is clearly a market for more housing within Croston;
 - c. The site is located in the middle of a residential area where access for commercial vehicles is extremely difficult and restricted and is considered to cause blight on the appearance of the adjacent Croston Conservation Area;
 - d. Continued commercial use is not considered appropriate in this location within a close grained residential area;
 - e. The ability to accommodate smaller scale requirements is being addressed by providing small scale office accommodation within each unit;
 - f. It is considered that the amenity of surrounding properties would be enhanced.
 - g. The site has been marketed for over two years, without interest;
 - h. It is considered that the provision of some employment accommodation within the proposed development effectively retains some employment use within the site.
14. It is therefore considered that the proposed development conforms with the aims of the Framework and the Adopted Central Lancashire Core Strategy.
15. The Adopted Local Plan Review 2003 policies GN4 and HS6 refer to the use of previously developed land in providing facilities needed by the local community – live-work units in this case and also the criteria to be met:
- i. The site is accessible;
 - ii. The existing social and physical infrastructure can absorb the additional development;
 - iii. The development is compatible with surrounding uses;
 - iv. The development can be satisfactorily accommodated on the site;
 - v. The site has adequate road access, foul and surface water drainage arrangements and other essential services.
- In this case it is considered that all these criteria can be met and conditions can be used to ensure compliance.
16. The Framework (National Planning Policy Framework) seeks to support sustainable development. This site is located within the heart of Croston settlement with good access to local facilities, bus routes and a train service to either Preston or Ormskirk and Liverpool. As such it is considered to be a sustainable location and that consequently the proposed development is considered to accord with the Framework.
17. On balance it is considered that the proposed development accords with the aforementioned policies.

Design

18. Pertinent Policies are: Chorley Borough Householder Design Guidance SPD (2008); Adopted Central Lancashire Core Strategy (2012), Policy 17; Adopted Central Lancashire Design SPD (2012); Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. Also of relevance is the Framework paragraph 56 and 57.
19. A key thrust of these policies is the desire to encourage high quality and innovative design. Paragraph 56 of the Framework states that, *'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 57 continues, It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider development schemes.'*

20. The design has been chosen to reflect neighbouring properties on both Station Road and Town Road beyond and are considered to be acceptable. The design of the four new dwellings within the site uses a contemporary yet sympathetic style of design and complimentary materials to blend with the majority of development within Croston –brick and render being found commonly within the settlement. An appropriately worded condition is suggested to control these details.
21. It is therefore considered that the proposal accords with the aforementioned policies.

Impact on the significance of a designated heritage asset

22. Pertinent Policies are: Adopted Central Lancashire Core Strategy (2012), Policy 16; Emerging Chorley Local Plan 2012 – 2026, Policy BNE8. Also of relevance is the Framework, Section 12.
23. Within the Framework paragraph 129 states that, ‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.’
24. Paragraph 132 states, ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.’
25. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, ‘Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:
- a. Safeguarding heritage assets from inappropriate development that would cause harm to their significances.’*
26. The emerging Chorley Local Plan 2012 – 2026, Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, ‘*Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate. The enhancement of the setting of heritage assets.’*
27. In this case given the relationship of the development site to the designated heritage asset, Croston Conservation Area, the design of the proposed works and the choice of materials proposed it is considered that the significance of the designated heritage asset will be sustained as a result of the development.
28. It is therefore considered that the proposed development is in accordance with the aforementioned policies.

Impact on the amenity of neighbours

29. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy HS4; Chorley Borough Householder Design Guidance SPD (2008); Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. These policies/ guidance suggest that any proposed

development should not have an unacceptable impact upon the amenity currently enjoyed by neighbouring properties.

30. Neighbouring residential properties are to be found to the south of the development site, on Out Lane, which have long rear gardens that abut the site. Number 1 Out Lane includes substantial storage sheds/stable buildings in the rear garden effectively masking the development site from view. The adjacent property, 'Southview', will have a separation distance at first floor window level of approximately 23 metres. To the north of the site is to be found open countryside and the former Methodist school building, now a residential conversion separated from the site by approximately 40 metres of private amenity space. To the west of the site are terraced residential properties on the western side of Station Road and number 127 is a two storey dwelling immediately adjacent to the existing bungalow.
31. The demolition of a number of ramshackle sheds, used previously in conjunction with the now closed roofing contractors supply business, will enhance the relationship to neighbouring properties, as will the loss of industrial commercial traffic in to and out of the site.
32. The proposed interface distances between neighbouring properties and the development are either the same as those for the existing bungalow at the western edge of the site or for the remainder of the development site are considered acceptable and commensurate with this close grained settlement and furthermore meet the Council's recommended standards.
33. This being the case it is considered that the proposed development will not have an unacceptable material impact upon the amenity currently enjoyed by neighbouring properties.

Highway Safety and Parking

34. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy TR4; Emerging Chorley Local Plan 2012 – 2026, Policy ST4.
35. Lancashire County Council Highways Engineers have confirmed that, subject to conditions, the proposed development is acceptable and will not cause any undue traffic hazards or issues for parking. The development proposes an amount of parking space that meets the Council's required standard, three spaces per dwelling, and swept path analysis confirms to the satisfaction of highway engineers that movement of service and emergency vehicles is to their required standard.
36. The proposed development is therefore considered to accord with the aforementioned policies.

Flood Risk

37. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy EP18; Adopted Central Lancashire Core Strategy (2012), Policy 29; Emerging Chorley Local Plan 2012 – 2026, Policy BNE9.
38. Consultation with the Environment Agency standing advice has confirmed that the proposed development would not be susceptible to an unacceptable flood risk. The mitigation measures as proposed by the applicants Flood Risk Assessment will be made a condition to any permission granted and full details of finished floor levels, other than the 600mm above the 1 in 100 year flood level quoted in the Design and Access Statement will also be required before works commence on site.
39. The proposed development is therefore considered to accord with the aforementioned policies.

Drainage & Sewers

40. Pertinent Policies are: Adopted Chorley Local Plan Review (2003), Policy EP18; Adopted Central Lancashire Core Strategy (2012), Policy 29.
41. As with the previous, approved, application a number of conditions will be attached to any consent granted, to include the method of attachment to the public sewer and the use of a surface water attenuation tank. These will not only ensure compliance with the requirements of United Utilities as a statutory undertaker but also compliance with Adopted Core Strategy Policy 29. A suitably worded condition is suggested that will ensure compliance.

Sustainable Resources

42. Pertinent Policies: Adopted Central Lancashire Cores Strategy (2012), Policy 27. This requires new dwelling to be built to the Code for Sustainable Homes (CSH) code level 4 from January 2013 and 6 from January 2016. Suitably worded conditions will ensure compliance with these and all other requirements of this policy.

S.106 Agreement

43. Pertinent Policies are: Adopted Central Lancashire Open Space and Playing Pitch SPD (2013). A Section 106 Agreement has been drafted that seeks financial contributions with the following heads of terms:

Amenity Greenspace	£560
Equipped play area	£536
Allotments	£60
Playing Pitches	£6,396
Total	<u>£7,552</u>

CIL

44. The development is liable for the Community Infrastructure Levy (CIL) which equates to £48,880.

Overall Conclusion

45. Whilst the proposed development site is within Croston, wherein no further expansion of the settlement is proposed, the site is considered as previously developed and is seen to meet the requirements of the Framework in terms of sustainable development. The loss of employment land is at least in part mitigated by the provision of office accommodation within the development. The design has been carefully considered and responds to the context. The development is acceptable in terms of highways and parking, drainage and flood risk, all of which being suitably controlled by appropriate conditions. Relationships to neighbouring residential properties will be sustained or enhanced and the removal of inappropriate vehicular movements and unsightly buildings will further enhance the amenity of local residents and visitors to Croston alike. The application is therefore recommended for approval.

Planning Policies

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

Planning History

Ref: 12/00942/FUL **Decision:** PERFPP **Decision Date:** 12 December 2012
Description: Application to demolish the existing dwelling (127a) and other out buildings situated on the site and to build a replacement dwelling fronting Station Road and also 4 further dwellings to form a small residential street on the rest of the

application site, with associated access road, driveways, private gardens and communal landscaping (resubmission of withdrawn application ref: 12/00628/FUL)

**Ref: 12/00943/CON Decision: PERFPP Decision Date: 12 December 2012
Description: Application for Conservation Area Consent to demolish the existing dwelling (127a) and other out buildings situated on the site (development associated planning application 12/00942/FUL). Resubmission of withdrawn application 12/00629/CON.**

Proposed Conditions

No.	Condition								
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>								
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="0" data-bbox="368 533 1334 656"> <tr> <td>Drawing: Proposed Site Plan</td> <td>Rcvd: 20 March 2014</td> </tr> <tr> <td>Drawing: Proposed Plans & Elevations, plots 1, 2 & 3</td> <td>Rcvd: 17 Sept 2014</td> </tr> <tr> <td>Drawing: Proposed Plans and Elevations, plot 4</td> <td>Rcvd: 17 Sept 2014</td> </tr> <tr> <td>Drawing: Outline Drainage Layout</td> <td>Rcvd: 20 March 2014</td> </tr> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Drawing: Proposed Site Plan	Rcvd: 20 March 2014	Drawing: Proposed Plans & Elevations, plots 1, 2 & 3	Rcvd: 17 Sept 2014	Drawing: Proposed Plans and Elevations, plot 4	Rcvd: 17 Sept 2014	Drawing: Outline Drainage Layout	Rcvd: 20 March 2014
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Drawing: Proposed Plans and Elevations, plot 4	Rcvd: 17 Sept 2014								
Drawing: Outline Drainage Layout	Rcvd: 20 March 2014								
3.	<p>Due to the proposed sensitive end-use (residential housing & gardens), and the existing & former uses of the site as a depot/store, 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>A Desk Study Report should include a desk study and site reconnaissance (walk over) and preliminary risk assessment as defined in 'CLR 11: Model Procedures for the Management of Land Contamination' (Environment Agency, 2004). Further guidance and advice on producing the report can be obtained from the Contaminated Land Officer on 01527 515661.</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>								
4.	<p>No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement (installation of guardrails) has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</p> <p><i>Reason: In the interests of highway safety</i></p>								
5.	<p>The development hereby permitted shall not commence unless and until, plans and particulars showing a scheme of foul sewers and surface water drains, have been submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.</p> <p><i>Reason: To ensure a satisfactory means of drainage.</i></p>								

6.	<p>United Utilities (UU) require that this site must be drained onto a totally separate system combining just prior to the network, where surface water must be attenuated to a maximum pass forward flow rate of 9.81 litres per second as stated in the flood risk assessment provided with the application.</p> <p><i>Reason: To accord with the requirements of United Utilities as the statutory undertaker for water supply and sewerage disposal.</i></p>
7.	<p>The development hereby permitted shall not commence unless and until samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) 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.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
8.	<p>The development hereby permitted shall not commence unless and until details of the proposed fenestration (windows, doors and other joinery) (notwithstanding any details shown on previously submitted plan(s) and specification) to include details at a scale of not less than 1:10 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.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>
9.	<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 plan(s). 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>
10.	<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 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>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents</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</p>

	development.
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>Before the development hereby permitted commences the applicant shall undertake further precautionary ecological surveys to establish the existence (or otherwise) of any protected species within the buildings to be demolished – Bats, Owls or other nesting birds. The results of the ecological survey must, before the development hereby permitted commences, be submitted to and have received approval in writing from the local planning authority. Any mitigation measures required as a result of the survey findings must be completed and also have received approval in writing from the local planning authority before the development hereby permitted commences. Further re-surveys will be required if the time elapsed between the date of the survey and the commencement of works is greater than twelve months.</p> <p>Reason: To comply with the requirements of the Wildlife and Countryside Act and the European Protected Species and Habitats Regulations (as amended).</p>
15.	<p>Prior to the commencement of development plans and particulars showing the provision to be made for the storage and disposal of refuse and recycling receptacles, shall be submitted to, and approved in writing by, the Local Planning Authority. Such provision as is agreed shall be implemented concurrently with the development and thereafter retained. No part of the development shall be occupied until the agreed provision is completed and made available for use.</p> <p>Reason: In order that the Council may be satisfied with the details of the proposal.</p>
16.	<p>Before the use of the site hereby permitted is first commenced, full details of facilities to be provided for the cleaning of the wheels of vehicles leaving the site shall be submitted to and approved in writing by the Local Planning Authority. The wheel wash facility shall be provided, in accordance with the approved details, before the use of the site hereby permitted is first commenced and thereafter retained at all times during operation of the site.</p> <p>Reason: To prevent the tracking of mud and/or the deposit of loose material upon the highway, in the interests of public safety.</p>
17.	<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><i>Reason: In the interests of neighbour amenity.</i></p>
18.	<p>The garages hereby approved as part of the development shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation.</p> <p><i>Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking</i></p>

Proposed Informatives

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

The applicant is advised that the site is subject to flooding during periods of heavy and sustained rainfall and falls within Flood Zone 2 as defined by the Environment Agency. United Utilities require that this site must be drained onto a totally separate system combining just prior to the network, where surface water must be attenuated to a maximum pass forward flow rate of 9.81 litres per second as stated in the flood risk assessment provided with this application.

A public sewer crosses the site and United Utilities (UU) will not permit building over it. UU will require an access strip width of eight metres, four metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of 'Sewers for Adoption', for maintenance or replacement.

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information by emailing the County Council's developer Support Service on lhscustomerservice@lancashire.gov.uk or by writing to the Developer Support Manager, Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston PR5 6BJ quoting the planning application number in either case. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed diversion of a right of way should be the subject of an Order under the appropriate Act.

A public sewer crosses the site and United Utilities (UU) will not permit building over it. UU will require an access strip width of eight metres, four metres either side of the centre line of the sewer, which is in accordance with the minimum distances specified in the current issue of 'Sewers for Adoption', for maintenance or replacement.

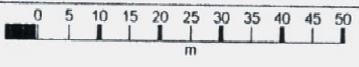
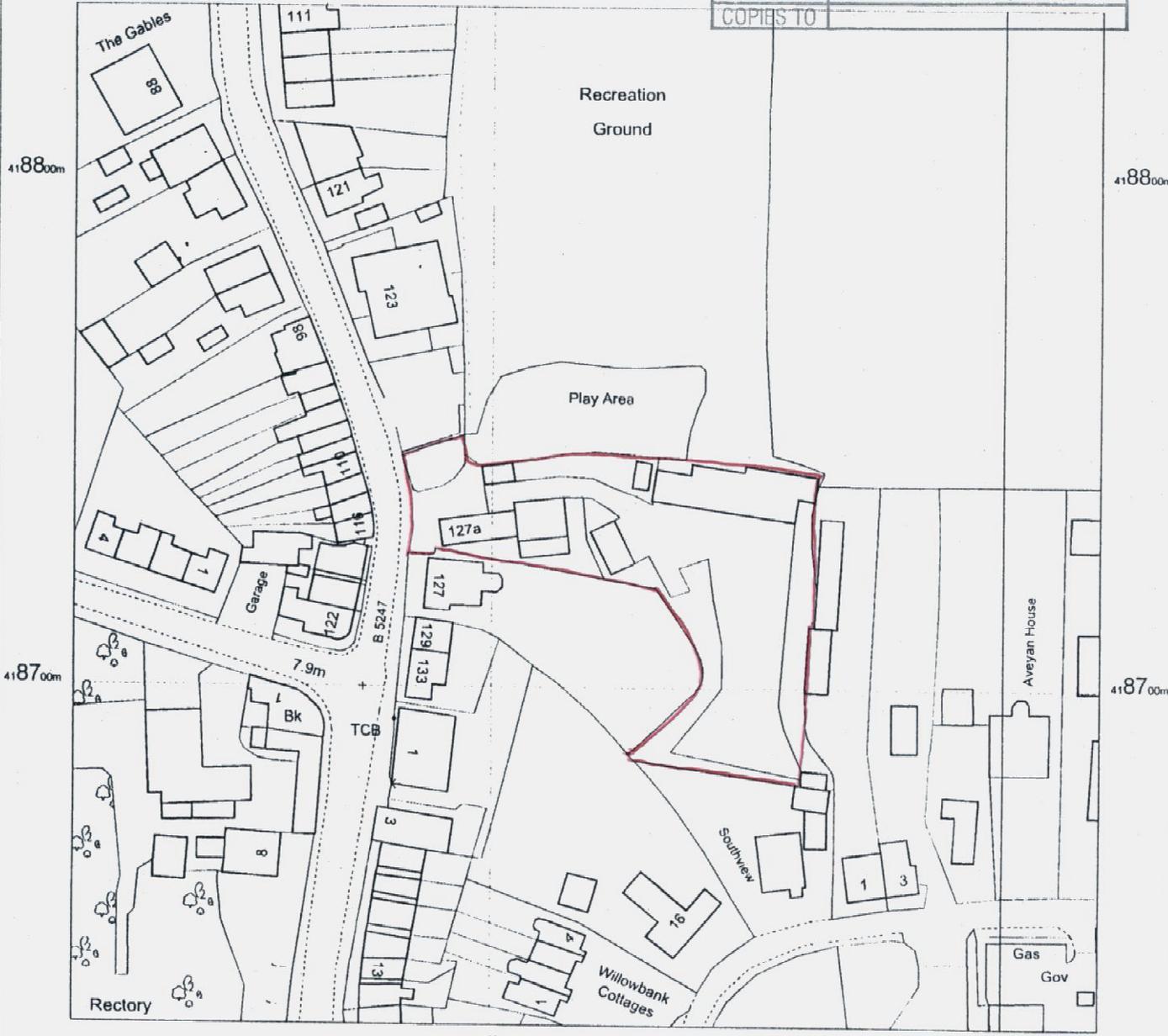
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CHORLEY COUNCIL

DEVELOPMENT CONTROL

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Item 3j	14/00960/CB3
Case Officer	Iain Crossland
Ward	Chorley South West Ward
Proposal	Application for change of use from public open space to domestic garden curtilage
Location	Land To The Rear Of 3 - 5 Cottage Fields Chorley
Applicant	Chorley Council
Consultation expiry:	08 October 2014
Decision due by:	06 November 2014

Recommendation

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

Executive Summary

The main issues to consider are the loss of open space, and impact on the appearance and character of the area. As assessed below the proposals are considered to be acceptable when assessed against the relevant criteria.

Representations

In total 1 representation and 1 petition have been received, which are summarised below

Objection

Total No. received:

- Loss of land maintained, planted up and generally enhanced by the occupant of 1 Cottage Fields
- Impact on outlook through loss of trees
- Impact on wildlife due to loss of trees
- Impact from noise due to loss of trees
- Loss of sun shield due to loss of trees
- Loss of amenity due to loss of trees and wildlife
- Loss of privacy due to loss of trees
- Impact from antisocial behaviour due to loss of tree screening
- Would like the area of land to the rear of the garage at 1 Cottage Fields to be brought within the curtilage of 1 Cottage Fields, and not the curtilage of 3 Cottage Fields.
- The occupier of 1 Cottage Fields has been informed by a neighbour that if the garden extensions take place then they will cut the trees down.

A petition has been received that includes 36 names. Individual comments are made on the petition which raise the following issues:

- Loss of trees
- Impact on birds and wildlife

AssessmentThe Site

1. The application site is a Council owned area of public open space located close to the Eaves Green Community Centre. This is within the core settlement area of Chorley.
2. The application site is an allocated open space. It is a predominantly grassed area with tarmac paths crossing the site, goal posts and peripheral tree planting and landscaping to the boundary with the properties on Cottage Fields and reservoir to the east.

The Proposal

3. It is proposed to change the status of a strip of land to the rear of properties on Cottage Fields from public open space to private garden curtilage. The proposal would effectively extend the area of garden curtilage outwards by up to 4m into the open space for a distance of around 35m from the boundary of 5 and 6 Cottage Fields to a point level with the front elevation of the garage at no1 Cottage Fields. It is the intention that a fence would be erected to enclose the land, thereby removing any public access.

Assessment

The main issues are as follows:-

Issue 1 – Loss of Public Open Space

Issue 2 – Impact on character and appearance of the locality

Issue 3 – Trees

Issue 4 – Birds and wildlife

Principle of the Development

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.
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." The Council accepted the Inspectors modifications for Development Management purposes at its Executive Committee on 21st November 2013.
7. 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.
8. Policy HW2 of the Chorley Local Plan 2012 – 2026 states that land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless certain criteria can be met. These are assessed below.
9. This approach is reflected and supported in the National Planning Policy Framework (The Framework).

Loss of Public Open Space

10. The proposal involves the loss of a small part of land allocated as open space under Policy HW2 in the Local Plan. Policy HW2 protects all existing open space, sport and recreational facilities and requires alternative provision to be made under criterion a) of the policy unless the proposal satisfies all of criteria b) to e). The proposal is assessed against these criteria below:

11. *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;*
There is currently a surplus of amenity greenspace in the Chorley South West ward. Therefore, the loss of this site would not lead to a deficit in provision in the local area in terms of quantity and accessibility.
12. *c) The site is not identified as being of high quality and/or high value in the Open Space Study;*
The site is identified as being of high value and high quality in the Open Space Study, so this proposal would be contrary to this criterion.
13. *d) It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area;*
The site is an important recreational facility in the area and is needed to meet the required amount of this typology of open space in the settlement, however, the proposal relates to an inaccessible part of the site. Although this part of the site contributes to visual amenity the area of actual recreational space would not be diminished.
14. *e) The site does not make a significant contribution to the character of an area in terms of visual amenity;*
This site is allocated as amenity open space and forms part of the Adjacent to Cottage Fields amenity open space (Open Space Study site ref: 1459). This area of the site forms an area of planting between the open space and neighbouring housing. It is considered that the site does make a significant contribution to the character of the area in terms of visual amenity.
15. The proposal does not accord with criterion c) of HW2 because the site is assessed as being of high quality and high value. It also does not comply with criterion e) as it makes a significant contribution to the character of the area in terms of visual amenity. Therefore, in order to satisfy Policy HW2, alternative provision of an equivalent or enhanced standard should be provided nearby in accordance with criterion a).
16. The policy requires that this provision is provided nearby before the existing facilities cease to be available. The proposal forms part of a wider Council scheme planned for the enhancement of the site, including enhanced landscape buffer planting, tree planting, new railings, football pitch enhancement and a toddler play area and extension to the adjacent community centre. The scheme would commence prior to the curtilage fencing being erected and would continue across the site resulting in an enhanced standard of provision.
17. The loss of open space identified within this proposal is considered acceptable in relation to policy HW2 of the Local Plan as the proposed area is small, there is surplus provision in the area and the functionality of the site can be sustained and indeed enhanced as part of a wider scheme.

Impact on character and appearance

18. The visual impact of the proposal would be most noticeable from the open space itself. The trees and landscape buffering along the boundary of the site adjacent to properties on Cottage Fields, to which the application relates, provide a positive contribution to the appearance of the site and character of the area. The trees and shrubs make an important visual contribution to the site and provide screening from noise and disturbance to the properties along Cottage Fields.
19. The application does not propose any felling of trees or landscape clearance and it is noted that the land would remain within the ownership of Chorley Council and leased to properties on Cottage Fields through a License agreement. Chorley Council Property Services have confirmed that the License would stipulate that the land and specifically the trees are protected.

20. The terms of the agreements would :
- Protect the trees on the land and prohibit any chopping, lopping, trimming of the trees, shrubs and vegetation without the Council's prior consent
 - Prohibit any hard surfacing on the land
 - Further conditions would be attached to prevent removal of any vegetation during the bird nesting season to avoid damage to wildlife living within the shelter belt. The site would be closely monitored by Council officers to ensure compliance, particularly during the nesting season
 - Each licence would be granted for a 364 days and would be reviewed prior to renewal to ensure the terms have been observed.
21. Such an agreement would enable the Council to control the use of the land more closely, and in the event that the terms are not adhered to the Agreement could be terminated and the land would revert back to direct Council control and management.
22. The retention of the land within Chorley Council ownership and use of a License agreement is considered to provide a strong level of protection for the trees and landscaping, and as a result it is considered that the impact upon the character and appearance of the site is acceptable as there would be little change from the current situation.
23. Although a fence would be erected to enclose the land and prevent public access it is anticipated that this would be a timber fence that would blend in with the appearance of the site and it is recommended that a condition is attached to any planning permission requiring further details of the fencing prior to the commencement of the works. Furthermore the existing landscape buffer and tree planting would be increase as part of the wider scheme for the site, which would serve to screen any fencing works and improve the overall appearance and character of the site.

Trees

24. The application does not propose any felling of trees or landscape clearance and it is noted that the land would remain within the ownership of Chorley Council and leased to properties on Cottage Fields through a License agreement. Chorley Council Property Services have confirmed that the License would stipulate that the land and specifically the trees are protected as described above. This is considered to provide a robust level of protection.

Birds and wildlife

25. No trees or landscape clearance would take place as part of the proposal, and it is acknowledged that the existing landscape buffer would be enhanced through further planting. As a result the existing habitat for birds and wildlife would be enhanced rather than diminished.
26. It is noted that any protected species are protected under separate legislation through the Wildlife and Countryside Act (1981) (as amended).

Other matters

27. Would like the area of land to the rear of the garage at 1 Cottage Fields to be brought within the curtilage of 1 Cottage Fields, and not the curtilage of 3 Cottage Fields: The application is for the change in status of the land to the rear of Cottage Fields from public open space to private residential garden curtilage. No specific allocation of the land is identified within the proposed plans and this is not a material planning consideration in any case.
28. The occupier of 1 Cottage Fields has been informed by a neighbour that if the garden extensions take place then they will cut the trees down: The application does not propose any felling of trees or landscape clearance and it is noted that the land would remain within the ownership of Chorley Council and leased to properties on Cottage Fields through a License agreement. The License would protect the trees on the land and prohibit any chopping, lopping, trimming of the trees, shrubs and vegetation without the

Council's prior consent. Such an agreement would enable the Council to control the use of the land more closely, and in the event that the terms are not adhered to the Agreement could be terminated and the land would revert back to direct Council control and management.

29. Loss of land maintained, planted up and generally enhanced by the occupant of 1 Cottage Fields: This is not a material planning consideration and there is no intention to remove trees or other planting as part of the proposal.

Overall Conclusion

30. There would be no impact on the amenity of neighbouring occupiers or the overall appearance and character of the area as a result of the proposal. Although a small part of the public open space would no longer be accessible to the public, the impact is considered acceptable. On the basis of the above, it is recommended that planning permission be granted.

Planning Policies

31. 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.

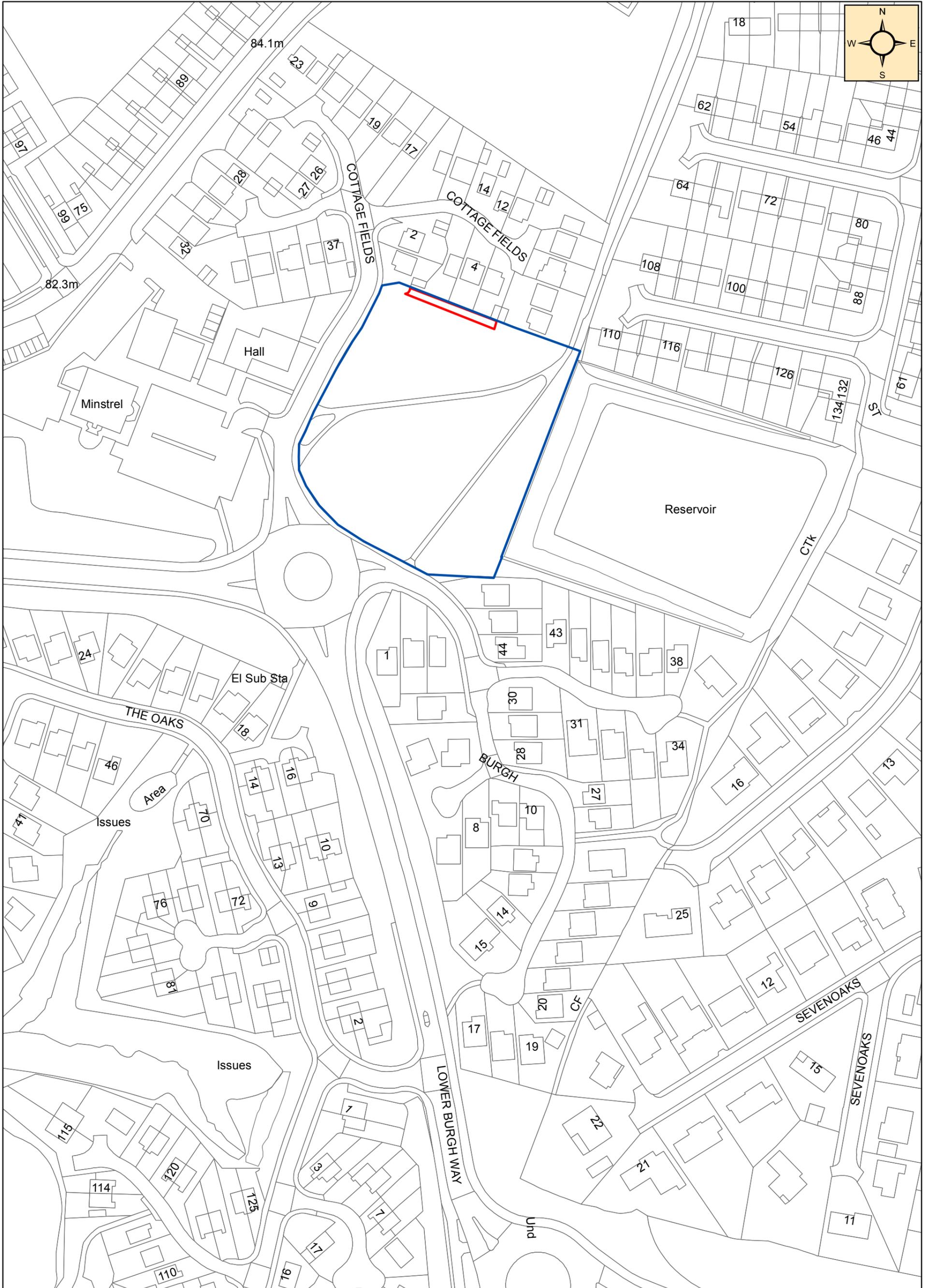
Planning History

There is no recent planning history at the site

Suggested Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The approved plans are: Title Location Plan <i>Reason: To define the permission and in the interests of the proper development of the site.</i></p> <p style="text-align: right;">Received On: 10 September 2014</p>
3.	<p>Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences to be erected (notwithstanding any such detail shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. <i>Reason: To ensure a visually satisfactory form of development</i></p>

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Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Development Control Committee	28 October 2014

ENFORCEMENT ITEM FORMATION OF ACCESS TRACK AND ERECTIONS OF BUILDINGS LAND 75 METERS NORTH OF 7 BACK LANE CHARNOCK RICHARD

PURPOSE OF REPORT

1. To seek authority to take enforcement action in respect of the unauthorised development on the land.

RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control:
3. Without planning permission the formation of an access track and erection of buildings.

Remedy For Breach

1. Excavate the access track and remove the materials used to form the access track from the land.
2. Demolish the buildings and remove the materials from the land.

Period For Compliance

Four Months

Reason For Issue Of Notice

The development constitutes inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt unless very special circumstances exist to outweigh the harm to the Green Belt by reason of inappropriateness. As such, the development is contrary to the policies of the National Policy Framework and Policy DC1 of the Adopted Chorley Local Plan Review.

EXECUTIVE SUMMARY OF REPORT

4. There is no planning permission for the development on the land and the landowner has been advised that because the land is designated as Green Belt such development is considered inappropriate development and unacceptable in planning terms. It is considered therefore given the inappropriateness of the development within the Green Belt that it would be expedient to issue an enforcement notice in this case.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

5. This report relates to the following Strategic Objectives:

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

BACKGROUND

6. This case relates to an area of grazing land used in part for the keeping of horses off Back Lane Charnock Richard. An access track has been laid running into the land down to an existing septic tank and three buildings erected for wood storage. The access track and buildings were constructed within the last 4 years and within the time limit for taking enforcement action against unauthorised operational development. In 2008 planning permission was refused for a proposed access track to serve the septic tank to enable its maintenance on the basis of inappropriate development in the Green Belt and there being no very special circumstances for permitting the development.

ASSESSMENT

- 7. The land is within the Green Belt and policy guidance within the National Planning Policy Framework and Policy DC1 of the Adopted Chorley Borough Local Plan Review are relevant policy considerations.
- 8. Within the Green Belt only development which is considered appropriate development will be permitted unless it can be demonstrated that very special circumstances exist to outweigh the harm to the Green Belt.
- 9. In this case the access track and buildings do not fall within any of the categories of development considered to be appropriate development within the Green Belt and are therefore by definition inappropriate development.
- 10. There is no planning permission for the development on the land and the landowner has been advised that because the land is designated as Green Belt such development is considered inappropriate development and unacceptable in planning terms. It would be unlikely that planning permission would be granted should a planning application be submitted .No action has been taken to remove the unauthorised development and it appears that the landowner is not willing to comply voluntarily in this case. It is considered therefore given the inappropriateness of the development within the Green Belt that it would be expedient to issue an enforcement notice in this case.

IMPLICATIONS OF REPORT

11. 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

12. The current enforcement action can be contained within existing resources. Should further action be necessary there may be additional costs to incur which we would seek to recover from the owner of the site.

COMMENTS OF THE MONITORING OFFICER

13. The recipient has not obtained planning permission for the track, indeed planning permission has previously been refused. Enforcement action is reasonable to ensure compliance with the Council's planning policies as no special circumstances have been raised.

Jamie Carson
Director of Public Protection Streetscene and Community

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Peter Willacy	5226	13 October 2014	***

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Land 75m North Of 7
Back Lane
Charnock Richard



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Report of	Meeting	Date
Chief Executive	Development Control Committee	28 October 2014

PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER (NO. 2) CROSTON 2014 WITHOUT MODIFICATION

PURPOSE OF REPORT

1. To consider formal confirmation of the Tree Preservation Order No.2 (Croston) 2014 without modification.

RECOMMENDATION(S)

2. Tree Preservation Order No.2 (Croston) 2014 is confirmed i.e. made permanent without modification.

EXECUTIVE SUMMARY OF REPORT

3. 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.
4. The Order will be registered as a local land charge in the event that it is confirmed. The order made on 18 June is revealed at present in response to CON29 enquiries.

Confidential report Please bold as appropriate	Yes	No

CORPORATE PRIORITIES

5. 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

6. The order was made on 18 June 2014. The Order was made and served along with the statutory notice prescribed in Regulations and a brief guide to protected trees issued by CLG on all those with an interest in the land on which the trees are situated on 19 June. The same documents were also served on 19 June on Trinity and St. Michael's Church of England/Methodist Primary School as owner/occupier of adjacent land. The order was made because on the assessment of Planning Officers 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. There was a clear threat to the trees as the owner had applied to fell one of them (Application reference 14/00473/TCON).

- 7. Croston Parish Council was notified of the order as a courtesy although the relevant Regulations do not require it to be notified.
- 8. The order protects two individual trees which are a spruce and a silver birch. Members will note from the plan attached to the order within Appendix A that the trees are located in the rear garden of 15 Church Street Croston bordering the River Yarrow.
- 9. 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. the trees protected by the Order without first having obtained lawful permission. Offences are punishable by a fine of up to £20,000 in the magistrates' court.

IMPLICATIONS OF REPORT

- 10. 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

- 11. If any of 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

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

GARY HALL
CHIEF EXECUTIVE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Alex Jackson	5166	24 September 2014	IKEN File 2495

Tree Preservation Order

Appendix A

Town and Country Planning Act 1990

The Chorley Borough Council Tree Preservation Order No. 2 (Croston) 2014

Chorley Borough Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order -

Citation

1.This Order may be cited as The Chorley Borough Council Tree Preservation Order No. 2 (Croston) 2014

Interpretation

- 2. (1) In this Order "the authority" means Chorley Borough Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall —
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 18 day of June 2014

The Common Seal of Chorley Borough Council was affixed to this Order in the presence of:



.....
Head of Governance



30023

CONFIRMATION OF ORDER

This Order was confirmed by Chorley Borough Council without modification on the
day of

OR

This Order was confirmed by Chorley Borough Council, subject to the modifications indicated by

on the day of

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

SCHEDULE

Appendix A

Specification of trees

Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
T1	Spruce	Centre rear of rear garden adjacent to an outbuilding and the River Yarrow
T2	Silver Birch	Centre rear of rear garden adjacent to an outbuilding and the River Yarrow

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

Groups of trees

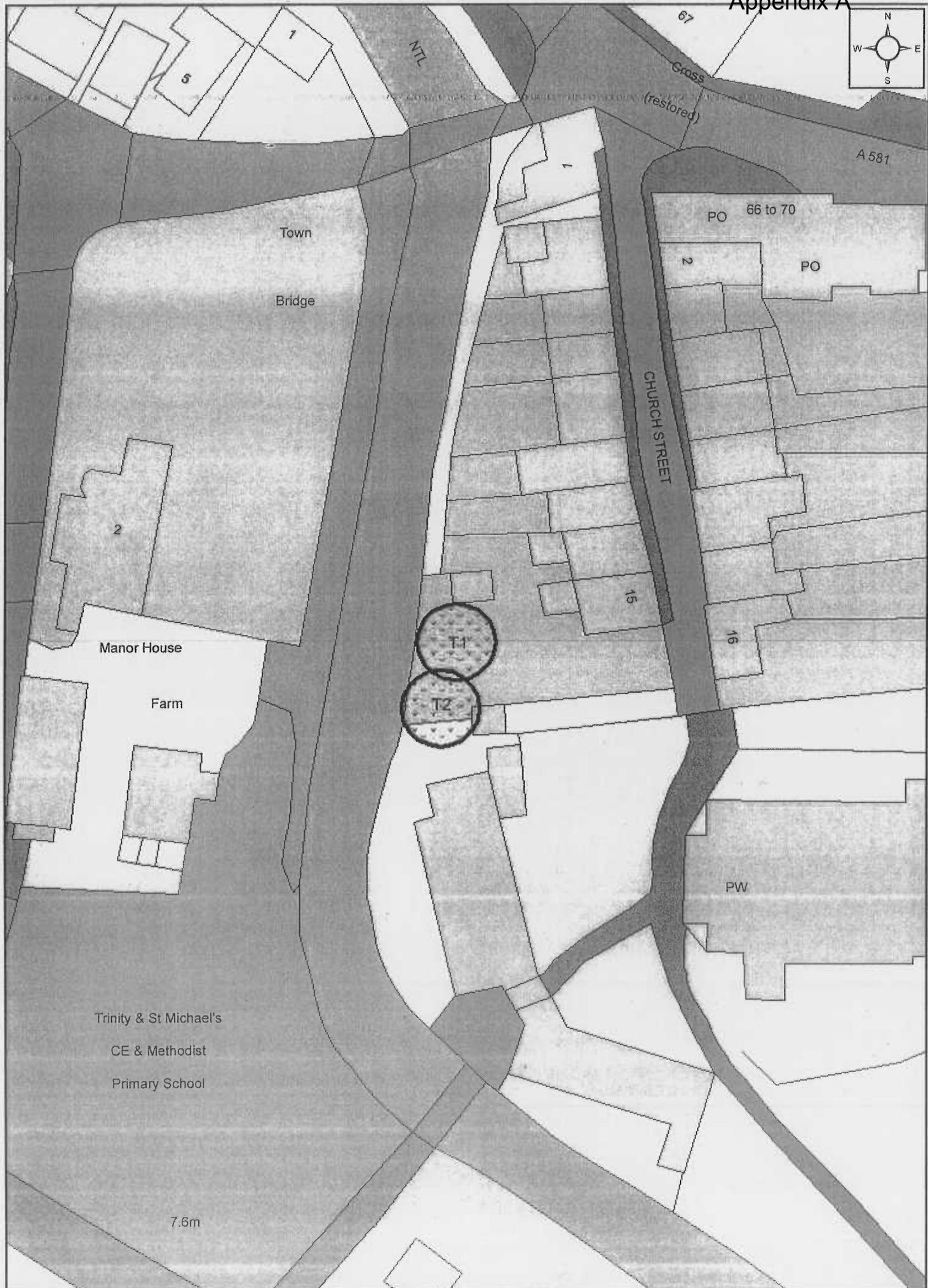
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
None		

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		





Report of	Meeting	Date
Head of Governance	Development Control Committee	28 th October 2014

PROPOSED VARIATION OF TREE PRESERVATION ORDER NO. 13 (CHORLEY) 2013

PURPOSE OF REPORT

- To consider a variation of Tree Preservation Order No.13 (Chorley) 2013.

RECOMMENDATION(S)

- Tree Preservation Order No.13 (Chorley) 2013 is varied.

EXECUTIVE SUMMARY OF REPORT

- Formal variation of this Order affords permanent legal protection to the correct trees covered by the Order. Not to allow the variation of this Order would mean allowing a group of trees in the original order known as G3 to be protected by the Order when this is not needed.
- The Order will be registered as a local land charge in the event that it is varied.

Confidential report Please bold as appropriate	Yes	No
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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 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 12th December 2013. 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. No objections were made and the Order was confirmed on the 5th March 2014.
- On assessment it was decided to remove the group of trees known as G3 (which include Goat Willow, Silver Birch and Sycamore) and situated on the adjacent west boundary of

Cowling Mill site from the original confirmed Tree Preservation Order No.13 (Chorley) 2013. This group of trees no longer make a valuable contribution to the visual amenities of the area being prominently situated and clearly visible to the public. This group of trees do not have a significant impact on the environment and its enjoyment by the public. The group of trees named G4 (which include Alder) in the original order will now be renamed as G3.

- 8. It is therefore, now open to the Council to vary the above Order as unopposed. The effect of formally varying the Order will be to give permanent legal force to the Order, 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

- 9. 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

- 10. 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

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

I attach a copy of the original Tree Preservation Order No.13 (Chorley) 2013 and a new Plan of the location of the trees affected in this Order.

Report Author	Ext	Date	Doc ID
Elizabeth Walsh	5169	6.10.14	2510



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Tree Preservation Order

Town and Country Planning Act 1990

The Chorley Borough Council Tree Preservation Order No.13 (Chorley) 2013

Chorley Borough Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order -

Citation

1.This Order may be cited as Chorley Borough Council Tree Preservation Order No.13 (Chorley) 2013

Interpretation

- 1. (1) In this Order "the authority" means Chorley Borough Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 2. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall —
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

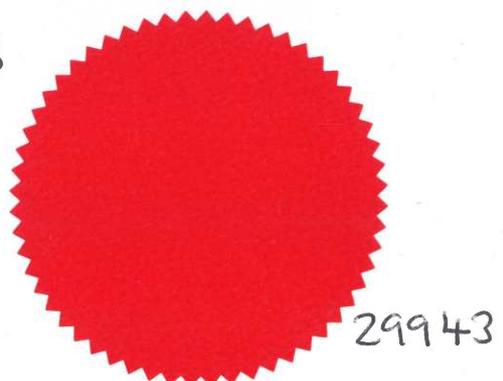
- 3. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 12 day of December 2013

The Common Seal of Chorley Borough Council

was affixed to this Order in the presence of:]

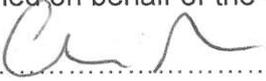

]
 Authorised Signatory



CONFIRMATION OF ORDER

This Order was confirmed by Chorley Borough Council without modification on 5th day of March 2014

Signed on behalf of the Chorley Borough Council


.....

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

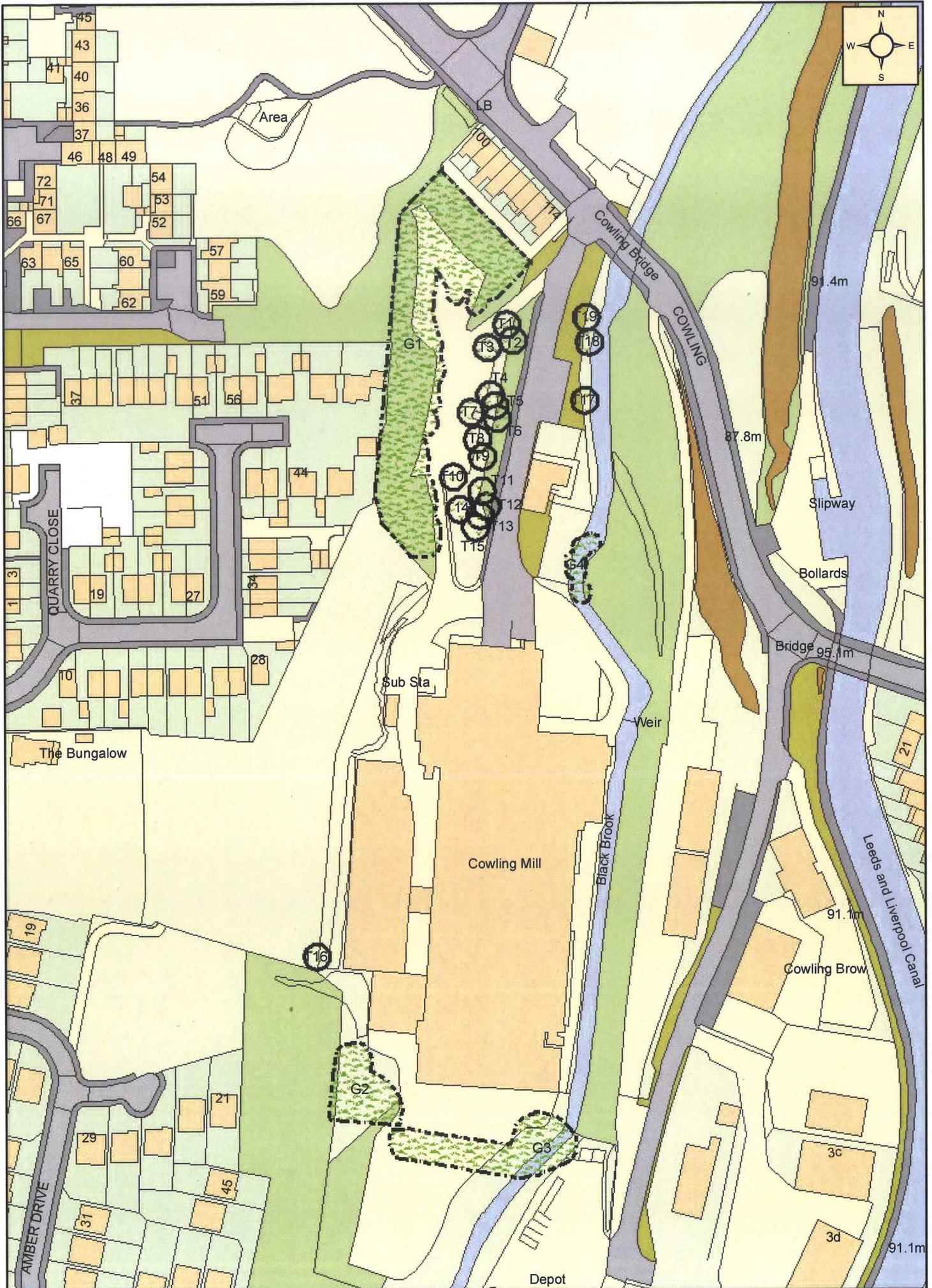
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[T1]	[Sycamore]	[North of Cowling Mill Street]
[T2]	[Silver Birch]	[North of Cowling Mill Street]
[T3]	[Sycamore]	[North of Cowling Mill Street]
[T4]	[Sycamore]	[North of Cowling Mill Street]
[T5]	[Sycamore]	[North of Cowling Mill Street]
[T6]	[Sycamore]	[North of Cowling Mill Street]
[T7]	[Sycamore]	[North of Cowling Mill Street]
[T8]	[Sycamore]	[North of Cowling Mill Street]
[T9]	[Sycamore]	[North of Cowling Mill Street]
[T10]	[Sycamore]	[North of Cowling Mill Street]
[T11]	[Sycamore]	[North of Cowling Mill Street]
[T12]	[Sycamore]	[North of Cowling Mill Street]
[T13]	[Sycamore]	[North of Cowling Mill Street]
[T14]	[Sycamore]	[North of Cowling Mill Street]
[T15]	[Sycamore]	[North of Cowling Mill Street]

[T16]	[Sesille Oak]	[Adjacent west boundary of Cowling Mill Site]
[T17]	[Sycamore]	[Adjacent east boundary of Cowling Mill Site]
[T18]	[Sycamore]	[Adjacent east boundary of Cowling Mill Site]
[T19]	[Wych Elm]	[Adjacent east boundary of Cowling Mill site]

Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
[G1]	[Sycamore, goat willow]	[Adjacent west boundary of Cowling Mill Site]
[G2]	[Sycamore, ash, oak, silver birch]	[Adjacent west boundary of Cowling Mill Site]
[G3]	[Goat Willow, silver birch, sycamore]	[Adjacent west boundary of Cowling Mill site]
[G4]	[Alder]	[Adjacent east boundary, along stream bank of Cowling Mill Site]



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