

## **DEVELOPMENT CONTROL COMMITTEE**

TUESDAY, 18TH NOVEMBER 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 3 - 6)

To confirm the minutes of the Development Control Committee held on 28 October 2014 be confirmed as a correct record and 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 five 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/>

<b>3A</b>	<b>14/00741/FUL - THE COTTAGE TEA ROOMS, 25A SCHOOL LANE, BRINSCALL</b>	(Pages 7 - 18)
<b>3B</b>	<b>14/00883/FUL - ADLINGTON POLICE STATION, 26 CHURCH STREET, ADLINGTON, CHORLEY, PR7 4EX</b>	(Pages 19 - 32)
<b>3C</b>	<b>14/01042/TPO - PARK MILLS, DEIGHTON ROAD, CHORLEY (REPORT TO FOLLOW)</b>	
<b>3D</b>	<b>14/00761/OUTMAJ - THE MILL HOTEL CHORLEY, MOOR ROAD, CROSTON, LEYLAND, PR26 9HP</b>	(Pages 33 - 48)
<b>3E</b>	<b>14/00844/FUL - LANCASTER HOUSE FARM, PRESTON ROAD, CHARNOCK RICHARD, CHORLEY, PR7 5LE</b>	(Pages 49 - 58)
<b>4</b>	<b>PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO. 5 (CHARNOCK RICHARD) 2014</b>	(Pages 59 - 76)
	To consider a report of the Chief Executive (enclosed).	
<b>5</b>	<b>PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO 8 (HEATH CHARNOCK) 2014 WITHOUT MODIFICATION</b>	(Pages 77 - 80)
	To consider a report of the Chief Executive (enclosed).	
<b>6</b>	<b>PLANNING APPEALS AND OTHER DECISIONS</b>	(Pages 81 - 98)
	To consider a report of the Director of Public Protection, Streetscene and Community (enclosed).	
<b>7</b>	<b>ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR</b>	

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 Counce, 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.

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

**MINUTES OF DEVELOPMENT CONTROL COMMITTEE****MEETING DATE** Tuesday, 28 October 2014**MEMBERS PRESENT:** Councillor Steve Holgate (Chair), Councillor Dave Rogerson (Vice-Chair) and Councillors Charlie Bromilow, Jean Cronshaw, David Dickinson, Christopher France, Danny Gee, Keith Iddon, June Molyneaux, Alistair Morwood and Mick Muncaster**RESERVES:** Councillors Mike Handley**APOLOGIES:** Councillors Henry Counce, Richard Toon, Paul Walmsley and Alan Whittaker**OTHER MEMBERS:** Councillors Margaret France**14.DC.79 Minutes****RESOLVED – That the minutes of the Development Control Committee held on 30 September 2014 be confirmed as a correct record and signed by the Chair.****14.DC.80 Declarations of Any Interests**

Councillor Christopher France declared an interest in item 14.DC.81a 14/00741/FUL – The Cottage Tea Rooms, 25A School Lane, Brinscall and left the meeting for consideration of that item.

**14.DC.81 Planning applications to be determined**

The Director of Public Protection, Streetscene and Community submitted ten 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.81a 14/00741/FUL - The Cottage Tea Rooms, 25A School Lane, Brinscall**

Councillor Christopher France left the meeting for the debate and decision of this planning application.

**Speakers:** Objector – Barry Hammond, Supporter – Vivian Ryan and Ward Councillor Margaret France.

**RESOLVED (10:0:1) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposal.**

**14.DC.81b 14/00881/FUL - Brinscall Hall Farm, Dick Lane, Brinscall, Chorley**

**Speakers:** Objector – Steven Perry, Parish Councillor Christopher Howard, Ward Councillor Margaret France and the applicant's agent – David Bailey

Councillor Christopher France put forward a motion to refuse planning permission. The motion was seconded by Councillor Danny Gee. During further debate Councillor Christopher France, with the support of Councillor Danny Gee retracted the motion in favour of an alternative motion which sought the decision to be deferred to allow Members of the Committee time to visit the site of the proposal.

Following a short adjournment for legal consultation it was **RESOLVED (unanimously) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposal.**

**14.DC.81c 14/00975/FUL - Brinscall Hall Farm, Dick Lane, Brinscall**

**Speakers:** Objector – Steven Perry, Parish Councillor Christopher Howard, Ward Councillor Margaret France and the applicant's agent – David Bailey

A motion to defer the decision to allow Members of the Committee time to visit the site of the proposal was proposed and seconded.

A second motion was put forward to approve full planning permission, which was seconded.

**RESOLVED (10:2:0) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposal.**

**14.DC.81d 14/00879/FUL - 18A The Farthings, Astley Village, Chorley, PR7 1TP**

**Speakers:** Objector – Malcolm Walkden and the applicant – Gary Parker.

Councillor Michael Muncaster abstained from the vote on the application as he had been unable to attend the site visit.

**RESOLVED (10:0:2) – That planning permission be approved subject to a condition imposing a Construction Management Plan to be approved by the Chair and Vice Chair of Development Control Committee, a Section 106 legal agreement, and the conditions detailed within the report in the agenda. Delegated authority also be given to officers in consultation with the Chair and Vice Chair of Development Control Committee to amend condition three to standard condition wording.**

**14.DC.81e 14/00767/FULMAJ - Land 110m west of Coppull Enterprise Centre, Mill Lane, Coppull**

**Speaker:** Applicant's agent – Richard Barton

**RESOLVED (unanimously) – That planning permission be approved subject to an Section 106 legal agreement, conditions within the report in the agenda and the amended conditions detailed within the addendum including the removal of conditions 14 and 18.**

**14.DC.81f 14/00900/OUTMAJ - Land 150M west of Leatherlands Farm**

**RESOLVED (unanimously) – That planning permission be approved subject to a Section 106 legal agreement, the conditions detailed within the report in the agenda. In addition, delegated authority be approved for officers in consultation with the Chair and Vice Chair of the Development Control Committee to include an additional condition relating to the submission of the proposed arrangements for future management and maintenance of the proposed streets within the development.**

**14.DC.81g 14/00626/FUL - Bramblewood Nursery, Wigan Lane, Heath Charnock**

**Speakers:** Objector – Nick Holt and the applicant's agent – Rob Henderson

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

**14.DC.81h 14/00952/FUL - Green Farm, Wood Lane, Heskin**

**RESOLVED (11:0:1) – That full planning permission be approved subject to a Section 106 legal agreement and the conditions detailed within the addendum.**

**14.DC.81i 14/00315/FUL - 127A Station Road, Croston**

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

**14.DC.81j 14/00960/CB3 - Land to the rear of 3 - 5 Cottage Fields, Chorley**

**Speaker:** Objector – Janette Jones

**RESOLVED (9:2:1) – That the application be approved subject to the conditions detailed within the report in the agenda and that delegated authority be given to officers in consultation with the Chair and Vice Chair of Development Control Committee to amend condition two to standard condition wording.**

**In addition Members of the Development Control Committee would like to recommend to the Executive Member (Resources) that the land to the rear of the garage at 1 Cottage Fields to be brought within the curtilage of 1 Cottage Fields.**

**14.DC.82 Enforcement Report**

The Director of Public Protection, Streetscene and Community submitted a report which asked Members of the Development Control Committee if it was felt expedient to issue an Enforcement Notice in respect of a breach of planning control in that without planning permission there had been the formation of an access track and erection of buildings.

**RESOLVED (unanimously) – That it was expedient to issue an Enforcement Notice in respect of the breach of planning control.**

**14.DC.83 Proposed Confirmation of Tree Preservation Order No. 2 (Croston) 2014**

Members of the Development Control Committee considered a report of the Chief Executive which sought formal confirmation of the Tree Preservation Order No. 2 (Croston) 2014 without modification.

No objections had been received in response to the making of the order.

**RESOLVED (unanimously) – That formal confirmation of the Tree Preservation Order No. 2 (Croston) 2014 be approved.**

**14.DC.84 Variation of confirmed Tree Preservation Order No.13 (Chorley) 2013**

Members of the Development Control Committee considered a report of the Chief Executive which sought approval for the formal variation of Tree Preservation Order No. 13 (Chorley) 2013.

**RESOLVED (unanimously) – That the formal variation of Tree Preservation Order No.13 (Chorley) 2013 be approved.**

**14.DC.85 Planning appeals and other decisions**

The Director of Public Protection, Streetscene and Community submitted a report which informed Members of the Development Control Committee of one appeal that had been lodged with the Planning Inspectorate and two appeals that had been dismissed.

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

Chair

Date

<b>Item 3a</b>	<b>14/00741/FUL</b>
<b>Case Officer</b>	<b>Helen Lowe</b>
<b>Ward</b>	<b>Wheelton and Withnell</b>
<b>Proposal</b>	<b>Single storey extension to rear of existing cafe and extension of opening hours to : Monday, Tuesday, Wednesday, Friday &amp; Sunday: 10.00 - 17:00 and Thursday &amp; Saturday: 10:00 - 2200</b>
<b>Location</b>	<b>The Cottage Tea Rooms, 25A School Lane, Brinscall</b>
<b>Applicant</b>	<b>Mr Robin Bamford</b>
<b>Consultation expiry:</b>	<b>11<sup>th</sup> September 2014</b>
<b>Decision due by:</b>	<b>27 August 2014</b>
<b>Recommendation</b>	<b>Refuse</b>
<b>Executive Summary</b>	<b>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.</b>
<b>Update</b>	<b>Members will recall that this application was reported at the previous Development Control Committee meeting on the 28<sup>th</sup> of October. The application was deferred for a site visit, to take place on the 12<sup>th</sup> of November. An additional analysis of the representations received has been added to the original report, which is contained in the section on representations below.</b>

**Representations**

<p><b>Cllr Margaret France</b> has objected to the proposals, stating the following reasons:</p> <ul style="list-style-type: none"> <li>• The extension would have significant impact upon the adjoining properties;</li> <li>• There would be more noise nuisance and loss of light;</li> <li>• There is no provision for parking of vehicles;</li> <li>• Extending the opening hours until 10pm would bring more cars to a road which already has insufficient parking spaces;</li> <li>• Where is the smoking area to be sited?</li> </ul>	
<p><b>Withnell Parish Council</b> 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</p>	
<p><b>In total 60 representations have been received which are summarised below</b></p>	
<p><b>Objection</b></p>	<p><b>Support</b></p>
<p>Total No. received: 4</p>	<p>Total No. received: 56</p>
<ul style="list-style-type: none"> <li>• Parking on the Oak Tree car park cannot be taken into account as development for dwellings in the car park has been passed;</li> <li>• The café already cause parking problems in the area (double yellow lines have been introduced);</li> <li>• No smoking area has been provided;</li> <li>• Cars and vans park in the double yellow lines for takeaway;</li> <li>• There would be increased noise and activity while their children are trying to sleep;</li> <li>• The swimming pool does not want non-patrons parking there;</li> <li>• 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</li> <li>• It will overshadow and reduce sunlight and daylight</li> <li>• The increase in operating hours will be very invasive in terms of noise nuisance and disturbance;</li> <li>• Parking is currently at a premium in the village with no scope for increased capacity;</li> <li>• It is inappropriate to the nature and amenity of a predominantly residential neighbourhood;</li> <li>• It is reasonable to assume the window in the gable wall has</li> </ul>	<ul style="list-style-type: none"> <li>• Would bring the community together more;</li> <li>• The café is currently not big enough;</li> <li>• Would provide more jobs;</li> <li>• Generates trade for the village;</li> <li>• Would help ease congestion;</li> <li>• Is a much needed facility as neither pub serves food;</li> <li>• The main transport method would be walking;</li> <li>• Local clubs would be able to meet there on an evening;</li> <li>• If it was a private property the extension would not need the approval of the planning committee;</li> <li>• The scale, design and appearance of the proposal is appropriate;</li> <li>• Loss of light would be minimal and only affect one window;</li> <li>• Loss of privacy, noise and disturbance would be minimal;</li> <li>• There is a lack of refreshment facilities in the area;</li> <li>• It is an asset to the village;</li> <li>• Visitors are always considerate;</li> <li>• Parking problems in the village are not sue to the tea room but residents on School Lane increasing number so cars per household;</li> <li>• Would encourage more people to shop locally and use other facilities in the village.</li> </ul>



<p>existed since at least 1800;</p> <ul style="list-style-type: none"> <li>• The daylight and sunlight report does find that there will be a reduction in available sunlight and daylight;</li> <li>• The increased opening hours would reduce the quality of life for locals and have a detrimental disturbance to the peaceful nature of the village.</li> </ul>	
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Since the application was reported at the last committee, an analysis of the location of representations has been made.

Of the 56 letters of support that have been received - 12 are from residents of Brinscall, 8 are from residents of Withnell, and 15 are from addresses outside of the Borough of Chorley. These are from 51 individual households.

The four letters of objection have been received from occupants of School Lane, in close proximity to the application site.

A further three supporting representations have also been received from the owner and two proprietors of the café, which are not included in the 56 reported above.

**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
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.

**Assessment**Background

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:

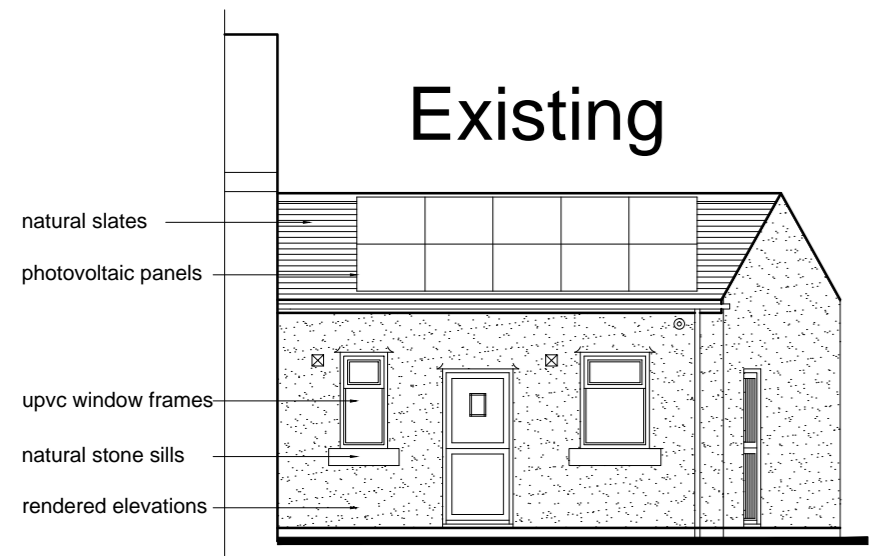
1. The proposed extension would have a harmful impact upon the amenities of neighbouring residents, by reason of its size and siting. It would cause an overbearing impact and increased overshadowing and is, therefore, contrary to the Council’s Householder Design Guidance and policies BNE1 -Design Criteria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

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

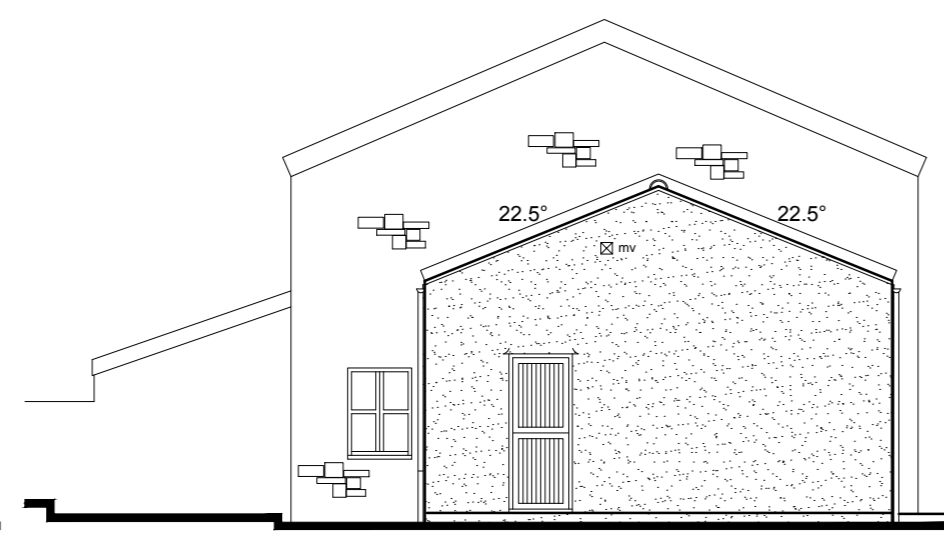
2. The proposed increase in opening hours would lead to an unacceptable increase in noise and disturbance for local residents contrary to policy BNE1 -Design Criteria for New Development and HS5 – House Extensions of the emerging Chorley Local Plan (2012-2016).
3. The proposal would lead to an increase 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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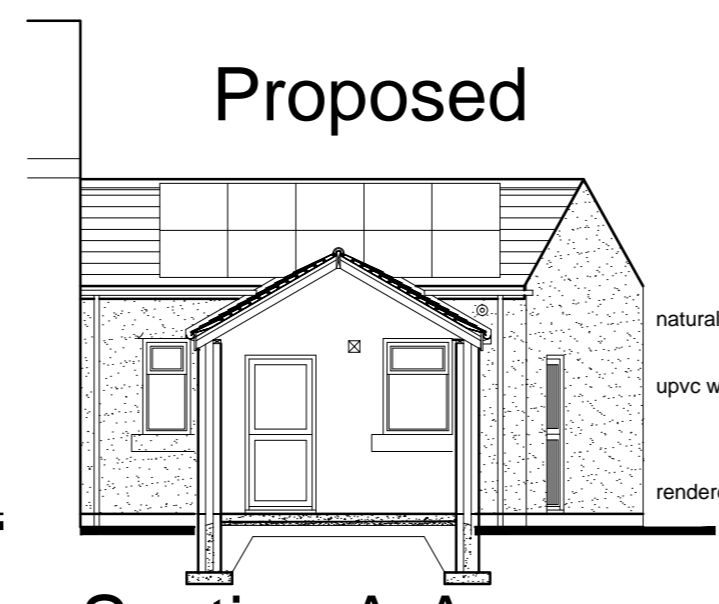




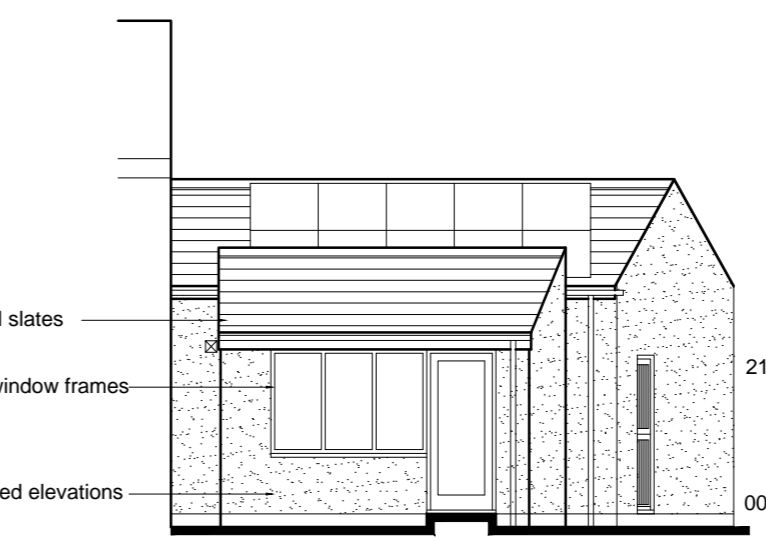
Rear Elevation



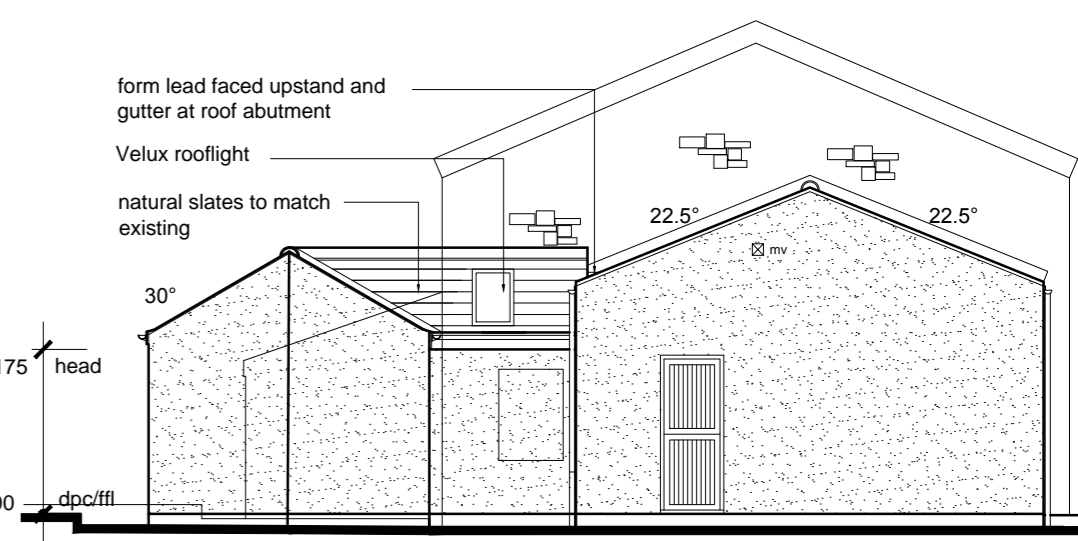
Side Elevation



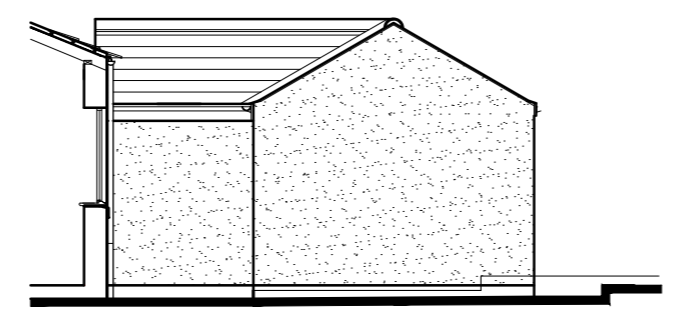
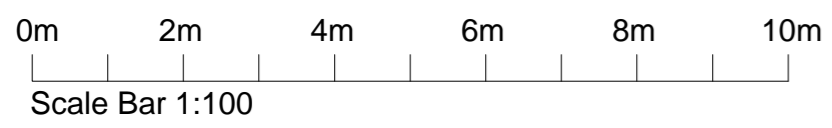
Section A-A



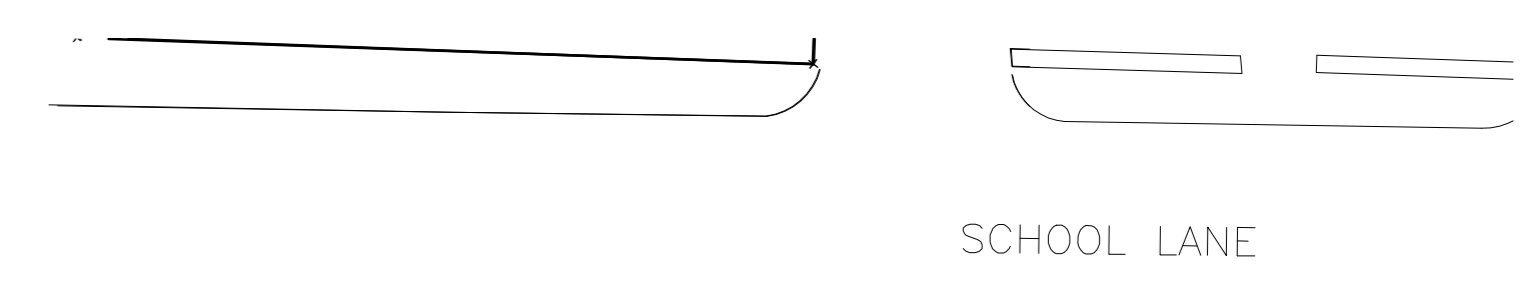
Rear Elevation



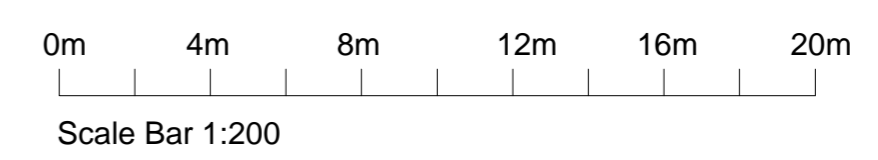
Side Elevation



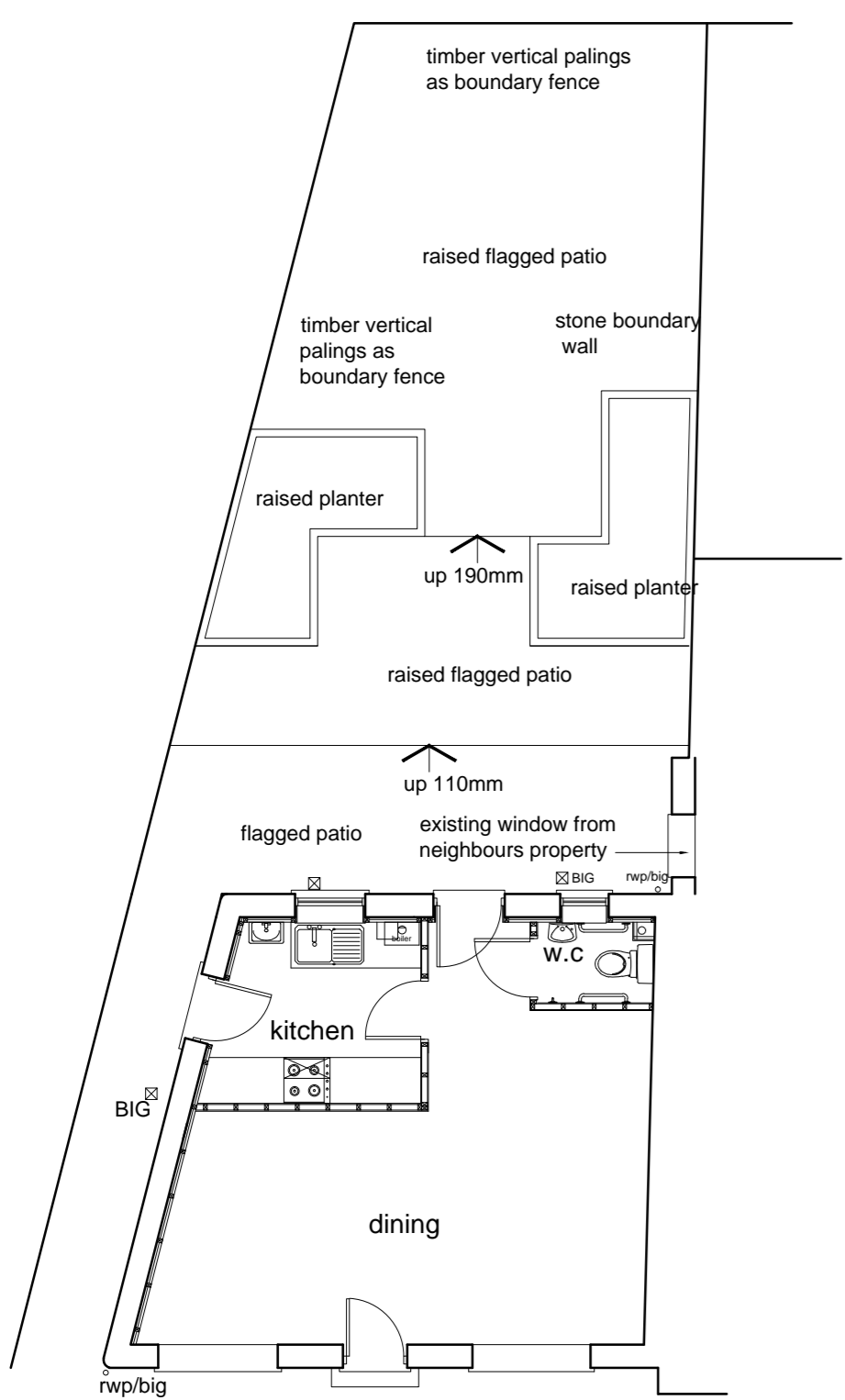
Side Elevation



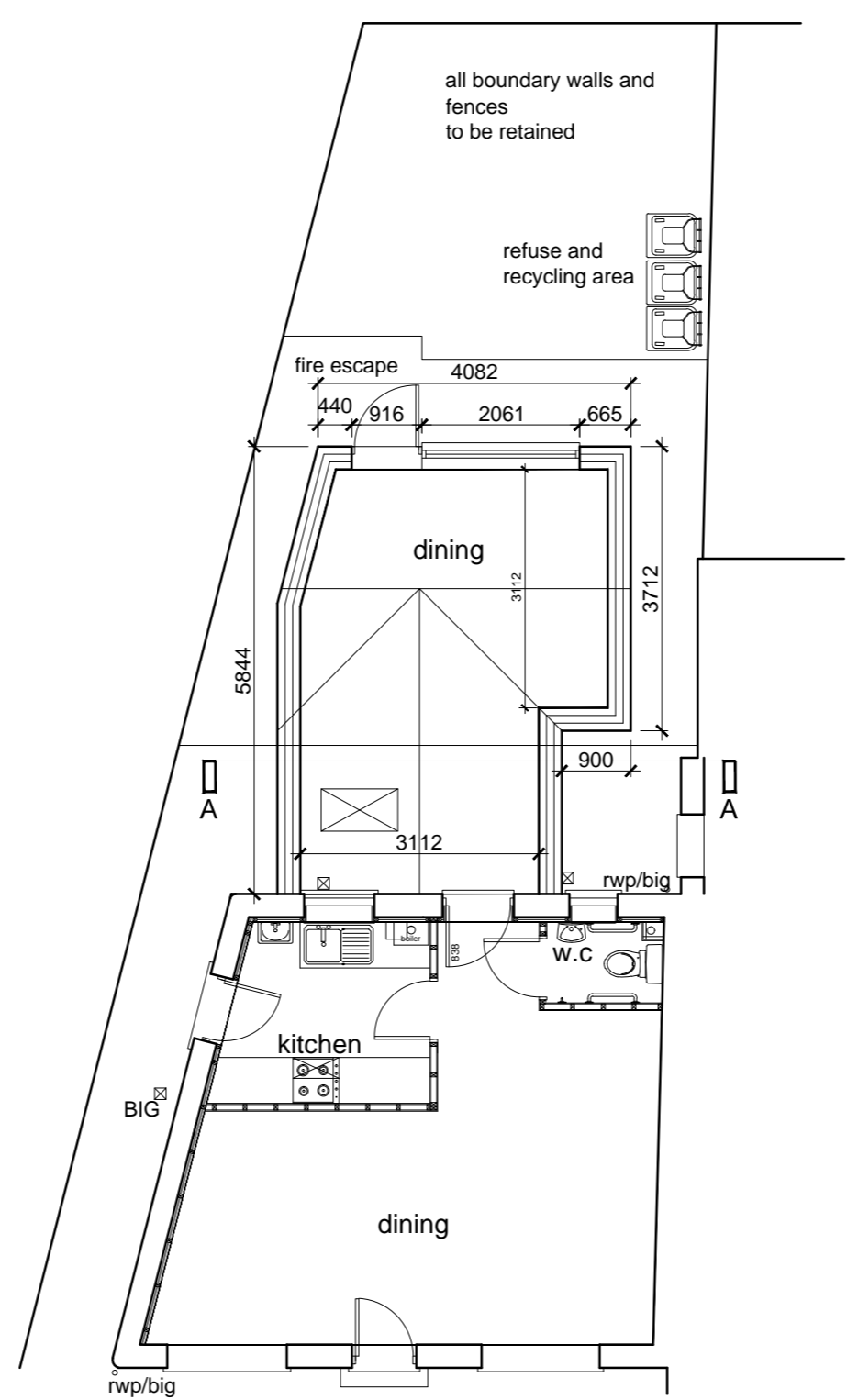
Site Plan 1/200



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



Existing Floor Plan



Proposed Floor Plan

CLIENT <b>Robin Bamford.</b>				
PROJECT <b>Proposed Extension at Rear of The Cottage Tearooms, 25A School Lane, Brinscall.</b>				
DRAWING TITLE <b>Existing and Proposed Plans, Elevations, Sections &amp; Site Plan</b>				
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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<b>Item 3b</b>	<b>14/00883/FUL</b>
<b>Case Officer</b>	<b>Iain Crossland</b>
<b>Ward</b>	<b>Adlington And Anderton Ward</b>
<b>Proposal</b>	<b>Erection of detached dwelling and associated detached garage</b>
<b>Location</b>	<b>Adlington Police Station, 26 Church Street, Adlington, Chorley, PR7 4EX</b>
<b>Applicant</b>	<b>Mr Danny Bold</b>
<b>Consultation expiry:</b>	<b>12 September 2014</b>
<b>Decision due by:</b>	<b>14 October 2014</b>

**Recommendation**

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

**Executive Summary**

The main issues to consider are whether the proposal would result in an acceptable impact on neighbour amenity, the character and appearance of the surrounding area and the highway impact.

**Representations**

**Adlington Parish Council**

- The parish was not notified of the plan that was added to file on 12 September 2014
- The application with the amendment which has now been submitted could have an adverse effect on residents and business owners in the vicinity. The unadopted road included in the plans has been a right of way for many years and unless conditions as to its use are included their access to homes, garages and businesses could be adversely affected
- There are existing problems with the mains drainage in this location, which current residents are aware of. Additional input to the system may cause major problems for many properties in the area
- Parking is already a problem in this location with two businesses and several houses using the space available. Changes to the use of the access road and the additional traffic is likely to make these problems worse
- Residents attending last night’s Town Council meeting maintain that they were not properly notified of the proposal
- The development would contravene the principles of the Interim Policy on Private Residential Garden Development adopted by Chorley Council in 2010

**Cllr Kim Snape objection and request to be determined at Development Control Committee**

The access is poor, it is a dirt lane with no proper surface drainage and residents tell me it is prone to flooding at the far end. The potential additional run off and loss of soak away area due to extra building and hard standing are of concern, as would be possible erosion caused by increased traffic during and after construction. Large construction vehicles particularly, the lane leads onto the busy A6, where visibility is poor as cars park tightly up to the entrance which would be a serious issue for the junction there.

The lane provides the only pedestrian and vehicular rear access to several properties, which has emergency and general convenience implications. It affords their only off road parking in an already overstretched area; as a result it is already cramped in terms of vehicles turning round etc.

I am worried about the condition and capacity of the communal foul drain running under the lane. Residents had problems with a partial blockage and running sewage some time ago. I was told this could be due to an inadequate fall on the drain (possibly dating from bomb damage in WW2) and that we should all be particularly careful about what was allowed down it. Since then usage has substantially increased as number 18 Church St has changed from business to flats. Naturally, the conversion of the Police Station to home will increase the volume again; should yet another house be added it could prove the last straw for the inadequate system.

**Cllr Dunn request to be determined at Development Control Committee**

**In total 16 representations have been received from 7 addresses, which are summarised below**

**Objection**

Total No. received:

- Highway safety / capacity – lack of parking

- Neighbour amenity
- Drainage
- Noise and disruption during construction
- Impact on access to rear of properties on Church St and businesses
- The unadopted road is full of residents cars
- Garden development
- The applicant did not personally contact those affected
- Use of site notice to notify
- The planning application process was started considerably before the property was even sold
- No mention in the planning application of returning the Police Station to a residential property
- The plans submitted are at odds with those held by the land registry as to who owns what land of the proposed property; including the confusion of potentially the owner now owning a piece of existing footpath?
- Seems a high number of parking spaces for a house, maybe apartments at a latter date
- Any changes made as to where existing owners & workers currently park will create a new problem
- The unadopted road is poorly maintained
- Impact on street scene

**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
United Utilities	<p>United Utilities will have no objection to the proposed development provided that the following conditions are attached to any approval:</p> <ul style="list-style-type: none"> <li>• A public sewer crosses this site and we will not permit building over it. We will require an access strip width of 6 metres, 3 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. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with Graham Perry, Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.</li> <li>• Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.</li> </ul>
LCC Highways	No objection provided that conditions are attached to ensure that the driveways are delivered.

**Assessment**The Site

1. The application site comprises the curtilage of a disused police station in the core settlement area of Adlington. The site is located to the south side of the police station building with an un-adopted road to the south side of the site. The site is located on a main road (A6) in an area characterised by terraced properties and a mixture of uses, close to the local centre of Adlington.

The Proposal

2. The proposed development is for the erection of a four bedroom detached dwellinghouse and associated residential curtilage with a detached garage to the rear. The proposed dwelling would have a width of around 6.25m and maximum length of around 10.3m. There would be a ridge and eaves height of around 8.1m and 5m respectively. A detached outbuilding would be demolished to make way for the proposed dwelling.
3. The proposed dwelling would face Church Street (A6) and would include a garden and two car parking spaces to the front. It would have a garden to the rear and detached garage accessed via an unadopted road.
4. The proposed garage would measure approximately 4m by 6m and would have a dual pitched roof with a ridge and eaves height of around 3.75m and 2.5m respectively.

**Assessment**

The main issues are as follows:-

Issue 1 – Impact on character and appearance of the locality

Issue 2 – Impact on neighbour amenity

Issue 3 - Impact on highways/access

Issue 4 – Drainage

Issue 5 – Garden development

Issue 6 – S106

Issue 7 – CIL

Issue 8 – Other matters

Principle of the Development

5. The National Planning Policy Framework (The Framework) states that housing 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.
6. The Inspector has issued her Partial Report on her findings into the soundness of the Chorley Local Plan, which is a material consideration in the consideration of any planning application.
7. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers.
8. Paragraph 18 of the Partial Report states: “For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.” The Council accepted the Inspectors modifications for Development Management purposes at its Executive Committee on 21st November 2013.

9. It is therefore considered that significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
10. The application site is located in the core settlement area of Adlington. 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.
11. The application site is within the curtilage of a disused police station, which falls within the Sui Generis use class. There are no policy designations covering the site and therefore the principle of residential development on the site is acceptable, subject to other material planning considerations.

#### Design and impact on the character of the area

12. The proposal is for the erection of a four bedroom two storey dwelling with accommodation in the roof space. The proposed dwelling would be a fairly standard design closely resembling the scale and appearance of the neighbouring police station building and residential dwelling at 30 Church Street. As such it would not be out of keeping with existing neighbouring buildings.
13. The proposed dwelling would front Church Street and would be set back a significant distance of around 17m from the highway. Although this siting is set back from the building line provided by the more traditional properties fronting Church Street it is consistent with the police station building and neighbour at 30 Church Street. It would not intrude on the street scene and would be of a height to match the police station and neighbour at 30 Church Street. As such the proposed dwelling would not be overly prominent and would result in a harmonious relationship with the neighbouring properties and street scene.
14. The application site has been vacated resulting in an appearance of abandonment, which detracts from the street scene. It is acknowledged that an active use needs to be established on the site to address this. There is currently a flat roofed outbuilding of poor appearance that would be demolished to make way for the proposed dwelling. As a result the proposal would result in an overall improvement in the appearance and character of the area. Natural surveillance would be increased through an active street frontage and overall the appearance and character of the area would be improved.
15. The detached garage would be set back around 32m from Church Street, and would be accessed via an un-adopted road within the ownership of the applicant. It would be of a typically domestic appearance commensurate with the plot size and scale of the proposed dwelling. The garage would not detract from the appearance or character of the area.
16. The development is therefore considered to be in accordance with Policy BNE1 of the emerging Chorley Local Plan 2012 - 2026 and has overcome the concerns regarding the impact on the street scene.

#### Impact on the neighbours

17. The proposed property would be located around 0.85m from the police station building to the north. The proposed dwelling would have an outrigger. This part of the proposal would be visible from the rear of the police station, however, it would not interfere with a line drawn at 45 degrees from the near edge of the ground floor rear facing windows of the police station in relation to the first floor element. The ground floor element would project beyond the 45 degree line drawn from the near edge of the ground floor rear facing windows of the police station but would not extend 3m beyond it. As such the proposed dwelling is not considered to have a detrimental impact in relation to light or outlook at this property. No direct views of the police station or rear curtilage would be possible from the proposed dwelling and therefore no unacceptable impact on privacy would arise.

18. The proposed dwelling would be located around 10.4m from the nearest building at 20 Church Street to the south side, which is a commercial property on the opposite side of the un-adopted road. It is noted that there are no windows in the side elevation of this property, and therefore the impact on light and outlook is considered acceptable. There are no windows proposed in the side elevation that would impact on privacy at 20 Church Street.
19. The proposed dwelling would be visible from windows to habitable rooms in the side elevation of the rear part of 18 Church Street, which incorporates three flats. The proposed dwelling would be located to the north of these windows and would not therefore result in any loss of light. There are no windows proposed in the side elevation of the dwelling and therefore no loss of privacy would occur.
20. The proposed dwelling would be located around 10m from the windows in the side elevation of 18 Church Street. Although this is within the 12m guideline distance that should be maintained between habitable room windows and two storey gable walls it is noted that no loss of light would occur due to the positioning of the proposed property to the north and the fact that the windows to 18 Church Street would not directly face the side elevation of the proposed dwelling, providing views across the front garden of the proposed dwelling.
21. The nearest dwelling at 13 Church Street on the opposite side of Church Street is located around 32m away. Due to this significant degree of separation it is not considered that the proposed dwelling would impact on the amenity of this property or any others on Church Street.
22. There are no dwellings to the rear of the site.
23. The detached garage that is proposed is of such a small scale and has such a degree of separation that there would be no unacceptable impact on light or outlook in relation to surrounding properties.

#### Impact on highways/access

24. The proposed development would result in a four bedroom dwelling with off street parking for four vehicles provided by driveway parking to the front and a detached garage with driveway parking to the rear. This meets with the adopted parking standards set out in relation to policy ST4 of the emerging Chorley Local Plan 2012 – 2026.
25. Vehicular access to the car parking at the front would be from Church Street via an existing vehicular lay by. As this vehicular access already exists it is not considered that the addition of two off street parking spaces would result in any unacceptable harm to highway safety.
26. The proposed garage would be accessed via an un-adopted road to the south of the site. This already provides vehicular access to vehicles accessing units to the rear of Church Street. The use of the road by up to two additional vehicles in order to access the proposed garage is not considered to present an unacceptable harm and would not result in an excessive burden upon road capacity in the area. It is noted that the un-adopted road is within the ownership of the applicant and therefore access to the garage is secured.
27. It is noted that a number of concerns have been raised regarding the level of parking provision for the proposed dwelling. The scheme would have an over provision of off street parking by one space, which would ensure that there is no additional impact upon the on street parking levels as a result of the proposal.
28. In considering the wider access arrangements and sustainability of the location it is noted that there is a nearby bus route providing direct access to Chorley and a railway station



less than 200m away, which provides direct access to Manchester, Preston and points in between. This provides the benefit of realistic sustainable transport alternatives.

29. It is noted that no objection is raised by Lancashire County Council Highways. It is therefore considered that there would be no harm to Highway Safety as a result of the proposed development.

#### Drainage

30. The proposed dwelling would occupy an area that currently comprises a detached outbuilding and area of concrete hard standing, which forms a large impermeable area. As a result the impact on surface water run off would be no greater than the existing situation, with the potential for some improvement. Although the detached garage and associated driveway would be added to a grassed area it is considered that appropriate drainage measures can be put in place through Sustainable Drainage Systems (SUDS). and it is recommended that a condition be attached stating that all driveways should be of permeable materials.
31. Surface water would be dealt with on-site and would be directed to one or a number of SUDS. Given the large site area available this would be an acceptable solution. Foul sewage would be disposed of via the main sewer through connecting to the existing drainage system. It is recommended that conditions are attached to any planning consents requiring further details of the on-site drainage arrangements.
32. It is noted that the site is not located in a flood zone and that United Utilities have no objections to the proposed development provided that the development does not cross a public sewer and that deep rooted shrubs and trees are not planted in the vicinity of the sewer. It is recommended that conditions are attached to secure this.

#### Garden Development

33. Adlington Town Council raises the issue of garden development in relation to the Interim Policy on Private Residential Garden Development adopted by Chorley Council in 2010. It is noted that this policy has been superseded by Policy HS3 of the emerging Chorley Local Plan 2012 – 2026, which states that development within private residential gardens not allocated for housing will only be permitted for:
- (a) appropriately designed and located replacement dwellings where there is no more than one for one replacement;
  - (b) the conversion and extension of domestic buildings, and;
  - (c) infill development on gardens which is classified as the filling of a small gap in an otherwise built up street frontage which is typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.
34. In this instance Policy HS3 is not relevant as the land concerned forms the curtilage of a Police Station and not a private residential garden. It is, however, considered that the site forms a clear gap in a built up street frontage and that the proposed dwelling would be of a scale and design that is consistent with the character of the street frontage.

#### Section 106 Agreement

35. In line with Council guidelines the applicant will need to enter into a Section 106 legal agreement requiring a payment of £2,445 towards equipped play areas, casual/informal play space and playing fields. The legal agreement will be drawn up and passed to the applicant in due course. Any planning permission would be subject to this S106.

#### CIL

36. In line with the adopted CIL charges and associated regulations the development would result in a payment of around £5,915 towards infrastructure in the local area.

#### Other matters

37. Disruption during construction: This is not a material planning consideration and may be dealt with by other legislation.

38. Town Council renotifications: Further information was received from the applicant by way of a plan showing a blue edge i.e. other land in the ownership of the applicant, and this was put on file on 12<sup>th</sup> September 2014 for the public to view. This was in relation to the ownership of the unadopted road to the side of the application property and did not specify any changes to the proposed scheme. At the time a further revision to the scheme was requested. This was received on the 18<sup>th</sup> September 2014 and at that point all neighbours, contributors and the Town Council were re-notified on 19<sup>th</sup> September 2014. A further revised site plan was added to the file on 3<sup>rd</sup> November 2014, and all neighbours, contributors and the Town Council were re-notified on 3<sup>rd</sup> November 2014.
39. Lack of neighbour notification/ Use of site notice to notify: neighbour notification letters were sent to the surrounding properties on 19<sup>th</sup> August 2014. These were accompanied by a Site Notice, which was posted on the lamp post adjacent to 20 Market Street on 22<sup>nd</sup> August 2014. The use of a site notice to publicise a planning application is a statutory requirement laid down by law in the Development Management Procedure (England) Order 2010 (SI 2184).
40. Impact on access to rear of properties on Church St and adjacent businesses. No development is proposed on the existing access route provided by the unadopted road. The impact on any legal rights of access is not a material planning consideration and is a private matter.
41. The unadopted road is full of residents cars: The use of the unadopted road for residential parking is not a material planning consideration and is a matter for the owner of the land to consider alongside any legal rights of access.
42. The applicant did not personally contact those affected: Although it is good practice for an applicant to discuss a proposal with local /neighbouring occupiers at an early stage this is not a statutory planning requirement.
43. The planning application process was started considerably before the property was even sold: The land was transferred to the present owner on 25<sup>th</sup> July 2014 and the planning application was received on 11<sup>th</sup> August 2014.
44. No mention in the planning application for returning the Police Station to a residential property: The Police Station building itself does not form part of this proposal.
45. The plans submitted are at odds with those held by the land registry as to who owns what land at the proposed property; including the confusion of potentially the owner now owning a piece of existing footpath? The location plan added to the file on 16<sup>th</sup> October 2014 is consistent with the records held by the Land Registry.
46. Seems a high number of parking spaces for a house, maybe apartments at a latter date: The current proposal is for a four bedroom house. The Council's adopted standards require three off street car parking spaces for a property of this size. The proposed site plan shows four spaces, which is considered adequate, and as is an over provision. This responds to concerns raised by neighbours over the lack of parking in the area and impact on off street parking, which considered above. It is noted that there are no maximum parking standards.
47. Any changes made as to where existing owners & workers currently park will create a new problem: No changes to the unadopted access road are proposed. This is a private matter for the land owner to consider along with any legal matters.
48. The unadopted road is poorly maintained: The road is unadopted, however, it is considered adequate to support vehicular access. The maintenance of the road is a matter for the land owner to consider along with any legal matters.

**Overall Conclusion**

49. The proposed development would have no unacceptable detrimental impact on the amenity of neighbouring occupiers and would result in an overall improvement in the appearance of the site and character of the area. In addition adequate parking is provided and there would be no adverse impact on drainage. On the basis of the above, it is recommended that planning permission be granted.

**Planning Policies**

50. 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: 02/00562/FUL Decision: PERFPP Decision Date: 19 July 2002  
Description: Installation of microwave dish on chimney,

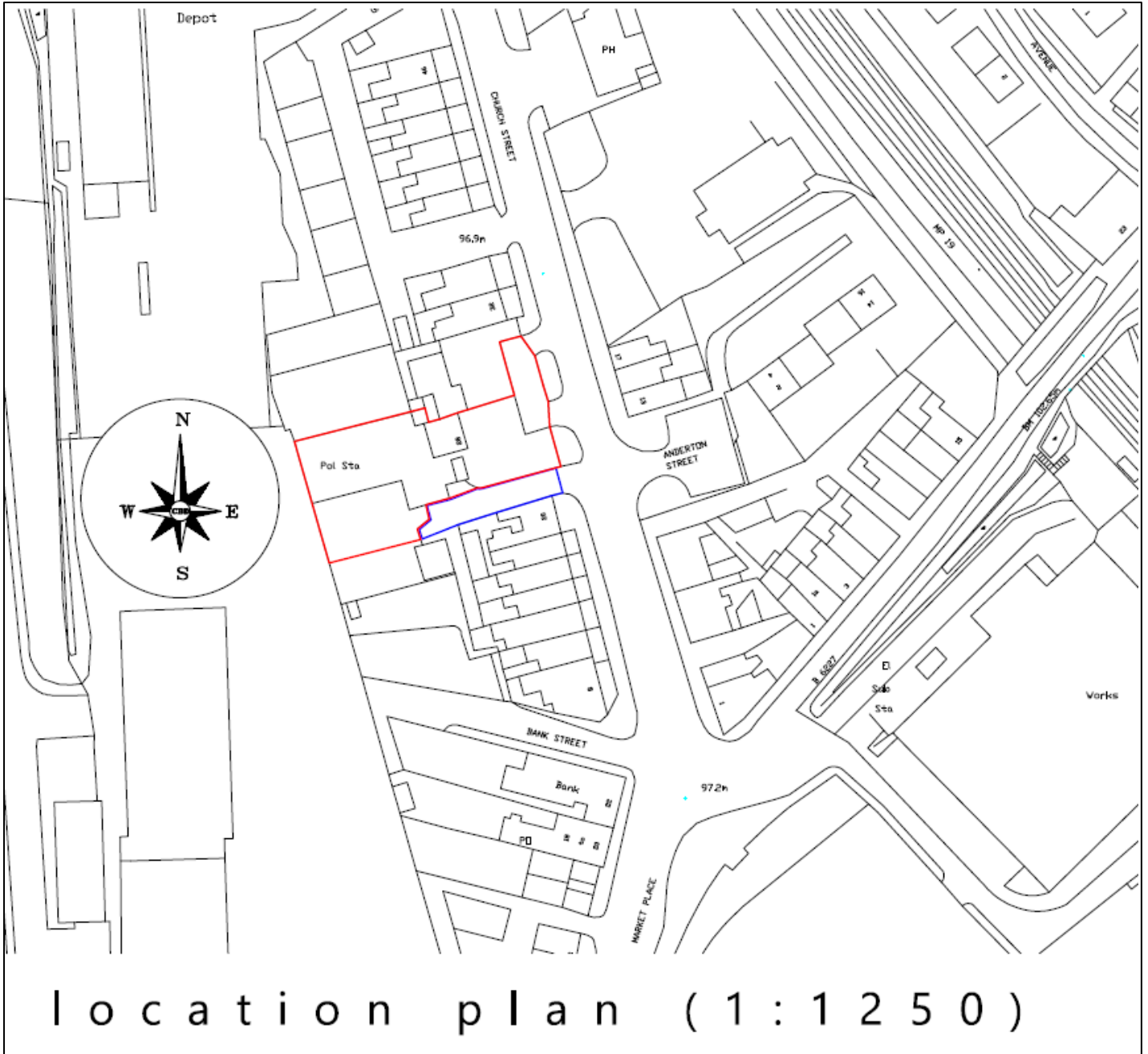
Ref: 90/00376/FUL Decision: PERMIT Decision Date: 12 June 1990  
Description: Change of use of dwellinghouse to police station and external alterations

**Suggested Conditions**

No.	Condition
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	The dwelling hereby permitted shall not be occupied until the garage and all the car parking spaces identified on drawing number 1159-03 Rev. B have been provided. <i>Reason: To ensure adequate off street parking provision is made/maintained and thereby avoiding hazards caused by on-street parking</i>
3.	The proposed garage and off-road parking spaces as shown on drawing number 1159-03 Rev. B shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995. <i>Reason: To ensure adequate off street parking provision is made/maintained and thereby avoiding hazards caused by on-street parking</i>
4.	No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. <i>Reason: In the interests of the amenity of the area</i>
5.	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. <i>Reason: To ensure that the materials used are visually appropriate to the locality.</i>
6.	Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority. <i>Reason: In the interests of highway safety and to prevent flooding</i>
7.	The ridge and eaves height of the dwelling hereby permitted shall not exceed the ridge and eaves height of the neighbouring property at 26 Church Street. <i>Reason: In the interest of the appearance of the locality</i>
8.	Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems. <i>Reason: To ensure proper access is retained for the maintenance of the sewer and prevent damage</i>
9.	Prior to the commencement of any development, plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.

	<i>Reason: To ensure a satisfactory means of drainage.</i>																		
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><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></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><i>Reason: In the interests of minimising the environmental impact of the development</i></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><i>Reason: In the interests of minimising the environmental impact of the development</i></p>																		
13.	<p>No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code Level, has been issued by a Code for Sustainable Homes Assessor and submitted to the Local Planning Authority.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development</i></p>																		
14.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p><i>Reason: In the interest of the appearance of the locality</i></p>																		
15.	<p>The development shall be carried out in accordance with the following plans:</p> <table border="0"> <thead> <tr> <th>Plan Ref.</th> <th>Received On:</th> <th>Title:</th> </tr> </thead> <tbody> <tr> <td>1159-02</td> <td>11 August 2014</td> <td>Location Plan</td> </tr> <tr> <td>1159-03 Rev. B</td> <td>03 November 2014</td> <td>Proposed Site Plan</td> </tr> <tr> <td>1159-01</td> <td>11 August 2014</td> <td>Proposed Plans and Elevations</td> </tr> <tr> <td>1159-04</td> <td>11 August 2014</td> <td>Existing Drainage</td> </tr> <tr> <td>1159-02 Rev. B</td> <td>16 October 2014</td> <td>Location Plan with blue edge</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Plan Ref.	Received On:	Title:	1159-02	11 August 2014	Location Plan	1159-03 Rev. B	03 November 2014	Proposed Site Plan	1159-01	11 August 2014	Proposed Plans and Elevations	1159-04	11 August 2014	Existing Drainage	1159-02 Rev. B	16 October 2014	Location Plan with blue edge
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**Item 3d**                      **14/00761/OUTMAJ**

**Case Officer**              **Caron Taylor**

**Ward**                          **Lostock**

**Proposal**                      **Outline application (specifying the access, layout and scale) for demolition of The Mill Hotel and Restaurant and erection of 7 dwellings with associated parking.**

**Location**                      **The Mill Hotel Chorley  
Moor Road  
Croston  
Leyland  
PR26 9HP**

**Applicant**                      **Harrison Leisure UK**

**Consultation expiry:**      **3<sup>rd</sup> September 2014**

**Decision due by:**          **17<sup>th</sup> October 2014 (extension of time agreed until 28<sup>th</sup> November 2014)**

**Recommendation**

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

## Representations

**Croston Parish Council** on the original plans commented that although they would welcome affordable housing limited to people with a close local connection it would question the sustainability of the proposed affordable homes in a location on the boundary of the parish as far removed from local services as it is possible to achieve.

Following re-consultation on amended plans removing affordable housing from the scheme the Parish Council request any commuted sum in lieu of the on-site affordable housing to be specifically earmarked for affordable housing provision in Croston.

### **One representation has been received which is summarised below:**

#### **Objection**

Total No. received: 1

- It is contrary to the Council's Rural Development SPD. It replaces a business;
- The applicant provides evidence that he building is unsuitable as a wedding venue however conversion to another use such as an office would provide jobs and a balanced economy;
- The site is targeted at commuters and will add to the growing traffic problems of the area. It is 1.2km from the nearest grocery store, the nearest primary school is in Croston and is regularly over-subscribed;
- This is not a minor in-filling of ribbon development but a major change in a settled rural community. It contributes nothing to the economy, merely adding strain on the provision of services;
- The NPPF states that policies should support economic growth, encourage minimal journey levels and precludes the construction of new buildings in the Green Belt. It cannot be argued that that the proposal is infilling or that it would have a have a greater impact on the openness of the green belt;
- It is not considered the affordable housing can be an exception under policy;
- There is a public footpath that runs through the proposed site and is proposed to be moved. It seems unacceptable that a footpath that has been in existence for decades can be re-routed at will.

Following re-consultation on amended plan the same neighbour has written in stating that it still appears that the public footpath is to be re-routed. This footpath has been in existence for many decades and runs to the left of the proposed development (not affecting any of the proposed houses) and then continues along the rear boundary, which could only affect properties 1, 2 and 3. This could be fenced. They therefore think it unnecessary and inappropriate for the path to be changed.

**Consultees**

Consultee	Summary of Comments received
Council's Conservation Officer	<p>The application site is immediately adjacent to a grade II listed building, a designated heritage asset as defined by Annex 2 to the Framework, Gradwell's Farm.</p> <p>Paragraphs 129 and 132 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.</p> <p>Within the Framework paragraph 129 states that, <i>'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.'</i></p> <p>Paragraph 132 states, <i>'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.'</i></p> <p>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, <i>'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:</i></p> <ul style="list-style-type: none"> <li data-bbox="719 1075 2038 1107">a. <i>Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'</i></li> </ul> <p>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, <i>'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:</i></p> <ul style="list-style-type: none"> <li data-bbox="674 1262 2038 1294">iii, <i>The Conservation and, where appropriate. The enhancement of the setting of heritage assets.'</i></li> </ul>

	<p>In this case the proposed development is considered to have the potential to enhance the setting of the designated heritage asset. This could be further enhanced by the use of a sensitive boundary treatment. I therefore consider that the significance imbued within the setting of the designated heritage asset will, subject to details submitted at reserved matters, be sustained and quite possibly enhanced. I therefore consider the proposed development to be acceptable.</p>
<p>Police Architectural Liaison Officer</p>	<p><u>Crime Risks</u>  Within the last 12 months period, there have been burglary offences in the area surrounding this site. In order to reduce the risk of crime and anti-social behaviour affecting the residents, visitors and local community, the design should incorporate the following recommendations.</p> <p><u>External layout</u>  The layout allows for good natural surveillance around the development due to the differing orientation of dwellings.</p> <p>Landscaping of public areas should be kept to low level planting or trees with low lying branches removed so that natural surveillance is not compromised.</p> <p>The development is well 'contained' in a cul-de-sac design which promotes a sense of community. This layout also deters casual intrusion as strangers are more likely to stand out and be observed or challenged if they raise suspicions.</p> <p>The perimeter boundary treatments should be sufficient height and construction to deter intrusion from outside. This is of particular importance where the boundary meets with the caravan site.</p> <p><u>Physical security</u>  Garages should be devoid of windows as they allow a view of valuables stored inside.</p> <p>Access to the side and rear of the dwellings should be restricted by 1.8m high boundary treatments with same height lockable gates. Most burglaries target the side and rear and so this security measure is essential.</p> <p>Enhanced security windows and doors (PAS 24:2012 or alternative) are recommended to reduce the risk of burglary and would be required to comply with Secured By design should accreditation be sought.</p>
<p>Council's Contaminated Land Officer</p>	<p>Requests a condition in relation ground contamination.</p>

Lancashire County Council Ecology	<p>Advise the site lies within a Natural England Site of Special Scientific Interest Impact Risk Zone and depending on its floor area Natural England may need to be consulted. Natural England has been contacted and advises the application does not fall within the criteria for applications on which they need to be consulted.</p> <p>Owing to likely impacts on bats the proposed works would result in a breach of The Conservation of Habitats and Species Regulations 2010, unless a Natural England licence is issued prior to commencement of works. Chorley Borough Council should not approve the application if there is reason to believe that such a licence would not be issued.</p> <p>Further clarification on the great crested newt assessment and the need for reasonable avoidance measures is required prior to determination of the application. Further discussions with LCC Ecology have taken place on great crested newts and they advise the site is low risk due to the amount of hardstanding on the site. The risk is killing or injuring them during works. They therefore need to undertake reasonable avoidance measures, e.g. rubble placed on pallets, strimming and inspection of grass prior to the start of works and retention of veteran trees.</p>
Council's Strategic Housing Officer	<p>The site is on the parish boundary between Croston and Ulnes Walton, with the majority in Croston and part of the northern land crossing over into Ulnes Walton. The location between the 2 parishes means it isn't located close to any facilities with the nearest shop being part of a garage 1.1 km away to the east in Ulnes Walton, and the next nearest shop 1.7 km away in Croston to the west. The road to these shops is lit and has a narrow path. The majority of households in social housing in the borough do not have cars (52.5% no car or van - Census 2011) compared to the vast majority having cars in other tenures (11.8% no car or van Census 2011). Therefore a family in social housing is likely to be more affected by the distance from the village of Croston and its schools, shops and other services than a household in other tenures. Whilst there is demonstrable need for affordable housing in rural parishes including Croston, this would be better met for social housing within the settlement.</p> <p>Due to its location and distance from facilities the site is not considered suitable for families in social housing. If social housing is to go ahead on the site 2 bedroom houses would be preferred as 3 bedroom social properties are currently low demand in the borough. The 3 properties represent 30% as opposed to 35% required for rural developments in the SPD.</p>
Lancashire County Council Education	Have requested a contribution of £48,118 towards 4 primary school places.
Planning Policy on Public Open Space	There is a requirement for a financial contribution required from this development per dwelling as identified in the Central Lancashire Open Space Study, Final Open Space Audit Report, May 2012 towards amenity green space

	<p>new provision in the ward of Lostock, new provision for children/young people in the ward of Lostock, allotments at Sylvesters Farm, Euxton and Land East of Station Road, Croston and playing pitches in the Borough.</p> <p>This totals £1,888 per dwelling.</p>
Lancashire County Council Highways	<p>State that the amended plan has taken into account their initial comments and is therefore acceptable. They advise conditions to be added to any permission.</p> <p>It is indicated on the indicative plan that the footpath passing through the site, (FP11) which is a Public Right of Way (PROW) on the Definitive Map is to be diverted. 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. As the granting of planning permission does not constitute the diversion of a Definitive Right of Way, the proposed diversion of the PROW should be the subject of an Order under the appropriate Act. It should also be noted that a temporary closure of the PROW should this be required will only be granted where it is the intention to re-open the PROW upon expiration of the closure on the route recorded on the Definitive Map of Public Rights of Way.</p>
United Utilities	<p>Have no objection to the proposal subject to conditions.</p>

## Assessment

### Background information

1. The application site is currently occupied by the former Mill Hotel. The main building is two-storey and is a modern brick building set around an old barn of which only limited parts can be seen due to later extensions. To the front/side (east) of the main hotel building is a freestanding single storey function room.
2. The building is set back significantly from Moor Road with a large tarmac car park in front of it and further tarmac to the rear. The access onto Moor Road is located to the left of the site frontage. The car park is separated from the road by a grass verge with some trees and shrubs on.

### Principle of the Development

3. The site is in the Green Belt. The National Planning Policy Framework (the Framework) states the construction of new buildings in the Green Belt is inappropriate in Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. The Framework sets out a number of exceptions to inappropriate development and this includes limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
5. Policy BNE5 of the emerging Local Plan (which now carries significant weight following receipt of the Inspector's Partial Report) covers Redevelopment of Previously Developed Sites in the Green Belt. Criterion d of the policy covers redevelopment and states:
 

*In the case of redevelopment:*

*d) The appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.*
6. Although the application is only made in outline it does specify the layout and scale of the proposed properties. The existing buildings on the site have a volume of 9000m<sup>3</sup>. The dwellings that will replace them will have a volume of 8950m<sup>3</sup>, so the scheme will result in an overall small reduction of volume in the Green Belt. In terms of the spread of development across the site the existing buildings are situated to the rear of the site, furthest from Moor Road, leaving the front of the site open to views from the main road. The proposal dwellings will also be sited mainly to the rear of the site, but plots 1, 2 and 3 will be sited closer to Moor Road along the northwest boundary of the site. However, the front of the site will remain undeveloped and will therefore retain its open character from the road. Although the dwellings will be laid out so the built form is more spread out on the site than at present, the development will be looser than at present with gaps in between the dwellings. Rather than the mass of one large building (with a smaller one to the side) than exists at present. In addition, the proposal will remove an extensive area of hard standing to the front and rear of the building that provided car parking for the hotel. It is considered that overall the development will not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development and it will maintain and enhance the appearance of the site overall.
7. The proposal is therefore considered acceptable in principle in relation to the Green Belt.
8. The Council does have policies controlling the re-use of employment premises however this site would not fall under such policies as they protect B Use Class employment uses. The former hotel use falls within Use Class C1.

### Affordable Housing

9. Policy 7 of the Core Strategy requires 35% affordable housing to be provided on the site. The application originally proposed seven market housing and three affordable units, the affordable units to be positioned on the land to the west of the access between the site

access and no. 305 Moor Road. This would only have represented 30% affordable housing. However, due to its location and distance from facilities, Strategic Housing advise the site is not considered suitable for families in social housing and an off-site commuted sum should be sought as an alternative. The Affordable Housing Supplementary Planning Document (SPD) does allow a financial contribution in lieu of on-site provision. The comments of Strategic Housing are noted regarding the position of the site and it is considered in this case that the site is therefore unsuitable for affordable housing. An off-site financial contribution is therefore proposed (calculated as per the calculation in the SPD) of £400,207. This will be secured through a Section 106 legal agreement.

10. The comments of the Parish Council in relation to the commuted sum are noted. The Council's Strategic Housing team have responded by stating that they always endeavour to spend the commuted sum as close to the original site as possible, however this relies on the availability of sites on which to develop, and this can be an issue in Croston and neighbouring parishes. Also, with restrictions on timescales on which to spend sums it could put the funding at risk if it restricted in this way [if restricted to Croston].

#### Access

11. The access point to the site forms part of this application. The existing access that served the hotel will remain but it will be modified as advised by Lancashire County Council Highways to alter the bellmouth to realign the corner radii suitable for residential use to allow vehicles to more smoothly transition in and out of the site. A 2m wide footway has also been added along one side of the access road into the site to segregate pedestrians from the carriageway.
12. The proposal is considered acceptable in terms of the access to the site.
13. It is considered that the layout shows parking in accordance with the Council's parking standards set out in Policy ST4 of the emerging Local Plan. The properties are likely to be large with four or more bedrooms, they therefore require at least three off road parking spaces. The properties all have detached or attached double garages and at least double driveways so will accord with the requirements of Policy ST4.

#### Layout

14. The layout also forms part of the application. As discussed above the dwellings will be set back from the front of the site with all of them facing towards the access road. Although the dwellings will come closer to Moor Road they will maintain the open frontage of the site which is considered acceptable.

#### Scale

15. The application also applied for the scale of the dwellings. Plans have been provided showing the suggested scale of the dwellings as two-storey with room over the garage. This is considered acceptable. A condition will be imposed restricting the scale of the properties to these parameters of any reserved matters stage.

#### Levels

16. The site is relatively flat and it is therefore considered that acceptable levels can be achieved at any reserved matters stage.

#### Impact on the neighbours

17. The nearest residential property to the development is Gradwells Farm to the east of the site. The garden of this property bounds with the application site. The layout of the proposal is applied for as part of the application and the properties on Plots 6 and 7 would be nearest to it. Plot 7 would back onto the grounds of the property but there would be approximately 11.9m between any rear windows and the boundary which is in excess of the Council's interface distances. Plot 6 will be sited side onto the grounds of Gradwells Farm. The appearance of the properties is not applied for as part of the permission so the location of windows is not provided at this stage, although from the layout it is likely that the windows will not face straight into the garden of Gradwells



Farm. However, a condition will be imposed preventing first floor windows in the southeast elevation of the property to prevent overlooking into the garden. Non-habitable room windows may be acceptable if they are obscurely glazed.

18. To the west the nearest property is no. 305 Moor Road, a semi-detached property fronting the main road. The rear of the proposed property on plot 1 will face towards the side of the rear garden of this property, however there will be approximately 35m between the site boundary and the boundary with this property and as such will not create any loss of amenity.
19. To the rear of the site partly bounds with Royal Umpire Caravan Park but there will be over 10m from any first floor windows to this boundary.
20. For the reasons above the application is considered acceptable in relation to neighbour amenity.

#### Design

21. The appearance of the dwelling is not applied for at this stage, but it is considered that an acceptable design or the dwellings could be achieved on site.

#### Open Space

22. There is a requirement for a financial contribution required from the development per dwelling as identified in the Central Lancashire Open Space Study, Final Open Space Audit Report, May 2012 towards amenity greenspace new provision in the ward of Lostock, new provision for children/young people in the ward of Lostock, allotments at Sylvesters Farm, Euxton and Land East of Station Road, Croston and playing pitches in the Borough. This totals £1,888 per dwelling and will need to be secured through a Section 106 legal agreement.

#### Trees and Landscape

23. A tree report accompanies the application. There are two individual trees categorised as 'A' (high quality and value), these are two Ash trees on the site frontage of the field between the site and no. 305 Moor Road which will be unaffected by the development. There are two category 'B' trees (moderate quality and value), one adjacent to the site access and one in the southeast corner of the site, but of which are shown to be retained as part of the application. There are eight trees categorised as 'C' (low quality and value), some of which will be removed as a result of the layout but some will be retained.
24. In terms of groups, the trees that bound with the access track to Gradwells Farm are categorised a 'B' moderate quality and value and will be retained as part of the development. The rear boundary of the site has a row of tall Poplars on it (approximately 15m high). These are category 'C' and are to be removed as part of the scheme. There is no objection to their removal as given their height they act as a high hedge and likely to cause problems for the proposed properties in the future. The hedge along the west boundary is a category 'C' beech hedge. This is shown to be retained on the plans but there would be no objection to its removal subject to appropriate new landscaping to replace it
25. The retention of the category A and B trees on the site as part of the proposal is looked upon favourably and the proposal is therefore considered acceptable in relation to trees.
26. The landscaping of the site will be dealt with as part of any reserved matters application.

#### Ecology

27. An ecology report accompanies the application. Bat roosts have been found to be present on site and therefore a European Protected Species Mitigation Licence will be required. This licence can only be applied for once planning permission has been granted, however the Planning Authority must be satisfied that the three Habitats Directive 'derogation tests' are met.

28. These three tests are:
- a. *the development must be for one of the reasons listed in regulation 53(2) of the 2010 Regulations. This includes imperative reasons of overriding public interest of a social or economic nature or of a public health and safety nature;*
  - b. *there must be no satisfactory alternative, and*
  - c. *favourable conservation status of the European Protected Species in their natural range must be maintained*
29. In terms of these tests, the existing building is empty and the Council want to see the site brought back into use so the proposal is considered to be in the public interest. In terms of an alternative, any conversion of the building to residential is unlikely to be realistic given its layout as a commercial building and the level of work would still likely cause disturbance to roosts. In terms of the final test mitigation measures have been put forward in the form of replacement roost reassures (details provided with the application) to maintain the favourable conservation status of the Common pipistrelle colony.
30. The proposal is therefore considered to meet the three tests subject to conditions securing mitigation measures.
31. The ecology survey shows that *Cotoneaster horizontalis* (an invasive plant species) is present on site. The trees and hedgerows on the site are suitable for use by breeding birds and the building by nesting birds. Hedgehogs are also present on site. Mitigation measures have been put forward and their application is considered acceptable on ecology grounds subject to this.

#### Flood Risk

32. The site is not over 1 hectare in size and is not in Flood Zones 2 or 3 as identified by the Environment Agency. A Flood Risk Assessment is therefore not required.

#### Public Right of Way

33. Public Right of Way number 11 (Ulnes Walton) crosses the site. It runs up the access track to Gradwells Farm and then across the site in front of the existing building and then into the adjacent field. The applicant advises that an application will be made to divert the footpath. Diversion of a footpath cannot be done as part of a planning application, but rather a separate application needs to be made to divert a footpath under the Town and Country Planning Act. The applicant is aware of the relevant procedure.

#### Contamination and Coal Mines

34. A condition is proposed as requested by the Council's Contaminated Land Officer in relation to ground contamination.
35. The site is not within a low or high risk coal mining area and therefore no conditions or informative notes are required in relation to this.

#### Drainage and Sewers

36. United Utilities have no objection subject to conditions requiring details of foul and surface water drainage to be submitted and approved. This includes surface water being restricted to existing runoff rates. These conditions are proposed and the application is therefore considered acceptable in relation to this.

#### Impact on Listed Building

37. Gradwells Farm, the residential property to the east is a Grade II listed building. The Council's Conservation Officer considers the proposal will sustain and has the potential to enhance the setting of the listed building. This could be further enhanced by the use of a sensitive boundary treatment subject to details submitted at reserved matters stage. A condition is proposed requiring details of boundary treatments to be submitted. Subject to this detail the proposal is considered acceptable in relation to the listed building at this stage.

#### Sustainable Resources

38. Policy 27 of the Core Strategy requires all new dwellings built prior to January 2016 to be built to Level 4 of the Code for Sustainable Homes and any built from January 2016 to be built to Level 6. It also requires proposal for five or more dwellings to have either additional building fabric insulation measures or appropriate decentralised, renewable or low carbon energy sources install to reduce carbon dioxide emission of predicted energy use by at least 15%. This can be controlled by conditions.

Community Infrastructure Levy (CIL)

39. The application will be liable for the Community Infrastructure Levy, however the applicant can offset the floor area of the existing buildings on site, which in this case is greater than the floor area proposed. The onus is on the applicant/developer to prove that the existing buildings have been in use for six months out of the last three years and if this is the case the CIL liability would be nil. If the existing buildings could not be offset the CIL liability would be £109,850.
40. The request for a contribution from LCC Education is noted, however education requests such as this are included in the CIL levy, even if, as in this case the applicant can offset the floor area of the existing buildings.

**Overall Conclusion**

41. The application is considered acceptable in principle and in terms of the access, layout and scale and is recommended for approval subject to conditions and a Section 106 legal agreement.

**Planning Policies**

42. 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 relevant to the current application, there is extensive planning history relating to the previous use as a hotel which was originally given permission in 1975 (ref: 75/00320/FUL) for conversion of farm buildings for public dining facilities.

**Suggested Conditions**

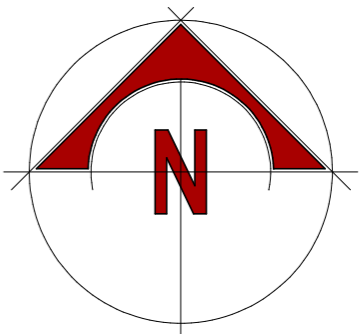
No.	Condition
1.	An application for approval of the reserved matters (namely the appearance, layout and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved. <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>
2.	The development shall be carried out in accordance with the recommendations set out in Paragraph 4.2.1 (wrongly numbered 4.3.1 in the report) of the 'Ecological Survey & Assessment, plus Outline Mitigation Method Statement for Roosting Bats' report and its associated appendices 3 and 4, dated April –July 2014 carried

	<p>out by Ribble Ecology.  <i>Reason: To ensure that ecology is maintained in a favourable conservation status on the site.</i></p>
3.	<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.  <i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
4.	<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.  <i>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</i></p>
5.	<p>None of the dwellings shall be occupied until the approved access to the site has completed in accordance with the approved plans.  <i>Reason: To ensure the access is suitable for the development.</i></p>
6.	<p>Before demolition or construction commences on the site and for the full period of demolition and 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>
7.	<p>Due to the proposed sensitive end-use (residential housing &amp; gardens), and the proximity of the development site to potentially infilled ground, the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.  The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.  The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.  <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, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</i></p>
8.	<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.  <i>Reason: To safeguard the trees to be retained.</i></p>
9.	<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</p>

	<p>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>
10.	<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>
11.	<p><i>Either, before the development hereby permitted is first commenced, or with any reserved matters application, 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.</i></p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>
12.	<p><i>Either, before the development hereby permitted is first commenced, or with any reserved matters application 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.</i></p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>
13.	<p>Either, before the development hereby permitted is first commenced, <i>or</i> 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>
14.	<p><i>Either, before the development hereby permitted is first commenced, or with any reserved matters application 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></p> <p><i>Reason: To ensure a satisfactory means of drainage.</i></p>
15.	<p><i>Either, before the development hereby permitted is first commenced, or with any reserved matters application a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed</i></p>

	<p>after completion) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the existing and proposed runoff rates. The development shall be completed, maintained and managed in accordance with the approved details.  <i>Reason: To ensure a satisfactory means of drainage and prevent and increase risk of flooding.</i></p>															
<p>16.</p>	<p>Any windows above ground floor in the south, south-east elevation of the property on Plot 6 shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy or an equivalent.  <i>Reason: In the interests of the privacy of occupiers of Gradwells Farm.</i></p>															
<p>17.</p>	<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.  <i>Reason: All wild birds are protected under the Wildlife and Countryside Act 1981 while they are breeding.</i></p>															
<p>18.</p>	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="368 1021 1343 1361"> <thead> <tr> <th data-bbox="368 1021 692 1055">Title</th> <th data-bbox="692 1021 1016 1055">Drawing Reference</th> <th data-bbox="1016 1021 1343 1055">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 1055 692 1115">Proposed Site Layout Plan</td> <td data-bbox="692 1055 1016 1115">BS3333/14 D/0/1 Rev C</td> <td data-bbox="1016 1055 1343 1115">6<sup>th</sup> October 2014</td> </tr> <tr> <td data-bbox="368 1115 692 1176">Site Location Plan</td> <td data-bbox="692 1115 1016 1176">BS3333/14 D/00/1 Rev A</td> <td data-bbox="1016 1115 1343 1176">6<sup>th</sup> October 2014</td> </tr> <tr> <td data-bbox="368 1176 692 1272">Suggested Outline Dwelling Mass Plots 1, 2, 3 &amp; 7</td> <td data-bbox="692 1176 1016 1272">BS3333/14 D/0/2</td> <td data-bbox="1016 1176 1343 1272">7<sup>th</sup> November 2014</td> </tr> <tr> <td data-bbox="368 1272 692 1361">Suggested Outline Dwelling Mass Plots 4, 5 &amp; 6</td> <td data-bbox="692 1272 1016 1361">BS3333/14 D/0/3</td> <td data-bbox="1016 1272 1343 1361">7<sup>th</sup> November 2014</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Drawing Reference	Received date	Proposed Site Layout Plan	BS3333/14 D/0/1 Rev C	6 <sup>th</sup> October 2014	Site Location Plan	BS3333/14 D/00/1 Rev A	6 <sup>th</sup> October 2014	Suggested Outline Dwelling Mass Plots 1, 2, 3 & 7	BS3333/14 D/0/2	7 <sup>th</sup> November 2014	Suggested Outline Dwelling Mass Plots 4, 5 & 6	BS3333/14 D/0/3	7 <sup>th</sup> November 2014
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# Proposed Site Layout



**NOTES:**

**GENERAL NOTES**

All workmanship and materials to be in accordance with current Building Regulations, British Standards and Codes of Practice. All materials are to be fixed, applied or mixed in accordance with manufacturers written instructions or specification. All materials shall be suitable for their purpose.

All structural timbers are to be pressure impregnated with preservative i.e. vac-vac.

The contractor shall take into account everything necessary for the proper execution of the works to the satisfaction of the "Inspector" whether or not indicated on the drawing and is to be responsible at all times for the overall safety of the works and existing structure.

All details and measurements to be carefully checked and verified on site by Contractor before setting out any site or shop-work or ordering any materials and components. Any discrepancies to be reported to Building Surveyor.

Contractor to notify Building Inspector at each stage of construction.

**SPECIFICATION TO BE READ STRICTLY IN ACCORDANCE WITH LAYOUT AND ANY DETAIL DRAWINGS.**

This plan is not intended to be a full working drawing.

We draw your attention to the Party Wall Etc. Act 1996, which may be applicable to the works, generally applying to works to a party wall or excavation works within 6 metres of an adjacent property. If in doubt you should seek the advice of an appropriately qualified person.

**This drawing is for Planning Application purposes only and is Not Approved**

All dimensions must be carefully checked on site by the General Contractor before work commences.

Revisions

No	Date	Details	Checked
C	02/10/14	Remove affordable housing. Revise site access. Add footpath.	MAS
B	19/06/14	Add notes to divert Public Footpath. Add dwelling volumes.	MAS
A	26/05/14	General updates prior to Planning App.	MAS



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Project **The Former Mill Hotel  
Southport Road  
Croston**

Title **Proposed Site Layout Plan**

scale 1/500 @ A2	date 25/04/14
Job B6333/14	Drg. D/0/1
Element	Rev. C
drawn MA6	

Cad Ref: CAD DRAWING

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<b>3e</b>	<b>14/00844/FUL</b>
<b>Case Officer</b>	<b>David Stirzaker</b>
<b>Ward</b>	<b>Chisnall</b>
<b>Proposal</b>	<b>Use of building as fencing and garden furniture workshop on permanent basis (temporary planning permission (Ref No. 11/00581/COU) granted for 3 year period in 2011)</b>
<b>Location</b>	<b>Lancaster House Farm, Preston Road, Charnock Richard, Chorley, PR7 5LE</b>
<b>Applicant</b>	<b>GM Demolition</b>
<b>Consultation expiry:</b>	<b>29<sup>th</sup> August 2014</b>
<b>Decision due by:</b>	<b>29<sup>th</sup> October 2014</b>

**Recommendation  
Permit Planning Permission**

**Executive Summary**

The main issues to consider are whether the permanent use of the building for the originally approved purposes is acceptable, its impact on the amenities of neighbours, the character and appearance of the locality, parking provision and highway safety. For the reasons set out below, it is considered that the proposed extension is consistent with the aims of the Framework and in accordance with the provisions of the development plan.

**Representations**

**Charnock Richard Council** do not raise any objections to the application

**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
Environmental Health Officer	Following a check of records, there are no previous issues concerning this site or the operation of this company so based on this there are no objections to the application.  The only potential concern is if, for some reason, the nature of the business intensifies or another business, within the same classification, moves to the site. However it is appreciated that this could not be addressed at this point.
LCC (Highways)	Do not raise any objections to the application.

Proposed development

1. This application seeks planning permission to make permanent the temporary change of use of an existing building from agricultural use to a fencing and garden furniture workshop. The permission for this use was granted for a temporary 3 year period in 2011.
2. The application site comprises a former agricultural building local at Lancaster House Farm which is on Preston Road, Charnock Richard and is in the Green Belt.
3. The property in question is owned by former Councillor Mr Harold Heaton and the previous application which gave the temporary permission was reported to Development Control Committee on 4<sup>th</sup> October 2011.

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

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

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

**The Development Plan**

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

#### Adopted Chorley Borough Local Plan Review

12. The Framework confirms that for 12 months from the day of publication of the Framework (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The Framework also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans.
13. The relevant policies of the Local Plan are as follows:
  - GN5 - Building Design and Retaining Existing Landscape Features and Natural Habitats
  - EP20 – Noise
  - EM2 – Development Criteria for Industrial/Business Development
  - TR4 – Highway Development Control Criteria

#### Central Lancashire Core Strategy July 2012

14. The adoption of the Core Strategy (July 2012) postdates the Framework and as such is wholly consistent with the Framework. The following Core Strategy Policies are of relevance to this application:
  - Policy 13 – Rural Economy
  - Also of relevance is the Central Lancashire Rural Development SPD

#### ***Emerging Policy***

15. Chorley Local Plan 2012-2026. The Inspector has issued her Partial Report on her findings into the soundness of the Chorley Local Plan which is a material consideration in the consideration of any planning application.
16. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination later this year to consider Gypsy & Traveller Matters, which would enable adoption of the local plan, following a supplementary report.
17. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*
18. The Council accepted the Inspector’s modifications for Development Management purposes at its Executive Committee on 21<sup>st</sup> November 2013. It is therefore considered significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications. The Policies relevant to this application are as follows:
  - ST4: Parking Standards

- EP3: Development Criteria for Business & Industrial Development
- BNE1: Design Criteria for New Development

#### Principle of the Development

19. The 'principle' of the use of the building was accepted by virtue of the permission granted in 2011 (Ref No. 11/00581/COU). However, since this time, the Framework has replaced PPG's (Planning Policy Guidance Notes) and PPS's (Planning Policy Statements) and the as set out above, the Central Lancashire Core Strategy has been adopted whilst the policies in the emerging Chorley Local Plan are also pertinent.
20. As already stated, the application site is washed over by the Green Belt. Policy DC1 of the Adopted Chorley Borough Local Plan Review restricts development in the Green Belt to that listed within the policy, unless very special circumstances are demonstrated to outweigh the harm that would come to the green belt by reason of inappropriateness although the re-use of an existing building is deemed to be appropriate development. Paragraph 90 of the Framework states that the re-use of buildings provided that the buildings are of permanent and substantial construction is not inappropriate development.
21. Policy DC7A of the Adopted Local Plan allows the re-use of existing buildings and sets out a preference for the re-use of a building to provide accommodation for commercial, business and employment uses.
22. Policy 13 of the Core Strategy provides support for rural businesses and criteria (f) advocates support for farm diversification schemes involving the conversion of existing buildings. The Central Lancashire Rural Development SPD also provides broad support for employment uses in rural areas and states that the conversion of existing buildings is one way in which employment opportunities can be created.
23. The change of use of the building for the production of fencing panels and garden furniture workshop was undertaken with minimal alterations to the existing building and this application does not propose any further changes to the building.
24. On the basis of the above and in relation to consideration of the use against the latest development plan policies, the 'principle' of the use of the building is considered to be an acceptable one.

#### Impact on neighbours

25. The surrounding area is rural in character with very few sparsely positioned residential properties. The nearest residential property other than Lancaster House Farm is situated on the opposite side of Preston Road, over 60m from the building. To the east is the M6 Motorway which provides a degree of background noise in the surrounding area.
26. The building is within an existing farm unit within a rural area of the borough. However, the unit has recently modified its farming practice from rearing of cattle (which needed indoor accommodation in the winter months), to the grazing of sheep all year round. The re-organisation of the farm business has resulted in a redundant agricultural building which the applicant intends to sub-let to as part of the farm diversification.
27. In assessing the impact of the change of use on neighbour amenity, a fall back position was considered at the time of the application. This was that the farm was once fully operational which would have resulted in daily noise and disturbance and also vehicular movement (including farm machinery) coming to and from the site on a regular basis.
28. Taking this into consideration, it was considered that the use of the building to produce fence panels and garden furniture would not result in any greater significant detrimental harm in terms of neighbour amenity than would be experienced if the farm were operational.
29. In addition to the above the Council's Environmental Health Team was consulted regarding noise and emissions but raised no objections to the change of use although a

condition does restrict the hours of operation in the interests of neighbour amenity. In the latest comments on this application, the Council's Environmental Health Team raise no objections stating that no complaints have been made in relation to the business operating from the building. Therefore, no objections are raised.

30. Given the use of the building has been taking place for the past 3 years and that it has not generated any noise complaints, it is not considered the permanent use of the building cause significant detrimental harm to neighbour amenity that would warrant refusal of the application. The previous working hours conditions are recommended to be re-imposed if planning permission is granted.

#### Traffic & Transport

31. The access and parking arrangements at the site will remain unchanged with the primary access to the site being from Preston Road. This situation was deemed acceptable at the time of the 2011 application as was the provision of 6 no. off-road parking spaces to the east of the building to provide parking space for workers and customers. Retention of the outside storage area adjacent to the car parking area still enables the provision of the parking spaces to the required dimensions.
32. No changes are proposed by this application and LCC (Highways) have considered the application on this basis in not raising any objections or concerns with the permanent use of the building.

#### **Overall Conclusion**

33. The 'principle' of the use of the building as a fencing and garden furniture workshop is considered to be an acceptable one, as was the case in 2011.
34. With regards to neighbour amenity, no objections have been raised by local residents and Environmental Health have no received any complaints either regarding noise and disturbance at the site. The previously approved working hour's condition is recommended to be re-imposed if planning permission is granted.
35. In terms of traffic and parking, the situation will stay the same and LCC (Highways) have not raised any objections to the application on this basis. A condition is recommended to ensure that the car parking shown on the site plan is retained.
36. In terms of outside storage of materials, the applicant has provided an amended site plan detailing this and agreeing that it will be limited to a height of 1.2m above ground level. A hedgerow is also proposed to be planted adjacent to the car park to screen the stored materials. Conditions are recommended securing the landscaping and specifying the areas of stored materials to that detailed on the site plan and to prohibit outside storage exceeding a height of 1.2m above ground level.

#### **Planning History**

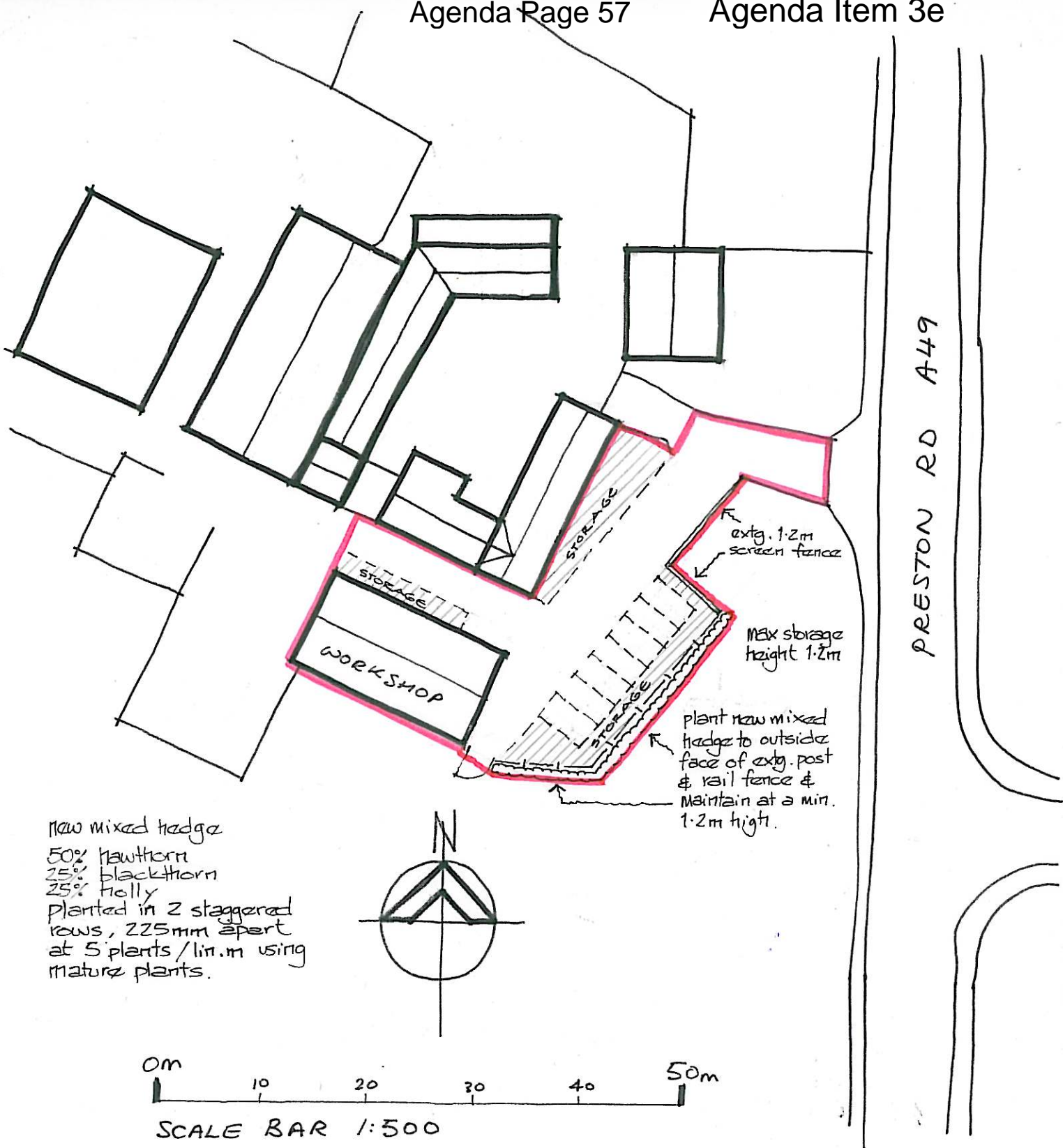
<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
00/00174/FUL	Excavation of land to form second coarse fishery pond	PERFPP	19 April 2000
02/01097/AGR	Application for agricultural determination in respect of the erection of a replacement barn	PAAGR	28 November 2002
95/00144/COU	Use of existing pond for coarse fishing and existing hardstanding for parking of up to fifteen cars	PERFPP	15 June 1995
97/00087/COU	Change of use of farm building to upholstery workshop	PERFPP	9 April 1997
04/00157/COU	Change of Use of redundant farm buildings to storage facility	WDN	15 April 2004
05/00038/COU	Change of Use of redundant	PERFPP	9 March 2005

	farm buildings to part workshop and storage of furniture		
11/00132/ADV	Display of non - illuminated wall mounted sign	PERADV	6 June 2011
11/00581/COU	Change of use of existing building from agricultural use to fencing and garden furniture workshop	PERFPP	4 October 2011

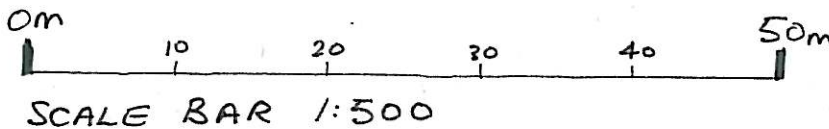
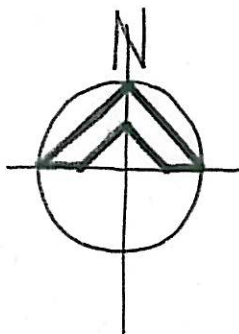
**Suggested Conditions**

No.	Condition									
1.	<p>The use of the building hereby permitted shall be for a fence and garden furniture workshop only. The building shall be used for no other purpose in Class B of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) unless otherwise agreed in writing with the Local Planning Authority.</p> <p><i>Reason: To protect the locality of the area, to ensure that any subsequent use is appropriate for the site and to protect the amenity of the neighbouring residents.</i></p>									
2.	<p>The use hereby permitted shall be restricted to the hours between: 08.00am and 17.00pm Monday – Friday and; 10.00am and 14.00pm Saturday, Sunday and Bank Holidays.</p> <p><i>Reason: To safeguard the amenities of local residents.</i></p>									
3.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="368 869 1340 965"> <thead> <tr> <th data-bbox="368 869 791 898">Title</th> <th data-bbox="791 869 1086 898">Drawing Reference</th> <th data-bbox="1086 869 1340 898">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 898 791 927">Location Plan</td> <td data-bbox="791 898 1086 927">14/062/P01 Rev A</td> <td data-bbox="1086 898 1340 927">7<sup>th</sup> October 2014</td> </tr> <tr> <td data-bbox="368 927 791 965">Site Plan</td> <td data-bbox="791 927 1086 965">14/062/P02 Rev A</td> <td data-bbox="1086 927 1340 965">7<sup>th</sup> October 2014</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Location Plan	14/062/P01 Rev A	7 <sup>th</sup> October 2014	Site Plan	14/062/P02 Rev A	7 <sup>th</sup> October 2014
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Site Plan	14/062/P02 Rev A	7 <sup>th</sup> October 2014								
4.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shown on the Site Plan (Ref No. 14/062/P02 Rev A) received on 7<sup>th</sup> October 2014 shall be carried out in the first planting and seeding seasons following the date of the permission hereby granted and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species..</p> <p><i>Reason: In the interest of the appearance of the locality</i></p>									
5.	<p>Any goods, materials or equipment stacked, stored or deposited on the site shall only be done so only in the areas detailed on the approved Site Plan (Ref No. 14/062/P02 Rev A) received on 7<sup>th</sup> October 2014 and shall not exceed a height above ground level of 1.2 metres.</p> <p><i>Reason: In the interests of the amenity of the area</i></p>									
6.	<p>The use of the building hereby permitted for a fence and garden furniture workshop shall cease and any plant, material or equipment associated therewith shall be removed and the site restored to its former condition on or before three years from the date of this permission.</p> <p><i>Reason: In response to the nature of the use hereby sought and to allow the Local Planning Authority to monitor the need for the agricultural use of the building in the future.</i></p>									






New mixed hedge  
 50% Hawthorn  
 25% blackthorn  
 25% holly  
 planted in 2 staggered rows, 225mm apart at 5 plants/lin.m using mature plants.



Revisions

A: site plan updated to show storage areas, hedge planting and amended red edge. ASL 07/10/14

CLIENT		MR. MARK STOREY		
PROJECT		LANCASTER HOUSE FARM, PRESTON ROAD, CHARNOCK RICHARD, LANCASHIRE, PR7 5LE CONTINUATION OF USE OF FENCING / FURNITURE WORKING.		
DRAWING TITLE		SITE PLAN		
DATE	SCALE	DRAWN	DRWG No.	REV
24/07/14	1:500 @ A4	GJF	14/062/P02	A



213 PRESTON ROAD  
 WHITTLE-LE-WOODS  
 CHORLEY  
 LANCASHIRE  
 PR6 7PS  
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Report of	Meeting	Date
Chief Executive	Development Control Committee	18 November 2014

**PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO. 5 (CHARNOCK RICHARD) 2014**

**PURPOSE OF REPORT**

- To consider formal confirmation of the Tree Preservation Order No.5 (Charnock Richard) 2014.

**RECOMMENDATION(S)**

- Tree Preservation Order No.5 (Charnock Richard) 2014 is confirmed i.e. made permanent without modification.

**EXECUTIVE SUMMARY OF REPORT**

- Formal confirmation of the Order affords permanent as opposed to provisional legal protection to the trees covered by the Order. Not to confirm the Order would mean allowing the Order and thereby the protection conferred on the trees covered by the Order to lapse.
- The Order will be registered as a local land charge in the event that it is confirmed. A copy of the Tree Preservation Order No.5 (Charnock Richard) 2014 and a Plan of the location of the trees affected in this Order is enclosed.

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

**CORPORATE PRIORITIES**

- This report relates to the following Strategic Objectives:

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

**BACKGROUND**

- The Order was made 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 18<sup>th</sup> September 2014. 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.

7. Charnock Richard Parish was notified of the order as a courtesy although the relevant Regulations do not require it to be notified
8. The Order protects a number of individual trees which range from oak, sycamore, ash, common alder, silver birch, field maple, Himalayan birch, holly, hawthorn, goat willow and elder. There are a number of group of trees which will also need to be protected. Members will note from the plan attached to the order where the trees are located.
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 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

Report Author	Ext	Date	Doc ID
Elizabeth Walsh	5169	31.10.14	2606

**Tree Preservation Order**

**Town and Country Planning Act 1990**

The Chorley Borough Council Tree Preservation Order No. 5 (Charnock Richard) 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**

This Order may be cited as Chorley Borough Council Tree Preservation Order No. 5 (Charnock Richard) 2014

**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.

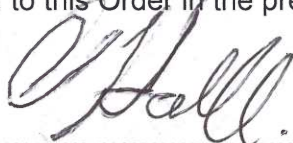
**Application to trees to be planted pursuant to a condition**

- 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.

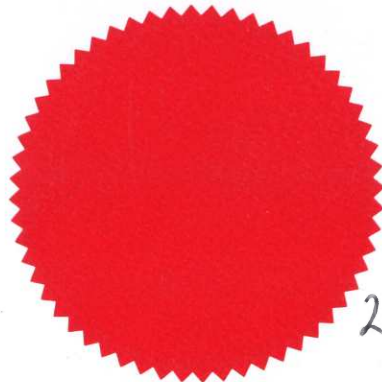
Dated this 18 day of September 2014

The Common Seal of Chorley Borough Council

was affixed to this Order in the presence of: ]



..... ]  
Authorised Signatory



20684

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

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Chorley Borough Council on the [ ] day of [ ]

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Chorley Borough Council on the [ ] day of [ ] by a variation order under reference number [ ] a copy of which is attached.

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

[This Order was revoked by Chorley Borough Council on the [ ] day of [ ]

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	Land South of Charnock Richard Golf Club
[T2]	Oak	Land South of Charnock Richard Golf Club
T3	Ash	Land South of Charnock Richard Golf Club
T4	Common Alder	Land South of Charnock Richard Golf Club
T5	Silver Birch	Land South of Charnock Richard Golf Club
T6	Ash	Land South of Charnock Richard Golf Club
T7	Ash	Land South of Charnock Richard Golf Club
T8	Field Maple	Land South of Charnock Richard Golf Club
T9	Oak	Land South of Charnock Richard Golf Club
T10	Ash	Land South of Charnock Richard Golf Club
T11	Ash	Land South of Charnock Richard Golf Club
T12	Himalayan Birch	Land South of Charnock Richard Golf Club
T13	Ash	Land South of Charnock Richard Golf Club
T14	Ash	Land South of Charnock Richard Golf Club
T15	Silver Birch	Land South of Charnock Richard Golf Club



T16	Ash	Land South of Charnock Richard Golf Club
T17	Oak	Land South of Charnock Richard Golf Club
T18	Sycamore	Land South of Charnock Richard Golf Club
T19	Silver Birch	Land South of Charnock Richard Golf Club
T20	Common Alder	Land South of Charnock Richard Golf Club
T21	Oak	Land South of Charnock Richard Golf Club
T22	Oak	Land east of Charnock Richard Golf Club
T23	Oak	Land east of Charnock Richard Golf Club
T24	Oak	Land east of Charnock Richard Golf Club
T25	Oak	Land east of Charnock Richard Golf Club
T26	Oak	Land east of Charnock Richard Golf Club
T27	Oak	Land east of Charnock Richard Golf Club
T28	Oak	Land east of Charnock Richard Golf Club
T29	Oak	Land east of Charnock Richard Golf Club
T30	Alder	Land east of Charnock Richard Golf Club
T31	Oak	Land east of Charnock Richard Golf Club
T32	Oak	Land east of Charnock Richard Golf Club
T33	Oak	Land east of Charnock Richard Golf Club

T34	Oak	Land east of Charnock Richard Golf Club
T35	Oak	Land east of Charnock Richard Golf Club
T36	Oak	Land east of Charnock Richard Golf Club
T37	Oak	Land east of Charnock Richard Golf Club
T38	Oak	Land east of Charnock Richard Golf Club
T39	Alder	Land east of Charnock Richard Golf Club
T40	Ash	Land east of Charnock Richard Golf Club
T41	Oak	Land east of Charnock Richard Golf Club
T42	Oak	Land east of Charnock Richard Golf Club
T43	Oak	Land east of Charnock Richard Golf Club
T44	Oak	Land east of Charnock Richard Golf Club
T45	Alder	Land east of Charnock Richard Golf Club
T46	Oak	Land north of Charnock Richard Golf Club
T47	Oak	Land north of Charnock Richard Golf Club
T48	Oak	Land north of Charnock Richard Golf Club
T49	Oak	Land north of Charnock Richard Golf Club
T50	Oak	Land north of Charnock Richard Golf Club
T51	Oak	Land north of Charnock Richard Golf Club

T52	Alder	Land north of Charnock Richard Golf Club
T53	Holly	Land north of Charnock Richard Golf Club
T54	Oak	Land north of Charnock Richard Golf Club
T55	Oak	Land north of Charnock Richard Golf Club
T56	Oak	Land north of Charnock Richard Golf Club
T57	Oak	Land north of Charnock Richard Golf Club
T58	Oak	Land north of Charnock Richard Golf Club
T59	Oak	Land north of Charnock Richard Golf Club
T60	Oak	Land north of Charnock Richard Golf Club
T61	Oak	Land north of Charnock Richard Golf Club
T62	Oak	Land north of Charnock Richard Golf Club
T63	Oak	Land north of Charnock Richard Golf Club
T64	Oak	Land north of Charnock Richard Golf Club
T65	Oak	Land north of Charnock Richard Golf Club
T66	Ash	Land north of Charnock Richard Golf Club
T67	Ash	Land north of Charnock Richard Golf Club
T68	Oak	Land north of Charnock Richard Golf Club
T69	Oak	Land north of Charnock Richard Golf Club

---

T70	Oak	Land north of Charnock Richard Golf Club
T71	Oak	Land north of Charnock Richard Golf Club
T72	Oak	Land north of Charnock Richard Golf Club
T73	Oak	Land north of Charnock Richard Golf Club
T74	Ash	Land north of Charnock Richard Golf Club
T75	Oak	Land north of Charnock Richard Golf Club
T76	Oak	Land north of Charnock Richard Golf Club
T77	Oak	Land north of Charnock Richard Golf Club
T78	Alder	Land north of Charnock Richard Golf Club
T79	Oak	Land north of Charnock Richard Golf Club
T80	Alder	Land north of Charnock Richard Golf Club
T81	Oak	Land north of Charnock Richard Golf Club
T82	Sycamore	Land north of Charnock Richard Golf Club
T83	Ash	Land north of Charnock Richard Golf Club
T84	Ash	Land north of Charnock Richard Golf Club
T85	Oak	Land north of Charnock Richard Golf Club
T86	Ash	Land north of Charnock Richard Golf Club
T87	Oak	Land north of Charnock Richard Golf Club

---

T88	Ash	Land north of Charnock Richard Golf Club
T89	Hawthorn	Land north of Charnock Richard Golf Club
T90	Ash	Land north of Charnock Richard Golf Club
T91	Oak	Land north of Charnock Richard Golf Club
T92	Oak	Land north of Charnock Richard Golf Club
T93	Oak	Land north of Charnock Richard Golf Club
T94	Oak	Land north of Charnock Richard Golf Club
T95	Goat Willow	Land north of Charnock Richard Golf Club
T96	Oak	Land north of Charnock Richard Golf Club
T97	Oak	Land north of Charnock Richard Golf Club
T98	Alder	Land north of Charnock Richard Golf Club
T99	Alder	Land north of Charnock Richard Golf Club
T100	Alder	Land north of Charnock Richard Golf Club
T101	Oak	Land north of Charnock Richard Golf Club
T102	Oak	Land north of Charnock Richard Golf Club
T103	Elder	Land north of Charnock Richard Golf Club
T104	Oak	Land north of Charnock Richard Golf Club
T105	Alder	Land north of Charnock Richard Golf Club

T106	Alder	Land north of Charnock Richard Golf Club
T107	Oak	Land north of Charnock Richard Golf Club
T108	Ash	Land north of Charnock Richard Golf Club

### Groups of trees

(within a broken black line on the map)

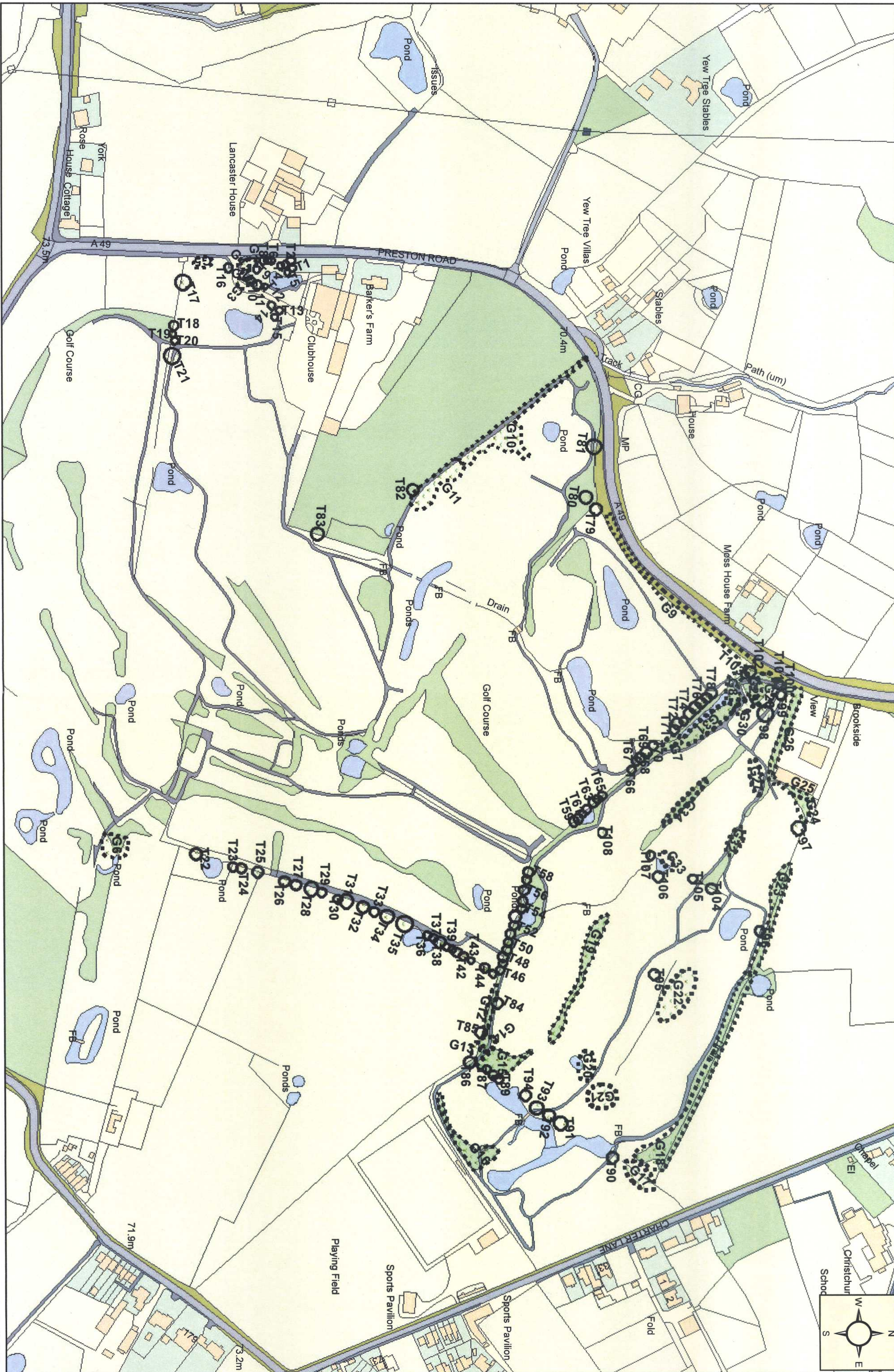
<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
G1	2x Ash, 1x Field Maple, 2x Oak	Land South of Charnock Richard Golf Club
G2	2x Ash, 2 x Field Maple, 1x Oak	Land South of Charnock Richard Golf Club
G3	1 x Goat Willow, 3 x Ash, 1 x Oak, 1 x Alder	Land South of Charnock Richard Golf Club
G4	2x Norway Maple, 2 x Common Alder, 1 x Goat Willow, 1 x Whitebeam	Land South of Charnock Richard Golf Club
G5	12 x Ash, 3 x Oak	Land South of Charnock Richard Golf Club
G6	11 x Field Maple, 2 x Oak	Land north of Charnock Richard Golf Club
G7	2 x Silver Birch	Land north of Charnock Richard Golf Club
G8	4 x Oak, 2 x Common Alder, 1 x Alder	Land north of Charnock Richard Golf Club
G9	AsH, Hawthorn, Alder, Oak, Goat Willow, Elder, Sycamore	Land north of Charnock Richard Golf Club
G10	18 x Pine, 1 x Silver Birch	Land north of Charnock Richard Golf Club
G11	21 X Pine, 17 x Silver Birch	Land north of Charnock Richard Golf Club
G12	7 x Oak, 1 x Rowan, 2 x Alder	Land north of Charnock Richard Golf Club
G13		Land north of Charnock

		Richard Golf Club
G14	2 x Ash, 1 x Silver Birch	Land north of Charnock Richard Golf Club
G15	3 x Oak	Land north of Charnock Richard Golf Club
G16	Silver Birch, Pine, Cypress	Land north of Charnock Richard Golf Club
G17	1 x Oak, 3 x Ash	Land north of Charnock Richard Golf Club
G18	Silver Birch, Ash, Cherry	Land north of Charnock Richard Golf Club
G19	Silver Birch, Ash, Field Maple, Pine, Cypress	Land north of Charnock Richard Golf Club
G20	Alder, Goat Willow	Land north of Charnock Richard Golf Club
G21	3 x Cypress	Land north of Charnock Richard Golf Club
G22	15 x Pine	Land north of Charnock Richard Golf Club
G23	30 x Pine	Land north of Charnock Richard Golf Club
G24	10 Leyland Cypress	Land north of Charnock Richard Golf Club
G25	7 x Field Maple	Land north of Charnock Richard Golf Club
G26	20 X Leyland Cypress	Land north of Charnock Richard Golf Club
G27	6 x Ash, 1 x Cherry	Land north of Charnock Richard Golf Club
G28	5 x Ash	Land north of Charnock Richard Golf Club
G29	2 x Field Maple	Land north of Charnock Richard Golf Club
G30	Goat Willow	Land north of Charnock Richard Golf Club
	5 x Common Alder, Goat	

G31	Willow, 1 x Sycamore	Land north of Charnock
		Richard Golf Club
	20 x Pine, 12 x Ash	
G32		Land north of Charnock
		Richard Golf Club
	3 x Alder, 2 x Oak	
G33		Land north of Charnock
		Richard Golf Club
	20 x Pine, 10 x Ash, 8 x	
G34	Silver Birch	Land north of Charnock
		Richard Golf Club
	3 x Common Alder, 4 x	
	Goat Willow	

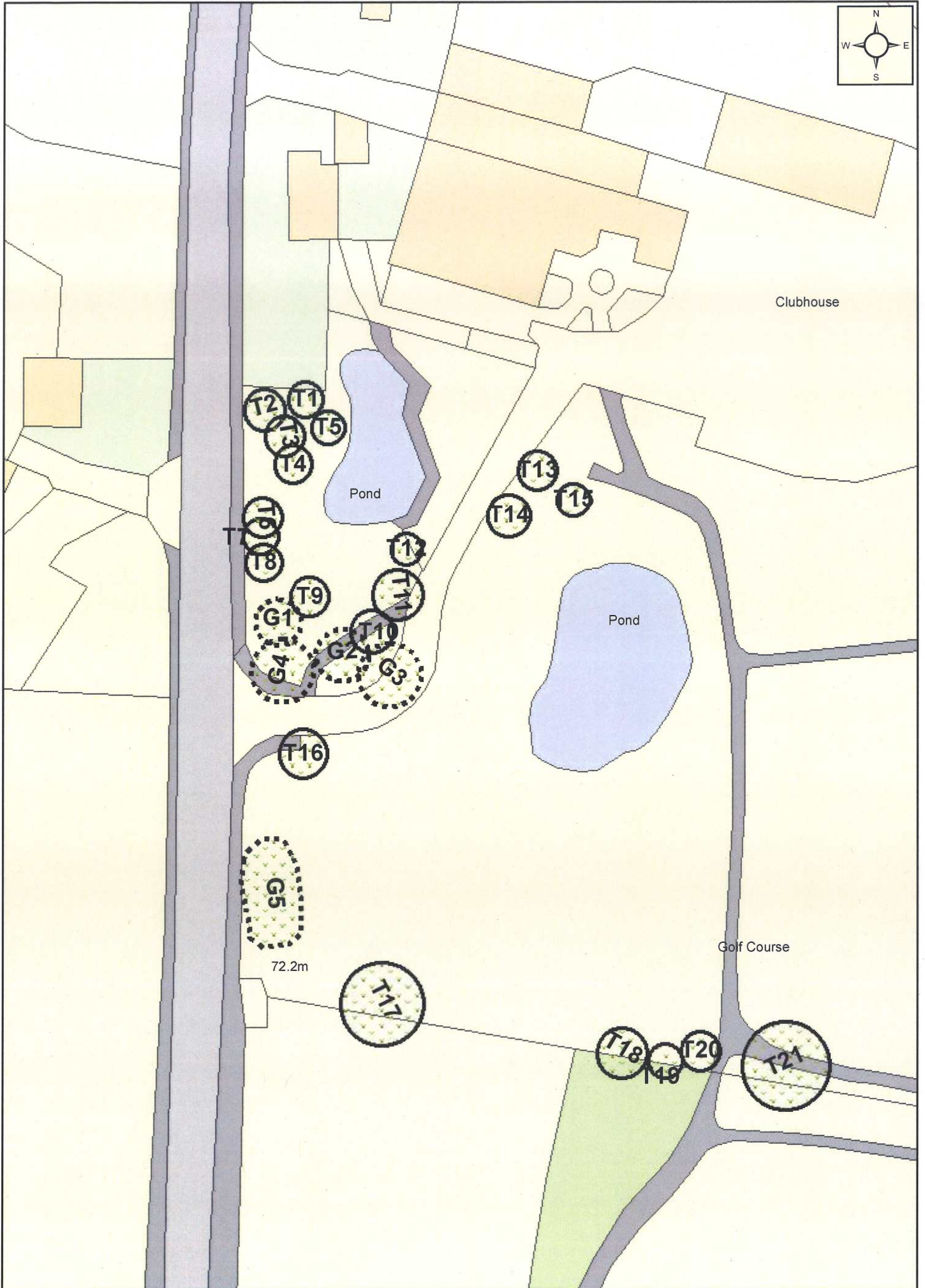
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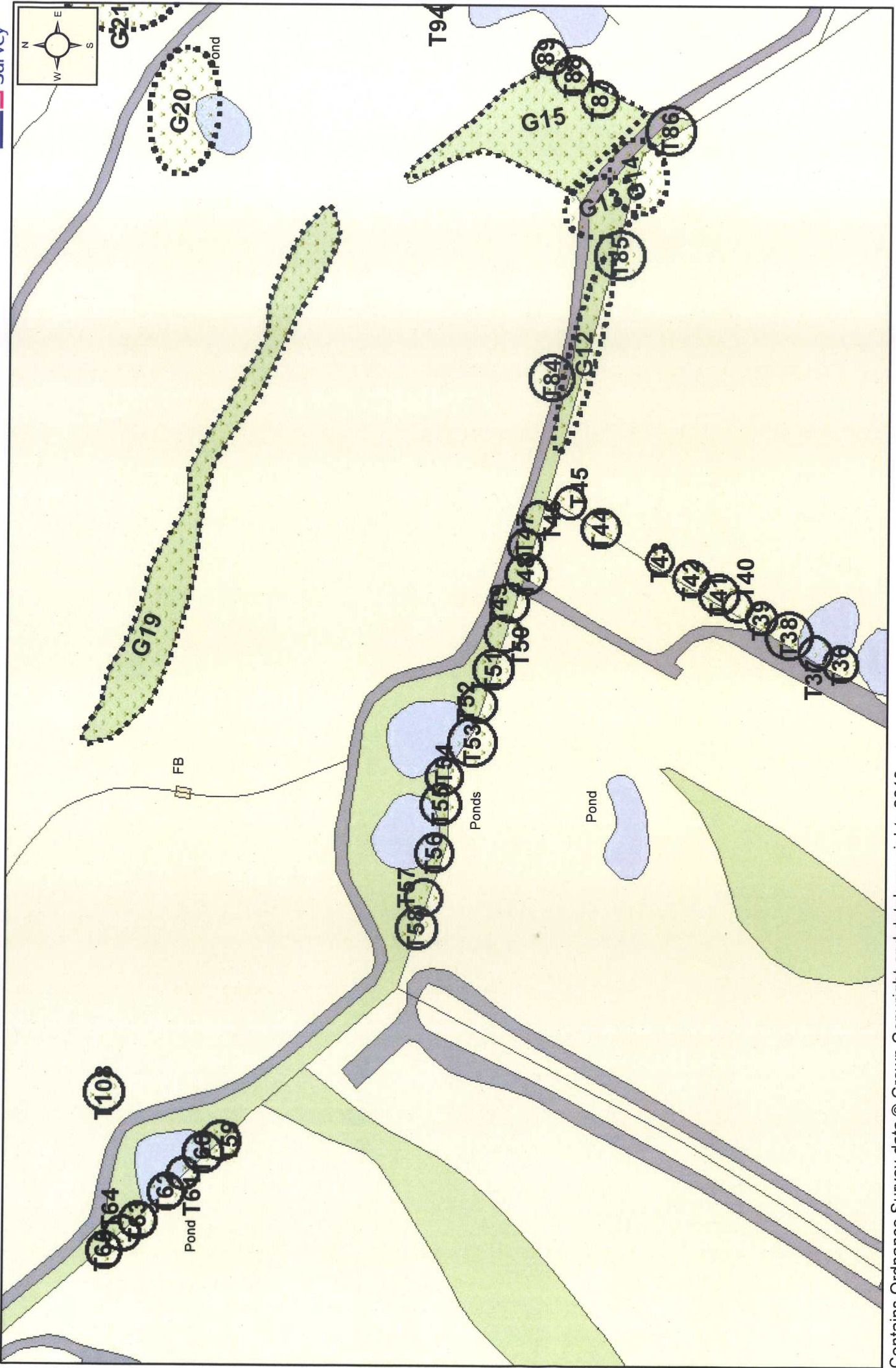
Contains Ordnance Survey data © Crown Copyright and database rights 2014

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Chorley BC TPO 5 (Charnock Richard) 2014



Report of	Meeting	Date
Chief Executive	Development Control Committee	18 November .2014

**PROPOSED CONFIRMATION CHORLEY BOROUGH COUNCIL  
TREE PRESERVATION ORDER NO 8 (HEATH CHARNOCK)  
2014 WITHOUT MODIFICATION**

**PURPOSE OF REPORT**

- To consider formal confirmation of the Chorley Borough Council Tree Preservation Order No 8 (Heath Charnock) 2014 without modification.

**RECOMMENDATION(S)**

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

**EXECUTIVE SUMMARY OF REPORT**

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

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

**CORPORATE PRIORITIES**

- This report relates to the following Strategic Objectives:

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

**BACKGROUND**

- The Order was made on the 9 September 2014. The Order was made and served along with the statutory notice prescribed in Regulations on all those with an interest in the land on which the trees are situated on the 9 September 2014. The same documents were also served on owners of adjacent properties. The Order was made because of the assessment of the Council's Tree Officer the trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public.

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

**IMPLICATIONS OF REPORT**

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

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

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

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

**COMMENTS OF THE MONITORING OFFICER**

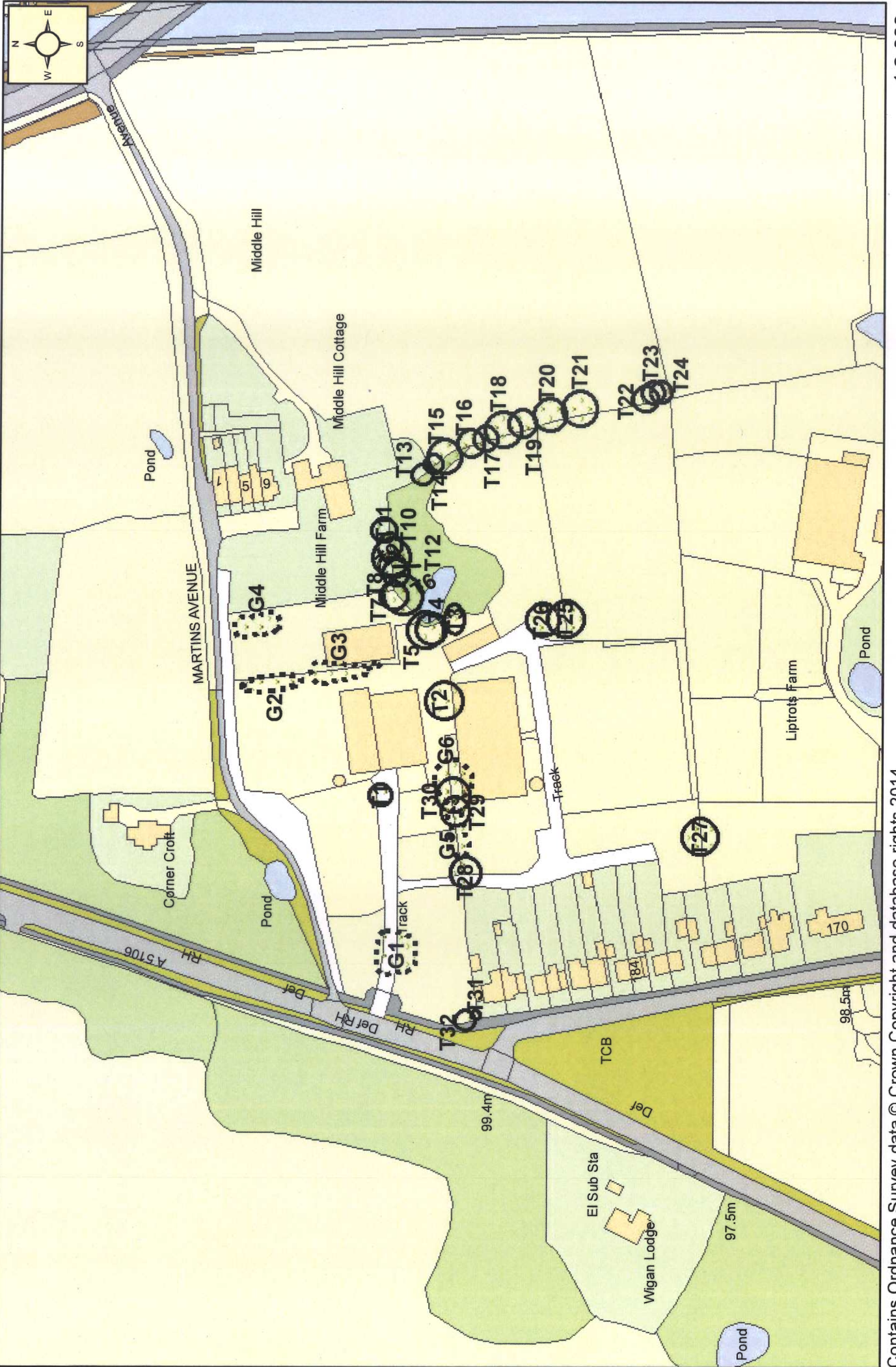
2. The legal effect of the order and the consequences of breach are addressed within the body of the report.

GARY HALL  
CHIEF EXECUTIVE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Stefanie Leach	01257 515170	29 October 2014	068928

Chorley BC TPO 8 (Heath Charnock) 2014



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Report of	Meeting	Date
Director of Public Protection, Streetscene and Community	Development Control Committee	18 November 2014

## **PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 22 OCTOBER AND 6 NOVEMBER 2014**

### **PLANNING APPEALS LODGED**

1. Appeal by Ms Sandra Riding against the delegated decision to Refuse Full Planning Permission for Erection of detached outbuilding at 7 Whittam Road, Chorley PR7 3LJ (Planning Application: 14/00476/FUL Inspectorate Reference APP/D2320/D/14/2225903). Inspectorate letter received 29 October 2014.

### **PLANNING APPEALS DISMISSED**

2. Appeal by Squirrel Investments (Kevin Boardman) against the delegated decision to Refuse Full Planning Permission for Erection of a detached dwellinghouse to be built to Code Level 6 of the Code for Sustainable Homes at Land 13M North Of Taleford House, Squirrel Lane, Anderton (Planning Application: 13/00640/FUL Inspectorate Reference APP/D2320/A/14/2219301). Appeal is dismissed Inspectorate letter received 24 October 2014.

### **PLANNING APPEALS ALLOWED**

3. Appeal by Mrs Susan Perrins against the delegated decision to Refuse Full Planning Permission for the Erection of first floor front extension and detached double garage to front at 26 Ollerton Street, Adlington, Chorley PR6 9LF (Planning Application: 14/00370/FUL Inspectorate Reference APP/D2320/D/14/2221003). Appeal is allowed Inspectorate letter received 4 November 2014.

### **PLANNING APPEALS WITHDRAWN**

4. None.

### **ENFORCEMENT APPEALS LODGED**

5. None.

### **ENFORCEMENT APPEALS DISMISSED**

6. None.

### **ENFORCEMENT APPEALS ALLOWED**

7. None.

**ENFORCEMENT APPEALS WITHDRAWN**

8. None.

**HIGH HEDGES APPEALS LODGED**

9. None.

**HIGH HEDGES APPEAL DECISIONS**

10. Appeal by Mrs Kathleen Moon against the Remedial Notice issued under Part 8 of the Anti-Social Behaviour Act 2003 about the high hedge situated at 14 Judeland, Astley Village, Chorley PR7 1XJ issued 18 June 2014 taking effect 31 July 2014 (Chorley Case Reference: ENF/HH/1 Inspectorate Reference: APP/HH/14/1372). Appeal is allowed in part and the Council's Remedial Notice is varied – this requires the height of the hedge to be reduced initially to 2m but maintained thereafter at a height not exceeding 2.25m. Inspectorate letter received 31 October 2014.

**LANCASHIRE COUNTY COUNCIL DECISIONS**

11. None.

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

JAMIE CARSON

DIRECTOR PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

Report Author	Ext	Date	Doc ID
Robert Rimmer	5221	06.11.2014	***

---

## Appeal Decision

Site visit made on 29 July 2014

**by Mark Caine BSc (Hons) MTPL MRTPI**

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

**Decision date: 24 October 2014**

---

**Appeal Ref: APP/D2320/A/14/2219301**

**Land adjacent Taleford on Squirrel Lane, Anderton, Chorley BL6 7QJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Kevan Boardman against the decision of Chorley Borough Council.
  - The application Ref 13/00640/FUL, dated 8 July 2013, was refused by notice dated 22 November 2013.
  - The development proposed is described as "the erection of a detached dwelling house that will be level six sustainable".
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Chorley Local Plan 2012-2026 (Emerging Plan) has been examined and the Examining Inspector (EI) has issued a partial report concluding that, subject to modifications which do not affect Policies HS7, BNE1, BNE9 and BNE10, the plan meets the criteria for soundness. Accordingly, given the very advanced stage the plan has reached and having regard to the advice at paragraph 216 of the Framework, I attach significant weight to the provisions and objectives of Policies HS7, BNE1, BNE9 and BNE10 as material considerations.
3. The appeal site lies within the Green Belt. On 9 October 2014 the Court of Appeal (CoA) overturned the decision of Patterson J in the High Court (Redhill Aerodrome Ltd v SSCLG and others). This appeal decision is therefore based on the pre-High Court position, and in considering whether very special circumstances exist to justify inappropriate development I have interpreted "any other harm" in paragraph 88 of the National Planning Policy Framework (the Framework) to not be restricted to harm to the Green Belt.

### Main Issues

4. The main issues in this appeal are:
  - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
  - The effect of the proposal on the openness of the Green Belt, and the character and appearance of the surrounding area.

- Whether the proposal would provide adequate safeguarding of nearby trees and protected species.
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify it.

## **Reasons**

### *Whether inappropriate development*

5. This appeal relates to a relatively open grassed area of land directly to the north of a pair of semi-detached residential properties on Squirrel Lane. This site is also adjacent to the long intervening rear garden areas of four large recently constructed detached dwellings on Bolton Road. Nonetheless, the overall character of this area is dominated by open fields and agricultural land with a number of mature trees that are protected by a Tree Preservation Order (TPO) situated along the north and western boundaries of the site.
6. The appeal site is located within the Green Belt. Policy DC1 of the Adopted Chorley Borough Local Plan Review 2003 (Local Plan) reflects the advice within the Framework and expresses a general presumption against inappropriate development in the Green Belt.
7. Paragraph 89 of the Framework sets out that the construction of new buildings is inappropriate except for a limited number of exceptions. These include the limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
8. The terms of limited infilling are not further defined in the Framework. However Local Plan Policy DC4 and the Emerging Plan Policy HS7 outline a number of criteria which a proposal has to meet to qualify as infill. These policies only permit development within an existing substantial built frontage where the existing buildings form a clearly identifiable small group; the plot lies within the group, with buildings to either side, and its development does not extend the group. The development is also required to complement the character and setting of the existing buildings. It is to be expected that local plan policies provide more detail than national policy, and I therefore do not consider these policies to be inconsistent with the Framework.
9. Whilst the pair of semi-detached properties are located in close proximity to the northern shared boundary of the site, there is a substantial intervening garden area between the site and the nearest detached property on Bolton Road. This is in keeping with the open, spacious and relatively green character of this area. I also noted on my site visit that the pair of semi-detached properties are the only buildings on this part of Squirrel Lane for quite some distance, with open agricultural land extending beyond these and to the rear. As such the appeal site does not in my view form part of an existing urbanised area or village, nor would the proposal be located within a substantial built-up frontage where the existing buildings form an identified small group. There is also little evidence before me, or from what I saw on my site visit, to substantiate that this grassed site, which contains a number of mature trees,

and has previously been used as a garden, can be categorised as previously developed land as defined in Annex 2 of the Framework.

10. Furthermore, paragraph 80 of the Framework stipulates that the Green Belt serves five purposes. One of these is to assist in safeguarding the countryside from encroachment. Assessed within a wider context, the proposal is a small one but the site reads very much as part of the adjoining countryside and, in so far as it would recognisably add to existing built development, it would amount to encroachment into this open land.
11. The proposal does therefore not meet the terms of the Framework's exception that puts limited infilling or the redevelopment of previously developed sites outside the scope of inappropriate development in the Green Belt. The proposed dwelling would also not fall within any other exceptions stated in the Framework and I conclude that, for the reasons provided above, it would amount to inappropriate development that is, by definition, harmful to the Green Belt and in conflict with the Framework, Local Plan Policies DC1 and DC4, and Emerging Plan Policy HS7.

#### *Openness*

12. Paragraph 79 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Therefore, any built development has the ability to reduce openness.
13. The proposal is for a two storey detached dwelling house. Although there are buildings nearby, and a number of mature trees, the appeal site is currently open and undeveloped. The size, bulk and massing of the proposal would therefore result in a substantial reduction in the openness of this part of the Green Belt. Such harm to openness, in the context of the policies of the Framework, requires that substantial weight be apportioned to this harm when considered in the planning balance.

#### *Character and appearance*

14. The plans show the proposed dwelling to be of a contemporary design with a stepped flat roof, elongated aluminium window openings and first floor projecting bay features. These design features are not characteristic of the houses nearby. Whilst this is an innovative approach, its form, layout, proportions and appearance would bear little resemblance to neighbouring properties. Rather than add interest it would appear incongruous in the context of the more traditional design of the nearby properties and the character of this spacious green tree-dominated site. It would therefore detract from the character and appearance of the area as a result.
15. I note the appellant's willingness to amend the elevations to reflect treatment associated with modern rural buildings, and this could be secured by the way of condition, however this would not overcome or negate all of the concerns that I have identified above.
16. As a result of these factors, I conclude that the proposal would have a significantly harmful effect on the character and appearance of the surrounding area. It would thereby conflict with the aims of Local Plan Policies GN5 and HS4, Policy 17 of the Central Lancashire Core Strategy 2012 (Core Strategy)

and Emerging Plan Policy BNE1 which is of a similar thrust. These collectively seek, amongst other things, to ensure that developments respect and take account of the character and appearance of the surrounding area, having regard of factors such as building height, bulk, roof shape, external construction materials, and existing landscape features without innovative and original design initiatives being stifled.

*Safeguarding of trees and protected species*

17. There is also little evidence before me to indicate whether or not the proposal would encroach into the root protection zones of the protected trees. Whilst the submitted stage 1 arboricultural report (AR) states that the proposal would not result in any loss of trees, and a root protection zone plan has been provided, there are no details to illustrate these in relation to the footprint of the proposed dwelling. My concerns are heightened by the identified conflict in the AR, albeit marginal, between the root protection area of the trees and where the proposed dwelling is to be located, and the recommendation that the dwelling should be moved as far to the south as possible.
18. In the absence of any details to illustrate the root protection zones and their relationship with the proposal I cannot be certain that construction would not harm the future health of these important trees. The appellant has suggested that any repositioning of the footprint could be covered by an appropriate condition, however this would fundamentally alter the proposal and I must deal with the application as submitted. As such I consider that it would not be reasonable to deal with this matter by condition.
19. In regards to species protection the submitted ecological report (ER) does not identify any potential for the occurrence of roosting or hibernating bats, a protected species, within the appeal site. However the ER accepts that the large Sycamore and Ash trees rooted adjacent to the northern boundary, outside of the appeal site, provide sheltered air-space and have the potential to attract foraging bats.
20. The presence of a protected species is a material consideration when considering a proposal that, if carried out, is likely to result in harm to the species or its habitat. Paragraph 99 of Circular 06/2005 advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established *before* planning permission is granted, otherwise all relevant material considerations will not have been addressed in making the decision.
21. Given the uncertainty regarding the effect of the proposal on the protected trees and the AR's recommendation to prune the branches of these trees I consider that the presence or otherwise of bats in the trees needs to be established before permission is granted. I note that the appellant argues that this matter could be dealt with by planning condition however Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to planning conditions in exceptional circumstances. I have not been made aware of any such exceptional circumstances.
22. Without evidence to establish the presence or otherwise of bats in the trees that are recommended for pruning, I conclude that the appeal scheme could result in harm to a protected species or its habitat. To grant permission in

these circumstances, or deal with this by planning condition, would conflict with the advice in Circular 06/2005.

23. As a result of these factors, the proposal would thereby conflict with the aims of Local Plan Policies EP4 and EP9 and Emerging Plan Policies BNE9 and BE10 which are of similar thrust. Collectively, these seek, amongst other matters, to safeguard and sustain trees and protected species.

*Other considerations*

24. In support of his case the appellant has stated that the proposal would be fully deliverable, achieve level 6 rating in the Code for Sustainable Homes and comply with the carbon reduction policies in the Framework. The accessible and sustainable location of the site has also been put forward as a benefit of the scheme.
25. I appreciate that the appeal site is situated relatively close to bus services and local facilities, and is therefore in a relatively sustainable location. In this way, the proposal would contribute some positive social benefits to which I attach moderate weight.
26. Level 6 of the Code for Sustainable Homes would also be an achievement and I have no reason to conclude that the proposal would not be deliverable. However I have not been provided with anything substantive to indicate that Code Level 6 could not equally well be attained at another site. It is therefore not necessary for Green Belt land to be used. I also note the Council's scepticism, for the reasons it gives, regarding the commitment to achieve Code 6 of the Code for Sustainable Homes and this is another factor that must temper the weight I can accord this consideration. I have therefore attributed limited weight to these factors.
27. The appellant has referred me to a number of other planning permissions in the near vicinity. However I have not been provided with the full details that led to these proposals being accepted so cannot be certain that they represent a direct parallel to the appeal proposal. I have, in any case, considered the appeal on its own merits and therefore also attribute minimal weight to this.
28. The subject of "achieving sustainable development" in the Framework has 3 dimensions, which are economic, social and environmental roles that are expected to be delivered equally. The proposal would provide new housing and employment for local builders so would perform a social and economic role and, in so far as it is intended to incorporate energy-saving features, would in part perform an environmental role. Some weight can be attached to this. However, this must be offset by the extent to which, with regard to Green Belt and character and appearance considerations, it would fail to perform a wider environmental role and so, to that extent, any weight that can be attached to sustainability considerations must be limited.

**Green Belt balance and conclusions**

29. In conclusion I have identified that the proposal would be inappropriate development in the Green Belt as defined by the Framework. The Framework establishes that substantial weight should be given to any harm in the Green Belt. In addition it would substantially reduce the openness of the Green Belt, be significantly harmful to the character and appearance of the surrounding area, and could result in harm to protected trees and a protected species or its

habitat. As such, even when taken together, the other considerations reviewed above do not clearly outweigh the harm that the proposal would cause. Very special circumstances do not therefore exist.

30. For the reasons given above, the appeal is therefore dismissed.

*Mark Caine*

INSPECTOR



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## Appeal Decision

Site visit made on 3 November 2014

**by Nigel Harrison BA (Hons) MRTPI**

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

**Decision date: 4 November 2014**

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**Appeal Ref: APP/D2320/D/14/2221003**

**26 Ollerton Street, Adlington, Chorley, PR6 9LF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Robert and Mrs Susan Perrins against the decision of Chorley Borough Council.
  - The application Ref: 14/00370/FUL dated 31 March 2014, was refused by notice dated 27 May 2014.
  - The development proposed is a first floor extension and detached double garage.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a first floor extension and detached double garage at 26 Ollerton Street, Adlington, Chorley, PR6 9LF in accordance with the terms of the application, Ref: 14/00370/FUL dated 31 March 2014, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1/6 Rev A: *Existing Plans*; 2/6 Rev A: *Existing Elevations*; 3/6 Rev A: *Proposed Plans*; 4/6 Rev A: *Proposed Elevations*; 5/6 Rev A: *Proposed Perspective*; and 6/6 Rev A: *Proposed Site Plan*.
  - 3) The materials to be used in the construction of the external surfaces of the extension and detached outbuilding hereby permitted shall match those used in the existing dwelling.
  - 4) The detached garage/outbuilding hereby permitted shall not be used at any time other than for purposes ancillary to the use of the dwelling known as No 26 Ollerton Street, Adlington.

### Main Issue

2. I consider the one main issue in this case is the effect of the proposal on the character and appearance of the host dwelling and the surrounding area.

### Reasons

3. This section of Ollerton Street is dominated by pairs of semi-detached dormer style dwellings of a standard design common to the area. All have small single-storey front projections. The area is suburban in character, and to my mind has no strong prevailing character or especially local distinctiveness.

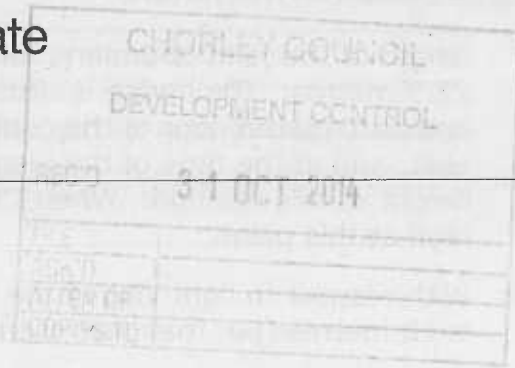
4. The proposal comprises two elements; a first floor extension above the existing ground floor front projection, and a detached double garage in the front garden area at the head of the cul-de-sac. The Council appears to have no overriding objections to the proposed garage, which would be largely screened from the road by an existing hedge, and based on my own observations I find no reason to disagree. It does however object to the proposed first floor extension, saying it would be visible and prominent in the street scene, and incongruous in the context of other similar properties. The extension would occupy the same footprint as the existing front projection, and would have the same eaves level and ridge height as the main dwelling. Its materials and fenestration would match the existing.
5. Policy HS9 of the *Chorley Borough Local Plan Review 2003 (ALP)* says house extensions will be permitted where they would be in keeping with the existing house and surrounding buildings in terms of scale, design and materials. Similarly, Policy BNE1 of the emerging *Chorley Local Plan 2012-2016 (ELP)* says permission will be granted for extensions, provided there is no significantly detrimental impact on the surrounding area.
6. More detailed guidance is to be found in the adopted *Householder Design Guidance Supplementary Planning Document (SPD)*. This requires extensions to be subservient to the dwelling and have a lower ridge height. It also says they should respect the scale, character and proportions of the dwelling, and the character of the area. In terms of guidance for outbuildings, the SPD says their size should be commensurate with the scale of any replaced or extended property. In most respects the proposal complies with the requirements of the SPD. The one exception is the requirement for extensions to have a lower ridge height than the main dwelling. However, guidance in the SPD should not be applied prescriptively, and I favour a pragmatic approach in this case which responds to the particular site circumstances. In my opinion the modest scale and projection of the extension are sufficient to ensure that it would read visually as being subordinate to the main dwelling.
7. In the context of the immediate surroundings I consider that the proposed extension would not undermine the architectural integrity of the host dwelling and would respect the character of the area to which it relates. Nor do I find it would be harmful in terms of its impact on the street scene. Although there are no other examples of first-floor extensions set forward of dwellings nearby, I consider this factor alone is insufficient to render the scheme unacceptable.
8. I find no conflict with paragraph 58 of *the National Planning Policy Framework*, which requires development to respond to local character and identity; or with paragraph 64 which says permission should be refused for development of poor design that fails to take the opportunities available for improving an area's character and quality. Overall, I am satisfied that the proposal represents an acceptable design solution that would not materially harm the character and appearance of the host dwelling and surrounding area. As such, I find no conflict with saved ALP Policy HS9 and ELP Policy BNE1.
9. A neighbouring occupier is concerned that removal of the existing side garage would lead to an unacceptable loss of privacy. However, it is not proposed to remove the garage as part of the scheme, and therefore the issue is not one that I need to address in my consideration of this appeal.

10. I have considered the Council's suggested conditions in the light of the advice in the *National Planning Practice Guidance*. A condition is needed to secure compliance with the submitted plans in the interests of proper planning. A condition requiring matching materials is necessary in the interests of the appearance of the area. The Council has suggested a condition to ensure that the garage shall only be used for purposes incidental to the enjoyment of the dwellinghouse, and not be used for any trade or business or occupied as a separate dwelling unit independently of the main house. However, this is unnecessarily prescriptive in my view, and only the first part of the condition is needed to enable control to be retained over future use.
11. Therefore, for the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

*Nigel Harrison*

INSPECTOR

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## Appeal Decision

Site visit made on 16 October 2014

by **Helen Slade MA FIPROW**

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

Decision date:

**30 OCT 2014**

**Appeal Ref: APP/HH/14/1372**

**Address of the hedge: 14 Judeland, Astley Village, Chorley, PR7 1XJ**

- The appeal is made under section 71(1) of the Anti-social Behaviour Act 2003.
- The appeal is made by Mrs Kathleen Moon, the hedge owner, against a Remedial Notice issued by Chorley Council ('the Council').
- The complaint (Case Reference ENF/HH/1) is dated 20 November 2013.
- The Remedial Notice is dated 18 June 2014.

### Decision

1. I allow the appeal in part and the Council's Remedial Notice ('RN') is varied in the terms set out in the RN attached to this decision. This requires the height of the hedge to be reduced initially to 2.0 metres but maintained thereafter at a height not exceeding 2.25 metres.

### Procedural Matters

2. The original complaint, made by Mr and Mrs Hilton of 16 Judeland, appears to indicate that two hedges were involved, one behind the other. The RN relates to only one hedge. This appeal decision therefore relates only to the hedge which is shown on the RN.

### Main Issues

3. The main issues in this appeal are:
  - a. whether the Council has overestimated the problems experienced by the complainant: e.g. that the complainants were aware of the proximity of the hedge to their property when they purchased it.
  - b. whether the Council has attached insufficient weight to the contribution that the hedge makes to the amenity of the appellant's property and her reasonable enjoyment of it: i.e. although there is a fence between the two properties the design of it does not provide sufficient privacy to the appellant's property.

### Reasons

#### *The hedge and its surroundings*

4. The hedge which is the subject of the RN and this appeal is comprised of a row of evergreen leylandii trees lying along the whole length of the joint boundary between the two properties concerned: numbers 14 and 16 Judeland. The

Appeal Decision APP/HH/14/1372

length of the joint boundary, and thus the hedge for the purpose of the RN, is 22.5 metres. The hedge is situated 1.2 metres from the side kitchen window and part-glazed door of the complainants' property, which faces to the south east, and at the time of the inspection by the Council was 2.75 metres in height at this location. When I made my site visit the hedge was 3.1 metres high at this point.

5. With respect to light loss to the front garden, the effective length of the hedge is 12 metres (i.e. that part of the hedge alongside the front garden).
6. There is a wooden fence on the complainants' side of the hedge which is constructed of wooden uprights with gaps between and which is 1.8 metres high. Part of this fence has been renewed and part is original.

#### ***The calculations by the Council***

7. The Council carried out an inspection and made various measurements of the relevant hedge and garden. Using the methodology recommended in the guidance '*Hedge height and light loss*' produced by the Building Research Establishment, the Action Hedge Height ('AHH') for the light loss to the kitchen was calculated to be below the minimum height permitted by the legislation. The Council therefore corrected the AHH to 2 metres, and issued an RN accordingly.
8. With respect to the light loss to the front garden, the calculations by the Council suggest that the AHH should be slightly higher, at 2.175 metres, but the RN applies the height of 2.00 metres to the whole length of the hedge.
9. The appellant has not specifically challenged the measurements used by the Council and I have no reason to consider that they are incorrect in any way. The issue is whether or not other factors should have been taken into account in reaching a decision to issue an RN.

#### ***Whether the problems for the complainant have been overestimated***

10. The appellant considers that it should have been obvious to the complainants when they purchased their property that the proximity of the boundary fence-line and hedge might be an issue for them.
11. The guidance makes clear that an owner or occupier is entitled to complain even if the hedge was present when they moved in.<sup>1</sup> It is not necessary for anyone to have lived at a property for any set length of time before they can make a complaint, but clearly they must have had some time to evaluate the adverse effects.
12. The correspondence shows that discussions between the two parties have been going on since July 2012 in an effort to achieve an agreed height for the hedge, and, in a letter dated 6 October 2013, the complainants actually suggested to the appellant and her husband that a height of 2.25 metres opposite the back door, rising to 3.00 metres at the far end of the front garden would be reasonable. This offer was not accepted or acted upon by the appellant and so the complainants were forced to seek legal redress.
13. The letter of 6<sup>th</sup> October 2013 to Mr and Mrs Moon makes clear that the complainants were also concerned to preserve a degree of privacy between the

<sup>1</sup> Paragraph 4.44 of High Hedges Complaints: Prevention and Cure published by the OPDM May 2005

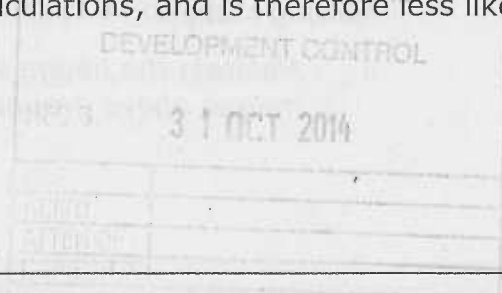
- two properties. The Council's RN seeks a reduction in the height of the hedge below that which the complainants had suggested.
14. At my site visit it was clear that the principal effect of the hedge is that of light loss to the kitchen. The hedge at the time of my visit over-topped the fence by about 1 metre. It does prevent some natural light from entering the kitchen and adds to the sense of confinement which is already provided by the proximity of the boundary to the house wall.
  15. Whilst I accept that the proximity of the boundary would have been obvious to the complainants when they purchased their house, this does not prevent a complaint being made. I conclude that the complainants were entitled to seek relief from the nuisance caused by the hedge, and that the Council's calculations in respect of the AHH were reasonable, based on the relevant guidance and the measurements taken on site.
  16. However, the RN makes no allowance for the re-growth of the hedge, requiring an initial cut to 2.00 metres and for that same height to be maintained as preventative action. As leylandii is a fast-growing species this would mean trimming every few months and it would be almost impossible to avoid a technical breach occurring several times a year.
  17. In the light of the complainants' own suggestion that the hedge should be trimmed to 2.25 metres opposite the back door I consider it would be more practical to require the section of the hedge alongside the house to be capped at 2.25 metres, following the initial cut to 2.00 metres as indicated in the RN as issued by the Council. This would be more achievable and less likely to cause future recurring problems. I intend to vary the RN accordingly.

### **Privacy**

18. It is clear from the correspondence that both parties are keen to preserve a degree of privacy. The hedge performs this function, supplementing the wooden fence which is of a slatted appearance. Although the newer fencing has narrower gaps between the slats, the original fencing is slightly more open in character. If the hedge was not present it would be possible to see through the fence, although the view would be quite limited. The presence of the hedge removes any view and provides good privacy for both properties.
19. The AHH for the light loss to the garden area (as calculated by the Council) is slightly higher than the corrected AHH for the kitchen, but is within the tolerance of my suggested variation for the RN.
20. I consider that the hedge does provide an important degree of privacy, as the complainants acknowledge, and that the variation to the RN that I intend to make will preserve the privacy of both properties. Although the complainants were clearly willing to accept a greater height for the hedge alongside the garden area, applying the same height to the whole length of the relevant hedge will be more practical to manage. It also accords more closely with the AHH arrived at using the recommended calculations, and is therefore less likely to result in any future difficulties.

*Helen Slade*

**Inspector**



**IMPORTANT:** this Notice affects the property at:

**14 Judeland, Astley Village, Chorley, PR7 1XJ**

CHORLEY COUNCIL	
DEVELOPMENT CONTROL	
REC'D	31 OCT 2014

**ANTI-SOCIAL BEHAVIOUR ACT 2003**

**PART 8: HIGH HEDGES**

**REMEDIAL NOTICE**

**VARIED BY Helen Slade**

**Appointed by the Secretary of State for Communities and Local Government under Section 72(3) of the above Act.**

**1. THE NOTICE**

This notice is sent under Section 73 of the Anti-social Behaviour Act 2003 and varies and supersedes the Remedial Notice dated 18 June 2014 issued by Chorley Council under Section 69 of the 2003 Act pursuant to a complaint about the high hedge situated at 14 Judeland, Astley Village, Chorley.

The notice is sent because it has been decided that the hedge in question is adversely affecting the reasonable enjoyment of the property at 16 Judeland, Astley Village, Chorley and that the action specified in this notice should be taken to remedy the adverse effect and to prevent its recurrence.

**2. THE HEDGE TO WHICH THE NOTICE RELATES**

The hedge situated between points A to B as shown on the attached plan in the rear garden of 14 Judeland, Astley Village, Chorley as shown edged red on the attached plan. The hedge is formed predominantly of leylandii trees.

**3. WHAT ACTION MUST BE TAKEN IN RELATION TO THE HEDGE**

**3.1 Initial Action**

I require the following steps to be taken in relation to the hedge before the end of the period specified in paragraph 4 below:

- i. Reduce the hedge to a height not exceeding 2 metres above ground level between Points A to B as shown on the attached plan.*

**3.2 Preventative Action**

Following the end of the period specified in paragraph 4 below, I require the following steps to be taken in relation to the hedge:

- ii. Maintain the hedge so that at no time does it exceed a height of 2.25 metres above ground level.*



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**4. TIME FOR COMPLIANCE**

The initial action specified in paragraph 3.1 to be complied with in full within 4 months of the date specified in paragraph 5 of this Notice.

**5. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on the date my decision is issued.

**6. FAILURE TO COMPLY WITH THE NOTICE**

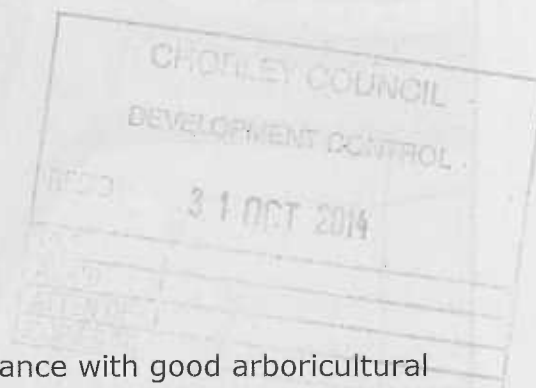
Failure by any person who, at the relevant time is an owner or occupier of the land where the hedge specified in paragraph 2 above is situated:

- a. to take action in accordance with the Initial Action specified in paragraph 3.1 within the period specified in paragraph 4; or
- b. to take action in accordance with the Preventative Action specified in paragraph 3.2 by any time stated there,

may result in prosecution in the Magistrates Court with a fine of up to £1,000. The Council also has power, in these circumstances, to enter the land where the hedge is situated and carry out the specified works. The Council may use these powers whether or not a prosecution is brought. The costs of such works will be recovered from the owner or occupier of the land.

Signed: *Helen Slade*

Dated: **30 OCT 2014**

**Informative**

It is recommended that:

All works should be carried out in accordance with good arboricultural practice, advice on which can be found in BS 3998: 'Recommendations for Tree Work'.

Skilled contractors are employed to carry out this specialist work. For a list of approved contractors to carry out works on trees and hedges, see the Arboricultural Association's website at [www.trees.org.uk](http://www.trees.org.uk) or contact 01794 368717.

In taking action specified in this Notice, special care should be taken not to disturb wild animals that are protected by the Wildlife and Countryside Act. This includes birds and bats that nest or roost in trees. The bird nesting season is generally considered to be 1 March to 31 August.

30 OCT 2014

