

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 16TH DECEMBER 2014, 6.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

1 **MINUTES OF MEETING TUESDAY, 18 NOVEMBER 2014 OF DEVELOPMENT CONTROL COMMITTEE**

(Pages 3 - 6)

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 6 reports for planning applications to be determined (enclosed).

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

3A **14/010003/REMAJ LAND NORTH OF LANCASTER LANE, CLAYTON LE WOODS**

(Pages 7 - 20)

3B **14/01042/TPO PARK MILLS, DEIGHTON ROAD, CHORLEY**

(Pages 21 - 30)

3C **14/00933/REMAJ PARCEL H1E GROUP 1, EUXTON LANE, EUXTON**

(Pages 31 - 40)

3D **14/01051/FUL HUDORA KENNELS, THE COMMON, ADLINGTON**

(Pages 41 - 52)

3E	14/00982/FUL TOWN LANE FARM, TOWN LANE, HESKIN	(Pages 53 - 68)
3F	14/00849/FUL LAND ON BANK OF QUARRY HILL, HILL TOP LANE, WHITTLE LE WOODS	(Pages 69 - 86)
4	TREE PRESERVATION ORDER NO. 11 (CLAYTON-LE-WOODS) 2014	(Pages 87 - 90)
	Report of the Chief Executive (enclosed).	
5	PLANNING APPEALS AND OTHER DECISIONS REPORT - 16 DECEMBER 2014	(Pages 91 - 110)
	Report of the Director of Public Protection, Steetscene and Community (enclosed).	
6	ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR	

GARY HALL
CHIEF EXECUTIVE

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

Electronic agenda sent to Development Control Committee reserves for information.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

To view the procedure for public questions/ speaking click here

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



MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE Tuesday, 18 November 2014

MEMBERS PRESENT: Councillor Steve Holgate (Chair), Councillor Dave Rogerson (Vice-Chair) and Councillors Charlie Bromilow, Henry Counce, Jean Cronshaw, Christopher France, Danny Gee, Keith Iddon, June Molyneaux, Mick Muncaster, Paul Walmsley and Alan Whittaker

RESERVES: Councillors John Dalton and Mike Handley

OFFICERS: Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), Alex Jackson (Legal Services Team Leader), Helen Lowe (Planning Officer) and Cathryn Filbin (Democratic and Member Services Officer)

APOLOGIES: Councillors David Dickinson, Alistair Morwood and Richard Toon

OTHER MEMBERS: Councillors Margaret France

14.DC.86 Minutes

RESOLVED – That the minutes of the Development Control Committee held on 28 October 2014 be confirmed as a correct record and signed by the Chair.

14.DC.87 Declarations of Any Interests

Councillor Christopher France declared an interest in item 14.DC.88a 14/00741/FUL – The Cottage Tea Rooms, 25A School Lane, Brinscall and left the meeting for consideration of that item.

14.DC.88 Planning applications to be determined

The Director of Public Protection, Streetscene and Community submitted five 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.88a 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 (11:0:2) – That planning permission be refused for the following reasons:

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).

14.DC.88b 14/00883/FUL - Adlington Police Station, 26 Church Street, Adlington, Chorley, PR7 4EX

Speakers: Objector – Helen Brown and the applicant's agent – Ian Turnbull.

Councillor Walmsley proposed a motion to approve planning permission subject to an additional condition the wording for which to be delegated to officers in consultation with the Chair and Vice Chair of the Development Control Committee, to address the impact on residents during the construction of the development. The motion was seconded by Councillor Danny Gee.

A second motion was proposed by Councillor June Molyneaux to refuse planning permission. This motion was seconded by Councillor Henry Counce.

RESOLVED (9:2:3) - Full planning permission be approved subject to a Section 106 legal agreement, the conditions detailed within the report in the agenda, the condition detailed in the addendum and that delegated authority be granted to officers in consultation with the Chair and Vice Chair of the Development Control Committee for an additional condition to address the impact on residents during the construction of the development.

14.DC.88c 14/01042/TPO - Park Mills, Deighton Road, Chorley (report to follow)

This item was withdrawn from the agenda.

14.DC.88d 14/00761/OUTMAJ - The Mill Hotel Chorley, Moor Road, Croston, Leyland, PR26 9HP

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

14.DC.88e 14/00844/FUL - Lancaster House Farm, Preston Road, Charnock Richard, Chorley, PR7 5LE

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

14.DC.89 Proposed confirmation of Tree Preservation Order No. 5 (Charnock Richard) 2014

Members of the Development Control Committee considered a report of the Chief Executive which sought formal confirmation of Tree Preservation Order No. 5 (Charnock Richard) 2014 without modification.

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

RESOLVED (unanimously) – That formal confirmation of Tree Preservation Order No. 5 (Charnock Richard) 2014 without modification be approved.

14.DC.90 Proposed confirmation of Tree Preservation Order No 8 (Heath Charnock) 2014 without modification

Members of the Development Control Committee considered a report of the Chief Executive which sought formal confirmation of Tree Preservation Order No. 8 (Heath Charnock) 2014 without modification.

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

RESOLVED (unanimously) – That formal confirmation of Tree Preservation Order No. 8 (Heath Charnock) 2014 without modification be approved.

14.DC.91 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 planning appeal lodged, one appeal dismissed, one appeal allowed and a high hedges appeal decision all of which had been logged with the Planning Inspectorate.

RESOLVED – That the report be noted.

14.DC.92 Any urgent business previously agreed with the Chair

Members of the Development Control Committee were advised that since the Asda store opened for business on 18 October 2014, officers had undertaken compliance checking at the site, which had identified a number of matters where Asda appeared to have failed to comply with the permission:

- implementation of the car park management scheme
- lighting issues
- levels on land between the store and Shaw Hill Street
- unauthorised fencing
- landscaping scheme not fully implemented

In addition an enforcement related complaint on behalf of Booths had been received in relation to car parking management.

The potential for enforcement action was being considered by officers, with the advice of Counsel. There were a number of potential routes that could be taken in terms of achieving compliance. Officers will progress the matter and seek any necessary authority for appropriate action in due course. The Chief Executive is formally contacting Asda about compliance with the car park management scheme.

Chair

Date

Item 3a	14/01003/REMMAJ
Case Officer	Adele Hayes
Ward	Clayton-le-Woods West and Cuerden
Proposal	Reserved matters application pursuant to outline planning permission 14/00025/OUTMAJ for the development of land to the east of Wigan Road for the erection of 154 dwellings (part amendment to reserved matters approval 13/00822/REMMAJ)
Location	Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane Lancaster Lane Clayton-Le-Woods
Applicant	Redrow Homes Limited Lancashire Division
Consultation expiry:	30 October 2014
Decision due by:	2 January 2014

Proposal

1. This application seeks reserved matters approval for a re-plan of part of the approved development. The revised proposal affects 154 no. plots, of which 48 are proposed to be affordable pursuant to outline permission ref: 14/00025/OUTMAJ and which were approved previously under reference 13/00822/REMMAJ.
2. Consent is sought for details of appearance, landscaping, layout and scale. Details relating to means of access into the site from Wigan Road were approved at the outline stage.
3. The proposed development is subject to a number of conditions attached to the outline permission and a separate S106 Obligation.
4. The applicant's wider site is 8.48 hectares and is located to the north of Clayton-le-Woods, within the defined settlement as indicated on the proposals map of the emerging local plan. On the southern boundary there is a pond and Woodcocks Farm is located to the north. The land directly to the south of the application site benefits from planning permission for up to 300 dwellings and that development is currently under construction.
5. The site is relatively flat with a rise in land levels from the west towards Shady Lane.

Recommendation

6. It is recommended that the application is approved.

Representations

7. No representations have been received.

Consultations

8. **Clayton-le-Woods Parish Council** have confirmed that they have no comments to make.
9. **The Environment Agency** have confirmed that they have reviewed the details as submitted and as the surface water drainage scheme for the development was discharged under application 14/00861/DIS, have no further comments to add to their previous response.

10. **Strategic Housing** - requested a decrease in the number of 3 bed houses to be replaced by 2 bed houses.
11. **Lancashire County Council Highways** has no objection to the application and recommends conditions.
12. **Director of People & Places (Waste)** – any comments will be reported on the addendum.
13. **Parks & Public Open Space** - any comments will be reported on the addendum.
14. **United Utilities** have raised no objection to the proposal.

Assessment

Principle of the development

15. The principle of redeveloping the site with housing was originally established as being acceptable by the grant of outline planning permission in 2012; the subsequent Section 73 applications to vary condition 2 (Code for Sustainable Homes) and 16 (construction of a footpath / cycleway link); and by the grant of reserved matters approval earlier this year.
16. The acceptability of the principle of development has been established and this application is for the consideration of a re-plan of 154 of the approved dwellings on a smaller parcel of land.
17. This application together with 6no. units approved as part of the original reserved matters approval and application 14/1003/FULMAJ (35 units), which is still being assessed, provides a total of 195 dwellings on an 8.48 ha site achieving an overall higher density (22.8 dwellings per hectare) than was provided by the extant consent for 160 dwellings (18.86 dwellings per hectare). This is acceptable in principle. The mix of housing including the provision of affordable housing on this site will provide a better mix of housing within Clayton-le-Woods as a whole.

Design and character of the development

18. The design principles for the proposed development are set out in the Design Code for the site and the proposed re-plan is considered acceptable.
19. There will be a mixture of dwelling types and sizes ranging from 1 bed apartments to 4 bedroom family homes. 48 units are proposed to be affordable dwellings and this will meet the requirements of the outline planning permission and address the identified housing needs in the area in terms of both tenure and size. They will be located in three specific areas.
20. The following mix of affordable units is proposed:

Social Rent:

12 x 1 Bed Flats
4 x 2 Bed Flats
6 x 3 Bed Houses
12 x 2 Bed Houses

Intermediate:

10 x 3 Bed Houses
4 x 2 Bed Houses

21. The proposed affordable housing mix has been revised since the application was originally submitted in response to the comments made by the Council's Strategic Housing Team with the number of 2 bed units increased and the number of 3 bed units decreased. It is considered that the proposal involves a good mix of dwelling sizes and the balance of 2 and 3 bed affordable units reflects need .
22. The general design principle for the proposed housing incorporates a perimeter block layout with strong street frontages and secure defensible rear gardens. There will be three distinct courtyard areas. The individual house types, which comprise a mix of detached, semi-detached, terraced and apartment dwellings accords with the Design Code.
23. New footpath and cycle links enhance the accessibility and permeability of the site. The need to create connectivity both within the development site and into the existing neighbourhood and proposed developments to the east was established as desirable at outline stage and has been incorporated into the re-plan.
24. It is considered that the proposed scheme develops a legible environment with a choice of interconnecting attractive streets and pedestrian routes which provide good connectivity across the site.
25. Inclusive design principles have been adopted and the development delivers 30% affordable housing, some 48 dwellings.
26. At outline stage it was demonstrated that the development is not at risk of flooding from external sources and the risk of flooding will not be increased by the development and its environment. It is proposed the site drainage system will be adopted by United Utilities.
27. Whilst some hedgerow and tree removal is necessary to facilitate the development, compensatory planting with the use of native species is proposed.
28. The proposed site layout maximises the habitat connectivity and green infrastructure through the site and between the site and the wider area.
29. There is one main area of public open space proposed within the development which will be connected to local cycle networks and will therefore be highly accessible both from the development and the surrounding community. It will also benefit from natural surveillance of surrounding properties. This has not changed and does not form part of this current proposal.

Traffic and Transport

30. The acceptability of the principle of the site access was established by the grant of outline planning permission. This is a further reserved matters application that seeks approval for a re-plan of part of the development
31. The Highway Engineer at Lancashire County Council has been consulted and has raised no objections.
32. The layout has been well considered as the carriageways, footways, junctions, pedestrian/cycle link, relate well with the buildings and the general surroundings. The proposed development is permeable internally and has provision for future external connectivity, although the number of external connections is limited.
33. Apart from a few areas where the main pedestrians/cyclists route has been segregated from motor traffic, the route has generally been accommodated on-street.

34. All the detached and semi-detached properties meet the Council's parking standards of two spaces for three bed properties and four spaces for four or more bed properties.
35. On the higher density part of the site, the properties all have one, two or three bedrooms and therefore require two spaces each.
36. There are 48 properties located within three distinct 'Courtyard' character areas that will benefit from a total of 75 parking spaces which equates to 156% provision. For each property to have two spaces this would result in a requirement for 96 spaces and so the layout is 21 spaces short. However, the spaces on this part of the site are not provided in driveways but rather in front of properties and are not all allocated to specific properties.
37. With many of the spaces not being allocated it will allow a more flexible and efficient use of them as visitors will be able to park in spaces that would not otherwise be available if they were dedicated to a property, even if they were empty. This approach, with a mixture of dedicated and non-dedicated spaces, is supported by Manual for Streets which states a combination of on-plot, off-plot and on-street parking will often be appropriate. LCC Highways have not objected to the proposal on these grounds. The more flexible the use of parking spaces, the more efficient the use of space is. In this case it is also considered that communal parking for residents and visitors is therefore considered acceptable.
38. This approach was accepted previously.

Impact on the neighbours

39. The application site rises on a west / east axis. It is considered that the proposal will not result in any significant loss of amenity for the future residents within the development or occupiers of other dwellings that have planning permission and that will be built on adjoining land.
40. The approved dwellings on the adjoining land to the west of the site will have finished floor level of between 57.30 and 58.15. The proposed dwellings that will be located closest to these will have finished floor levels of 58.90 with side elevations facing habitable rooms. The relationships will be acceptable.

Conclusion

41. The site forms part of a mixed use allocation in the emerging Chorley Local Plan which forms part of the Clayton Le Woods (Lancaster Lane) Urban Local Service Centre. Housing is acceptable in principle on this site. The proposal will contribute to the achievements of sustainable development and will be consistent with the requirements of the Framework which has a presumption in favour of sustainable development. The applicant proposes to deliver a range of types of housing and overall higher density on the site is acceptable at 22.8 dwellings per hectare and makes efficient use of land. The proposal is at a density which is in keeping with local areas and which will have no detrimental impact on the amenity, character appearance, distinctiveness and environmental quality of an area. The applicants are required to provide 30% affordable housing on the site and this would equate to 48 affordable homes.
42. The reserved matters details are considered acceptable and the application is recommended for approval. The applicant is bound by the conditions placed on the outline permission and the legal agreement that was submitted at that time.

Suggested Conditions

No.	Condition																																																
1.	<p>The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters.</p> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>																																																
2.	<p>The proposed development must be begun not later than two years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>																																																
3.	<p>The approved plans are:</p> <table border="1" data-bbox="336 792 1308 1960"> <thead> <tr> <th data-bbox="336 792 668 869">Plan reference number:</th> <th data-bbox="668 792 1043 869">Title:</th> <th data-bbox="1043 792 1308 869">Date received:</th> </tr> </thead> <tbody> <tr> <td data-bbox="336 869 668 938">4225-PPL-10</td> <td data-bbox="668 869 1043 938">Location Plan</td> <td data-bbox="1043 869 1308 938">2 October 2014</td> </tr> <tr> <td data-bbox="336 938 668 1014">4225-DSL-01 Rev M</td> <td data-bbox="668 938 1043 1014">Detail Site Layout</td> <td data-bbox="1043 938 1308 1014">20 November 2014</td> </tr> <tr> <td data-bbox="336 1014 668 1090">4225-AHL-0 Rev F</td> <td data-bbox="668 1014 1043 1090">Affordable Homes Layout</td> <td data-bbox="1043 1014 1308 1090">20 November 2014</td> </tr> <tr> <td data-bbox="336 1090 668 1167">4225-PPL-7 Rev C</td> <td data-bbox="668 1090 1043 1167">Phasing Plan</td> <td data-bbox="1043 1090 1308 1167">16 September 2014</td> </tr> <tr> <td data-bbox="336 1167 668 1243">4255-ML-05 Rev F</td> <td data-bbox="668 1167 1043 1243">Materials Layout</td> <td data-bbox="1043 1167 1308 1243">20 November 2014</td> </tr> <tr> <td data-bbox="336 1243 668 1319">4255-LDL-06 Rev C</td> <td data-bbox="668 1243 1043 1319">Land Disposal Layout</td> <td data-bbox="1043 1243 1308 1319">16 September 2014</td> </tr> <tr> <td data-bbox="336 1319 668 1395">4225-WML-02 Rev D</td> <td data-bbox="668 1319 1043 1395">Waste Management Layout</td> <td data-bbox="1043 1319 1308 1395">20 November 2014</td> </tr> <tr> <td data-bbox="336 1395 668 1471">4225 WML-10 Rev D</td> <td data-bbox="668 1395 1043 1471">Code for Sustainable Homes</td> <td data-bbox="1043 1395 1308 1471">20 November 2014</td> </tr> <tr> <td data-bbox="336 1471 668 1547">4255-BDL-04 Rev F</td> <td data-bbox="668 1471 1043 1547">Boundary Details Layout</td> <td data-bbox="1043 1471 1308 1547">20 November 2014</td> </tr> <tr> <td data-bbox="336 1547 668 1624">4225-AAL-09 Rev B</td> <td data-bbox="668 1547 1043 1624">Access to Adjacent Land</td> <td data-bbox="1043 1547 1308 1624">20 November 2014</td> </tr> <tr> <td data-bbox="336 1624 668 1700">4091.04 Rev C</td> <td data-bbox="668 1624 1043 1700">Landscape Proposals – Sheet 3 of 5</td> <td data-bbox="1043 1624 1308 1700">16 September 2014</td> </tr> <tr> <td data-bbox="336 1700 668 1776">4091.05 Rev C</td> <td data-bbox="668 1700 1043 1776">Landscape Proposals – Sheet 4 of 5</td> <td data-bbox="1043 1700 1308 1776">16 September 2014</td> </tr> <tr> <td data-bbox="336 1776 668 1852">4091.06 Rev C</td> <td data-bbox="668 1776 1043 1852">Landscape Proposals - Sheet 5 of 5</td> <td data-bbox="1043 1776 1308 1852">16 September 2014</td> </tr> <tr> <td data-bbox="336 1852 668 1928">4225-STDB-01</td> <td data-bbox="668 1852 1043 1928">Standard boundary details</td> <td data-bbox="1043 1852 1308 1928">16 September 2014</td> </tr> <tr> <td data-bbox="336 1928 668 1960">ABINGDON (plans)</td> <td data-bbox="668 1928 1043 1960">The Abingdon</td> <td data-bbox="1043 1928 1308 1960">16 September 2014</td> </tr> </tbody> </table>	Plan reference number:	Title:	Date received:	4225-PPL-10	Location Plan	2 October 2014	4225-DSL-01 Rev M	Detail Site Layout	20 November 2014	4225-AHL-0 Rev F	Affordable Homes Layout	20 November 2014	4225-PPL-7 Rev C	Phasing Plan	16 September 2014	4255-ML-05 Rev F	Materials Layout	20 November 2014	4255-LDL-06 Rev C	Land Disposal Layout	16 September 2014	4225-WML-02 Rev D	Waste Management Layout	20 November 2014	4225 WML-10 Rev D	Code for Sustainable Homes	20 November 2014	4255-BDL-04 Rev F	Boundary Details Layout	20 November 2014	4225-AAL-09 Rev B	Access to Adjacent Land	20 November 2014	4091.04 Rev C	Landscape Proposals – Sheet 3 of 5	16 September 2014	4091.05 Rev C	Landscape Proposals – Sheet 4 of 5	16 September 2014	4091.06 Rev C	Landscape Proposals - Sheet 5 of 5	16 September 2014	4225-STDB-01	Standard boundary details	16 September 2014	ABINGDON (plans)	The Abingdon	16 September 2014
Plan reference number:	Title:	Date received:																																															
4225-PPL-10	Location Plan	2 October 2014																																															
4225-DSL-01 Rev M	Detail Site Layout	20 November 2014																																															
4225-AHL-0 Rev F	Affordable Homes Layout	20 November 2014																																															
4225-PPL-7 Rev C	Phasing Plan	16 September 2014																																															
4255-ML-05 Rev F	Materials Layout	20 November 2014																																															
4255-LDL-06 Rev C	Land Disposal Layout	16 September 2014																																															
4225-WML-02 Rev D	Waste Management Layout	20 November 2014																																															
4225 WML-10 Rev D	Code for Sustainable Homes	20 November 2014																																															
4255-BDL-04 Rev F	Boundary Details Layout	20 November 2014																																															
4225-AAL-09 Rev B	Access to Adjacent Land	20 November 2014																																															
4091.04 Rev C	Landscape Proposals – Sheet 3 of 5	16 September 2014																																															
4091.05 Rev C	Landscape Proposals – Sheet 4 of 5	16 September 2014																																															
4091.06 Rev C	Landscape Proposals - Sheet 5 of 5	16 September 2014																																															
4225-STDB-01	Standard boundary details	16 September 2014																																															
ABINGDON (plans)	The Abingdon	16 September 2014																																															

ABINGDON (elevations)	The Abingdon	16 September 2014
ALTON201 (plans)	The Alton	16 September 2014
ALTON202 (elevations)	The Alton	16 September 2014
EHSB03 (plans)	The Broadway / Evesham	16 September 2014
EHSB03 (brick elevations)	The Broadway / Evesham	16 September 2014
EHSB03 (render elevations)	The Broadway / Evesham	16 September 2014
E4H138 (brick)	The Cambridge	16 September 2014
E4H138 (render)	The Cambridge	16 September 2014
E4H141 (plans)	The Canterbury	16 September 2014
E4H141 (elevations)	The Canterbury	16 September 2014
E4H141 (plans)	The Canterbury – Triple Garage	16 September 2014
E4H141 (elevations)	The Canterbury – Triple Garage	16 September 2014
E3H096 (plans)	The Letchworth	16 September 2014
E3H096 (brick)	The Letchworth	16 September 2014
E3H096 (render)	The Letchworth	16 September 2014
EHSB09 (plans)	The Malvern / Ledbury	16 September 2014
EHSB09 (rear elevation)	The Malvern / Ledbury	16 September 2014
EHSB09 (front and side elevations)	The Malvern / Ledbury	16 September 2014
E4H131 (brick)	The Oxford+	16 September 2014
E4H131 (render)	The Oxford+	16 September 2014
E4H117 (brick)	The Stratford	16 September 2014
E4H117 (render)	The Stratford	16 September 2014
EAFSB02 (plans)	The Tavy	16 September 2014
EAFSB02 (brick)	The Tavy	16 September 2014
EAFSB02 (render)	The Tavy	16 September 2014

	E3H106 (brick)	The Warwick	16 September 2014
	E3H106 (render)	The Warwick	16 September 2014
	E4H153 (plans)	The Welwyn	16 September 2014
	E4H153 (brick)	The Welwyn	16 September 2014
	E4H121 (brick)	The Windsor+	16 September 2014
	E4H121 (render)	The Windsor+	16 September 2014
	E3H118	The Worcester	16 September 2014
	<i>Reason: To define the permission and in the interests of the proper development of the site.</i>		
4.	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>		
5.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>		
6.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any dwellings or the completion of the development within the relevant Phase, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p> <p><i>Reason: In the interest of the appearance of the locality.</i></p>		
7.	<p>The car parking spaces for each dwelling shall be surfaced or paved, drained and marked out all in accordance with the approved plan before it is first occupied. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.</p> <p><i>Reason: To ensure adequate on site provision of car parking and manoeuvring areas.</i></p>		
8.	<p>The detached and integral garages hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of</p>		

	<p>the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter or convert the space into living or other accommodation.</p> <p><i>Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards and nuisance caused by on-street parking.</i></p>
<p>9.</p>	<p>Prior to the marketing of the site full details of the marketing documentation showing prospective purchasers the location and approved details of the play area shall be submitted to an approved in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure the provision of equipped play space to benefit the future occupiers of the site.</i></p>
<p>10.</p>	<p>The new estate road/access for each phase of the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within each phase.</p> <p><i>Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.</i></p>
<p>11.</p>	<p>No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> 1. the parking of vehicles of site operatives and visitors 2. hours of operation (including deliveries) during construction 3. loading and unloading of plant and materials 4. storage of plant and materials used in constructing the development 5. siting of cabins 6. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate 7. wheel washing facilities 8. measures to control the emission of dust and dirt during construction 9. a scheme for recycling/disposing of waste resulting from demolition and construction works <p><i>Reason: In the interests of highway safety and to protect the amenities of the nearby residents.</i></p>
<p>12.</p>	<p>The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:</p>

	<ol style="list-style-type: none"> 1. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units; 2. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing; 3. the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ; 4. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and 5. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced. <p><i>Reason: To ensure the residential development provides appropriate affordable housing.</i></p>
--	---

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.

Planning History

The site history of the property is as follows:

Ref: 11/00981/SCE **Decision:** PESCEZ **Decision Date:** 8 December 2011
Description: Request for a screening opinion under the Town and Country Planning (EIA) regulations by Fox Land & Property for Land off Wigan Road, Clayton le Woods

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

Ref: 11/01004/OUTMAJ **Decision:** Withdrawn **Decision Date:** 3 December 2014
Description: Outline application for a mixed use development incorporating up to 700 dwellings, 40,000sqft of B1 office space, public house/ restaurant, convenience store, community building, single form entry primary school, public open space, highway works and associated works. (All matters reserved save for access)

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

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

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

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

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

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

Ref: 14/00025/OUTMAJ **Decision:** PEROPP **Decision Date:** 23 September 2014
Description: Section 73 application to vary condition 16 of outline permission 13/00803/OUTMAJ to omit reference to the construction of a footpath / cycleway link along the eastern side of Wigan Road from the site entrance to Lancaster Lane

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

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

Ref: 14/00541/REM **Decision:** PERRES **Decision Date:** 6 August 2014
Description: Reserved matters application pursuant to outline planning permission 13/00803/OUTMAJ for substitution of house types on Plots 1, 2 and 3 including separate access to Woodcocks Farm approved under reserved matters approval 13/00822/REMAJ

Ref: 14/00600/DIS **Decision:** PEDISZ **Decision Date:** 16 June 2014
Description: Application to discharge condition 27 (Design Stage Assessment) of outline planning permission 13/00803/OUTMAJ

Ref: 14/00861/DIS **Decision:** PEDISZ **Decision Date:** 19 August 2014
Description: Application to discharge conditions numbered 14 (surface water drainage) attached to outline planning permission 13/00803/OUTMAJ

Ref: 14/00867/REM **Decision:** PERRES **Decision Date:** 3 October 2014
Description: Reserved matters application pursuant to outline planning permission 13/00803/OUTMAJ for substitution of house types on Plots 2 and 3 approved under reserved matters approval 14/00541/REM

Ref: 14/00951/OUTMAJ **Decision:** PCO **Decision Date:** Pending
Description: Outline application for up to 220 dwellings with associated open space and landscaping, with all matters reserved except for access.

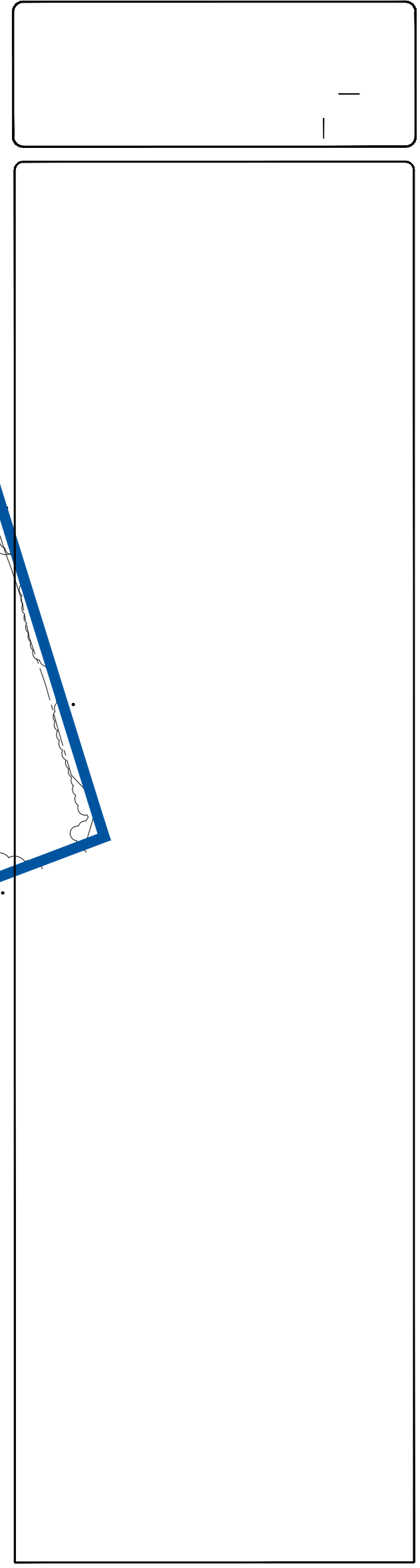
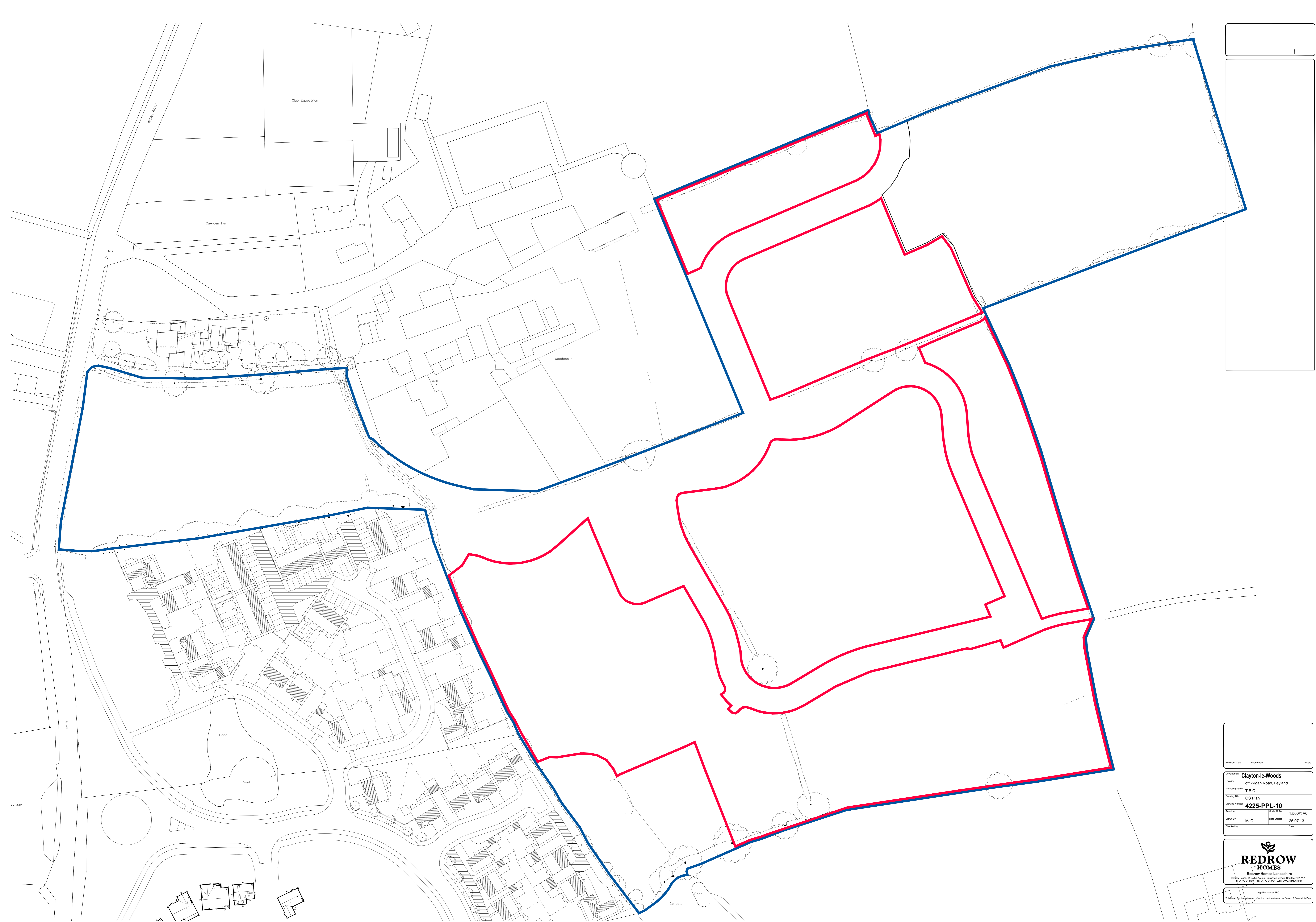
Ref: 14/01011/FULMAJ

Decision: PCO

Decision Date: Pending

Description: Erection of 35 no. residential dwellings together with associated infrastructure - Plots 161-195 inc.

This page is intentionally left blank



Revision	Date	Drawn by	Checked by

Clayton-le-Woods
 off Wigan Road, Leyland
 Planning Name: T.B.C.
 Drawing Title: OS Plan
4225-PPL-10
 Scale: 1:500 @ A0
 Drawn By: MJC Date Issued: 25.07.13
 Checked by: Date:


REDROW
 HOMES
 Redrow Homes Lancashire
 Redrow House, 112 Colby Avenue, Burscough Village, Chorley, PR7 7NA
 Tel: 01757 643337 Fax: 01757 643370 Web: www.redrow.co.uk
 Legal Disclaimer: TBC
 This document is prepared with due consideration of our Contract & Conditions of Sale

Item 3B	14/01042/TPO
Case Officer	Helen Lowe
Ward	Chorley South West
Proposal	Works to three trees protected by TPO 7 (Chorley) 2009 comprising: felling of Oak tree, removal of branches of Sycamore and crown raising to 5m and removal of branches of Oak tree
Location	Park Mills, Deighton Road, Chorley
Applicant	Jones Homes
Consultation expiry:	
Decision due by:	20th November 2014
Recommendation	Approve
Executive Summary	The trees that are the subject of this application are protected by Tree Preservation Order 7 (Chorley) 2009. They are located to the rear of properties along Walleys Road, Chorley. The main issue to consider when determining an application for works to protected trees is the impact of the proposals on the amenity value of the trees. Having regard to the advice provided by the Council's Tree Officer, an independent arboriculturalist and comments of neighbouring residents it is acknowledged that the retention of the trees is preferable, but that works are necessary in order to allow the approved development to go ahead. The works proposed are considered to be appropriate and proportionate to facilitate the building of the houses. Therefore, the proposal is recommended for approval.

Representations

Cllr Lees has requested that should the application be recommended for approval, the application should come before Development Control Committee	
Lindsay Hoyle, MP has written requesting that the views of local residents are given due regard when the application is being considered.	
In total 7 representations have been received which are summarised below	
Objection	Support
Total No. received: Six	Total No. received: One
<ul style="list-style-type: none"> • These are the last group of mature trees in the area; • They are regularly visited by bats at night; • The trees are healthy and any work will eventually kill them; • The trees were there before the application for the houses was submitted; • The trees provide screening, the works would be detrimental to privacy; • Protection measures have not been put in place; • The trees keep being damaged; • Removal is not justified. 	<ul style="list-style-type: none"> • During the summer months they deposit sap which damages cars and looks unsightly; • In winter leaves clog up gutters and drains.

Consultees

Consultee	Summary of Comments received
Council's Tree Officer	<p>Oak to be removed (T7): Main stem changes angle acutely at 0.5m above ground level. Stem approximately 25 degrees off vertical to a height of 2.5m angle and lessens to approximately 5 degrees off vertical to the south. The crown is semi-asymmetrical due to dominance of adjacent tree. The crown flags to the south over the new build plot. This will impede on the property and will more than likely result in future applications to remove or reduce due to the impact on the residents once occupied. Recommend tree removed and a replacement with heavy standard English Oak within a suitable location on the development site.</p> <p>Sycamore to be pruned (T8): Recommend crown raising to 5m Good practice dictates crown lifting should not include the removal of branches growing directly from the main stem. Restrict to secondary branches or shortening</p>

	<p>of primary branches rather than the whole removal wherever possible.</p> <p>Oak to be crown lifted to 5m (T9): removal of branches should be kept to a minimum.</p>
<p>In addition to the comments made by the Council's Tree Officer above, the Council has also commissioned an independent arboriculturalist to provide an assessment of the trees and the proposed works. Their findings are outlined below.</p>	
<p>Cornthwaites Tree Care</p>	<p>Oak (T7): The crown flags over the development by approximately 9m in the direction of NNE due to a full asymmetrical crown form. The form of the crown is due to a large dominating tree that was situated against the boundary wall. This has now been removed. The stump is covered with Armillaria ryzomorphs and acts as a food source for the pathogen. There is major dead wood throughout the crown and little extension growth from the previous growing season.</p> <p>The tree is in decline with a minor defect and felling of the tree is recommended.</p> <p>Sycamore (T8): Sparse crown showing little extension growth from previous years. Minor deadwood within crown and watersprouts throughout. Crown overhangs development plot by approximately 3m.</p> <p>The tree is in fair condition with no defects. It is recommended that the crown is lifted over the development 6m by pruning the northern most branches back to the stem.</p> <p>Oak (T9): The crown is semi- asymmetrical due to height and dominance of adjacent tree. The crown flags to the south over the new build plot and overhangs the building line by approximately 2m. No defects present. Minor deadwood throughout. The root protection radius calculates at 4.6m. The distance to the footings dig was measured at 4.6m. (This was measured through a block and mesh fence line and can only be given as an approximate measurement). The retention of the tree will have future implication on the property. i.e. blocking of natural light, shading, overhang and nuisance.</p> <p>The tree is in good condition with a minor defect (and acute angle at the stem base). It is recommended that the tree is removed by sectional felling.</p>

AssessmentBackground

1. Applications for works to trees that are the subject of a Tree Preservation Order are governed by the Town and Country Planning (Tree Preservation)(England) Regulations 2012. Specifically Regulation 16 refers to the form by which an application is to be made and Regulation 17 to the determination of applications for consent and any conditions that may be required.
2. The trees that are the subject of this application are protected by Tree Preservation Order 7 (Chorley) 2009. They are located to the rear of properties along Walleys Road, Chorley. The main issue to consider when determining an application for works to protected trees is the impact of the proposals on the amenity value of the trees.
3. A reserved matters application for 63 houses was granted in 2011 (reference 11/00420/REMMAJ) on the former Park Mills site on Deighton Road, Chorley. The trees that are the subject of this application are located along the southern boundary of the Park Mills site. As part of that application felling of some of the poorer specimens and other pruning works were approved. These works have been carried out.
4. An application to crown raise 10 of the trees and fell one tree was refused earlier this year (ref. 14/00638/TPO) as insufficient reasons were put forward to support the works, which would have been harmful to the amenity value that they provide to the area.

Assessment

5. The Government's Planning Practice Guidance states that in considering an application for tree works, the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it.
6. Although these trees are to the rear of properties on Walleys Road and the properties currently under construction, it is considered that due to their size, scale and position they provide a level of amenity value to the area. They help to screen the new development from existing dwellings and add to the character and visual amenity of the area. However, imposing a TPO is on the basis of public amenity, rather than private amenity.
7. The reasons put forward by the applicant for the proposed works, in particular the crown raising, do not relate to an arboriculture need, rather to facilitate the built development. However, it is clear from the independent report provide to the council that T7, the oak that is proposed to be felled is in a poor condition and extremely likely to be affected by the pathogens from the adjacent tree stump.
8. Whilst the loss of this tree is considered to be regrettable, due to its poor condition, it has a limited (but nonetheless important) contribution to the amenity value of the area. It is recommended that felling of the tree be permitted, with a condition requiring the replanting of a heavy standard replacement oak, along this boundary (the specific location to be agreed).
9. With respect to the other two trees, the sycamore and the oak (T8 & T9), it is acknowledged that the trees are in very close proximity to the approved houses. A tree survey was carried out at the time planning approval for the houses was granted and this showed that the houses in this part of the site would be constructed outside of the root protection areas with sufficient space to accommodate the trees. Once construction work began on the houses it has become clear that a number of branches of these trees would encroach on the houses and that the houses themselves would be located partly within the root protection area. It has been confirmed that the houses are being constructed in the correct location.

10. The tree survey to accompany the planning application was carried out in April 2011 and since that time the trees have grown. The houses as approved need to be implemented and therefore a way forward that enables the implementation of the planning approval, but with minimal disruption to these trees needs to be sought. The applicant has proposed that three branches of the sycamore (T8) are removed and that the oak (T9) is crown lifted to 5m. The removal of the three branches of the sycamore (T8) would effectively crown lift the tree to 5m. These works would also have the effect of balancing the tree as the tree has been previously pruned, on the side of the Walletts Road residents, to approximately the same height.
11. The tree works as proposed by the applicant are considered sufficient to allow the implementation of the planning application, and involve the minimum level of works required to the trees in order to do so. It is noted that the arboricultural report provided for the Council recommends felling of T9, in order to prevent future nuisance to the potential occupants of the adjacent dwelling. As the tree provides a degree of visual amenity for residents of Walletts Road, and any occupier will be aware of the presence of the tree when purchasing the property, is considered that pruning of the tree is more appropriate at this time and that any further requests for works to the tree in the future should be considered on their own merits.
12. Report of damage to the other trees along this boundary (not part of this application) have been received and are under investigation by the Council.

Overall Conclusion

13. The works proposed would facilitate the erection of the dwellings for which planning approval has been granted, whilst allowing the retention of two of the trees. The loss of the oak (T7) is regrettable, however, due to its poor condition and health it is considered that this tree provides only a limited contribution to the amenity of the area, and would have a very limited lifespan irrespective of the current proposals. The proposals are therefore recommended for approval.

Planning Policies

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

Planning History

Reference	Description	Decision	Date
09/00665/OUTMAJ	Outline application for residential development (specifying access)	Approved	20 th November 2009
11/00420/REMAJ	Reserved Matters application for no. 63 two-storey dwellings (including 7 affordable units) and associated infrastructure (related to outline permission ref: 09/00665/OUTMAJ)	Approved	10 th August 2014

14/00368/TPO	Crown raising of 10 trees to a height of 5.2m and felling of one oak tree	Refused	16 th August 2014
--------------	---	---------	------------------------------

Suggested Conditions

No.	Condition
1.	<p>The tree works for which consent is hereby granted are only as specified below:</p> <p>T7 (oak): fell</p> <p>T8: (sycamore): removal of three branches as indicated on photograph to accompany application for tree works, dated 25th September 2014</p> <p>T9: (oak); crown lift to a height of 5m by removal of branches as indicated on photograph to accompany application for tree works, dated 25th September 2014</p> <p>Reason: To define the consent and to safeguard the appearance and health of the tree(s)</p>
2.	<p>Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling.</p> <p>Reason: To safeguard the visual amenity of the area</p>

This page is intentionally left blank



Blue – desirable for retention, Grey – not desirable for retention, Red – to be removed

This page is intentionally left blank

14/00933/REMMAJ

Case Officer	Caron Taylor
Ward	Astley And Buckshaw
Proposal	Reserved matters application for the erection of 45no. residential dwellings (including 9no. affordable) and associated landscape and highway works (pursuant to outline permission ref: 13/00126/OUTMAJ).
Location	Parcel H1e Group 1 Euxton Lane Euxton
Applicant	Persimmon Homes Lancashire
Consultation expiry:	5th December 2014
Decision due by:	25th November 2014 (extension of time agreed until 23rd December 2014)

Recommendation

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

Representations

In total 3 representations have been received which are summarised below
Objections
Total No. received: 3
<p>One objection has been received from numbers 1, 2 and 5 Junction Terrace on the following grounds:</p> <ul style="list-style-type: none"> • The gradual development of Buckshaw Village has caused an influx of traffic running along Wigan Road. The noise disturbance from this is getting gradually worse; • There is a low bridge at the front of their properties and over the last few months numerous oversized vehicles have driven to it only to realise they cannot pass through it and then have to turn around in the road, which is almost impossible. The wall at the front of their properties has been hit on numerous occasions. This situation will get worse and there is concern for the safety of young children; • Noise from ongoing building which is constant throughout the day sometimes at weekends and early or late in the evening along with bright floodlighting shining into their homes in breach of the planning conditions. The proposal will become a constant disturbance and at an increased level as it will be nearer to their properties. They feel the enjoyment of their home, privacy and environment is under constant threat; • Dust and dirt from the site will become problematic in the garden of number 5 Junction Terrace given the distance from the proposal; • The location of the properties and the road running alongside 5 Junction Terrace to the rear of the property will encroach upon privacy they currently enjoy. The closeness of the properties will block light out from the garden to number 5; • Security concerns as a path is proposed which will run alongside the development and onto the road, running directly in front of their houses. They do not see the point of the path as it will not lead to any amenities and will affect the security of the properties and will lead to people hanging around outside their properties resulting in concerns about noise, privacy and security; • The land where the development will take place is the only area of land where local wildlife can find any sort of habitation. A bat house was erected on the site which will obviously need to be either moved or removed altogether which will have a serious

<p>effect on the species in the area. They were assured at the outset that the bat house was placed where it is currently located because that area is quiet and would not be built on.</p>
<p>Following the receipt of amended plans re-notifications were sent out and two objections were received on the following grounds:</p> <ul style="list-style-type: none"> • Bats and their roosts are protected from harm and disturbance under the Conservation (Natural Habitats etc) Regulations 2010 and the Wildlife and Countryside Act 1981 and therefore if planning consent was granted that could lead to an offence being committed; • The local planning authority has a legal responsibility regarding bats and their habitat; • They are concerned that the bat house on Buckshaw Village is being disturbed by the excavation of the surrounding area. The proposed houses appear to be going to be built too close to the bat house with public access too near to it.

Consultees

Consultee	Summary of Comments received
Lancashire County Council Highways	<p>They have no objections to the proposal. It should however be ensured that parking accords with the prevailing standard.</p> <p>In relation to amended plans they make comments regarding proposed trees overhanging the footways and the shared access at certain points on the site. If issues relating to adoption are to be avoided, these trees should be set back.</p> <p>They note the access into Plots 8 and 49 seem unnecessarily wide. They also ask for the layout of the driveway into Plot 9-14 to be amended to avoid vehicles entering the site inadvertently driving into parked vehicles due to the distorted alignment of the shared access.</p> <p>They also ask for the width and length of parking spaces and areas to be checked to ensure they meet the normal standards.</p> <p>They recommend conditions.</p>
United Utilities	<p>United Utilities will have no objection to the proposal and therefore request no conditions are attached to any approval. The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.</p>

Assessment

Background information

1. The original outline permission for the site was approved in 2009 (ref: 08/00910/OUTMAJ) for a mixed use development comprising housing and commercial uses. This application is a reserved matters application, part of the parcel known as H1 and is the most northerly part of this parcel. A design code for the whole site was approved as part of the original application. This application was then amended (ref: 13/00126/OUTMAJ) to remove the requirement for dwellings built post January 2016 to achieve Level 6 of the Code for Sustainable Homes.

Principle of the Development

2. The principle of the development has already been established by the outline permission. The reserved matters are therefore for consideration by this application.

Layout

3. The design code for this part of the site shows this application to be within parcel H1, a village character area.
4. The main spine road, that will eventually link the A49 Wigan Road to Central Avenue, runs through the application site (the route of this road through the site has been amended by application ref: 14/00927/OUTMAJ to its current location as shown in this application, this application has been approved subject to a supplemental Section 106 agreement). The design code shows an informal street to the north of the layout, both of these are shown on the current proposal.
5. Amended plans have been received as part of the application process as it was not considered that the initial plans submitted complied with the design code in terms of layout. The design code shows a landmark building to be positioned on the north boundary of the site where the spine road enters the site from the north, originally this was shown as a standard two-storey property but has now been amended to take the form of a three-storey apartment block, which is considered acceptable. Similar apartment blocks have also been added at the head of the vista where the road bends after it comes in from the north and also on the east. Although the position of the latter two apartment blocks are not shown as landmark buildings in the design code they are considered acceptable as they will act as buildings that people can use to navigate around the wider site.
6. Originally the layout proposed detached dwellings with driveways to the front of them facing onto the main spine road. This was not considered acceptable as the design code states that direct access to the street frontage is an important principle of the village character areas to enhance the character of the street and provide passive surveillance. The amended plans are considered to be in accordance with the design code as the majority of properties facing the spine road are now close to the pavement with parking provided either in side driveways or in a rear parking court.
7. The informal street to the rear will have different types of detached properties with parking on driveways to the front. This is considered acceptable as the design code states that these streets will have different buildings typologies with houses fronting the street with direct access to in-curtilage parking to maintain a high degree of passive surveillance.
8. Overall the amended plans are considered to comply with the design code.
9. In terms of neighbour amenity the only neighbouring properties to the site are 1-5 Junction Terrace, between the site and Pack Saddle Bridge. The proposed properties on the site that will be nearest to them will be plots 1-6 (one of the three storey apartment blocks) and plots 7 and 8 (two storey houses). Residents have raised concerns about the location of the properties and the road running alongside 5 Junction Terrace to the rear of the property will encroach upon the privacy they currently enjoy and that the closeness of the properties will block light out from the garden to number 5.
10. There is a buffer strip between the edge of the application parcel and garden of no. 5 Junction Terrace measuring approximately 19.5m at its narrowest point. The windows in the apartments are further away than this being approximately 25m to the boundary with no. 5 Junction Terrace. The will be over 29m between the windows in the rear of plot 7 and the boundary with the garden of no. 5. The proposed property on plot 8 will only have a bathroom window in its side elevation facing towards the garden of no. 5 and it will be over 20m away. These distances are far in excess of the Council's interface guidelines. Even though one of the buildings is a three storey apartment block due to the distance between it and no. 5 Junction Terrace the relationship is considered acceptable.

Appearance and scale

11. The house types proposed are two-storey though some utilise room in the roof as living accommodation with small front dormers and/or roof lights. The majority of properties

fronting the spine road are small groups of mews or semi-detached properties with a vertical emphasis. There are several different designs of detached properties proposed, mainly on the rear informal street but also several on the spine road. These all have pitched roofs with no hips, some have integral garages with various features such as porches, canopies and front gables.

12. The apartments are to be three-storey with the main part having a pyramid roof and a lower part attached to it having a standard pitched roof with lower ridge and eaves. These are considered acceptable.
13. The design of the properties on the site are considered to be in line with the building types envisaged for this area in the design code. It is considered suitable materials can be controlled by a condition.

Access and parking

14. The principle of the main access through the site via the spine road has already been established. The rear informal street is as envisaged by the design code for this area of the site.
15. Lancashire County Council Highways have commented on the amended plans and these points have been put to the applicant. It is considered that these issues can easily be resolved where necessary and an update will be placed on the addendum.
16. In terms of parking the council's parking standards are set out in policy ST4 of the emerging Local Plan 2012-2026. The blocks of apartments will have six, two bed apartments, each of which will benefit from two parking spaces in line with the standards.
17. The houses will benefit from either two or three off road parking spaces as required by policy ST4 in accordance with their number of bedrooms. Only the Longthorpe house type relies on its integral garage as a third parking space, this does measure the required 3m x 6m internally so can be counted as a space. Its retention can be controlled by a condition. The proposal is therefore considered acceptable in terms of parking and access subject to the comments of LCC Highways being addressed on the addendum.

Landscaping

18. The detailed landscaping of the site can be controlled by a condition, noting the comments made by LCC Highways in relation to trees overhanging that may pose adoption problems. The applicant has been made aware of this issue.

Other issues

19. Residents have raised concerns about a path that is proposed which will run alongside the development and onto the road, running directly in front of their houses. They do not see the point of the path as it will not lead to any amenities and will affect the security of the properties and will lead to people hanging around outside their properties resulting in concerns about noise, privacy and security. The path is outside the red edge of this application and therefore does not form part of it, however the permeability of the Group 1 site, both for cyclists and pedestrians is considered essential to make it as sustainable as possible.
20. In terms of wildlife and trees, the site has been completely cleared and remediated under planning approval ref: 09/00095/FULMAJ ready for development so it is not considered there will be a detrimental impact on either.
21. The comments regarding bats and the bat house are noted. The bat house is not within this application site. The bat house was erected on land to immediately to the north of the application as mitigation for the loss of roost as a result of decommissioning the buildings previously on the Group 1 site. The location and design of the bat roost was the result of a separate application (09/00084/FUL) and advice was sought at that time from Lancashire County Council Ecology. The report from the time states that the applicant was applying to Natural England for a licence to demolish the existing buildings on the

site as part of the site remediation works and as part of that licence they will assess the adequacy of the proposed bat house as compensation for the demolished buildings prior to issuing a licence. It was known at that time that the land the subject of this application would be developed. It is therefore considered that the council have met its duty under the Habitats Regulations.

Overall Conclusion

22. The application is recommended for approval subject to conditions.

Planning Policies

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

Planning History

Reference	Description	Decision	Date
08/00910/OUTMAJ	Outline planning application for the redevelopment of land at Group One (Site Area 54.34 Hectares), Royal Ordnance Site, Chorley for mixed use development comprising housing and commercial uses (including uses A1, A2, A3, B1, B2, C1, C2 and C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2006) and associated landscape treatment and highway works.	Permitted	22 December 2009
09/00084/FUL	Erection of a bat house at group one, Buckshaw Village.	Permitted	9 April 2009
09/00095/FULMAJ	Land reclamation and remediation earthworks to create a development platform at Group 1, Buckshaw Village (site area 54.34 hectares).	Permitted	22 December 2009
11/00403/OUTMAJ	Section 73 application to vary condition 29 (access on the A49) attached to outline planning approval 08/00910/OUTMAJ	Permitted	27 July 2011
13/00126/OUTMAJ	Section 73 application to vary condition no. 17 (Code for Sustainable	Permitted	17 July 2013

	<p>Homes) of planning permission no. 11/00403/OUTMAJ to remove the requirement for dwellings built post January 2016 to achieve Level 6.</p>		
<p>14/00927/OUTMAJ</p>	<p>Section 73 application to vary condition no. 30 (Construction of main access road) of planning permission no. 13/00126/OUTMAJ to enable re-positioning of the main access road through the site.</p>	<p>Under consideration (permitted subject to supplemental legal agreement being signed)</p>	

Suggested Conditions

No.	Condition																																													
1.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwelling hereby permitted (other than those expressly authorised by this permission) or on the boundary of the site.</p> <p><i>Reason: To protect the appearance of the locality and to ensure a satisfactory relationship is maintained with the immediate surroundings.</i></p>																																													
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 633 1302 2020"> <thead> <tr> <th data-bbox="320 633 684 692">Title</th> <th data-bbox="684 633 967 692">Drawing Reference</th> <th data-bbox="967 633 1302 692">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 692 684 792">Planning Layout</td> <td data-bbox="684 692 967 792">H1e-G1E/PL01 Rev A</td> <td data-bbox="967 692 1302 792">21st November 2014</td> </tr> <tr> <td data-bbox="320 792 684 916">Group One Apartments Ground Floor Plan</td> <td data-bbox="684 792 967 916">APT-01</td> <td data-bbox="967 792 1302 916">21st November 2014</td> </tr> <tr> <td data-bbox="320 916 684 1039">Group One Apartments First Floor Plan</td> <td data-bbox="684 916 967 1039">APT-02</td> <td data-bbox="967 916 1302 1039">21st November 2014</td> </tr> <tr> <td data-bbox="320 1039 684 1162">Group One Apartments Second Floor Plan</td> <td data-bbox="684 1039 967 1162">APT-03</td> <td data-bbox="967 1039 1302 1162">21st November 2014</td> </tr> <tr> <td data-bbox="320 1162 684 1285">Group One Apartments Elevations 1 of 2</td> <td data-bbox="684 1162 967 1285">APT-04</td> <td data-bbox="967 1162 1302 1285">21st November 2014</td> </tr> <tr> <td data-bbox="320 1285 684 1408">Group One Apartments Elevations 2 of 2</td> <td data-bbox="684 1285 967 1408">APT-05</td> <td data-bbox="967 1285 1302 1408">21st November 2014</td> </tr> <tr> <td data-bbox="320 1408 684 1476">The Hatfield House Type</td> <td data-bbox="684 1408 967 1476">HAT</td> <td data-bbox="967 1408 1302 1476">21st November 2014</td> </tr> <tr> <td data-bbox="320 1476 684 1644">The Longthorpe House Type Plans and Elevations</td> <td data-bbox="684 1476 967 1644">LON</td> <td data-bbox="967 1476 1302 1644">21st November 2014</td> </tr> <tr> <td data-bbox="320 1644 684 1700">The Rufford House Type</td> <td data-bbox="684 1644 967 1700">RUF</td> <td data-bbox="967 1644 1302 1700">27th August 2014</td> </tr> <tr> <td data-bbox="320 1700 684 1756">The Morden House Type</td> <td data-bbox="684 1700 967 1756">MOR</td> <td data-bbox="967 1700 1302 1756">27th August 2014</td> </tr> <tr> <td data-bbox="320 1756 684 1823">The Moseley</td> <td data-bbox="684 1756 967 1823">MOS</td> <td data-bbox="967 1756 1302 1823">27th August 2014</td> </tr> <tr> <td data-bbox="320 1823 684 1890">The Souter House Type</td> <td data-bbox="684 1823 967 1890">SOU</td> <td data-bbox="967 1823 1302 1890">27th August 2014</td> </tr> <tr> <td data-bbox="320 1890 684 1957">Plot divisional fence</td> <td data-bbox="684 1890 967 1957">SDF11</td> <td data-bbox="967 1890 1302 1957">21st November 2014</td> </tr> <tr> <td data-bbox="320 1957 684 2020">1.8m High Timber Screen</td> <td data-bbox="684 1957 967 2020">SDF05</td> <td data-bbox="967 1957 1302 2020">21st November 2014</td> </tr> </tbody> </table>	Title	Drawing Reference	Received date	Planning Layout	H1e-G1E/PL01 Rev A	21 st November 2014	Group One Apartments Ground Floor Plan	APT-01	21 st November 2014	Group One Apartments First Floor Plan	APT-02	21 st November 2014	Group One Apartments Second Floor Plan	APT-03	21 st November 2014	Group One Apartments Elevations 1 of 2	APT-04	21 st November 2014	Group One Apartments Elevations 2 of 2	APT-05	21 st November 2014	The Hatfield House Type	HAT	21 st November 2014	The Longthorpe House Type Plans and Elevations	LON	21 st November 2014	The Rufford House Type	RUF	27 th August 2014	The Morden House Type	MOR	27 th August 2014	The Moseley	MOS	27 th August 2014	The Souter House Type	SOU	27 th August 2014	Plot divisional fence	SDF11	21 st November 2014	1.8m High Timber Screen	SDF05	21 st November 2014
Title	Drawing Reference	Received date																																												
Planning Layout	H1e-G1E/PL01 Rev A	21 st November 2014																																												
Group One Apartments Ground Floor Plan	APT-01	21 st November 2014																																												
Group One Apartments First Floor Plan	APT-02	21 st November 2014																																												
Group One Apartments Second Floor Plan	APT-03	21 st November 2014																																												
Group One Apartments Elevations 1 of 2	APT-04	21 st November 2014																																												
Group One Apartments Elevations 2 of 2	APT-05	21 st November 2014																																												
The Hatfield House Type	HAT	21 st November 2014																																												
The Longthorpe House Type Plans and Elevations	LON	21 st November 2014																																												
The Rufford House Type	RUF	27 th August 2014																																												
The Morden House Type	MOR	27 th August 2014																																												
The Moseley	MOS	27 th August 2014																																												
The Souter House Type	SOU	27 th August 2014																																												
Plot divisional fence	SDF11	21 st November 2014																																												
1.8m High Timber Screen	SDF05	21 st November 2014																																												

	Fence		
	1.8m High Brick Screen Wall Detail	SDW08	21 st November 2014
	1200mm High Bow Top Fence	SDF02	21 st November 2014
	Dwarf Wall and Railing Details	DWRD.01	21 st November 2014
	<i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>		
3.	<p>The development hereby permitted shall not commence until full details of foul and surface water drainage arrangements including a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first occupation of any dwelling on the site and retained and maintained as such at all times thereafter.</p> <p><i>Reasons: To reduce the increased risk of flooding.</i></p>		
4.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 1, Class A) or any Order revoking or re-enacting the Order, no extensions shall be undertaken that would be built off the rear elevation of the conservatories approved under this permission (for clarity the rear elevation is defined as the elevation parallel with the rear elevation of the dwelling), without express planning permission being granted.</p> <p><i>Reason: To protect the amenity of adjoining properties.</i></p>		
5.	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents.</i></p>		
6.	<p>Before the dwellings hereby permitted are occupied the driveways and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.</p> <p><i>Reason: To ensure adequate on site provision of car parking and manoeuvring areas.</i></p>		
7.	<p>The integral garages of the properties on plots 19 – 23 inclusive and plots 51 and 50 hereby approved shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, unless the property has three off-road parking spaces..</p> <p><i>Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards and nuisance caused by on-street parking and to safeguard the visual amenity of the area.</i></p>		

Parcel H1e, GROUP ONE - Euxton



MIX SCHEDULE

SITE AREA	Acres	Gross	Net
		2,507	2,290
		1,015	1,015
		0,927	0,927
		0,000	0,000
		0,000	0,000
		0,000	0,000
		0,217	0,217

HOUSE TYPE	SQ.FT	NO	TOTAL SQ.FT
Apartment	691	18	12,438
Morden	548	6	3,288
Moseley	739	6	4,434
Rufford	870	4	3,480
Souler	932	6	5,592
Hatfield	969	3	2,907
Cleyton	999	2	1,998
Longthorpe	1,153	6	6,918
TOTAL		51	41,055

Coverage	Per Acre	Per Hectare
	17,928	44,302
Density	Per Acre	Per Hectare
	22	55

Boundary Key

- Estate Railing
- - - - - Plot divisional fence
- ===== 1800 Timber Screen Fence
- ===== 1800 Brick Wall
- 1200 Wall and Railing

Revision	Date	Amendment	Initials
A	19/11/14	Scheme redesigned in line with LUP comments.	JB

Development	Group One (Parcel H1e)
Location	EUXTON
Working Name	Planning Layout
Drawing title	H1e-G1E/PL01
Drawing Number	
Revision	A
Scale @ A2	1:500
Drawn By	JB
Date Started	17/07/2013
Checked by	
Date	



PERSIMMON

Persimmon Homes Lancashire
 Persimmon House, Lancaster Business Park, Colton Road, Lancaster, LA1 3BG
 Tel: 01524 542 000 Fax: 01524 542 001 Web: www.persimmonhomes.com

This page is intentionally left blank

Item 3d	14/01051/FUL
Case Officer	Iain Crossland
Ward	Adlington and Anderton Ward
Proposal	Demolition of former cattery building and erection of detached bungalow
Location	Hudora Kennels The Common Adlington Chorley PR7 4DT
Applicant	Mr & Mrs Roger Corvill
Consultation expiry:	06 November 2014
Decision due by:	28 November 2014

Recommendation

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

Executive Summary

The main issues to consider are the principle of development, impact on the Green Belt character and appearance of the locality and highways.

Representations

Adlington Town Council

Adlington Town Council's objections to the proposed replacement of the Cattery with a bungalow remain the same as those submitted for the previous application on that site, which were:

“Adlington Town Council objects to the proposed development 14/00296/COU Hudora Kennels as it considers it to be inappropriate development within the Green Belt. The Council questions whether permission would be likely to be given for a new build bungalow in the same location, and considers that conversion of an existing building would have the same effect. It also regrets the loss of a useful facility within the village.”

In total 0 representations have been received

Consultees

Consultee	Summary of Comments received
LCC Highways	No objection
Chorley Council Contaminated Land Officer	No comments to make
United Utilities	No comments received

AssessmentThe Site

1. The application site is located in a rural area, around 450m outside the settlement area of Adlington, in an area washed over by Green Belt.
2. The site is located to the south west side of Common Lane as it reaches the end of its existence. The application site is part of a long established kennels and cattery business. There are a number of buildings and runs associated with both animals being kept there. The building which is the subject of this application is situated slightly away from the rest, being located very close to the entrance to the whole complex.

The Proposal

3. The proposed development is for the demolition of an existing cattery building and erection of a detached bungalow. The bungalow would include three bedrooms and would measure approximately 13.2m by 8m. There would be a dual pitched roof with a ridge and eaves height of around 4.1m and 2.3m respectively.
4. The development would include a garden to the rear and off street parking for two cars to the side.

Assessment

The main issues are as follows:-

Issue 1 – Impact on the Green Belt

Issue 2 – Justification for loss of business use.

Issue 3 – Neighbour amenity

Issue 4 – Impact on character and appearance of the locality

Issue 5 – Impact on highways/access

Planning Policy

5. Paragraph 89 of the National Planning Policy Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. There are a number of exceptions to inappropriate development which are considered further below.
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 significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications.

10. The proposal involves the redevelopment of a previously developed site in the Green Belt and as such should be assessed against criterion d) of Policy BNE5 of the emerging Local Plan.

Impact on the Green Belt

11. The application site lies around 360m outside the settlement area of Adlington in an area that is washed over by Green Belt. The proposed dwelling would replace an existing purpose built cattery building of substantial breeze block construction. The proposed dwelling would be located within the wider cattery site which comprises other kennels, parking and a dwelling.
12. Paragraph 89 of the Framework sets out the exceptions to inappropriate development and includes:
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - 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.
13. The construction of the new dwellings will constitute inappropriate development unless one of the exceptions in the Framework is engaged. As the proposed dwelling would not be in the same use as the cattery building then the proposal would not engage with the first exception listed above.
14. However, the site does fall to be considered previously developed land in accordance with the second exception listed above. To benefit from the relevant exception in the case of this site, the applicant must demonstrate that the construction of the new buildings constitute:
 - The partial or complete redevelopment of previously developed land;
 - Which would not have a greater impact on the “openness” of the Green Belt; and
 - Which would not have a greater impact on the purposes of including land in the Green Belt.
15. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of ‘openness’.
16. It is considered that in respect of the Framework that the existing cattery building has an impact on the openness of the Green Belt simply because the building/structures exist. However, it is important to note that the presence of a structure on the site currently does not justify any new buildings. The exception contained within the Framework is only engaged where the development would not “have a greater impact on the openness of the Green Belt”.
17. Whether the proposed dwellings have a greater impact on openness is a subjective judgment which is considered further below. Objective criteria in the case of this site could include the footprint and the height of the existing building although it is important to note that there are no specified criteria within The Framework.
18. The proposal involves the redevelopment of a previously developed site in the Green Belt and as such should be assessed against criterion d) of Policy BNE5 of the emerging Local Plan. This states that redevelopment will be permitted if 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.
19. The current rectangular building measures between 17.7m and 19.1m in length and 8m in depth. Being a cattery with ‘runs’, it has both an area that is completely enclosed and

partially enclosed. It is, however, difficult to differentiate between the completely enclosed and partially enclosed areas, with the building appearing as one coherent unit from which the full above ground volume is clear and measurable. The existing building has a gently sloping roof over it, which measures around 3m sloping down gently to around 2.9m above ground level. It is constructed of block and rendered in cream and the replacement building would also be constructed of block and render to maintain the main element of its appearance, albeit now with a pitched roof over.

20. The scale of the proposed dwelling would be similar in scale to the existing building. The main difference would be the inclusion of a dual pitched roof with a ridge height of around 4m, which is 1.1 metres higher than the existing building on site. The bungalow would measure 13m wide by 8 m deep.
21. The proposed dwelling would have a volume of around 317m³ and would replace an existing cattery building that amounts to around 368m³ in volume.
22. The proposed dwelling would result in an improvement in the appearance of the site as the existing building is a rather functional utilitarian design of little positive character. The proposed dwelling would share similarities of scale but would have a more positive appearance and character with the inclusion of a dual pitched roof and door and window openings.
23. The domestic curtilage associated with the proposed bungalow would be within the walls/boundaries of the existing Hudora Kennels site, on previously developed land, and as such there would be no encroachment into the open countryside and Green Belt.
24. The proposed curtilage boundary is drawn fairly tightly around the bungalow and would result in a modest rear garden. The potential for extension of the dwelling and addition of outbuildings under permitted development is therefore limited by such a modest curtilage. There would be no impact on any neighbouring occupiers as a result of any potential permitted development at the site and the removal of permitted development rights would not be necessary and would not therefore comply with the advice set out within the National Planning Practice Guidance (NPPG).
25. The proposed development would therefore have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, and there would be a positive impact on the appearance of the site as a whole.

Justification for loss of business use

26. The proposed development would result in the loss of a building used as part of an existing business located in the Green Belt. The building would be demolished and replaced with a residential dwellinghouse.
27. Central Lancashire Core Strategy Policy 10 states that all employment premises last used for employment will be protected for employment use. Where a site/premises would be redeveloped for a use other than B use class employment uses then an assessment must be carried out against a number of set criteria. As the existing building is in use as a part of a cattery, which is Sui Generis and does not fall within the employment use class, Policy 10 is not applicable and no assessment is required.

Neighbour amenity

28. The building that is the subject of this proposal is located within the curtilage of the cattery complex, which includes a residential element known as Oaklands. The proposed dwelling would be positioned around 15m from Oaklands. There would be no windows inserted in the proposed dwelling facing this neighbouring property. There would be windows in the rear elevation of the proposed dwelling, however, no views of the private intimate amenity space at Oaklands would be afforded due to the alignment of the properties.

29. As the proposal is for the replacement of a building that already exists in the same position then the impact on light and outlook would not be very much greater than the existing situation.
30. Other dwellings at Adlington Hall Lodge and Common End are located around 80m and 100m respectively from the proposed development. As such there would be no impact on outlook, privacy or light.

Impact on character and appearance of the locality

31. The proposed development would result in the redevelopment of a commercial cattery building of functional utilitarian design. The proposed building would have a similar footprint to that of the existing building. It would be of a single storey and would have a dual pitched roof in place of the existing flat roof. The window and door openings would result in a domestic appearance, and the rendered finish would be consistent with other buildings on site.
32. Overall the appearance and character of the site would be improved.

Highway Impact and Access

33. It is noted that there already access to the complex off The Common, and that the proposed development would utilise this.
34. The dwelling would contain three bedrooms and two off street car parking spaces would be provided within the identified curtilage. On this basis the scheme would comply with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026.

Section 106 Legal Agreement

35. In line with Council guidelines the applicant will need to enter into a Section 106 legal agreement requiring a payment of £1,888 towards amenity greenspace, equipped play areas, allotments 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 S.106.
36. Following updated guidance provided in the National Planning Practice Guidance on 28th November 2014 the requirement for a contribution towards the provision of Public Open Space is subject to review pending further advice from DCLG and the Head of Legal Services. An update will be placed on the addendum.

Overall Conclusion

37. 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. There would be no unacceptable impact on the Green Belt. In addition it is considered that adequate parking could provided. On the basis of the above, it is recommended that planning permission be granted.

Planning Policies

38. 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: 14/00296/COU Decision: REFFPP Decision Date: 16 July 2014
Description: Conversion of cattery to bungalow

Ref: 86/00211/FUL Decision: PERFPP Decision Date: 27 May 1986

Description: Replacement kennel block

Ref: 83/00091/FUL Decision: PERFPP

Decision Date: 3 May 1983

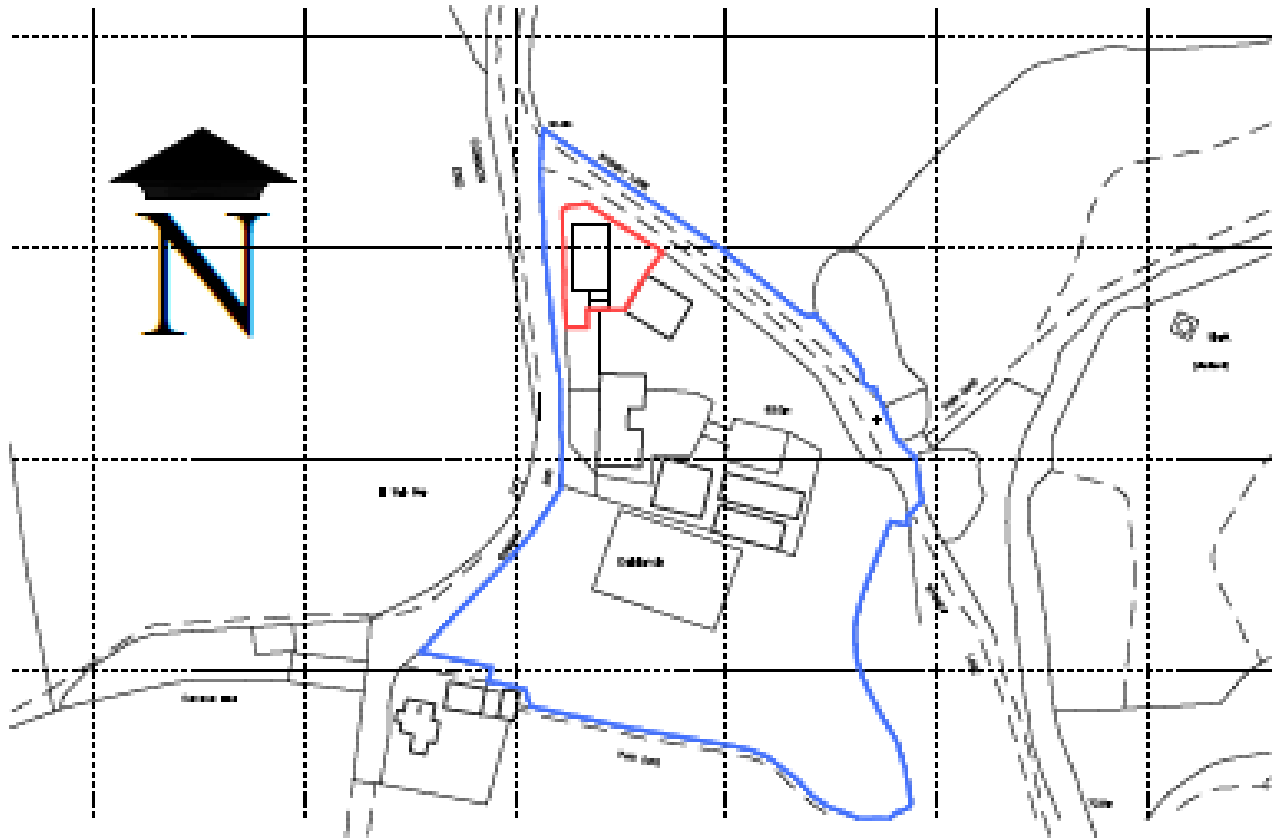
Description: Kennel block to replace existing

Suggested Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>Notwithstanding the details shown on the submitted plans, the proposed car parking and driveway to the side 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.</p> <p>Reason: In the interests of highway safety and to prevent flooding</p>
3.	<p>No development shall take place until details of the proposed foul and surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved foul and surface water drainage arrangements have been fully implemented.</p> <p>Reason: To secure proper drainage and to prevent flooding</p>
4.	<p>Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding any such detail shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not 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.</p> <p>Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents</p>
5.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures.</p> <p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</p>
6.	<p>The proposed off-road parking spaces as shown on the approved site plan shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.</p> <p>Reason: To ensure adequate off street parking provision is made/maintained and thereby avoiding hazards caused by on-street parking</p>
7.	<p>All dwellings commenced after 1st January 2013 will be required to meet Code</p>

	<p>Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority. Reason: In the interests of minimising the environmental impact of the development</p>									
<p>8.</p>	<p>Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification. Reason: In the interests of minimising the environmental impact of the development</p>									
<p>9.</p>	<p>No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code Level, has been issued by a Code for Sustainable Homes Assessor and submitted to the Local Planning Authority. Reason: In the interests of minimising the environmental impact of the development</p>									
<p>10.</p>	<p>The development shall be carried out in accordance with the following plans:</p> <table border="0" data-bbox="320 931 1303 1055"> <tr> <td>Plan Ref.</td> <td>Received On:</td> <td>Title:</td> </tr> <tr> <td>027/PL01/G</td> <td>30 September 2014</td> <td>Location Plan</td> </tr> <tr> <td>027/PL01/G</td> <td>30 September 2014</td> <td>Existing and Proposed Plans and Elevations and Site Plan</td> </tr> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>	Plan Ref.	Received On:	Title:	027/PL01/G	30 September 2014	Location Plan	027/PL01/G	30 September 2014	Existing and Proposed Plans and Elevations and Site Plan
Plan Ref.	Received On:	Title:								
027/PL01/G	30 September 2014	Location Plan								
027/PL01/G	30 September 2014	Existing and Proposed Plans and Elevations and Site Plan								
<p>11.</p>	<p>The external facing materials, detailed on the approved plans, shall be used and no others substituted. Reason: To ensure that the materials used are visually appropriate to the locality.</p>									

This page is intentionally left blank



Location Plan

0 10 20 30 40 50 60m 1:1250

This page is intentionally left blank

Item 4E**14/00982/FUL****Case Officer****David Stirzaker****Ward****Chisnall****Proposal****Demolition of existing stables and erection of detached dwelling, formation of new access and erection of stable block****Location****Town Lane Farm, Town Lane, Heskin, Chorley, PR7 5QA****Applicant****Mr Howard Rose****Consultation expiry:****9th September 2014****Decision due by:****17th November 2014 (Extension of time agreed to 8th December 2014)****Recommendation****Permit Planning Permission****Executive Summary**

The main issues to consider are whether the redevelopment of the site for residential purposes is acceptable in principle, in terms of its impact on the amenities of neighbours, the character and appearance of the locality, parking provision, highway safety and ecology. 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

Heskin Parish Council has advised that any comments on the application will be submitted after their next meeting on 11th December 2014. Any comments received will be reported on the addendum.

In total, three representations have been received:

Objection

Total No. received: Three

Comments in relation to amended plans for a single dwelling: -

- The amended application does address some of the issues raised in a previous letter of objection dated 20th Oct, but previous comments should still be considered against the amended application

Comments in relation to original plans for 2 no. dwellings: -

- The site plan is not clear
- The roof may contain asbestos
- The additional traffic will reduce the tranquillity and safety of Town Lane
- The development would lead to a loss of residential amenity and loss of privacy
- Two dwellings and constant vehicular traffic would prejudice security
- There may be a stream which passes under the current access to the stables so the proposed soakaway could exacerbate current flooding problems
- The development is contrary to Green Belt policy as the stables do not constitute previously developed land
- How will the applicants fields be accessed as it will only be possible to access them through the site of the proposed dwellings
- There are bats and barn owls in the area contrary to the survey

Consultees

Consultee	Summary of Comments received
LCC (Highways)	No objections to the original scheme for 2 no. dwellings subject to full details of the car parking being approved prior to first occupation of either of the dwellings. Comments on the amended plans, which include a new access are being awaited and will be reported on the addendum.
LCC (Ecology)	Requested additional information in relation to a building adjoining the building to be demolished in the form of survey information to establish if there is any use of the building by bats, nesting birds or barn owls. The applicant has submitted further information and the comments of LCC (Ecology) are being awaited so will be reported on the addendum. LCC (Ecology) recommend conditions if the above the concerns with the application are addressed to secure protection of trees and hedgerows during construction, appropriate outside lighting, no clearance works

	during 1 st March to 31 st August, submission of replacement House Sparrow nesting opportunities, a further precautionary Barn Owl survey and the carrying out of the development in accordance with the mitigation measures proposed in the Bat, Barn Owl and Nesting Bird Survey.
--	---

Proposed Development

1. This application proposes the demolition of an existing building which has a lawful use as livery stables and the erection of a two storey detached dwelling in its place along with the formation of a new access and the erection of a timber stable building on an existing sand paddock.
2. The application site is located in the Green Belt on Town Lane, Heskin and adjoins the north western edge of the village.

Planning Policy

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

Adopted Chorley Borough Local Plan Review

7. The Framework confirms that for 12 months from the day of publication of the Framework (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The Framework also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans.
8. The relevant policies of the Local Plan are as follows:
 - DC1 – Green Belts
 - GN5 - Building Design and Retaining Existing Landscape Features and Natural Habitats
 - EP4 – Species Protection
 - HS4 – Design & Layout of Residential Developments
 - HS6 – Housing Windfall Sites
 - TR4 – Highway Development Control Criteria

Central Lancashire Core Strategy July 2012

9. The adoption of the Core Strategy (July 2012) postdates the Framework and as such is wholly consistent with the Framework. The following Core Strategy Policies are of relevance to this application:
 - Policy 17 – Design of New Buildings
 - Policy 22 – Biodiversity and Geodiversity
 - Policy 29 – Water Management

Chorley Local Plan 2012-2016

10. In terms of the emerging Chorley Local Plan, the Council accepted the Inspector's modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications. The Policies relevant to this application are as follows:

- ST4: Parking Standards
- HS4A: Open Space Requirements in New Housing Developments
- HS4B: Playing Pitch Requirements in New Housing Developments
- BNE1: Design Criteria for New Development
- BNE5: Redevelopment of Previously Developed Sites in the Green Belt
- HW2: Protection of Existing Open Space, Sport and Recreation Facilities

Principle of the Development

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

12. Within Annex 2, the glossary, of the Framework, previously developed land is defined as:

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

13. The existing building has a lawful use as livery stables for which a certificate of lawfulness was granted in 2012 (Ref No. 11/01101/CLEUD). This being the case, the site falls to be considered as previously developed land, in accordance with the definition in the Framework outlined above.

14. Calculations show that the volume of the building on the site which is to be demolished is approximately the same as the proposed dwelling and the stables combined. The building presently on site is of a design and appearance that would be expected to be seen in a rural environment although it is utilitarian in appearance so does not have any architectural merit nor does it make a significant contribution to the character and appearance of the locality.

15. It is considered that livery stables on the site could potentially generate a significant number of vehicle movements and level of activity, with much of the site area presently being given over to hard standing and a number of vehicles and equipment being stored on the site.

16. The dwelling is proposed just west of the existing building on the site and 10m from the eastern site boundary. This has been negotiated with the applicant to address neighbour amenity concerns. Whilst the building is not on the same footprint, it is still within the confines of the site and due to its acceptable scale and the total volume of it and the stable building; the impact on the openness of the Green Belt will not be materially different to the current situation.

17. Balancing the size and scale of the existing building, the location of the new dwelling and stables together with the character of the site and existing and potential level of activity on the site; it is considered that the 'principle' of the proposed dwelling, stables and new access would not have a significantly greater impact on the openness of the Green Belt. The proposal is therefore considered to be appropriate development within the Green Belt and therefore in accordance with the Framework and Policy BNE5 of the emerging Chorley Local Plan.

Design and Scale

18. The proposed dwelling is two storey in scale and can be described as having a cottage style. Its scale does not exceed that of the existing building on the site although its volume is approximately 200m³ less. It also incorporates a porch at the front and two pediments as part of the roof at the rear which adds visual interest and character to the property. The nearest property is Walmsley's Barn which is a former barn converted to a dwelling. This has stone faced elevations and a slated roof. Beyond this on Wood Lane is a mix of two storey detached and semi-detached traditional and more modern properties along with post war bungalows which are predominantly faced with red brick. Therefore, in terms of the context of the dwelling being proposed in a rural setting and with regards to the properties on Wood Lane, the design and scale of the dwelling is considered to be acceptable.
19. The building housing 3 no. stables is of typical design and scale and in this rural context; it will not appear out of character with its setting. Also, it is proposed on the existing sand paddock utilising its south and west boundaries.

Impact on character and appearance of locality

20. The existing building has the appearance of a traditional agricultural building given its external facing materials so the building is therefore utilitarian in appearance and is not of any architectural merit.
21. The proposed dwelling can be described as 'cottage style' and the plans state that it will be constructed using rustic brickwork to the elevations and natural slate to the roof. Feature cills and lintels are also detailed on the plans. The stable building is to be clad with timber and the roof will be slated. As already stated, the volume of the dwelling and the stables is approximately the same as the existing building so on the site, the amount of built development in volume terms will be the same. Whilst it cannot be disputed that the dwelling would have a more attractive appearance than the existing building, this is not sufficient to make it acceptable.
22. In looking at the scale of the building, the existing building has a ridge height of 5.9m but the proposed building has a ridge height of approximately 7.8m. However, the width of the dwelling is just over 12m whereas the existing building is over 16m wide. The scale of the dwelling in comparison to the existing building is considered to be no greater especially given the original volume of this building is split between the dwelling and stables. Whilst the footprint of the dwelling is set back from that of the existing building, it is within the confines of the curtilage of the existing building and the position of the dwelling has been dictated by the boundary with Walmsley's Barn to the east.
23. The stables are proposed to be sited on part of the existing sand paddock and comprise a timber building housing 3 no. stables. This structure is modest in scale and typical of small scale stable buildings which are more often than not located in rural areas such as this one.
24. The new access track to the site utilises the eastern boundary of the existing sand paddock and a short section of hedgerow will be removed to form the opening onto Town Lane. The access is to be surfaced with gravel and hard surfaced where it is splayed at the point it joins Town Lane. Given the access runs over part of the existing sand paddock and utilises its existing eastern boundary, it is not considered that it will have a

significant impact on the character and appearance of the locality or the openness of the Green Belt.

25. Overall, when balancing the existing building against what is proposed on the site and the new access, it is not considered that the redevelopment of this previously developed site will have a materially greater impact on the openness of the Green Belt. The proposal is therefore considered to be consistent with the Framework and Policy BNE5 of the emerging Chorley Local Plan.

Impact on neighbours

26. The dwelling contains habitable room windows in its front (east) facing elevation at first floor and ground floor level. The dwelling will be set back approximately 10m from the boundary with the curtilage of the adjacent residential property to the east (Walmsley's Barn) whereas at the present time, the existing building is located hard against the boundary. This being the case, there will be an improvement to the outlook of the occupiers of Walmsley's Barn and the position of the dwelling also accords with the Council's Spacing Standards which require first floor windows to be set 10m from the boundary they face onto.
27. In relation to the other properties, the next nearest one is Walmsley's Farm, again to the east and this property is sited over 30m away so the proposed dwelling will not lead to overlooking or cause a loss of outlook, loss of light or overshadowing. Also, there are no first floor windows in the gable end of the proposed dwelling facing this property and its curtilage.
28. With regards to the stables, these will be positioned more than 30m away from the nearest residential property (other than the one proposed) so the position of the stables is in accordance with guidance in the Rural Development SPD.

Traffic & Transport

29. The application proposes the formation of a new access to the site from Town Lane as at the present time, a right of access over the adjoining land provides access to the site from Town Lane. The new access would only serve the property and would be surfaced with gravel.
30. The layout also includes sufficient off road car parking space to serve the property which is at least 3 no. spaces and this accords with Policy ST4 of the emerging Chorley Local Plan.
31. Whilst LCC (Highways) did not object to the original scheme for 2 no. dwellings, the existing access was being retained. LCC (Highways) have been consulted on the amended layout and reduction to a single dwelling so the comments received will be reported in the addendum.

Ecological impacts

32. The application includes a Bat, Barn Owl and Nesting Bird Survey. This report concludes that no further surveys are required and that mitigation measures are sufficient to make the development acceptable. The mitigation measures comprise the following: -
 - Contractors on site made aware of possible presence of bats and who to contact if bats are discovered
 - Contractors made aware how to remove any bats found and to cease work if bat roosts are found
 - All coverings to be removed by hand
 - If barn owls are found nesting, all work should cease and a Natural England licence may then be needed although the probability of barn owls using the site is deemed to be very low
 - Work should not commence while any Swallow or other bird nests are still in use as birds usually finish nesting by early September.

- A check of the site for active nest sites should be made prior to work commencing if this is in the period March –September. A delay in the start of work may be required if active nest sites are located.
33. However, LCC (Ecology) have requested additional information in relation to a building adjoining the building to be demolished in the form of survey information to establish if there is any use of the building by bats, nesting birds or barn owls. The applicant has submitted further information and the comments of LCC (Ecology) are being awaited so will be reported on the addendum.
34. Notwithstanding the above, LCC (Ecology) recommend conditions if the above the concerns with the application are addressed to secure protection of trees and hedgerows during construction, appropriate outside lighting, no clearance works during 1st March to 31st August, submission of replacement House Sparrow nesting opportunities, a further precautionary Barn Owl survey and the carrying out of the development in accordance with the mitigation measures proposed in the Bat, Barn Owl and Nesting Bird Survey.

S106 and CIL

35. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. A contribution of £1754 is required, to be secured through a S106 agreement, based on the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD. Each element of the contribution is justified as follows: -

Amenity Greenspace

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

Allotments

There is no requirement to provide allotment provision on site within this development. The site is within the accessibility catchment (10 minutes' drive time) of allotments that are identified as being low quality and/or low value in the Open Space Study (sites 1647 – Chapel Lane, Coppull, 1644 – Whittam Road/Moor Road Allotments, Chorley). A contribution towards improving these sites is therefore required from this development. The amount required is £15 per dwelling. The site is also within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Land at Sylvesters Farm, Euxton (HW5.2). A contribution towards new allotment provision or improving existing provision is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

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

36. However, following updated guidance provided in the National Planning Practice Guidance on 28th November 2014 the requirement for a contribution towards the provision of Public Open Space is subject to review pending further advice from the Department of Communities and Local Government (DCLG) and the Head of Legal Services. An update will be provided to Members on the addendum.
37. With regards to CIL, the existing building has a floor area of 172m² and the proposed dwelling has a floor area of 178m² so the CIL charge is only on the additional floor space of 6m² which equates to £390. The proposed stable block is exempt from CIL.

Sustainability

38. In Heskin, there is a primary school (Heskin Pembertons Church of England Primary School) approximately 600m away from the site, a pub approximately 240m away and a post office/shop approximately 300m away. There are also bus stops approximately 320m from the site on Wood Land wherein services to Preston, Chorley and Wigan are available. The site adjoins the village of Heskin so it is not considered that the dwelling proposed would be 'isolated' hence would not be contrary to paragraph 55 of the Framework which seeks to promote sustainable development in rural areas which would enhance or maintain the vitality of rural communities.
39. The dwelling will be required to be built to meet level 4 of the Code for Sustainable Homes and if commenced after 1st January 2016, it will be required to be constructed to meet level 6. This requirement will be secured through planning conditions.

Overall Conclusion

40. The 'principle' of the proposed development is considered to be acceptable given it constitutes the re-development of a previously developed site in the Green Belt. It is also not considered that the re-development of this site will have a greater impact on the openness of the Green Belt in comparison to the existing development on site at present. It is also considered that the location of the dwelling would not be isolated so would not be contrary to paragraph 55 of the Framework, as detailed in paragraph 38 of this report.
41. The design and scale of the dwelling and the stables is considered to be acceptable and it is not considered that the development will harm the living conditions of the occupiers of the adjacent properties.
42. Adequate car parking will be provided although the final comments of LCC (Highways) are awaited as to the acceptability of the access. The same can be said of ecological impacts in that the final comments of LCC (Ecology) are awaited on the additional information submitted by the applicant. Updates on both of these issues will therefore be provided on the addendum.

Planning Policies

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

Planning History

Reference	Description	Decision	Date
08/00824/AGR	Erection of agricultural building for storage of hay and machinery	Withdrawn	37.07.2008
08/01208/FUL	Erection of a 3 bay agricultural building	Withdrawn	26.01.2009
09/00065/FUL	Erection of an agricultural storage building (amended re-submission of application no. 08/01208/FUL)	Permitted	30.03.2009
11/00069/FUL	Proposed demolition of existing stables to be replaced by new stables	Withdrawn	01.04.2011
11/00713/FUL	Erection of replacement stable building following demolition of existing stable building (Re-	Permitted	05.10.2012

	submission of application no. 11/00069/FUL).		
11/01101/CLEUD	Application for a Certificate of Lawfulness for use of existing building as livery stables	Granted	16.01.2013
12/00274/DIS	Discharge of condition no. 2 (colour, form, texture of external materials including painting) of planning permission no.09/00065/FUL	Discharged	03.04.2012

Suggested Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i></p>
2.	<p>Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
3.	<p>Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
4.	<p>Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.</p> <p><i>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</i></p>
5.	<p>Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
6.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted to and approved in writing prior to the commencement of the development. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p> <p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p><i>Reason: To ensure that a satisfactory landscaping scheme for the development is</i></p>

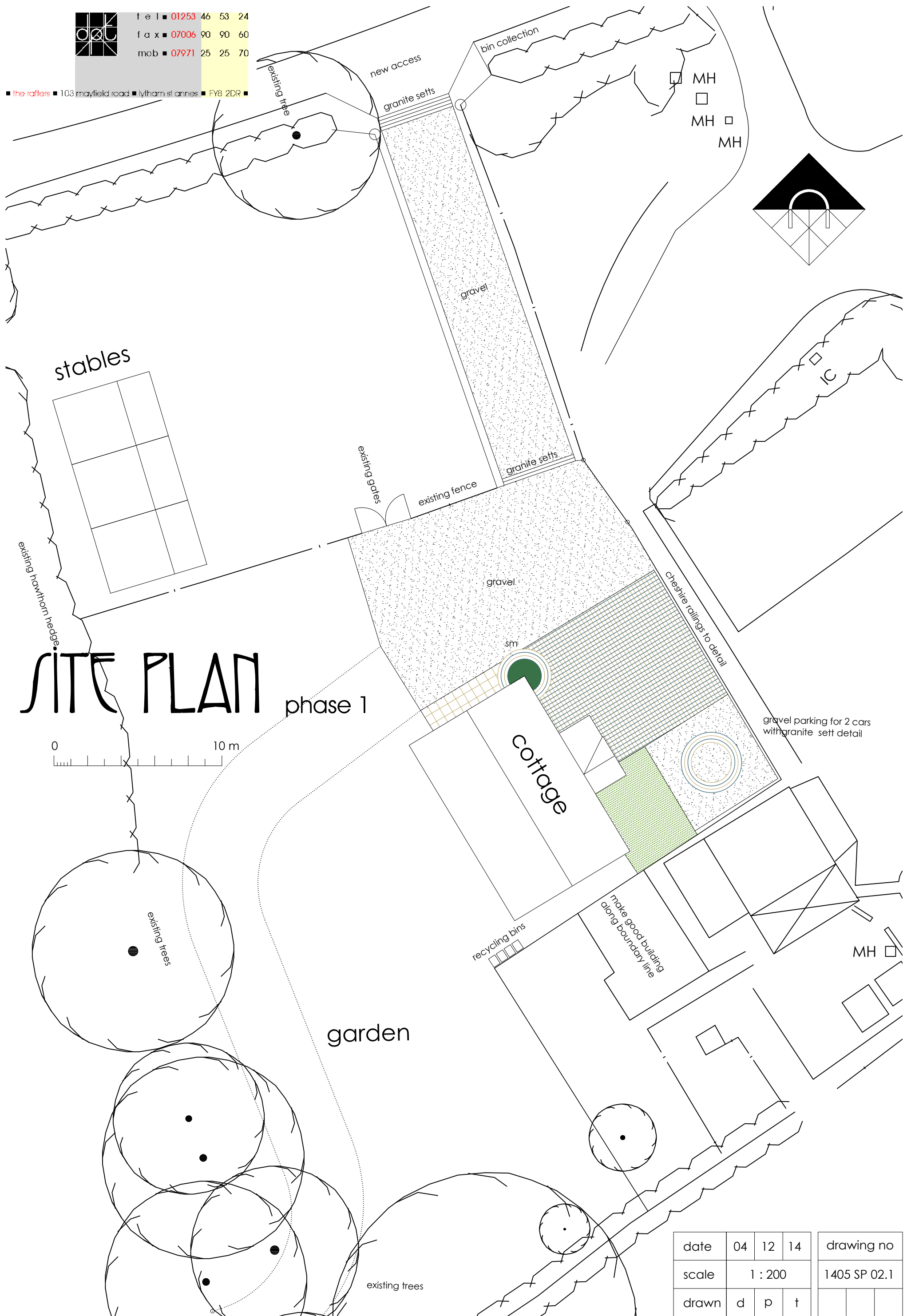
	<i>carried out to mitigate the impact of the development and secure a high quality design.</i>
7.	<p>The dwelling shall be constructed to meet Code Level 4 of the Code for Sustainable Homes and if commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of the dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for the 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>
8.	<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>
9.	<p>The stables hereby permitted shall be used for the stabling of horses and storage of associated equipment and feed only and, in particular, shall not be used for any trade, business or other storage purposes.</p> <p>Reason: To define the permission and in the interests of the visual amenities and character of the area.</p>
10.	<p>Where use of the stables for the authorised purposes ceases for a period exceeding 6 months within 10 years of their substantial completion they, and the associated midden, menage and hardstanding, shall be removed from the field and the land restored to its former condition.</p> <p><i>Reason: To avoid the proliferation of buildings in the Green Belt for which there is not a continuing need.</i></p>
11.	<p>The existing building shall be demolished and all resultant materials removed from the site before development pursuant to this permission is commenced.</p> <p><i>Reason: To safeguard the amenity of the locality.</i></p>
12.	<p>No vegetation clearance works, site preparation works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys have first been carried out by a competent ecologist which shows that nesting birds would not be affected.</p> <p><i>Reason: In the interests of safeguarding nesting birds.</i></p>
13.	<p>No works shall commence until full details of replacement nesting opportunities for House Sparrow to be installed within the re-developed site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and thereafter retained and maintained in accordance with the approved details and timescales contained therein.</p> <p><i>Reasons: In the interests of safeguarding nesting opportunities for House Sparrows on the site.</i></p>
14.	<p>The precautionary measures to ensure that impacts on bats are avoided as detailed in section 9.2.1.1 of the Bat, Barn Owl and Nesting Bird Survey at Town Lane Farm, Heskin (Envirotech NW Ltd, August 2014) shall be implemented in full during the course of the development and in accordance with the timescales specified.</p>

	<i>Reasons: To ensure the development minimises the potential impact on bats.</i>
15.	<p>A further precautionary survey for Barn Owl shall be carried out immediately prior to works commencing on site. No works shall commence until evidence has been provided to, and approved in writing by the Local Planning Authority, which demonstrates that barn owls are not nesting in any of the buildings to be affected by the development to which this approval applies immediately prior to works commencing. If Barn Owl are found or suspected to be roosting and/or nesting then no works shall commence between March and August inclusive or at any other time when Barn Owl are nesting and until details of alternative and permanent provision in accordance with relevant guidance (Barn Owls and Rural Planning Applications "What needs to happen": A guide for planners, Natural England and The Barn Owl Trust) have been submitted to and approved in writing by the Local Planning Authority. The approved provisions shall be implemented in full.</p> <p><i>Reasons: In the interests of safeguarding any barn owls which may be on the on the site.</i></p>
16.	<p>All trees and hedgerows being retained in or adjacent to the application area shall be adequately protected during construction, in accordance with BS5837: 2012 Trees in relation to design, demolition and construction-Recommendations.</p> <p><i>Reason: To safeguard trees and hedgerows during the course of development.</i></p>
17.	<p>No development approved by this permission shall be commenced until a scheme for the containment and storage of manure has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with approved plans and maintained at all times thereafter.</p> <p><i>Reason: To prevent the pollution of the water environment.</i></p>

This page is intentionally left blank

tel ■ 01253 46 53 24
 fax ■ 07006 90 90 60
 mob ■ 07971 25 25 70

■ the rafters ■ 103 mayfield road ■ lytham st annes ■ FY8 2DR ■



SITE PLAN

phase 1



date	04	12	14	drawing no
scale	1 : 200			1405 SP 02.1
drawn	d	p	t	

This page is intentionally left blank

14/00849/FUL

Case Officer Caron Taylor
Ward Clayton-le-Woods And Whittle-le-Woods
Proposal Erection of 8 no. detached houses with garages and associated infrastructure
Location Land On Bank Of Quarry Hill
 Hill Top Lane
 Whittle-Le-Woods
Applicant Fellows Homes Ltd
Consultation expiry: 5th December 2014
Decision due by: 22nd December 2014

Recommendation

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

Representations

Whittle-le-Woods Parish Council
 Strongly object to the application.

It is acknowledged that this land is included in the Local Plan for development, however, since the Local Plan has progressed forward, permission for 85 houses in Little Quarries, Hill Top Lane, not in the Local Plan, has been granted (12/01134/OUT/MAJ). Indeed, the quarry land was rejected for inclusion in the Local Plan as a development area.

Chorley Old Road is now virtually a single track carriageway due to resident parking (they have nowhere else to park). Exiting from Hill Top Lane is a dangerous operation.

It is well known that the traffic congestion along Chorley Old Road and at its junction with Hill Top Lane is a constant bone of contention with all residents who travel in this area. Any increase in traffic will drastically exacerbate this problem.

Also the proposed site is in an elevated situation being much higher than Hill Top Lane. Any development would dominate the area and severely overlook existing properties. The land needs to be lowered to the same level as Hill Top Lane before any development takes place.

This application would have been acceptable traffic-wise had the 85 houses not been approved.

Nine representations have been received to the initial notification of the plans which are summarised below:

Objection	Support
Total No. received: 7	Total No. received: 2
<ul style="list-style-type: none"> • Access to Hill Top Lane is already a serious issue. There are no parking restrictions at the junction of Hilltop Lane with Chorley Old Road, and vans/cars are often parked on both sides of the junction, and both sides of the road. Access to Chorley Old Road is already problematic as you can't 	<ul style="list-style-type: none"> • This development is good use of land that was at least 150 years ago a small working quarry; • It has been allocated in the local plan as suitable for housing, thereby meeting all the requirements for sustainability in transport, schools, doctors, etc;

<p>see over the roof lines of other cars to pull out. The addition of extra houses, will exacerbate what is already a dangerous situation;</p> <ul style="list-style-type: none"> • The new access road is too close to the existing access that serves the rear of the properties on Chorley Old Road; • The access road to the rear of Chorley Old Road is affected. They have to reverse out of it and it is a blind spot which will be made worse; • The road will be going across private land; • What precautions are being taken to protect children from the new proposed development falling into the quarry?; • Although this land is earmarked for development in the Local Plan, it was not envisaged at its inception that there would be another 85 houses to contend with. The application for houses on this elevated site means that they would dominate the area and drastically change the street scene; • The land needs to be lowered to the level of Hill Top Lane. It would be better for bungalows, better still sheltered accommodation, which would have less of an impact on the traffic and on the street scene; • Object to the removal of protected trees, this should not be overruled. If it is approved then mature trees should replace them; • Planting of silver birch proves no substitution for the existing trees; • To gain the required sight lines it is only requires to remove two sycamores which would make the proposal more acceptable; • The houses are too close to the road and will be very obtrusive to neighbouring properties. The three properties proposed on the land edge will dominate the skyline and will cause loss of light and overlooking to properties on Hill Top Lane; • The height of the land will cause overlooking to the rear of the properties on Chorley Lane; • Consideration of using localised stone should be considered so they fit in with local properties. Stone walling should also be considered; • What controls will therefore be to control traffic on the lane, restrict parking etc?; 	<ul style="list-style-type: none"> • The development is well planned by a local architect so as not to overlook anybody in the vicinity. It's also planned to be built by a local building firm; • The development will greatly improve the area, creating a corridor to the future 80 plus houses planned for further up Hill Top Lane. Whittle-Le-Woods is still a lovely village; • With the upturn of the economy it is situated in a commuter area to Preston, Chorley, Manchester and will encourage families to move into this area and thereby boost the local economy; • The proposal will create more homes for families in the area to move to; • It is not going to be a massive estate and will not therefore increase the volume of traffic that much on Hill Top Lane; • It will improve the village and may help local businesses.
---	--

<ul style="list-style-type: none"> Residents of Chorley Old Road have concerns regarding access to the road; Where will the properties on Chorley Old Road place their bins on collection day as the current pick-up point is where the access road will be situated? 	
<p>Following re-consultation on amended plans the following representations have been received:</p>	
<p>Total No. received: 5</p>	
<p>Objection</p>	
<ul style="list-style-type: none"> The distance still does not stop the imposing height of the houses to the properties on Hill Top Lane. Bungalows should be considered; The tree removal is still unacceptable; The proposed tree planting on steep banking is impractical; They re-iterate the highway issues raised above; The quarry should be infilled before any future developments on Hill Top Lane takes place; The proposal seems to include part of their garden; They were hoping for a pavement on both sides of Hill Top Lane which they understand would have happened if the exit was further up Hill Top Lane; They are concerned that bins will be left in the bin collection area all week and will be unsightly and could attract vermin. 	

Consultees

Consultee	Summary of Comments received
United Utilities	State they are happy with the drainage layout proposals in principle but suggest a condition requiring the discharge rates to the public sewer to be agreed in writing with the local planning authority, prior to commencement.
Planning Policy Team on Public Open Space	There is a requirement for a financial contribution towards amenity greenspace, natural/semi-natural greenspace, allotments and playing pitches from this site totalling £18,488 based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the Open Space and Playing Pitch Supplementary Planning Document.
Council's Tree Officer	There is a group of trees adjacent the access road located to the north west of the site adjacent Hill Top Lane consisting mainly of semi mature and early mature sycamore, ash and silver birch. This group is subject to a Tree Preservation Order. The trees have some visual amenity, forming a screen and natural boundary to the site. Individually the trees are of low quality with limited merit, but have a greater collective landscape value.
Council's Contaminated Land Officer	Request a condition in relation to site investigation.
Lancashire County Council Highways	<p>The proposed plan shows that the access will be 5.5m wide with 6.0m corner radii. This should be sufficient to ensure smooth transition to and from Hill Top Lane.</p> <p>Visibility splay of 2.4m x 60m was to be provided in the easterly direction of the access. This seems more than the 2.4m x 43m splay required, however, no harm will be caused when a longer horizontal distance is provided. The proposed visibility splay is</p>

	<p>therefore acceptable.</p> <p>Amended plans have been received showing a reduction in the width of the road further into the site to 4.8m with a footpath along one side. They consider this acceptable.</p> <p>Double integral garages are proposed for Plots 3, 5, 7 and 8, while Plots 1, 2, 4 and 6 are to be provided with double detached garages. The integral garages are to be provided to the recommended size of 6.0m x 6.0m, however, a sub-standard size of 5.5m x 5.4m is proposed for the detached garages. The applicant should consider whether this size is adequate to freely allow the garage to be accessed and egressed and safely allow car doors to be opened while at the same time providing storage for such items as bicycles.</p> <p>Each plot is proposed to be developed into a 4-bedroomed house, except Plot 1 which would have 6-bedrooms. From the above; and given the available spaces within each plot, they have no doubt that the parking provision can be attained for each property.</p> <p>It is a core strategic objective of Chorley Council to promote more sustainable modes of transport. The only highway improvement considered essential for this development is an improvement to the existing bus stop near the junction of Chorley Old Road and Hill Top Lane (outside no. 127 Chorley Old Road). As a guide, the cost of improvement to this bus stop to quality standard with shelter, raised kerbs, clearways (if necessary) etc. is estimated to be in the region of £12,000 which would be secured through a Section 106 agreement.</p> <p>Overall, they have no highway objections to the proposal. They suggest planning conditions that should be attached to any approval.</p>
<p>Council's Conservation Officer</p>	<p>The application site is relatively close to a listed building, the tunnel portals to the former Leeds and Liverpool Canal which are defined as a designated heritage asset by Annex 2 to the Framework (National Planning Policy Framework), and to a number of locally important buildings, namely a row of cottages at 122 – 138 Chorley Old Road which are defined as heritage assets by Annex 2 to the Framework.</p> <p>In this case such is the unusual topography of the site and the surrounding area that the designated heritage asset will be invisible and the heritage assets will be virtually invisible from the site. That being the case they consider that the significance of both sets of assets will be sustained as a result of the proposed development. They therefore consider that the proposed development is in accordance with the policies and is consequently it is acceptable.</p>
<p>Police Architectural Liaison Officer</p>	<p>Crime levels in this location are low; however the quarry is a concern as youths are drawn to the area. In recent times the lake within the base of the quarry has claimed the life of a young man. It is on that basis that consideration should be given to the boundary treatments being robust and fit for purpose. As for the remainder of the proposed design of the development they have no observations to make that would assist planners.</p>

AssessmentPrinciple of the development

1. In the existing adopted Local Plan (2003) the site is designated as Safeguarded Land, however, the Inspector has issued a partial report on the findings into the soundness of the emerging Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. The emerging plan has been found to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers.
2. The Council accepted the Inspector's modification for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to the Inspector's report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
3. The site is part of a wider proposed housing allocation in the emerging Local Plan under Policy HS1.44, so housing development on the site is acceptable in principle.
4. In terms of phasing Policy HS2 of the emerging Local Plan sets out an indicative phasing schedule and this allocation is scheduled for the second phase 2016 – 2021. However, as set out in the pre-ambule to the policy it is not the intention that the indicative phasing will be used to prevent development coming forward at an earlier phase than indicated, but in delivering a flexible and responsive supply of housing land, it will be necessary to consider the impact on infrastructure.

Affordable housing and viability

5. Policy 7 of the adopted Core Strategy requires affordable housing to be provided on sites of 15 or more dwellings or 0.5 hectares in size at a level of 30%.
6. The planning statement accompanying the application states that affordable housing is not proposed on this site as the site area falls below the threshold set out by local policy. The site is 0.49 hectares and proposes 8 dwellings and therefore on its own is below the threshold for affordable housing, although it is accepted that the site is part of a wider housing allocation.
7. The total allocation is 0.9 hectares in size and is envisaged to provide 22 dwellings under policy HS1. The current application site covers approximately 0.49 hectares of the whole allocation and proposes 8 dwellings resulting in a density of development of 16.3 dwellings per hectare. To fit a total of 22 dwellings on the whole allocation as set out in Policy HS1 would require 14 dwellings to be built on the remaining part of the site. This would result in a development density of 34.1 dwellings per hectare. This is not considered realistic for the other part of the site. If the other part of the site was built out at the same density as the current application it would lead to 7 dwellings on the rest of the site (15 dwellings on the whole allocation).
8. As stated above the whole allocation is 0.9 hectares in size, however the topography of the site means that not all the area is developable and this is the reason for the lower density proposed on the site. A topographical plan has been provided for the whole site. The area not forming part of this application but part of the wider allocation is an area of steep banking to the rear of the properties on Chorley Old Road. There is approximately a 9m level difference from the bottom to the top of the banking rising upwards away from the rear of the properties on Chorley Old Road. Given its topography it is not considered that more than 7 dwellings could be developed on this land and it is unknown whether this area of land could actually be developed at all so that it has an acceptable relationship with the neighbouring properties on Chorley Old Road. It is therefore considered unreasonable to require affordable housing provision on this part of the site when it may be that the wider area cannot be developed and therefore the site area of development would be 0.49 hectares, lower than the 0.5hectare threshold for requiring affordable housing.

9. Notwithstanding this a viability assessment has been submitted with the application in relation to public open space payments that would normally be required by policy and a request for money towards the upgrading of a bus stop by LCC Highways. This has been considered by the Council's surveyors and they advise that the development costs are high for the site [due to earthworks] along with abnormal costs for foundations. They advise the selling prices appear a little cautious but advise this is justified in the current market. The margin between selling prices and development costs is relatively small when fees, marketing, land value and profit are taken into account and a slight variation of increased costs may impact negatively on the viability. The profit is less than usual market standards. They conclude that there is not enough room for further funds between the selling process and the overall construction costs without reducing the profit further, to ask for the public open space payments or the sum for the bus shelter works. They also confirm there would therefore be no funds for affordable housing if it was considered there was justification for it on site.

Density

10. Policy 5 of the Core Strategy states that the authority will secure densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land.
11. Given the site restraints 16.3 dwellings per hectare is considered an acceptable density. It is considered a denser scheme would look unacceptable in relation to Hill Top Lane as the site is prominent in the streetscene. The section of Hill Top Lane adjacent to the site has the characteristics of a country lane and as the houses would be higher than the road it is not considered a denser scheme would be unacceptable on visual grounds.

Levels

12. The site is elevated above Hill Top Lane with the majority of the site on a plateau above the road. There is a rock outcrop in the northeast corner of the site, with two existing access points, one in the northwest corner of the site adjacent to an access track to the rear of the properties on Chorley Old Road and a second access point onto the site is found on the north boundary near to the rock outcrop in the northeast corner which has a ramped track from road level onto the plateau of the site. The land drops away almost vertically into the quarry immediately to the east.
13. The proposal would result in changes to levels on the site. The existing plateau above Hill Top Lane would remain but to the east the rock outcrop would be removed to lower the levels.
14. Near the centre of the site on the northern boundary and further south, closer to Chorley Old Road the banking against Hill Top Lane would be re-profiled so it is not as steep as at present and retained by the new low stone retaining wall.
15. Within the site the ground will be re-profiled to form a flatter development platform and to form the new access road serving the properties.

Impact on the neighbours

16. The existing properties on Chorley Old Road and Hill Top Lane will be affected by the proposal.
17. Hillside Cottage (1 Naylor's Fold) and The Bungalow (2 Naylor's Fold) are opposite the application site on Hill Top Lane but are lower than Hill Top Lane. There are two garages adjacent to The Bungalow with parking in front of them that are a similar level to the road. The properties themselves are at a lower level than Hill Top Lane and therefore at a significantly lower level than the application site and the proposed properties.
18. There are three proposed properties on the north boundary of the site, side on to Hill Top Lane. The proposed properties on plots 7 and 8 would have their side elevations facing towards 1 and 2 Naylor's Fold. There would be two small windows in the side elevations

of each of these properties serving either a WC or a utility room. It is not therefore considered that they would cause overlooking towards Naylor's Fold as obscure glazing in these windows can be controlled by a condition. The property on Plot 1 in the northeast corner of the site would also be side on to Hill Top Lane but its side elevation would not face onto the existing properties as it is further away. The main windows in all these properties would face east and west rather than north towards Naylor's Fold.

19. The properties on plots 2-5 would back onto the quarry or the land to the south. Each of these properties would have at least 10m between their first floor windows and the boundary of their rear gardens in line with the guidance to so as not to prevent future development on the adjacent land. The rear windows of the property on plot 6 would face towards the side boundary of plot 5 at a distance of approximately 10.8m which is in excess of the 10m guideline. These relationships are considered acceptable.
20. The rear elevations of the properties to the west on Chorley Old Road face towards the site. Two properties on plots 6 and 7 will face towards them. There will be approximately 24m from the front elevation of the property on plot 7 and the rear garden boundary of the properties on Chorley Old Road and approximately 34m between the front windows of the property on plot 6 and the boundary. Although at a higher level due to the distance between them this relationship is considered acceptable.

Design and layout

21. The proposed properties are all detached two storey houses, except the property proposed on plot 1 which has small dormers in its front elevation making use of room in the roof. They are set around the access road which terminates in a turning head adjacent to plot 1. The properties have front gables, some with bay windows and all have chimneys.
22. At the request of the case officer the properties on plots 7 and 8 adjacent to Hill Top Lane are to have a finish of reconstituted stone gable ends facing Hill Top Lane with render front and rear elevations. The retaining wall to Hill Top Lane is to be a stone wall. These materials are considered more appropriate for these properties as they will be highly visible from Hill Top Lane and a stone/reconstituted stone finish is considered more appropriate to the rural nature of the lane. The property on plot 1 also side on to Hill Top Lane is proposed as red facing brick, rather than stone. This has been raised with the agent and this matter will be updated on the addendum.
23. The properties within the site would be less visible in the streetscene and it is considered a suitable palette of materials could be agreed by a condition.

Open Space

24. The Council's Planning Policy team advise there is a requirement for a financial contribution towards public open space in the form of amenity greenspace, natural/semi-natural greenspace, allotments and playing pitches from this site totalling £18,488 based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the Open Space and Playing Pitch Supplementary Planning Document. This would be normally secured through a Section 106 agreement.
25. The Government made changes to the National Planning Practice Guide on Planning Obligations on 28th November in relation to obligations on small sites. Notwithstanding this however, as discussed and accepted above it has been established through a viability appraisal that the scheme would not be viable with the public open space payment [or other payments] and therefore this is not requested for the scheme.

Traffic and transport

26. There are currently two access points to the site, one in the northwest corner and one further along Hill Top Lane. It is considered essential to provide pedestrian access into the site via a footway as well as a vehicular access. There is no pavement alongside the site at present on Hill Top Lane and due to the level differences it is difficult to create one of the necessary width. Therefore the access in the northwest corner is to be retained and

upgraded where the existing footpath leading from Chorley Old Road and Hill Top Lane can be continued into the site. The original plans showed a 2.4m x 60m visibility splay to be provided in the easterly direction from the upgraded access point. LCC Highways advised this was greater than required and only 2.4m x 43m is needed. It was therefore reduced to the 2.4m x 43m. This allows more of the existing verge along Hill Top Lane to be retained and is considered favourably. The second existing access to the site will be closed.

27. Following the discussions with LCC Highways after their comments were received, the Highways Engineer has advised that a 4.8m wide carriageway within the site is acceptable provided that a 5.5m width is maintained for at least 10m back from the entrance to the site. An amended plan has been received showing 5.5m maintained for approximately 30m, in excess of what is required by LCC and then reduces to 4.8m with a footway on one side. This has allowed plots 7 and 8 to be pulled away from Hill Top Lane slightly. Access gates into the proposed cul-de-sac are proposed. LCC Highways find these acceptable as there is room for two cars to pull clear of Hill Top Lane in front of the gates even though they open outwards (which is necessary due to the incline of the access road into the site). The gates have also been discussed with the Council's waste collection team who advise that gates are acceptable provided refuse vehicles can gain access to the site without needing a key or code for it. The agent advises the gates will be electric sensor activated and will therefore allow access.
28. In accordance with the parking standards set out in policy ST4 of the emerging Local Plan 2012-2026 the properties require at least three off road parking spaces each. All of the proposed properties benefit from this. The comments of LCC Highways regarding the size of the double garages are noted, however only plot 3 relies on one half of a double integral garage to meet the parking standard and this can be controlled by a condition. The parking is therefore considered acceptable.
29. Access is maintained to the access track to the rear of the properties fronting Chorley Old Road via a dropped kerb off the new access road.
30. Comments have been made regarding collection of the bins of the properties on Chorley Old Road. Residents bring their bins down the access track to the rear of their properties and currently leave them at the existing access to the site off Hill Top Lane. This situation will remain but the bins will be brought to the dropped kerb off the new access road into the site. To facilitate this and prevent an overflow of bins blocking the access road a small area in front of plot 7 has been created for bins to be placed on collection day.
31. The comments of one of the neighbours are noted regarding backing out of the access track to the rear of the Chorley Old Road properties onto Hill Top Lane. It is considered that the proposal will improve this situation as the junction with Hill Top Lane will have the required visibility splays unlike at present.
32. An outline application for up to 85 dwellings 12/01134/OUTMAJ was permitted in 2013 on the Little Quarry site on Hill Top Lane. However, it is not considered that eight additional dwellings on this site would cumulatively result in the impacts of development being severe and therefore unacceptable in accordance with the National Planning Policy Framework.

Trees and landscape

33. A Tree Preservation Order (TPO) was placed on the trees in the northwest corner of the site in 1997 following concern they may be felled. Eight trees are covered by the TPO, six sycamores, one ash and one silver birch. They are self-sown trees growing on the banking and most are multi-stemmed. Ten trees are shown to be removed on the plan to ensure sufficient visibility from the access point, two of which are not protected.
34. A tree survey accompanies the application carried out in accordance with the British Standard 5837:2012 Trees in relation to design, demolition and construction–

Recommendations. This shows the ten trees on the site (including those protected by the Tree Preservation Order) all to be Category C. Category C relates to trees that are low quality and value.

35. Policy BNE10 of the emerging Local Plan covers trees and states that proposal that would result in the loss of trees, woodland areas of hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows.
36. In this case the Council's Tree Officer has assessed the trees and agrees with the survey that they are poor specimens individually. He does however state that collectively they have landscape amenity value.
37. If an alternative access further along Hill Top Lane away from Chorley Old Road could have been achieved, it may have been possible to retain some or all of the trees, however it is considered essential to ensure there is a footway from the junction with Chorley Lane into the site therefore providing safe access for pedestrians not just vehicles. This is not achievable further down the road due to the steep banking against Hill Top Lane on the site. Having the access to the site in the northwest corner allows a footway into the development with the second existing access further along Hill Top Lane being closed off as part of the proposals.
38. The original plans showed a 2.4m x 60m visibility splay to be provided in the easterly direction. As stated previously LCC Highways advised this was greater than required and only 2.4m x 43m was required. This was therefore reduced to the 2.4m x 43m to see if this allowed any existing trees to be retained on the north boundary, but unfortunately it did not.
39. The site is an allocated site in the emerging Local Plan 2012-2026 so contributes to the borough's housing land supply. Although the loss of the protected trees is regrettable it is considered essential to secure safe pedestrian access into the site. The value of the trees is considered to be the collective view of them in the street scene - their group landscape value. Although new planting could never replace what is there at present it is considered that the loss could be mitigated to some degree on the site. A landscaping scheme has been proposed showing heavy standard planting to be incorporated into the site. Although it is accepted these won't provide the same level of screening of the site as at present (as the trees must be of a suitable species to prevent problems in the future to the proposed properties) it is considered they will soften the edge of the development to some degree. A native hedge is also proposed behind the new stone wall that will front Hill Top Lane. A plan showing the proposed landscaping has been provided and its implementation can be controlled by a condition.

Ecology

40. An ecological report accompanies the application. It notes there are invasive plant species on the site; there should be consideration of habitat value for foraging bats; and it also recommends avoidance measure for great crested newts/other amphibians and breeding birds. The report recommends essential avoidance measures during the development to ensure compliance with wildlife legislation. Subject to conditions securing this the application is considered acceptable in this respect.

Flood risk and drainage

41. The site is not within Flood Zone 2 or 3 as identified by the Environment Agency and is not over 1 hectare in size (0.49ha) and therefore a Flood Risk Assessment is not required.
42. In terms of drainage United Utilities state they are happy with the drainage layout proposals in principle but suggest a condition requiring the discharge rates to the public sewer to be agreed in writing with the local planning authority, prior to commencement.

This can be controlled by a condition. Subject to this the application is considered acceptable.

Contamination and Coal Mines

43. The application site is within a Low Risk Area as identified by the Coal Authority. This requires an informative note to be placed on any permission.
44. Given the history of the site and that the end use is residential a condition is proposed regarding investigation of the site.
45. Subject to an informative note and a condition the application is considered acceptable in this respect.

Listed /locally important buildings

46. The tunnel portals to the former Leeds and Liverpool Canal are to the northeast of the site, which are Grade II listed. Given the distance from the site and the bend in Hill Top Land beyond the application site it is not considered the proposal would have an unacceptable impact on them.
47. Numbers 122-138 Chorley Old Road are not listed but are on the council's list of locally important buildings. These properties will be at a lower level than the proposed properties and it is considered the new development would not have a detrimental impact on their setting.

Other issues

48. Immediately to the east of the site is Whittle Hill Quarries which is filled with water. The land drops away almost vertically just beyond the east boundary of the site. A solid 1.8m high timber screen fence is proposed on the rear boundary of the properties. This should make the rear gardens secure in light of the comments from the Policy Architectural Liaison Officer.
49. Amended plans have been received altering the red edge so it does not include a small area of garden of one of the properties on Chorley Old Road, an issue raised by a resident.

Community Infrastructure Levy

50. The scheme will be liable for the Community Infrastructure Levy (CIL) at £65 per square meter. Eight dwellings are proposed on the site, however one (plot 1) is intended as a self-build by the land owner and an exemption has therefore been applied for, for this property.
51. The agent advises that the market housing (not including the self-build) have a floor area of 1,773.79. Based on this the CIL liability would be £115,296.35.

Overall Conclusion

52. The application is recommended for approval subject to conditions.

Planning Policies

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

Planning History

There is no recent planning history on this site relevant to the application.

Suggested Conditions

No.	Condition																														
1.	<p>The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>																														
2.	<p>Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details. <i>Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</i></p>																														
3.	<p>The development hereby permitted shall only be carried out in conformity with the proposed finished floor levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced. <i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>																														
4.	<p>The drainage for the site shall be carried out in accordance with the drainage layout (drawing ref: B12848 D1) and associated details submitted with the application, however no development shall take place until the discharge rate to the public sewer has been agreed in writing by the Local Planning Authority. The development shall then only be carried out in accordance with the agreed discharge rate. <i>Reason: To ensure a satisfactory drainage scheme for the site.</i></p>																														
5.	<p>The dwellings hereby permitted shall achieve Level 4 of the Code for Sustainable Homes if commenced after 1 January 2013 and Level 6 if commenced after 1 January 2016. Within six months of completion a Final Code Certificate shall be submitted to the Local Planning Authority showing it has met the relevant Code Level. <i>Reason: In the interests of minimising the environmental impact of the development.</i></p>																														
6.	<p>The development shall be limited to no more than 32 new properties and shall be carried out in accordance with the following plans:</p> <table border="1" data-bbox="320 1485 1289 2016"> <thead> <tr> <th data-bbox="327 1485 639 1516">Title</th> <th data-bbox="639 1485 963 1516">Drawing Reference</th> <th data-bbox="963 1485 1283 1516">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="327 1516 639 1547">Location Plan</td> <td data-bbox="639 1516 963 1547"></td> <td data-bbox="963 1516 1283 1547"></td> </tr> <tr> <td data-bbox="327 1547 639 1579">Proposed Site Layout</td> <td data-bbox="639 1547 963 1579">11/093/P11 Rev C</td> <td data-bbox="963 1547 1283 1579">20th November 2014</td> </tr> <tr> <td data-bbox="327 1579 639 1641">House Type D – 6H2784 – Plot 1</td> <td data-bbox="639 1579 963 1641">11/093/P05 Rev C</td> <td data-bbox="963 1579 1283 1641"></td> </tr> <tr> <td data-bbox="327 1641 639 1704">House Type A – 4H1982 – Plot 2</td> <td data-bbox="639 1641 963 1704">11/093/P02 Rev C</td> <td data-bbox="963 1641 1283 1704">31st July 2014</td> </tr> <tr> <td data-bbox="327 1704 639 1767">House Type B – 4H1882 – Plot 5</td> <td data-bbox="639 1704 963 1767">11/093/PR03 Rev B</td> <td data-bbox="963 1704 1283 1767">31st July 2014</td> </tr> <tr> <td data-bbox="327 1767 639 1830">House Type A – 4H1982 – Plot 6</td> <td data-bbox="639 1767 963 1830">11/093/PR02 Rev C</td> <td data-bbox="963 1767 1283 1830">31st July 2014</td> </tr> <tr> <td data-bbox="327 1830 639 1892">House Type F – 4H2023 – Plot 3</td> <td data-bbox="639 1830 963 1892">11/093/P09 Rev A</td> <td data-bbox="963 1830 1283 1892">8th December 2014</td> </tr> <tr> <td data-bbox="327 1892 639 1986">House Type B – 4H1882 – Plots 7 & Plot 8</td> <td data-bbox="639 1892 963 1986">11/093/PS03 Rev C</td> <td data-bbox="963 1892 1283 1986">20th November 2014</td> </tr> <tr> <td data-bbox="327 1986 639 2016">House Type E – Plot 4</td> <td data-bbox="639 1986 963 2016">11/093/P06 Rev D</td> <td data-bbox="963 1986 1283 2016">20th November 2014</td> </tr> </tbody> </table>	Title	Drawing Reference	Received date	Location Plan			Proposed Site Layout	11/093/P11 Rev C	20 th November 2014	House Type D – 6H2784 – Plot 1	11/093/P05 Rev C		House Type A – 4H1982 – Plot 2	11/093/P02 Rev C	31 st July 2014	House Type B – 4H1882 – Plot 5	11/093/PR03 Rev B	31 st July 2014	House Type A – 4H1982 – Plot 6	11/093/PR02 Rev C	31 st July 2014	House Type F – 4H2023 – Plot 3	11/093/P09 Rev A	8 th December 2014	House Type B – 4H1882 – Plots 7 & Plot 8	11/093/PS03 Rev C	20 th November 2014	House Type E – Plot 4	11/093/P06 Rev D	20 th November 2014
Title	Drawing Reference	Received date																													
Location Plan																															
Proposed Site Layout	11/093/P11 Rev C	20 th November 2014																													
House Type D – 6H2784 – Plot 1	11/093/P05 Rev C																														
House Type A – 4H1982 – Plot 2	11/093/P02 Rev C	31 st July 2014																													
House Type B – 4H1882 – Plot 5	11/093/PR03 Rev B	31 st July 2014																													
House Type A – 4H1982 – Plot 6	11/093/PR02 Rev C	31 st July 2014																													
House Type F – 4H2023 – Plot 3	11/093/P09 Rev A	8 th December 2014																													
House Type B – 4H1882 – Plots 7 & Plot 8	11/093/PS03 Rev C	20 th November 2014																													
House Type E – Plot 4	11/093/P06 Rev D	20 th November 2014																													

	- 4H1893		
	Landscape Proposal	4510.02 Rev C	20 th November 2014
	Proposed Site Sections	11/093/P12 Rev A	20 th November 2014
	External Works Details 1800mm Brickwork Screen Wall	11/093/EW01	31 st July 2014
	External Works Details 1800mm Timber Screen Fence	11/093/EW02	31 st July 2014
	External Works Details 1800mm High Party Fence	11/093/EW03	31 st July 2014
	1800mm High Gate	11/093/EW04	31 st July 2014
	Drainage Layout	B12848 D1	31 st July 2014
	Double Garage to Plot 1	11/093/G01 Rev A	31 st July 2014
	Double Garage	11/093/G02	31 st July 2014
	Proposed Gated Access	11/093/P15	8 th December 2014

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

7. Before the development hereby permitted is first commenced details/samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.
Reason: To ensure that the materials used are visually appropriate to the locality.

8. Before the development hereby permitted is first commenced, 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.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.

9. Due to past processes and activities at the above site, there is a potential for ground contamination. Due to the large scale of development and sensitive end-use (housing with gardens), no development shall take place until:

- a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
- b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

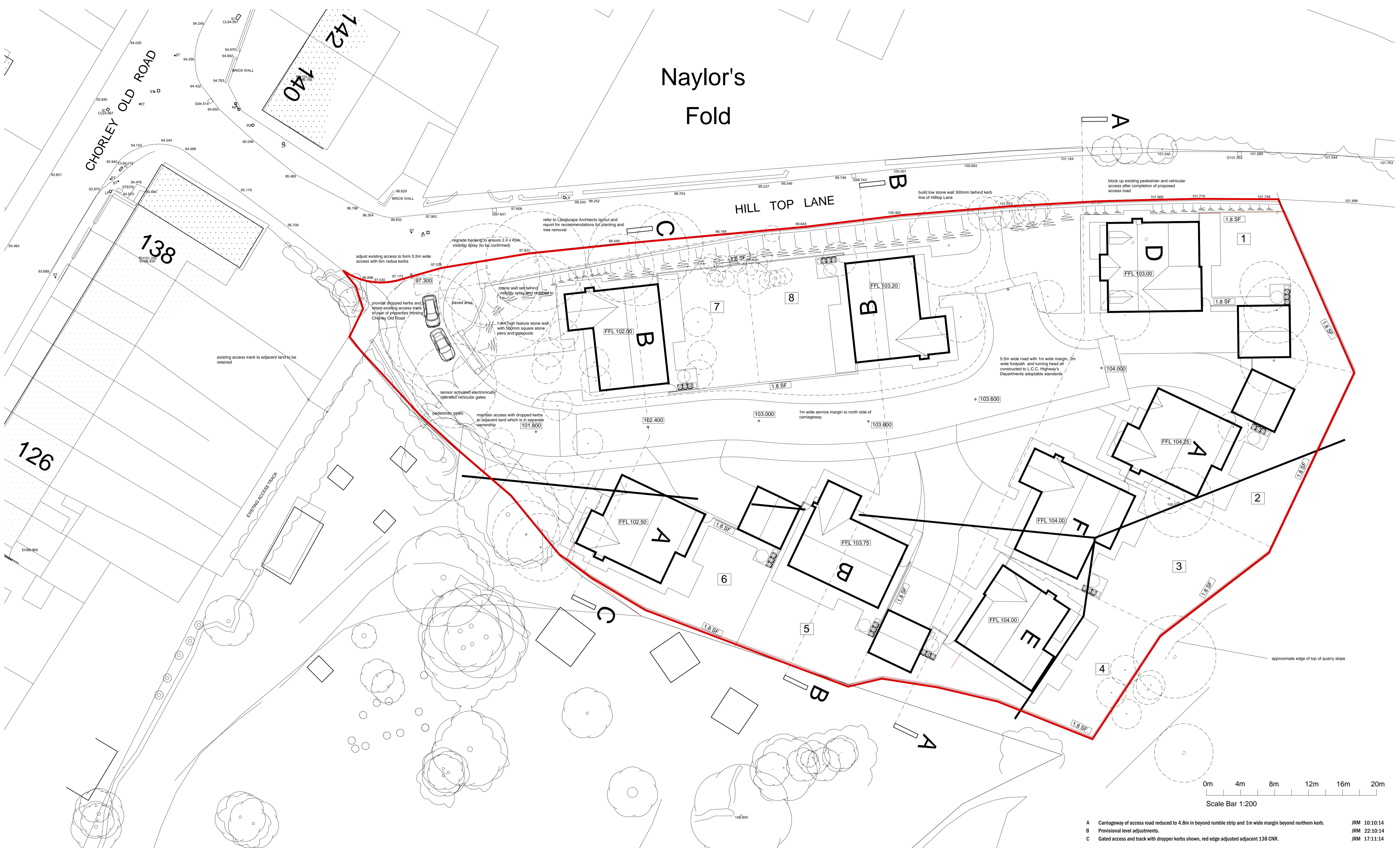
Thereafter, the development shall only be carried out in full accordance with the

	<p>approved remediation proposals.</p> <p>Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure the site is safety developed.</i></p>
10.	<p>During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.</p> <p><i>Reason: To safeguard the trees to be retained.</i></p>
11.	<p>No part of the development hereby approved shall be occupied until the approved access has been constructed and completed in accordance with the scheme details.</p> <p><i>Reason: To ensure a satisfactory access for the development.</i></p>
12.	<p>Prior to commencement of the development, a construction management plan shall be submitted to and approved in writing by the local planning authority. The plan to include method and details of construction including vehicle routing to the site, construction and contractor's traffic parking (to prevent parking or waiting on the public highway) and specify construction hours and days. The approved construction plan to be implemented and adhered to during the construction of the development.</p> <p><i>Reason: To maintain the operation of local streets and through routes in the area during construction, particularly during peak periods and safeguard the amenities of local residents.</i></p>
13.	<p>For the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.</p> <p><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>
14.	<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>
15.	<p>The development shall be carried out in accordance with the Carbon Dioxide Emission Reduction as set out at paragraph 6 of the Sustainability Statement Prepared by Proport Eco Services submitted with the application.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>
16.	<p>Prior to the occupation of any of the dwellings hereby approved details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.</p> <p><i>Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety.</i></p>

17.	<p>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>
18.	<p>The electronic gates shown on the approved plans for vehicles shall be sensor activated electronically operated.</p> <p><i>Reason: To ensure service vehicles can access the site without the need for access codes or keys.</i></p>
19.	<p>The paved area to the front of plot 7 at the junction of the access into the site and Hill Top Lane shall be provided for bin storage on collection day prior to the occupation of the dwellings and shall be left free for such use in perpetuity.</p> <p><i>Reason: To ensure there is sufficient storage for bins on waste collection days.</i></p>
20.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shown of drawing ref: 4510.02 Rev C 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>
21.	<p>The existing second access to the site off Hill Top Lane (situated what will be between plots 1 and 8) shall be closed to vehicular and pedestrian traffic prior to the occupation of any of the dwellings hereby permitted.</p> <p><i>Reason: The use of this access point would not be acceptable in highway safety terms to serve the development.</i></p>
22.	<p>A single integral garage measuring at least 3m x 6m internally shall be retained on Plot 3 and left available for car parking unless the property would benefit from three off road parking spaces.</p> <p><i>Reason: To ensure that the property has sufficient off road parking spaces for the number of bedrooms it benefits from.</i></p>
23.	<p>When the access road into the site is implemented a dropped kerb shall be created at the junction with the access track to the rear of the properties on Chorley Old Road to allow vehicular access to the rear of these properties and shall be retained at all times thereafter.</p> <p><i>Reason: To ensure there is vehicular access to the rear of the properties on Chorley Old Road.</i></p>
24.	<p>All windows in the north elevations of the properties on plots 7 and 8 hereby permitted shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.</p> <p><i>Reason: Due to the difference in levels with the properties on the other side of Hill Top Lane, in the interests of the privacy of occupiers of these properties.</i></p>
25.	<p>The development shall only be carried out in accordance with the Essential Avoidance Measures set out at paragraph 4.2.2 of the Ecological Survey and Assessment of the Ribble Ecology Report ref: RB-13-141 submitted with the application.</p> <p><i>Reason: To ensure the proposal is acceptable in relation to wildlife.</i></p>

26.	<p>The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995).</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site.</i></p>
27.	<p>No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the phasing of the road serving the site and the standard that it will be completed to.</p> <p><i>Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.</i></p>
28.	<p>No dwelling or dwellings shall be occupied until the access road affording access to those dwelling(s) has been completed in accordance with the Lancashire County Council Specification for Construction of Estate Roads.</p> <p><i>Reasons: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</i></p>
29.	<p>No development shall be commenced until full engineering, drainage, street lighting and constructional details of any streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.</p> <p><i>Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</i></p>

Naylor's Fold



- KEY:**
- 1.8 BW 1.8m high brickwork screen wall. Dwg.no. 11/093/EW01
 - 1.8 SF 1.8m high timber screen fence. Dwg.no. 11/093/EW02
 - All other party fences in rear gardens to be 1.8m high concrete post and timber panel screen fences. Dwg.no. 11/093/EW03
 - Illustrative location for provision of:
 External refuse storage - green bin 240ltr; Garden waste storage - brown bin 240ltr; Recycling storage - blue bin 240ltr; Recycling storage - green box with yellow lid 50ltr.

- A Carriageway of access road reduced to 4.8m in beyond rumble strip and 1m wide margin beyond northern kerb. JRM 10:10:14
- B Provisional level adjustments. JRM 22:10:14
- C Gated access and track with dropper kerbs shown, red edge adjusted adjacent 138 CNR. JRM 17:11:14

CLIENT Fellows Homes Ltd.				
PROJECT Proposed Residential Development at Hill Top Lane, Whittle-le-Woods, Nr. Chorley.				
DRAWING TITLE Proposed Site Layout.				
DATE 23:04:2014	SCALE 1:200 @ A1	DRAWN JRM	DRWG No. 11/093/P11	REV C

LMP
ARCHITECTURAL CONSULTANTS

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.

Report of	Meeting	Date
Chief Executive	Development Control Committee	16 December 2014

**PROPOSED CONFIRMATION CHORLEY BOROUGH COUNCIL
TREE PRESERVATION ORDER NO 11 (CLAYTON-LE-WOODS)
2014 WITHOUT MODIFICATION**

PURPOSE OF REPORT

- To consider formal confirmation of the Chorley Borough Council Tree Preservation Order No 11 (Clayton-le-Woods) 2014 without modification.

RECOMMENDATION(S)

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

EXECUTIVE SUMMARY OF REPORT

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

Confidential report Please bold as appropriate	Yes	No
--	-----	-----------

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 27 October 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 tree is situated on the 27 October 2014. The Order was made because on the assessment of the Council’s Tree Officer the tree makes 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, the tree covered by the Order 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 tree was 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.

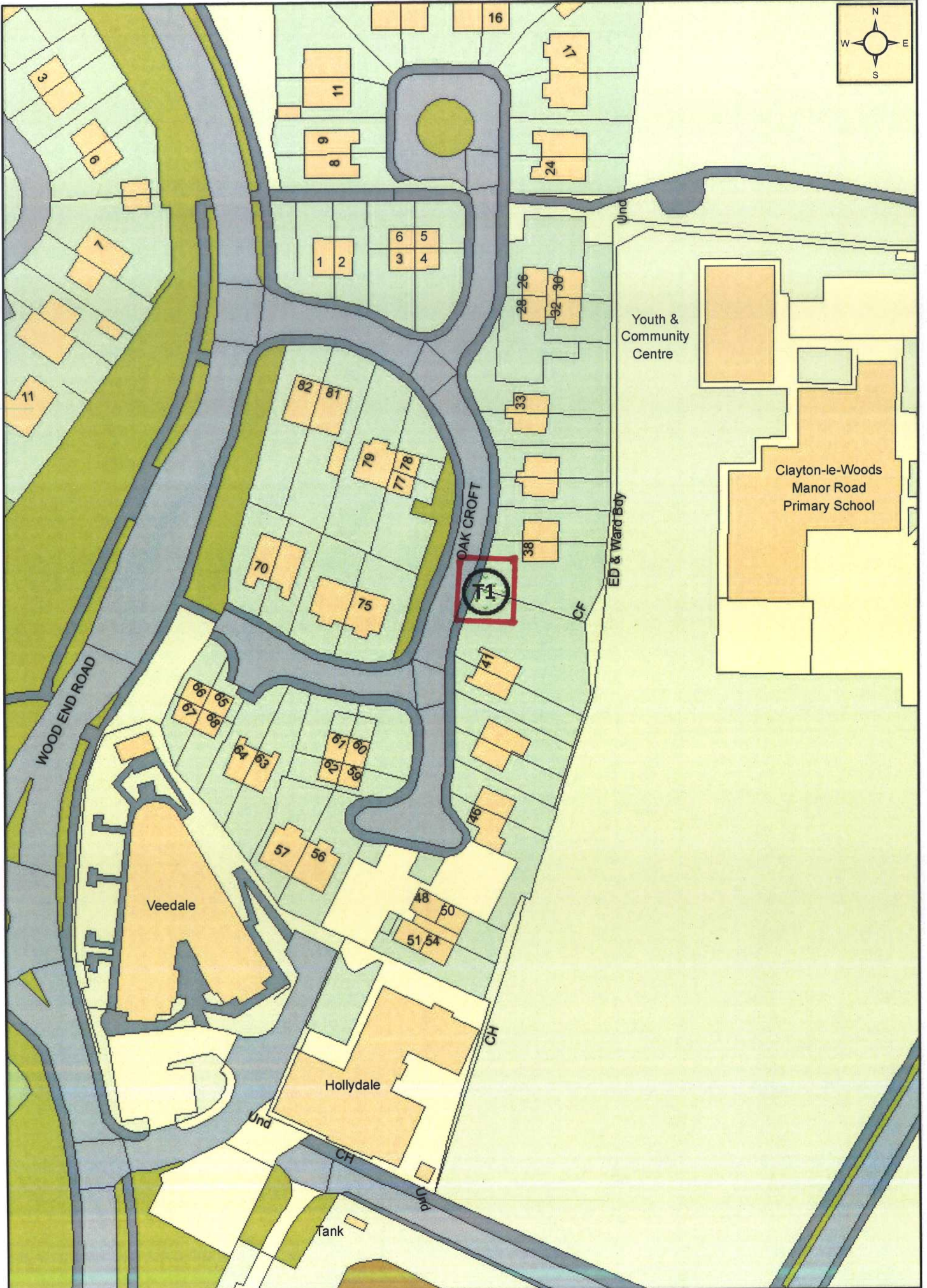
COMMENTS OF THE MONITORING OFFICER

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	26 November 2014	070708



This page is intentionally left blank



Report of	Meeting	Date
Director of Public Protection, Streetscene and Community	Development Control Committee	16 December 2014

PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 7 NOVEMBER AND 4 DECEMBER 2014

PLANNING APPEALS LODGED

1. None.

PLANNING APPEALS DISMISSED

2. 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). Appeal is dismissed Inspectorate letter received 10 November 2014.
3. Appeal by Cassidy & Ashton Group Ltd. against the Committee decision to Refuse Full Planning Permission for the Construction of a (up to 8MW) Solar Photovoltaic (PV) Farm and associated works at Land Bounded By Black Brook, Chapel Lane And Tithe Barn Lane, Heapey (Planning Application: 13/00811/FULMAJ Inspectorate Reference: APP/D2320/A/14/2222025). Appeal is dismissed Inspectorate letter received 13 November 2014.
4. Appeal by Mr G and N Dugdale against the Committee decision to Refuse Outline Planning Permission for the Erection of 4no. detached dwellings with garages and a new means of access from Crosse Hall Lane. (Resubmission of withdrawn application 12/01055/OUT) at Land 75M East Of Hilfred, Crosse Hall Lane, Chorley (Planning Application: 13/00991/OUT Inspectorate Reference APP/D2320/A/14/2218539). Appeal is dismissed Inspectorate letter received 18 November 2014. The Inspectorate made a partial award of costs.

PLANNING APPEALS ALLOWED

5. None.

PLANNING APPEALS WITHDRAWN

6. None.

ENFORCEMENT APPEALS LODGED

7. None.

ENFORCEMENT APPEALS DISMISSED

8. None.

ENFORCEMENT APPEALS ALLOWED

9. None.

ENFORCEMENT APPEALS WITHDRAWN

10. None.

HIGH HEDGES APPEALS LODGED

11. None.

HIGH HEDGES APPEAL DECISIONS

12. None.

LANCASHIRE COUNTY COUNCIL DECISIONS

13. None.

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

JAMIE CARSON
DIRECTOR PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

Report Author	Ext	Date	Doc ID
Robert Rimmer	5221	04.12.2014	***

Appeal Decision

Site visit made on 5 November 2014

by J D Westbrook BSc(Hons) MSc MRTPI

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

Decision date: 10 November 2014

Appeal Ref: APP/D2320/D/14/2225903

7 Whittam Road, Chorley, PR7 3LJ

- 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 Ms Sandra Jane Riding against the decision of Chorley Borough Council.
 - The application Ref 14/00476/FUL, dated 28 April 2014, was refused by notice dated 7 July 2014.
 - The development proposed is a precast sectional concrete detached garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed garage on:
 - The character and appearance of the area around Whittam Road, and
 - The living conditions of the occupiers of the property and of adjoining dwellings by way of light and outlook.

Reasons

3. No 7 Whittam Road is a mid-terraced house, situated on the northern side of the road. Nos 1 to 9 Whittam Road are a terrace of relatively modern properties constructed out of red brick and with a hipped roof. Nos 11 onwards are much older terraced houses with gable ends and a small front garden. They are set further forward on their plots than the appeal property. Nos 1 to 9 each have a hard-standing for vehicle parking to the front of the property. As a consequence, the rear gardens, at some 5.7 metres in depth, are significantly shorter than those of both the older terraced houses to the east and also the terraced houses along Balcarres Road across the access lane, or ginnel, to the rear.
 4. The proposed garage would be constructed out of pebble-dash rendered pre-cast concrete, with a corrugated cement fibre panelled roof, a steel personnel door to the side and a steel up-and-over door to the ginnel boundary. It would be a little under 3.5 metres wide, a little over 4.5 metres long, 2 metres high to the eaves and 2.5 metres high to the ridge. It would be built about 1 metre
-

away from the rear elevation of the house and up to the rear boundary. It would be hard up against the boundary with the adjoining No 5 Whittam Road and a little under 1 metre from the side boundary with No 9.

Character and appearance

5. Nos 1 to 9 Whittam Road have very short back gardens. The proposed garage would occupy almost all of this garden area, obscuring much of the ground floor of the house and occupying almost all of the private amenity space available to the dwelling. Whilst it would be only some 2.5 metres high, it would be a substantial structure, particularly in the context of the amount of space available. Furthermore, it would not respect the materials used in the main house and would have a more industrial-type of character. It would appear as a dominating structure from the ginnel to the rear.
6. A number of the other dwellings that back onto the ginnel have structures of various types in their back gardens, although it would appear that only two have garages. However, these houses have significantly longer back gardens. The original planning permission for Nos 1 to 9, granted in 1998, restricted permitted development rights for extensions and outbuildings. Given the fact that almost the whole of the space to the front of the properties is given over to hard-standing and that there is very little amenity space to the rear, I consider that the condition is necessary to protect the curtilages of the houses from overdevelopment and to retain some appearance of openness and space. The proposed garage, by virtue of its scale, would appear obtrusive in the otherwise relatively uncluttered rear gardens of the terrace, and would appear out of character with the host property by virtue of its design and materials.
7. Furthermore, whilst every proposal must be assessed on its own merits, to allow this development could encourage the submission of further similar proposals which would be progressively more difficult for the Council to resist and which could cause cumulative harm to the character of the area. This adds weight to my conclusion that the proposal would be detrimental to the character and appearance of the area around Whittam Road. On this basis, it would conflict with Saved Policy GN5 of the Chorley Borough Council Local Plan Review, which requires developments to be well related to their surroundings, and also with guidance in the Council's adopted Householder Design Guidance Supplementary Planning Document (SPD), which requires garages to respect the scale, character and materials of the original property.

Living conditions

8. The garage would be sited only around 1 metre from the rear ground floor window in the host dwelling and would also obscure much of the rear patio-style doors. This would be likely to have some detrimental effect on the light received by those glazed elements at the rear of the house, and would also result in a somewhat oppressive outlook.
9. The garage would also be sited close to the rear window and doors at the adjacent No 5. It would be to the north-east of No 5 and would have only limited impact on light received by that property, but at an overall height of 2.5 metres, and 2 metres to the eaves along the boundary, it would also result in something of an oppressive outlook for the occupiers of the adjoining house. The appellant contends that a 2 metre fence could be erected along that

boundary under permitted development rights. That may well be the case. However, the garage would have a ridge height some 0.5 metres above this level and, given its bulk, its proximity to the boundary, and the limited space available at the rear of the properties, I find that it would appear more oppressive than a fence.

10. In conclusion on this issue, I find that the proposed garage would be harmful to the living conditions of the occupiers of both the appeal property and No 5 Whittam Road by way of light and outlook. It would conflict with guidance in the SPD which indicates that care should be taken to safeguard the amenities of neighbours.

Other Matters

11. The appellant contends that the garage would be removed from the site if and when she leaves the property. However, this application is not for a temporary period and, in any case, the garage would be harmful to the character and appearance of the area and to the living conditions of occupiers for its indeterminate duration.

12. The appellant also indicates that she would be prepared to change the design and scale of the garage to reduce its impact. This may or may not significantly ameliorate the situation, but such a proposal is not before me and should be the subject of a separate application.

J D Westbrook

INSPECTOR

This page is intentionally left blank

Appeal Decision

Site visit made on 6 October 2014

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 13 November 2014

Appeal Ref: APP/D2320/A/14/2222025

Land at Tithe Barn Lane, Heapey, Chorley, Lancashire

- 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 Cassidy and Ashton Group Ltd against the decision of Chorley Borough Council.
 - The application Ref 13/00811/FULMAJ, dated 28 August 2013, was refused by notice dated 14 January 2014.
 - The development proposed is construction of a (up to 8MW) solar photovoltaic (PV) farm and associated works.
-

Decision

1. The appeal is dismissed.

Reasons

2. The majority of the appeal site is in the Green Belt and the Appellant accepts, given that the panels would be wholly within the Green Belt, that the solar farm would be inappropriate development. Paragraph 87 of the National Planning Policy Framework (NPPF) states that "...inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances", and paragraph 88 states that "Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

3. The main issues, therefore, are; first, whether the proposed solar farm would cause any harm other than by reason of inappropriateness; second, other considerations to be weighed in the planning balance; and third, whether the harm caused is clearly outweighed by other considerations.

The first issue - other harm

4. The appeal site is about 18.4 hectares of undulating countryside to the north-west of the nearby town of Chorley. The site is roughly L-shaped and has a long west boundary to Black Brook, east and south boundaries to Tithe Barn Lane, in which there is a right angled bend, and a north-east boundary to Chapel Lane. From the bend in Tithe Barn Lane two footpaths cross the site; one in a roughly westwards direction towards Black Brook and beyond to Hey's Farm, and one in a north-eastwards direction to Chapel Lane. To the east of the site and with a frontage to Tithe Barn Lane is a residential property, Tithebarn Farm. The countryside is mainly pasture that is interspersed by blocks of woodland.

Openness of, and a purpose for including land in, the Green Belt

5. The proposed solar panels would not occupy the whole of the site, they would be set back from boundaries and significantly from a pond close to Tithe Barn Lane, but would nevertheless occupy over 15 hectares of countryside. The top edges of the solar panels would, on flat ground, be about 2.6 metres above ground level but on sloping parts of the site top edges of some panels would be as high as about 3.8 metres above ground level. Furthermore, the site would be surrounded by a 2.4 metre high mesh security fence. For these reasons the development would result in a significant loss of openness of the Green Belt.

6. Paragraph 80 of the NPPF states that the Green Belt serves five purposes; one of which is to assist in safeguarding the countryside from encroachment. Solar panels are engineered products that have an industrial appearance. They are not, inherently, products that fit into a countryside environment. On the scale proposed the solar panels, if installed on the site and together with the industrial type fence that would surround them, would result in significant encroachment into the countryside. Paragraph 79 of the NPPF states 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 permanence".

Character of the landscape and the visual amenity of the countryside

7. The application was accompanied by a thorough Landscape and Visual Impact Assessment (LVIA) which was the subject of an Addendum Report following concerns expressed by the Council with regard to the visual impact of solar panels on sloping ground on the west side of the site close to Black Brook. The LVIA and its addendum fairly assesses the impact of the proposed solar farm and highlights mitigation measures, such as the planting of perimeter vegetation and enhancing existing boundary hedgerows, that would assimilate the development into the landscape. However, it is inevitable that the character of the landscape, which is currently pastoral, would be adversely affected though this adverse effect would be limited to the site and its immediate surroundings and the overall adverse effect on the character of the landscape would be less than significant.

8. The effect of the development on the visual amenity of the area is of greater concern than its effect on the character of the landscape. There is no reason to doubt third party submissions that the footpaths that cross the site and others in the vicinity are well used by residents of the area and by visitors from nearby urban areas. There was, in this regard, evidence on the ground that the footpaths are well used. The site, furthermore, is bounded by two roads, Chapel Lane and Tithe Barn Lane, and it was noted at the accompanied site visit and a subsequent unaccompanied site visit that these roads, particularly Chapel Lane, are well used country roads. From both roads there are views across the site through intermittent boundary hedgerows. For those using the footpaths and for passengers in vehicles on the roads views across the site will contribute to their appreciation of the attractive countryside of the area.

9. Significant mitigation measures are proposed and could be ensured by imposition of a landscaping condition such as that suggested by the Council. Additional planting could effectively screen the development but would itself be visually intrusive by undermining open views across the site. Furthermore, vegetation, even if standard plants are used, would take some years to become effective. In the interim there would be clear views from the footpaths and roads of the many rows of solar panels, which would be no lower than 2.6 metres in

height and which would block all views across the site. Their industrial appearance would be alien in this countryside location and the solar panels, in views from footpaths and roads around the site, would have a significant adverse effect on the visual amenity of the area.

10. The greatest harm to the visual amenity of the area would be for those using the footpaths that cross the site. These footpaths would pass through corridors between solar panels on both sides. On both sides of the longest footpath, which would be about 270 metres long, there would be, successively, a 2 metre wide planting strip, a 2.4 metre high security fence, and an access track 4 metres wide. Planting within the landscaping strips, at such close proximity, would not screen the panels to any significant degree. The visual experience for users of this footpath, and of the other footpath though to a lesser degree given its length of about 100 metres, would be wholly unsatisfactory. Rather than passing through a field with attractive views all round, walkers would enter an industrial tunnel with only forward views to the countryside beyond the site.

11. The fact that the longest path through the site only takes a few minutes to walk does not alter the conclusion that those using the footpath, and the other footpath through the site, would incur serious harm to their visual amenities whilst traversing the site, and their enjoyment of the countryside would be undermined. Also of concern are the visual amenities of walkers on the footpath that passes Hey's Farm to the west of the site. From this footpath views are slightly upwards and would be towards solar panels on sloping ground. The panels, the highest of those that would be on the site, would be on the skyline, would be visually intrusive, and would not be effectively screened by planting.

12. The Appellant maintains that "...there is no evidence that the development will have an incongruous or inappropriate appearance as it will have the appearance of a solar farm which is now an accepted form of development in the countryside of the UK". A solar farm can only be an accepted form of development if it does not cause unacceptable harm that is not outweighed by other considerations. With regard to visual harm, the harm would be unacceptable because the development, particularly for walkers on footpaths, who are regarded to be in the highest category of sensitivity to the visual effect of development, would have an incongruous and inappropriate appearance that would be alien to its countryside location. The proposed solar farm would have a significant adverse effect on the visual amenity of the area which could not be adequately mitigated.

13. The proposed development would have a minor adverse effect on the character of the landscape but would have a significant adverse effect on the visual amenity and appearance of the countryside, particularly for those using footpaths through the site and in the vicinity. Whilst the harm to landscape character would not be unacceptable, the harm that would be caused to the visual amenity of the area would be unacceptable. The proposal thus conflicts with policy 28 of the Central Lancashire Adopted Core Strategy (CS).

The amenities of residents of Tithebarn Farm

14. Tithebarn Farm is a residential property and the only such property that adjoins the site. Access into the property is close to the south-east corner of the site and the driveway extends to a substantial outbuilding at the rear of the dwelling. From the driveway, which is likely to be used by residents of the property on a daily basis, there would not only be views of the ends of the panels and of the gaps between the panels but also oblique views that would be of an

uninterrupted band of panels between 1 metre and 2.6 metres above ground level. The closest panels would be about 20 metres from the driveway. The solar panels would be visually intrusive from within the property and the current open outlook across the site would be obscured. Planting could screen the panels but would similarly obscure the open outlook from the property to the west.

15. Though this matter did not feature as a reason for refusal of the application, the proposed development would have an adverse effect on the visual amenities of residents of Tithebarn Farm, though the harm that would be caused, given that there are no direct views from with the dwelling, would not result in the property becoming an unattractive or unpleasant place to live.

Other matters

16. With regard to ecology, the Appellants submitted with the application an assessment of potential harm to great crested newts, a protected species. There is some doubt as to whether the assessment included sufficient information to consider whether the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) have been met. The assessment included mitigation measures and a condition suggested by the Council would require that these be fully implemented. Such a condition could be amended to require the submission of further information, to satisfy the Regulations, before the development is carried out. This matter could be covered by imposition of a condition and does not contribute to an assessment of overall harm.

17. Eight conditions suggested by the Council relate to highway matters and seek to address concerns about the impact of construction traffic on the highway network. Two of the conditions require the prior approval and implementation of a Construction Management Plan, a Traffic Management Plan, a Deliveries Management Plan and a Framework Construction Traffic Plan. Together with the other highway conditions these would address all highway safety and access concerns and highway matters do not contribute to an assessment of overall harm.

18. No other matters mentioned by the Council or by third parties contribute to an assessment of overall harm.

Conclusion on the first issue

19. The proposed solar farm development would result in a significant loss of openness of the Green Belt and would result in significant encroachment into the countryside, thus undermining one of the purposes of including land in the Green Belt. In addition, the development would have a minor adverse effect on the character of the landscape, a significant adverse effect on the visual amenity of the area, and an adverse effect on the visual amenities of residents of Tithebarn Farm.

The second issue – other considerations

20. The other considerations cited by the Appellant are the renewable energy benefits and sustainability credentials of the proposed development, environmental and ecology benefits, the temporary nature of the development, and the continuing use of the site for agriculture.

21. Environmental benefits of the proposed development, to offset the effects of climate change, include the supply of up to 8 MW of renewable energy; which would contribute to achieving the national target of meeting 15% of the United Kingdom's energy demand from renewable resources by 2020. The scheme would

offset about 340 tonnes of CO₂ per annum from being released into the atmosphere and would provide electricity sufficient to provide power for between 2000 and 2500 dwellings. There is no doubt that the scheme would make a significant contribution to energy security and reducing greenhouse emissions.

22. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development and three dimensions to sustainable development, economic, social and environmental roles, are identified in paragraph 7. The environmental role is stated to be 'contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'.

23. The tension in the environmental role of sustainable development between protecting the natural environment and moving to a low carbon economy is encapsulated in CS policy 28, which is supportive of low carbon energy schemes, such as that proposed in this case, but only if the "...proposal would not have an unacceptable impact on landscape character and visual appearance of the local area". There is a balance to be struck between these factors but it is reasonable to conclude that if the impact on landscape character and visual appearance, and other factors, outweighs the low carbon energy benefit of a scheme that it should not be regarded to be sustainable development.

24. Mitigating potential harm to protected species cannot be regarded to be an ecology benefit of the scheme. Strengthening existing hedgerows and new planting alongside footpaths passing through the site would improve the biodiversity value of the site but this cannot be regarded to be a significant benefit. The site would remain suitable for sheep grazing and would thus continue in agricultural use throughout the lifetime of the development but this is no more than a neutral factor in the balancing exercise.

25. The solar farm would be removed, in accordance with a condition if planning permission was to be granted, 25 years after it is brought into use. The land would also be restored to its original appearance and would not become classified as being previously developed land. 25 years, however, is about a third of a person's lifetime and is the span of a generation. Furthermore, there is no guarantee that planning permission would not be granted, after 25 years, for the replacement of the solar panels for a further 25 year period. Very little weight is therefore given to the reversibility of the scheme.

26. The scheme would make a significant contribution to energy security and reducing greenhouse emissions, and would, though not to any significant degree, enhance the biodiversity of the area. Whether the scheme would meet the environmental role of sustainable development depends on the balancing exercise to be considered in the third issue.

The third issue – whether other considerations clearly outweigh the harm caused

27. The harm that would be caused is by reason of inappropriateness, by a significant loss of openness of the Green Belt, and by significant encroachment into the countryside. In addition, minor harm would be caused to the character of the landscape, significant harm would be caused to the visual amenity of the countryside, and less than significant harm would be caused to the visual amenities of residents of Tithebarn Farm.

28. The landscape of Lancashire is not immune from the effects of climate change. Flooding is a serious issue and will have affected the area and the lives of those who live within the area. This one effect of climate change causes erosion of the landscape and alters how the landscape can be farmed and used. It also causes severe hardship for those who suffer the direct consequences; flooding of their homes and businesses.

29. Planning Policy Guidance on Renewable and Low Carbon Energy explains that the importance of increasing energy from renewable technologies “will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses”. The application proposals contribute to meeting these objectives. The NPPF supports renewable energy proposals. The transition to a low carbon future is one of its core planning principles and paragraph 93 states that planning plays a key role in supporting the delivery of renewable energy.

30. The presumption in favour of sustainable development does not supplant the primacy of the development plan in the decision making process; this is recognised in paragraph 11 of the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of a planning application or appeal must be made in accordance with the development plan unless material considerations indicate otherwise. The balancing exercise that is required by section 38(6) of the Planning and Compulsory Purchase Act 2004 and to determine whether the solar farm scheme can be considered to be sustainable development requires planning judgement to be exercised.

31. The Appellant has sought to compare the required balancing exercise with those made in other appeal decisions. It is a well-established planning principle that a development proposal must be judged on its individual merits and the circumstances in this case, which must be regarded to be site specific, cannot be compared with the circumstances in other cases.

32. On the third issue, it is my view that the proposed solar farm would have an unacceptable impact on landscape character and, in particular, on the visual appearance of the local area, and that the proposed development thus conflicts with CS policy 28. Furthermore, as set out in paragraph 79 of the NPPF, “The Government attaches great importance to Green Belts”. It is also my view that the harm that would be caused by reason of inappropriateness, by a significant loss of openness of the Green Belt, and by significant encroachment into the countryside, in addition to the harm that would be caused to the character of the landscape, to the visual amenity of the countryside, and to the visual amenities of residents of Tithebarn Farm, is not clearly outweighed by the environmental and biodiversity benefits of the proposed renewable energy scheme.

Overall conclusion

33. The proposed development is not sustainable development and planning permission for the construction of a (up to 8MW) solar photovoltaic (PV) farm and associated works on land at Tithe Barn Lane, Heapey, Chorley must be withheld.

John Braithwaite

Inspector

Appeal Decision

Site visit made on 2 September 2014

by Richard Clegg BA(Hons) DMS MRTPI

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

Decision date: 18 November 2014

Appeal Ref: APP/D2320/A/14/2218539

Land east of Hilfred, Crosse Hall Lane, Chorley, Lancashire, PR6 9AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr G and Mr N Dugdale against the decision of Chorley Council.
 - The application Ref 13/00991/OUT, dated 22 October 2013¹, was refused by notice dated 11 December 2013.
 - The development proposed is four detached dwellings with garages and a new means of access from Crosse Hall Lane.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr G and Mr N Dugdale against Chorley Council. This application is the subject of a separate decision.

Procedural matters

3. On the application form, the location of the site is given as land south of Crosse Hall Lane, Chorley. It is more precisely referred to as land east of Hilfred, Crosse Hall Lane², and I have identified it accordingly in the appeal details above.
4. The application was submitted in outline form, with approval sought for access and layout at this stage. A planning obligation in the form of a unilateral undertaking has been submitted by the Appellant. The obligation provides for the payment of contributions towards affordable housing, amenity greenspace, children's and young person's facilities, allotments, playing pitches and the upgrading of a bus stop, subject to this decision not finding that these provisions fail to meet the statutory tests in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.

Main Issues

5. I consider that the main issues in this appeal are:

¹ The application form is dated 15 November 2013, but it is clear from consultation responses that the application had already been submitted by then. The date of 22 October 2013 is given on the decision notice and the appeal form.

² The decision notice and appeal form identify the site as land 75m east of Hilfred. However the site is only a short distance to the east of the property identified as Hifred on the submitted plans.

- (i) Whether the proposal would generate a requirement for affordable housing.
- (ii) The effect of the proposed development on highway safety.
- (iii) Whether the proposal would represent a sustainable form of development.

Reasons

Affordable housing

6. The Central Lancashire Core Strategy and the Central Lancashire Affordable Housing Supplementary Planning Document (SPD) refer to a need for the provision of affordable housing. In response to this need, Policy 7 of the Core Strategy seeks a target of 30% affordable homes from residential developments which reach minimum size thresholds in the urban parts of Chorley, Preston and South Ribble. The relevant size thresholds are 15 dwellings and 0.5ha. In this case the proposal is for four dwellings and the appeal site is 0.39ha in size. Whilst the scheme in its current form is below both the thresholds in Policy 7, a larger site area of 0.54ha was included in the application when it was submitted. After the question of affordable housing was brought to the Appellant's attention, the application was amended by a reduction in the site area. In maintaining that provision should be made for affordable housing, the Council draws attention to the SPD, paragraph 34 of which specifies that the size of development should not be artificially reduced to lessen or eliminate the affordable housing requirement. The Council prefers off-site provision in this case, and a commuted sum of £38,056 has been calculated. The planning obligation includes provision for this level of contribution, but the Appellants argue that the payment is not necessary and does not meet the statutory tests of the Community Infrastructure Levy (CIL) Regulations.
7. The SPD refers to the sub-division of sites and reducing density as examples of artificially reducing the size of development. In this case the site has not been sub-divided in the sense of excluding some dwellings from the current proposal and the reduced size of the appeal site will have increased the density of the development. The amended scheme excludes an irregular shaped sloping piece of land lying between the intended position of plot No 4 and Crosse Hall Lane. The original site plan, ref 11/019/P01A, indicates that this land was previously included as part of plot No 4, but it is not needed for this purpose. The proposed site plan ref 11/019/GA, which gives the size of the garden areas for each dwelling within the reduced site, demonstrates that plot No 4 would have the largest area of amenity space in any event. Whatever the circumstances which prompted the reduction in size of the appeal site, I do not consider that the layout is constrained by the exclusion of the adjacent land to the north-east.
8. The appeal site is part of a larger area of land within the Appellants' ownership. Whilst this land was put forward for inclusion as a possible housing site in the emerging Local Plan, it was rejected due to its steep gradient and poor access. The current proposal indicates that the topography is not an impediment to development coming forward, but the access along Crosse Hall Lane is restricted. Moreover the layout would only leave space for a narrow field access to serve the land to the south, and it would not accommodate an extension of the proposed residential access road between plot No 1 and the

site boundary. Consequently, I do not consider that it is appropriate to view the appeal proposal as the first phase of a potentially larger development.

9. The thresholds in Policy 7 are not reached and I do not consider that the size of the appeal proposal has been artificially reduced: consequently I conclude that the proposal does not generate a requirement for affordable housing. It follows that the obligation for payment of a commuted sum towards off-site provision of affordable housing is not necessary and it does not meet the statutory tests of the CIL Regulations.

Highway safety

10. Crosse Hall Lane leads out of Chorley into open countryside to the east of the town. The western end of the road continues past a priority junction into Haworth Road which serves a new residential development. From the priority junction, the other part of Crosse Hall Lane provides access to a number of dwellings and an area of allotments on this side of the M61 motorway and to farmland beyond. The appeal site is situated towards the eastern end of the stretch of the road between the junction with Haworth Road and the motorway, and I walked and drove in both directions along this part of Crosse Hall Lane. It is a narrow road with no footways and occasional street lighting. Figure 7.1 in Manual for Streets (MfS) illustrates the type of vehicle movement which various carriageway widths can accommodate. At 4.8m, the carriageway will be sufficiently wide to allow a car to pass a large service vehicle, but below 4.1m two cars will be unable to pass. The plan entitled *Access route review* in the Appellants' transport statement identifies two short sections of road where two cars could pass (west of the bridge over Black Brook and close to Crosse Hall Fold). Vehicles could also pass in the bellmouth of the junction with Haworth Road and there is a wider section of road to the west of the canal bridge. However for most of its length from Haworth Road to the point where access would be taken into the appeal site, the restricted width of the carriageway makes it difficult or impractical for vehicles travelling in opposite directions to pass. At 2.75m, the road is particularly narrow where it crosses the Leeds-Liverpool Canal, and this hump-back canal bridge limits forward visibility. There is reference in the Appellants' transport statement to existing passing bays and three are identified on the *Access route review*. There is a modest widening of the carriageway at the western end of the road, but the other two appear to be shallow stretches of eroded verge, one of which in any event is on a wider section of the lane. Reversing manoeuvres to reach places where vehicles travelling in opposite directions could pass would be difficult due to the length of the narrow sections and the gradients involved. Narrow and uneven verges, which in places are above the level of adjacent land, do not offer convenient refuges for pedestrians.
11. The Appellants' transport consultant and the Highway Authority agree that traffic levels on this part of Crosse Hall Lane are low. The transport statement records survey results of 14 two-way vehicle movements during the morning peak period and 20 during the afternoon peak, and it is calculated that the development would generate 3 and 4 two-way trips per peak hour³. Speeds are also low: survey results give an 85%ile westbound figure of 11.4mph and an 85%ile eastbound figure of 9.2mph. No personal injury accidents have been recorded in the previous ten years.

³ The Highway Authority refers to an additional 23 trips being estimated by the Appellants, but there is no reference to this figure in the Appellants' representations.

12. Although Crosse Hall Lane is lightly trafficked and traffic speeds are low, I do not consider that the road is a shared surface of the kind envisaged in MfS. Whilst MfS states that many of its key principles may be applicable to other types of street, including lightly-trafficked lanes in rural areas, the specific guidance on shared surface streets explains that they work well in short lengths or where they form cul-de-sacs (paragraph 7.2.14). Additionally, MfS points out that attention to detail is required to avoid vulnerable road users feeling threatened by having no space protected from vehicles (paragraph 7.2.13). The narrow verges do not provide a satisfactory refuge for pedestrians, and my concern in this regard is reinforced by the role of Crosse Hall Lane as a bridleway from Eaves Lane to the junction with Crosse Hall Street and as a public footpath from that point and past the appeal site. I do not consider that the length or physical form of this stretch of Crosse Hall Lane enable it to function effectively as a shared surface street.
13. The transport statement refers to guidance in Traffic Advisory Leaflet 2/04 (TAL2/04) on single track road schemes with passing places. Passing places should have a minimum length equivalent to three cars and the space between them should be no greater than 60m. Whilst traffic flows on Crosse Hall Lane would be lower than the level referred to by the Appellants in TAL2/04, vehicle and pedestrian movements along the road are unlikely to be evenly spaced, and, notwithstanding the low number of trips, the constraints of Crosse Hall Lane increase the prospect of conflict between road users. Moreover, with the possible exception of the carriageway widening close to the junction with Haworth Road, there are no formal passing places and the Appellants acknowledge that the longest stretch of single track road exceeds 60m.
14. The Appellants do not have control over any land which could be used to provide passing places, and they acknowledge that such works could not be implemented as part of the appeal proposal. Neither is there any apparent opportunity to improve the bridleway, such as the provision of additional lighting and sections of separate surface. Without such improvements I consider that Crosse Hall Lane is wholly unsuitable for the additional development proposed, and that it would pose a severe localised threat to highway safety. I am mindful that planning permission was granted on appeal in 1991 for four dwellings at Crosse Hall Fold, just to the west of the appeal site. That appeal decision acknowledged the deficiencies of Crosse Hall Lane, and described the then proposal as a borderline case. The lane now serves 21 dwellings, an increase of five since the date of the 1991 permission, and the Council points out that development has occurred incrementally through a series of small proposals. Although this proposal of four dwellings is the same size as in that previous appeal, continued small-scale development cannot be satisfactorily accommodated by the existing highway. I am firmly of the view that, given the nature of Crosse Hall Lane, safe and suitable access to the site could not be achieved for all people, and that, despite the provision of a site access with adequate visibility, the residual cumulative impacts of the development would be severe, contrary to paragraph 32 of the National Planning Policy Framework (NPPF). Due to the inadequacies of the access route to the site, the proposal would also conflict with Policy TR4 of the Chorley Borough Local Plan Review, and I conclude that the development would have a severe localised effect on highway safety.

Sustainability

15. Having been suggested as a possible housing site (para 8, above), the appeal site was assessed as part of the sustainability appraisal for the emerging Local Plan. It is included in band B (the second of five bands), and is within Chorley Town, which is a key service centre under Policy 1 of the Core Strategy. In the report on the application, the Council acknowledged that the site is close to local services, except for a surgery, although the point is also made that the distance to the nearest bus stop exceeds the 400m guideline. Overall, however, local services would be accessible without undue difficulty from the site. The planning obligation provides for the upgrading of the bus stop opposite the junction of Crosse Hall Lane with Eaves Lane to quality standard. I consider the appropriateness of this obligation below (para 18), but I anticipate such work would be likely to encourage journeys by public transport.
16. The Council advises that its Five Year Housing Supply Statement records a 7.3 years supply of housing land, which is not disputed by the Appellants. Consequently, whilst the site would contribute to the Borough's supply of housing, the development is not needed to achieve the five years supply required by paragraph 47 of the NPPF, and this matter would only represent a limited benefit of the scheme. Moreover, the adverse effect on highway safety would detract from the social dimension of sustainability in respect of the appeal proposal.
17. This is a small-scheme scheme for a site which is close to existing housing and a motorway. I am satisfied that details of the appearance and scale of the development could be appropriately addressed as reserved matters and that the proposal for four dwellings would not detract from the setting of the listed building at Crosse Hall Farm to the north. Similarly, the proposed site plan indicates that the protected trees on the northern boundary can be safeguarded. For these reasons I consider that the proposal would be consistent with the environmental dimension of sustainability. Moreover I expect that the construction of the housing would make a contribution to growth, to which I accord limited weight given the size of the development, and in this way the proposal would accord with the economic dimension of sustainable development.
18. Paragraph 8 of the NPPF makes it clear that the economic, social and environmental roles of sustainability should not be undertaken in isolation as they are mutually dependent. Given my finding on highway safety, I conclude that the proposal would not represent a fully sustainable form of development.

The planning obligation

19. I have already considered the provision of a commuted sum towards affordable housing (above, paras 6-9). The Appellants also dispute whether the contribution towards upgrading the nearest bus stop would be compliant with the CIL Regulations. Paragraphs 30 and 35 of the NPPF promote the use of sustainable transport modes, and upgrading the bus stop on Eaves Lane to quality standard would be likely to encourage use of public transport in journeys from the appeal site. This bus stop is within the built-up area where it will serve a significant level of existing development. Trips associated with the appeal site are likely to represent only a small proportion of the total made using the stop and I do not consider that meeting the full cost of an upgrade to

quality standard would be fairly and reasonably related in scale and kind to the development.

20. Provision is made for contributions to amenity greenspace and children's and young persons' facilities. However the open space notes from the Council's Planning Policy and Urban Design Team explain that there is a surplus of provision in the Chorley East Ward in both these areas, and the contributions are sought as some provision is of low quality and low value. In the absence of more specific information it appears that these contributions would be used to address existing deficiencies rather than to meet additional demand, and I do not consider that they are necessary to make the proposed development acceptable in planning terms. In respect of the allotments contribution, the open space notes explain that the site is within the catchment of allotments which are of low quality and/ or value and the catchment of a proposed new allotment site. This limited information does not explain the need for a contribution, and I do not consider that it would be necessary to make the proposed developments acceptable in planning terms.
21. I have reached a different view in respect of the playing pitches contribution. There is a shortfall in pitch provision in Chorley, which is intended to be met by improvements to existing pitches. I am satisfied that this contribution meets the statutory tests in Regulation 122 of the CIL Regulations, subject to this infrastructure not being funded under the provisions of the Chorley CIL Charging Schedule.

Conclusions

22. I have found that the appeal proposal would have a severe localised effect on highway safety, for which reason it would not represent a wholly sustainable form of development. Because of the effect on highway safety, the proposal would not accord with Policy TR4 which remains part of the Development Plan. Whilst it would not generate a requirement for affordable housing, the absence of harm in this regard does not represent a benefit of the scheme. There are limited benefits arising from contributions to housing land supply and growth, but these would be significantly and demonstrably outweighed by the adverse effect on highway safety. My overall conclusion, having regard to all matters raised, is that the appeal should be dismissed.

Richard Clegg

INSPECTOR

Costs Decision

Site visit made on 2 September 2014

by Richard Clegg BA(Hons) DMS MRTPI

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

Decision date: 18 November 2014

Costs application in relation to Appeal Ref: APP/D2320/A/14/2218539 Land east of Hilfred, Crosse Hall Lane, Chorley, Lancashire, PR6 9AN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr G and Mr N Dugdale for a full award of costs against Chorley Council.
 - The appeal was against the refusal of planning permission for four detached dwellings with garages and a new means of access from Crosse Hall Lane.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Appellant argues that the highways objection to the proposal was based on an inaccurate assertion of the impact of the development which was unsupported by evidence. It is true that, in its consultation response to the planning application, the Highway Authority stated that there were no highway objections to the proposal in principle. However the Authority also made clear that, as a minimum requirement to ensure safety and sustainability, passing places should be provided, the bridleway improved, and a bus stop upgraded. A condition to secure these works was suggested, but if these works could not be provided it was recommended that approval of the scheme be resisted. The Highway Authority's objection to the proposal was reiterated in its appeal statement.
4. The severity of impact is not dependent upon the size of the proposal or the amount of traffic generated. Also of importance is the nature of the road leading to the site. Both the Council and the Highway Authority have clearly explained the inadequacies of Crosse Hall Lane, describing its restricted width and the lack of footways. The Council also points to the restricted visibility at the canal bridge. Due to the nature of this section of road there is concern about conflict between road users. I share the view of the Council and the Highway Authority about Crosse Hall Lane, and the arguments advanced by the Council provided a respectable basis for the highways objection. For these reasons, I do not consider that the Council behaved unreasonably in respect of its highways objection to the proposed development. The Council's decision to

refuse planning permission did not prevent development which should clearly have been permitted.

5. The reasons for refusal made reference to the need for affordable housing and the upgrading of a bus stop. The proposed development is below the thresholds in Policy 7 of the Core Strategy for the provision of affordable housing. Although the size of the site was reduced, thereby coming below the threshold of 0.5ha, given the layout of the proposal and the constraint on development imposed by the nature of Crosse Hall Lane, this has not been an artificial arrangement, contrary to the intentions of the Central Lancashire Affordable Housing Supplementary Planning Document.
6. Insofar as the bus stop is concerned, upgrading to quality standard would be likely to encourage the use of public transport, but it would be disproportionate for the development to meet the full cost of this work, when the bus stop serves a much wider area. I have found that both these provisions of the planning obligation are not compliant with the CIL Regulations, and having regard to paragraph 16-049 of the PPG it was, therefore, unreasonable for the Council to promote them.

Conclusion

7. I conclude that the Council behaved unreasonably in pursuing planning obligations relating to affordable housing and the upgrading of a bus stop, and that this caused the Appellant unnecessary expense in addressing these matters at appeal stage. Accordingly a partial award of costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Chorley Council shall pay to Mr G and Mr N Dugdale the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in respect of the planning obligations concerning affordable housing and the upgrading of a bus stop.
9. The applicant is now invited to submit to Chorley Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Richard Clegg

INSPECTOR