

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 20TH JANUARY 2015, 6.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

Members of the Committee are recommended to arrive at the Town Hall by 6.15pm to appraise themselves of any updates received since the agenda was published, detailed in the addendum, which will be available in the Members Room from 5.30pm.

APOLOGIES

1 **MINUTES OF MEETING TUESDAY, 16 DECEMBER 2014 OF DEVELOPMENT CONTROL COMMITTEE** (Pages 5 - 8)

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

Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website. <http://planning.chorley.gov.uk/online-applications/>

3A **14/00881/FUL - BRINSCALL HALL FARM, DICK LANE, BRINSCALL, CHORLEY, PR6 8Q** (Pages 9 - 22)

3B **14/01042/TPO - PARK MILLS, DEIGHTON ROAD, CHORLEY** (Pages 23 - 32)

3C **14/01232/REMAJ - PARCEL H2 GROUP 1, EUXTON LANE, EUXTON** (Pages 33 - 40)

3D	14/01046/FULMAJ- CROSTON FLOOD RISK MANAGEMENT PROJECT, LAND 485M SOUTH EAST OF 77 LYDIATE LANE, ECCLESTON	(Pages 41 - 98)
3E	14/00951/OUTMAJ - LAND NORTH OF LANCASTER LANE AND BOUNDED BY WIGAN ROAD, SHADY LANE AND LANCASTER LANE, CLAYTON-LE-WOODS (REPORT TO FOLLOW)	
3F	14/00601/OUT - LAND BETWEEN 386 AND 392, BLACKBURN ROAD, HIGHER WHEELTON	(Pages 99 - 112)
3G	14/01087/FUL - THE QUEENS, 52 CHAPEL STREET, CHORLEY, PR7 1BS	(Pages 113 - 126)
3H	14/00982/FUL - TOWN LANE FARM, TOWN LANE, HESKIN, CHORLEY, PR7 5QA	(Pages 127 - 142)
3I	14/01051/FUL HUDORA KENNELS, THE COMMON, ADLINGTON, CHORLEY, PR7 4DT	(Pages 143 - 154)
3J	14/01129/FUL - 100 MARKET STREET, CHORLEY, PR7 2SL	(Pages 155 - 160)
3K	14/01185/CB3 - CAR PARK 15M NORTH-WEST OF 171A CHORLEY ROAD, HARDING STREET, ADLINGTON	(Pages 161 - 168)
4	TREE PRESERVATION ORDER NUMBER 12 (CHORLEY) 2014	(Pages 169 - 172)
	To consider a report of the Chief Executive (enclosed).	
5	APPEALS AND OTHER DECISIONS	(Pages 173 - 178)
	To consider a report of the Director of Public Protection, Streetscene 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 agendas sent to Development Control Committee reserves for information.

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

To view the procedure for public questions/ speaking click here

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

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MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE Tuesday, 16 December 2014

MEMBERS PRESENT: Councillor Steve Holgate (Chair), Councillor Dave Rogerson (Vice-Chair) and Councillors Charlie Bromilow, Henry Counce, Jean Cronshaw, David Dickinson, Danny Gee, June Molyneaux, Mick Muncaster, Richard Toon and Paul Walmsley

RESERVES: Councillors John Dalton and Mark Jarnell

OFFICERS: Jennifer Moore (Head of Planning), Alex Jackson (Legal Services Team Leader), Caron Taylor (Planning Officer) and Cathryn Filbin (Democratic and Member Services Officer)

APOLOGIES: Councillors Keith Iddon, Alistair Morwood and Alan Whittaker

OTHER MEMBERS: Councillor Roy Lees

14.DC.93 Minutes of meeting Tuesday, 18 November 2014 of Development Control Committee

RESOLVED – That the minutes of the Development Control Committee held on 18 November 2014 be confirmed as a correct record and signed by the Chair.

14.DC.94 Declarations of Any Interests

There were no declarations of interest received.

14.DC.95 Planning applications to be determined

The Director of Public Protection, Streetscene and Community submitted six 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.95a 14/010003/REMMAJ Land north of Lancaster Lane, Clayton le Woods

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

14.DC.95b 14/01042/TPO Park Mills, Deighton Road, Chorley

Speakers: objector – Brian Taylor and ward councillor - Councillor Roy Lees

A motion to approve the application for consent to work to protected trees was proposed and seconded. Following which a motion to defer the decision for a site visit was proposed and seconded.

When it was put to a vote it was **RESOLVED (8:4:1) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to see the site of the proposals.**

14.DC.95c 14/00933/REMMAJ Parcel H1e Group 1, Euxton Lane, Euxton

Speakers: objector – Claire Hamilton and the applicant's agent – Chris Gowlett

Members of the Development Control Committee were advised that the proposal had been amended and was now for the erection of 51 residential dwellings instead of 45 as stated in the report.

RESOLVED (11:0:2) – That planning permission be approved subject to conditions detailed within the report in the agenda and the amended condition detailed in the addendum.

14.DC.95d 14/01051/FUL Hudora Kennels, The Common, Adlington

The report had been withdrawn from the agenda until the next meeting of the Development Control Committee (20 January 2015) to allow more time for officers to consider government changes to the National Planning Practice Guidance. An extension of time to determine the application had been agreed with the applicant's agent.

14.DC.95e 14/00982/FUL Town Lane Farm, Town Lane, Heskin

RESOLVED (unanimously) – That the decision be deferred until the next meeting of the Development Control Committee (20 January 2015) to allow more time for officers to consider government changes to the National Planning Practice Guidance. An extension of time to determine the application had been agreed with the applicant's agent.

14.DC.95f 14/00849/FUL Land on Bank of Quarry Hill, Hill Top Lane, Whittle le Woods

Speaker: objector – Mr D Clark

RESOLVED (12:0:1) – That full planning permission be approved subject to the conditions detailed within the report in the agenda, and the additional and amended conditions detailed in the addendum.

At this point the Chair left the meeting, and the Vice Chair assumed the role of Chair for the duration of the following agenda items.

14.DC.96 Tree Preservation Order No. 11 (Clayton-le-Woods) 2014

Members of the Development Control Committee considered a report of the Chief Executive which sought formal confirmation of Tree Preservation Order No. 11 (Clayton-le-Woods) 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. 11 (Clayton-le-Woods) 2014 without modification be approved.

14.DC.97 Planning Appeals and Other Decisions Report - 16 December 2014

The Director of Public Protection, Streetscene and Community submitted a report which informed Members of the Development Control Committee of three planning appeals that had been dismissed by the Planning Inspectorate.

RESOLVED – That the report be noted.

Chair

Date

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Item 3a **14/00881/FUL**

Case Officer **Ian Heywood**

Ward **Wheelton and Withnell**

Proposal **Conversion of redundant barns to form 6 no. dwellings including demolition of livestock building and part of existing barn, construction of rear extension to one barn, extension of existing garage, creation of associated vehicular parking areas and creation of three vehicle passing places (two entirely new and one existing to be improved/enlarged) on Dick Lane.**

Location **Brinscall Hall Farm
Dick Lane
Brinscall
Chorley
PR6 8Q**

Applicant **Mr Muntzer Mughal**

Consultation expiry: **7 January 2015**

Decision due by: **4 November 2014**

Recommendation **Permit Full Planning Permission (Subject to legal agreement)**

Executive Summary

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

Representations

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

Consultees

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

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

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

Description of the site

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

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

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

Assessment

Update

16. Following comments made at the Development Control Committee meeting of 28 October 2014 a site meeting was arranged for 14 January 2015. Following that Committee meeting and discussions between the case officer and the agent the proposed scheme has been amended.
17. Amended plans were received on 9 December 2014 which shows the following amendments to the scheme as previously considered by Members of the Development Control Committee on 28 October 2014:
 - a. Deletion of the proposed 4-car garage block;
 - b. Deletion of the electric gates at the entrance to the site;
 - c. Provision of bin storage facilities within each proposed property boundary and the deletion of the household waste bin store facility within the proposed extension to the existing garage. The proposed extension to the existing garage is retained but only for use as general domestic ancillary storage accommodation – not for bins – and also in connection with the proposed ecological mitigation – bat roosts.
 - d. Additional details supplied for the formation of three passing places on Dick Lane as agreed with the LCC Highways Engineer.
18. An additional consultation with neighbours and the Parish Council was undertaken between 10 December 2014 and 7 January 2015. No further representations have been received from this

Principle of the Development

19. Pertinent Policies are: Adopted Chorley local Plan Review (2003), Policy DC1 and DC7A; Adopted Central Lancashire Rural Development SPD (2012); Emerging Chorley Local Plan 2012 – 2026, Policy HS9. Also of relevance is the Framework (National Planning Policy Framework) Section 9, paragraphs 87 – 92.
20. The site is within the Green Belt. Paragraphs 87 - 88 of the Framework state: (para 87) *'As with previous Green Belt Policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'* (para 88) *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'*
21. The Adopted Central Lancashire Rural Development SPD (2012) mirrors paragraph 89 of the Framework. Policy DC1 of the Adopted Chorley Borough Local Plan Review (2003) and Policy HS9 of the emerging Chorley Local Plan 2012 – 2026 set out exceptions where development can be considered to be appropriate in the Green Belt:
 - a. The proposal does not have a materially greater impact on the openness of the Green Belt and the purposes of including land in it;
 - b. The proposal would not harm the character or quality of the countryside or landscape;
 - c. The re-use of the building must not be likely to result in additional farm buildings which would have a harmful effect on the openness of the Green Belt;
 - d. If an agricultural building, it is not one substantially completed within ten years of the date of the application;
 - e. The building is of permanent and substantial construction and capable of conversion

- without more than 30% reconstruction;
- f. The building must be capable of conversion without the need for additions or alterations which would change its existing form and character. Particular attention will be given to curtilage formation which should be tightly drawn around the building footprint and the requirement for outbuildings, which should be minimal;
 - g. The building must already have, or there exists the capability of creating, a reasonable vehicular access to a public highway that is available for use without creating traffic hazards and without the need for road improvements which would have an undue environmental impact;
 - h. The development would not result in the loss or damage to any important wildlife habitat or protected species.
22. In this case:
- a. Overall the amount of built development within the site will be less than is currently the case. Consequently it is considered that there will be a lesser impact on the openness of the Green Belt.
 - b. The proposal seeks to re-use existing buildings and to make alterations including an extension to the barn building and the extension of the existing garage that have been designed to complement this rural setting. It is therefore considered to sustain the character and quality of the Green Belt.
 - c. Farming operations ceased at this site some years ago and the centre of farming operations re-located to a new site to the south of Brinscall Hall. There will therefore be no requirement for additional farm buildings as a result of the proposed development.
 - d. The building dates from the 19th Century.
 - e. A structural survey report accompanies the application which confirms the structural integrity of the building and its capacity for conversion.
 - f. The building is readily capable of conversion and only requires a limited number of extensions, one to the barn the other to the existing garage, to be erected. The extent of the proposed domestic curtilage follows the line of the existing farm yard wall which is considered to be both adequate for properties of this type and acceptable in terms of the relation with the open countryside beyond.
 - g. An existing access is already in place. This will be enhanced by the provision of passing places that are the subject of a proposed 'Grampian' (pre-commencement) condition.
 - h. Suitably worded conditions will ensure that protected and endangered species are safeguarded both during and post construction.
23. The proposal involves the removal of a sizeable modern cow shed, a form of development that is appropriate in the Green Belt, and the erection of an extension to the barn building and an extension to the existing garage that falls to be considered as inappropriate development in the Green Belt. However the overall impact on the openness of the Green Belt is considered to be acceptable as, with reference to the Framework, it will not result in a disproportionate addition over and above the size of the original building. The overall mass of built development will be reduced at this point within the Green Belt.
24. In terms of alternative uses for the buildings they were originally taken out of agricultural use as being no longer fit for modern farming practices and are too small to accommodate modern farming machinery. They are now divorced from the land to which they were previously associated meaning that agricultural use is no longer a viable option. Other industrial uses, even office accommodation is considered inappropriate in this quite remote location as it would result in even heavier vehicle movements along Dick Lane than a residential use would create. Clearly these buildings, as with any building, have to be sustainable and have an active, economic and sustainable use. It is considered that residential use in this case is the most appropriate.
25. On balance it is considered that very special circumstances have been demonstrated and that these overcome the inappropriateness of development and any other harm caused and that the end product will sustain the openness and the quality of the Green Belt at this point.

Design

26. Pertinent Policies are: Chorley Borough Householder Design Guidance SPD (2008);

Adopted Central Lancashire Core Strategy (2012), Policy 17; Adopted Central Lancashire Design SPD (2012); Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. Also of relevance is the Framework paragraph 56, 57 and 60 – 65.

27. A key thrust of these policies is the desire to encourage high quality and innovative design. Paragraph 56 of the Framework states that, *'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 57 continues, It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider development schemes.'*
28. Paragraphs 60 – 65 not only reinforce the need for good design and design which responds to context, but also the benefits of using independent design review arrangements to ensure high standards of design. Paragraph 63 states that, *'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'* Paragraph 65 concludes that, *'Local planning authorities should not refuse planning permission for buildings or infrastructure which promotes high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.'*
29. The application follows extensive pre-application discussions and further negotiations following the withdrawal of a previous, similar scheme. The design suggests some new interventions, however these are only proposed where they are necessary and are considered to be of a high-quality, complimentary yet contemporary design that will enhance the appearance of the building. High quality complimentary materials are proposed to support the overall design ethos and suitably worded conditions will secure these details.
30. It is therefore considered that the proposal represents the highest quality of design and that consequently it accords with the aforementioned policies.

Impact on the significance of a designated heritage asset

31. Pertinent Policies are: Adopted Central Lancashire Core Strategy (2012), Policy 16; Emerging Chorley Local Plan 2012 – 2026, Policy BNE8. Also of relevance is the Framework, Section 12.
32. Within the Framework paragraph 129 states that, *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'*
33. Paragraph 132 states, *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*
34. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, *'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:*
 - a. *Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'*

35. The emerging Chorley Local Plan 2012 – 2026, Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, *'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate. The enhancement of the setting of heritage assets.'*
36. In this case given the relationship of the development site and the designated heritage asset, the design of the proposed works and the choice of materials proposed it is considered that the significance of the designated heritage asset will be sustained as a result of the development.
37. It is therefore considered that the proposed development is in accordance with the aforementioned policies.

Impact on the amenity of neighbours

38. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy HS4; Chorley Borough Householder Design Guidance SPD (2008); Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. These policies/ guidance suggest that any proposed development should not have an unacceptable impact upon the amenity currently enjoyed by neighbouring properties.
39. The proposed development will have a material impact upon the amenity currently enjoyed by the neighbours to the site. However it is considered that, with the inclusion of suitably worded conditions, that impact can be addressed. The occupants of Brinscall Hall Bungalow and, to a lesser extent, Brinscall Hall are the properties that would be directly affected by the proposed development as a result of overlooking to their current domestic garden areas. The distance from windows to the first floor of the proposed development, specifically to plot 1, that would have an oblique angle view of these domestic garden areas is such that the impact on the amenity currently enjoyed by Brinscall Hall Bungalow and Brinscall Hall itself is considered to be acceptable.
40. The removal of the bin store within the proposed extension to the existing garage, with the use of the extension limited to domestic storage and the location for bat boxes, to be secured by condition, and the relocation of bin storage facilities to within the boundaries of each proposed new dwelling is considered to provide an acceptable relationship to neighbouring properties and to have no material impact upon their amenity.
41. This being the case it is considered that the proposed development will not have an unacceptable material impact upon the amenity currently enjoyed by neighbouring properties.

Highway Safety and Parking

42. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy TR4; Emerging Chorley Local Plan 2012 – 2026, Policy ST4. The Lancashire County Council Highways Officer has commented that he has no objections to the proposed development, however he has asked for a pre-commencement 'Grampian' condition that requires the construction of passing places on Dick Lane. Whilst the part of Dick Lane on which these passing places are to be created is an unadopted highway in private ownership, the land owner has given written consent to the applicant for their construction and ongoing maintenance thereafter (at the applicant's expense). The development will accord with the Council's parking standards as set out in Appendix A of the emerging Chorley Local Plan 2012 – 2026.
43. The proposed development is therefore considered to accord with the aforementioned policies.

Ecology

44. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy EP4; Adopted Central Lancashire Core Strategy (2012), Policy 22; Emerging Chorley Local Plan 2012 – 2026, Policy BNE9. These policies, together with other legislation, seek to safeguard protected and endangered species and their habitats. The Lancashire County Council Ecologist has commented that the findings and proposed mitigation contained

within the submitted ecological reports are acceptable. Suitably worded conditions will secure and safeguard protected species and their habitats.

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

Trees

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

Public Right of Way

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

Drainage and Sewers

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

S.106 Agreement

53. The National Planning Practice Guidance was updated by Government on 28 November 2014 in respect of contributions for affordable housing and tariff style planning obligations. These measures were introduced to support small scale developers by reducing disproportionate burdens on developer contributions. The updated guidance confirms that such contributions should not be sought from small scale and self-build development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m².
54. This development is for 6 no. dwellings and whilst it falls below the 10 unit threshold, the development has a combined gross floorspace of more than 1000m².
55. As such a contribution towards the provision of public open space is therefore sought from this development in accordance with the National Planning Practice Guidance:

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

56. In addition this development exceeds the 5 unit threshold for rural areas set out within Policy 7 of the Central Lancashire Adopted Core Strategy and as such a contribution towards off-site affordable housing (35%) is therefore sought from this development in accordance with the National Planning Practice Guidance: £423,882.00.

CIL

57. The development is liable for the Community Infrastructure Levy (CIL) which equates to £64,935.

Overall Conclusion

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

Planning Policies

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

Planning History

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

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

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

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

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

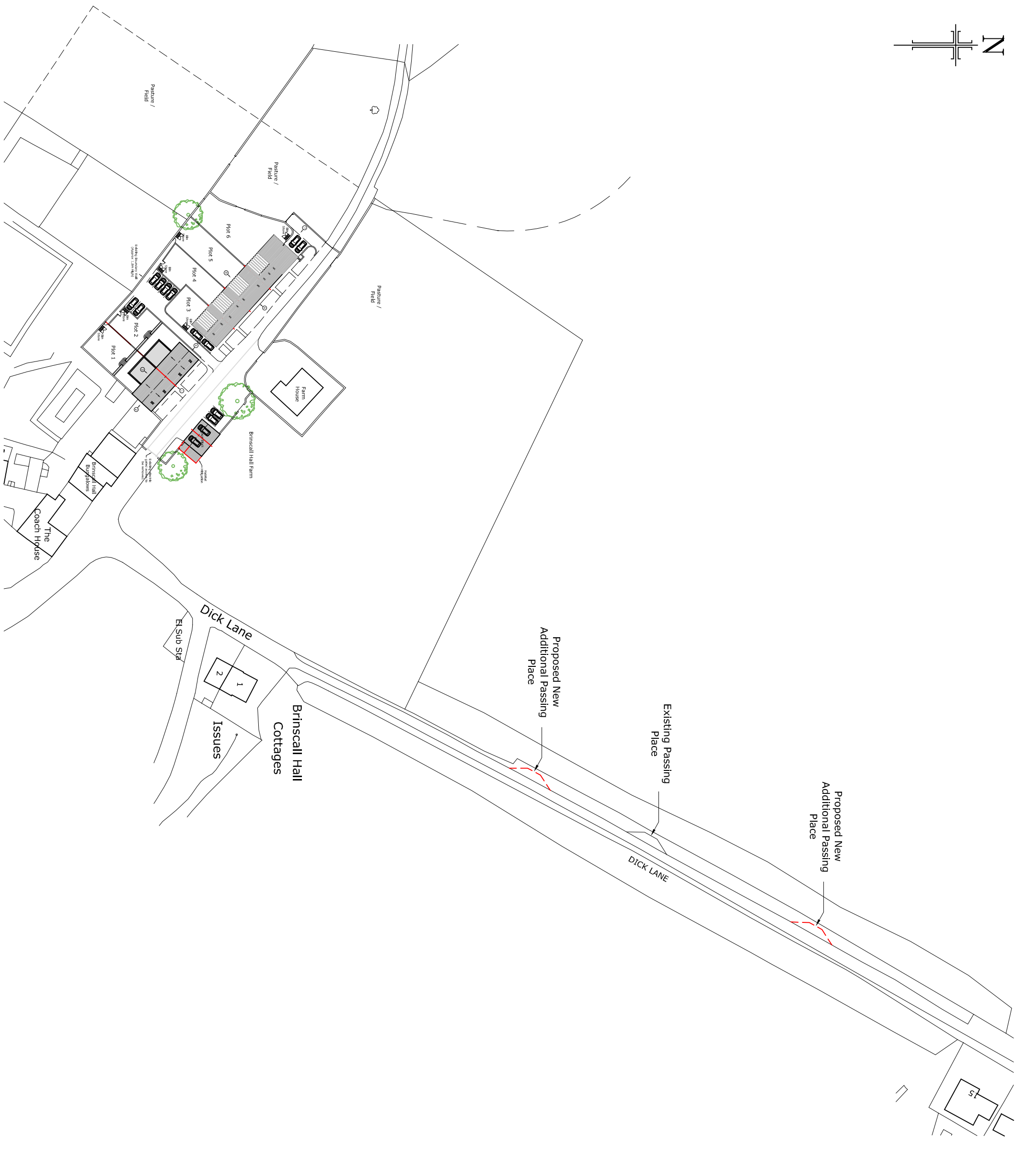
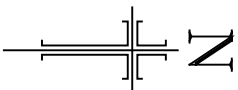
Ref: 74/00171/FUL **Decision:** REFFPP **Decision Date:** 29 May 1974
Description: Site for 80 dwellings

Proposed Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Drawing: BS.13-047/SK 01 Rev F received on 9 December 2014 Drawing: BS.13-047/SK 02 Rev B received on 14 August 2014 Drawing: BS.13-047/SK03 Rev B received on 14 August 2014 Drawing: BS.13-047/SK04 Rev A received on 14 August 2014 Drawing: BS.13-047/SK05 Rev - received on 14 August 2014 Drawing: BS.13-047/SK 06 Rev D received on 9 December 2014</p> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>
3.	<p>The development hereby permitted shall not commence unless and until the developer has implemented the plan (reference BS.13-04/SK 06 Rev D as submitted on 9 December 2014 and the construction details as shown on the illustrations submitted on 12 December 2014 from Geosyntheitics Ltd 'Golpa Grass Reinforcement System' and 'Golpa Gravel Reinforcement System') for the construction of three vehicle passing places on Dick Lane.</p> <p>Each passing place should be 10 metres in length with 10metre tapers on both sides. The combined width of a passing place and the road at each location should be 5.5 metres. The passing places should be sited at 60 metre centres and tarmac covered. The passing places should be designed to include culverts for the current drainage ditches and must avoid damage to adjacent trees that are the subject of a Tree Preservation Order. The passing places shall be retained in perpetuity thereafter.</p> <p><i>Reason: In the interests of highway safety.</i></p>
4.	<p>The development hereby permitted shall not commence unless and until, plans and particulars showing a scheme of foul sewers and surface water drains, have been submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.</p> <p><i>Reason: To ensure a satisfactory means of drainage.</i></p>
5.	<p>The development hereby permitted shall not commence unless and until samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
6.	<p>During the construction period, including the construction of the passing places as detailed at condition 3, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.</p> <p><i>Reason: To safeguard the trees to be retained</i></p>
7.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwelling(s), porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.</p>

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

	<p>replacement habitat shall be sufficient to adequately offset the losses as a minimum. The approved details shall be implemented in full.</p> <p><i>Reason: To safeguard protected species and their habitats.</i></p>
<p>15.</p>	<p>No external lighting associated with the application shall be installed without the prior approval, in writing, from the local planning authority.</p> <p><i>Reason: To safeguard protected species and their habitats.</i></p>
<p>16.</p>	<p>The proposed extension to the existing garage shall only be used for domestic storage and for the installation of bat boxes and any other ecological mitigation measures that may be required. It shall not be used for the storage of any household waste or items for recycling or disposal.</p> <p><i>Reason: To secure the amenity of neighbouring residential properties.</i></p>



NOTES

The copyright of this drawing is held by Lea Hough & Co Chartered Surveyors LLP.

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

REVISIONS		
REV / DESCRIPTION	DATE	APPROVED
A Existing access gates removed.	05-11-14	GM
B Revised Bin Storage Arrangement to Individual Plots Noted.	17-11-14	GM
C Garage Block Plot 4 / 5 Removed.	28-11-14	GM
D Positions of passing places to Dick Lane adjusted.	02-12-14	GM

LeaHough

CHARTERED SURVEYORS

Survey Valuation Design Planning Sales

Blakewater House
Phoenix Business Park
Blakewater Road
Blackburn
Lancashire
BB1 5RW
Tel: 01254 260196
Email: info@leahough.co.uk
Web: www.leahough.co.uk

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



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

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

PROJECT TITLE:
Re-development/Conversion of Existing Barns

DRAWING TITLE:
Proposed Site Block Plan

PAPER SIZE: A3	DRAWING NUMBER: BS.13-047/SK 06	REV: D
SCALE: 1:1250	DATE: February 2014	DRAWN BY: GM

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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:	6th November 2014
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**This application was deferred for a site visit at the December Development Control Committee meeting.**

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/REMAJ) 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 Walleys 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 Walleys 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)	Approved	10 th August 2014

	and associated infrastructure (related to outline permission ref: 09/00665/OUTMAJ)		
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: T7 (oak): fell T8: (sycamore): removal of three branches as indicated on photograph to accompany application for tree works, dated 25th September 2014 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>

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

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storey or two and a half storey dwellings with in-curtilage parking.

5. The house types will remain the same or similar to those previously approved on this parcel with the omission of the Burgess and Burton house types but the addition of a Buxton house type and larger Fenchurch and Turner house types. The designs of the properties incorporate front gables, porches and vertically proportioned windows with heads and sills. Some properties will incorporate integral garages, while others have detached garages. The house type changes are considered acceptable in design terms, the layout results in 6no. fewer properties replaced by larger house types, which is considered acceptable.
6. The boundary treatments are considered important on this parcel given its relationship with the woodland. The re-plan of part of the site will keep the boundaries of the parcel as previously approved, so those on the outside of the parcel face towards the woodland to avoid the rear of properties backing onto the woodland and negate the need for secure rear boundaries. Where side gardens bound with the woodland the boundary will be hedgerows with stock proof fencing.
7. The design and layout is considered acceptable and in accordance with the Design Code.
8. The approved Design Code shows this application parcel to be low density housing at a proposed density of 20-30 dwellings per hectare. The amended layout is equivalent to 23.2 dwellings per hectare so complies with the Code.

Impact on the neighbours

9. The application site is set within a distinct parcel within the Group 1 site. There are no existing properties on or adjacent to the site and there will be no other parcels immediately adjacent to this one so there are no neighbour amenity issues outside the site.
10. The changes on the site comply with the Council's interface distances and are therefore considered acceptable in terms of the relationships between the proposed properties.
11. All the proposed properties (apart from two Turner house types) have conservatories on their rear elevations. If this application is permitted these would form part of the original dwelling in terms of future permitted development rights. Building further out than this could have significant impacts on neighbouring properties and therefore a condition is proposed preventing extensions being built off the rear elevation of the approved conservatories approved under this application, but keeps the other permitted development rights of the properties intact.

Highways and Parking

12. The site will be accessed from a single approach road that goes over Buckshaw Brook off the main spine road running through the wider development linking Central Avenue with Wigan Road. This will then divide into a number of shared surface cul-de-sacs. This is as envisaged by the Design Code and is considered acceptable.
13. The Council's parking standards under policy ST4 of the emerging Local Plan 2012-2026 require 2/3 bed properties to have two parking spaces and 4 or more bed properties to have three spaces. Garages do count providing they are large enough to be a usable space (approximately 6m x 3m internally). Some of the garages do not meet these size criteria and therefore on these plots the width of the driveways have been increased slightly to allow three off road parking for these properties on their driveways. The double garages are large enough to be counted as one parking space and where they are required to be counted as a parking space they will be conditioned to prevent them being converted without express planning permission being granted.
14. The proposal is therefore considered acceptable in relation to highways and parking.

Contamination

15. The site has been the subject of a separate application for remediation (ref: 09/00095/FULMAJ) and is not therefore a matter for this application. A precautionary condition is proposed that if during the earthworks exercise further contamination is found in close proximity to the streams and reservoir then the risk to controlled waters be re-assessed.

Drainage and Sewers

16. A drainage strategy in relation to surface water and flood risk forms part of the Design Code based around the current natural drainage catchments on the site, the aim of which is attenuating surface water runoff for all events up to and including a 100-year event, plus a 20% allowance for climate change and attenuation within the site for runoff above the existing 1-year, 15-minute runoff rate. There will be provision of attenuation on site in existing ponds with an additional attenuation feature in the northwest of the site. Standard piped drainage within the site will drain surface water runoff from hard standing areas to the attenuation areas.
17. A condition will be applied requiring specific drainage details to be submitted for this parcel.

Sustainability

18. The proposal is a Reserved Matters application. The condition applied to the original outline permission for Group 1 (08/00910/OUTMAJ) was varied under permission ref: 13/00126/OUTMAJ to require the scheme to be built to Code for Sustainable Homes Level 4. An informative note drawing attention to the conditions on the outline permission by which any permission will be bound is proposed.

Legal Agreement

19. A legal agreement attached to the outline permission secures affordable housing provision across the site. This will not be provided on this parcel which has a character of larger dwellings but the developers will still need to incorporate the requirements across the other parts of the Group 1 site and they have been made aware of this. The amount of affordable housing to be provided across the site of a whole has been reduced to 15% through application ref: 13/00649/FUL (permitted 20th September 2013) which was to vary the affordable housing obligations contained in the original legal agreement. The legal agreement also secured a transport contribution, on-site public open space, management details, highway improvements and reserves a school site for a set period if it is needed amongst other things.
20. The infrastructure and affordable housing provision related to the site has therefore already been secured through the outline permission.

Overall Conclusion

21. The principle of the development has already been established by outline permission 08/00910/OUTMAJ and the previous reserved matters application ref: 14/00635/REMMAJ. The changes to the previously approved scheme are considered to comply with the Design Code for Group 1 and the application is recommended for approval.

Planning Policies

22. 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 December 2009.	Permitted	21 st December 2012
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 nd 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 th July 2011
12/00475/FULMAJ	Section 73 application to vary condition 18 (southern boundary treatment) attached to planning approval 09/00095/FULMAJ	Permitted	4 th January 2013
12/00688/FUL	Construction of an access road leading from Central Avenue together with earthworks and landscape treatment associated with the realignment of watercourses	Permitted	2 nd November 2012
13/00126/OUTMAJ	Section 73 application to vary condition no. 17 (Code for Sustainable Homes) of planning permission no. 11/00403/OUTMAJ to remove the requirement for dwellings built post January 2016 to achieve Level 6	Permitted	17 th July 2013
13/00649/FUL	Application under Section 106 BA of the Town and Country Planning Act 1990 (as amended) to modify a planning obligation dated 22 December 2009.	Permitted	20 th September 2013

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="0" data-bbox="320 600 1303 1205"> <thead> <tr> <th data-bbox="320 600 699 631">Plan Ref.</th> <th data-bbox="699 600 986 631">Received On:</th> <th data-bbox="986 600 1303 631">Title:</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 631 699 663">JB/PL01/CC/G1-H2 Rev E</td> <td data-bbox="699 631 986 663">29th August 2014</td> <td data-bbox="986 631 1303 663">Planning Layout</td> </tr> <tr> <td data-bbox="320 663 699 694">CC/FHT</td> <td data-bbox="699 663 986 694">24th December 2014</td> <td data-bbox="986 663 1303 694">The Fenchurch House</td> </tr> <tr> <td data-bbox="320 694 699 725">Type</td> <td></td> <td></td> </tr> <tr> <td data-bbox="320 725 699 757">CC/HAHT</td> <td data-bbox="699 725 986 757">24th December 2014</td> <td data-bbox="986 725 1303 757">The Harley House Type</td> </tr> <tr> <td data-bbox="320 757 699 788">CC/CVHT</td> <td data-bbox="699 757 986 788">26th November 2014</td> <td data-bbox="986 757 1303 788">The Calvert House Type</td> </tr> <tr> <td data-bbox="320 788 699 819">CC/BHT</td> <td data-bbox="699 788 986 819">26th November 2014</td> <td data-bbox="986 788 1303 819">The Burton House Type</td> </tr> <tr> <td data-bbox="320 819 699 851">CC/DHT</td> <td data-bbox="699 819 986 851">26th November 2014</td> <td data-bbox="986 819 1303 851">The Danby House Type</td> </tr> <tr> <td data-bbox="320 851 699 882">CC/HHT01</td> <td data-bbox="699 851 986 882">26th November 2014</td> <td data-bbox="986 851 1303 882">The Hilliard House Type</td> </tr> <tr> <td data-bbox="320 882 699 913">CC/HGHT</td> <td data-bbox="699 882 986 913">26th November 2014</td> <td data-bbox="986 882 1303 913">The Hogarth House Type</td> </tr> <tr> <td data-bbox="320 913 699 945">CC/LHT</td> <td data-bbox="699 913 986 945">26th November 2014</td> <td data-bbox="986 913 1303 945">The Lewis House Type</td> </tr> <tr> <td data-bbox="320 945 699 976">PHL-TUR-PL01</td> <td data-bbox="699 945 986 976">26th November 2014</td> <td data-bbox="986 945 1303 976">Turner Planning Plans &</td> </tr> <tr> <td data-bbox="320 976 699 1008">Elevs</td> <td></td> <td></td> </tr> <tr> <td data-bbox="320 1008 699 1039">PL/CONS-01</td> <td data-bbox="699 1008 986 1039">26th November 2014</td> <td data-bbox="986 1008 1303 1039">Typical Optional</td> </tr> <tr> <td data-bbox="320 1039 699 1070">Conservatory</td> <td></td> <td></td> </tr> <tr> <td data-bbox="320 1070 699 1102">SDF11</td> <td data-bbox="699 1070 986 1102">26th November 2014</td> <td data-bbox="986 1070 1303 1102">Plot Divisional Fence</td> </tr> <tr> <td data-bbox="320 1102 699 1133">CC-BT-02</td> <td data-bbox="699 1102 986 1133">26th November 2014</td> <td data-bbox="986 1102 1303 1133">1800mm Timber Screen</td> </tr> <tr> <td data-bbox="320 1133 699 1164">Fence</td> <td></td> <td></td> </tr> <tr> <td data-bbox="320 1164 699 1196">CC-BT-03</td> <td data-bbox="699 1164 986 1196">26th November 2014</td> <td data-bbox="986 1164 1303 1196">1800mm Brick Wall</td> </tr> <tr> <td data-bbox="320 1196 699 1227">SGD-01</td> <td data-bbox="699 1196 986 1227">26th November 2014</td> <td data-bbox="986 1196 1303 1227">Single/Double Garage</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Plan Ref.	Received On:	Title:	JB/PL01/CC/G1-H2 Rev E	29 th August 2014	Planning Layout	CC/FHT	24 th December 2014	The Fenchurch House	Type			CC/HAHT	24 th December 2014	The Harley House Type	CC/CVHT	26 th November 2014	The Calvert House Type	CC/BHT	26 th November 2014	The Burton House Type	CC/DHT	26 th November 2014	The Danby House Type	CC/HHT01	26 th November 2014	The Hilliard House Type	CC/HGHT	26 th November 2014	The Hogarth House Type	CC/LHT	26 th November 2014	The Lewis House Type	PHL-TUR-PL01	26 th November 2014	Turner Planning Plans &	Elevs			PL/CONS-01	26 th November 2014	Typical Optional	Conservatory			SDF11	26 th November 2014	Plot Divisional Fence	CC-BT-02	26 th November 2014	1800mm Timber Screen	Fence			CC-BT-03	26 th November 2014	1800mm Brick Wall	SGD-01	26 th November 2014	Single/Double Garage
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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>The integral or detached garages hereby approved on plots 1, 3, 6, 9, 16, 17, 19, 28, 30, 32, 33, 37, 45, 48, 51, 55, 58 and 61 shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to convert (or part convert) the space into living or other accommodation unless three cars could still be parked off the road within the curtilage of the dwelling.</p> <p><i>Reason: These plots rely on their double garages (or one half of their double</i></p>																																																												

	<i>garages) to meet the Council's parking standards, therefore to ensure adequate off street parking provision is made/maintained and thereby avoid hazards and nuisance caused by on-street parking.</i>
6.	<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>
7.	<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 area shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.</p> <p><i>Reason: To ensure adequate provision of car parking and manoeuvring area.</i></p>
	<p>Please note: Your attention is drawn to the conditions on outline planning permission reference 13/00126/OUTMAJ that relate to this site.</p>

Charles Church @ AREA H2 EUXTON.



Boundary Key

- ===== Hedge with stockproof fence
- - - - - Plot divisional post and rail fence
- 1800 Timber Screen Fence
- 1800 Birch Wall

MIX DEVELOPER		SITE AREA	
Area	Gross	Net	5/20
HEAVENS	2755	2059	2342
P.O.S. AREAS			64.0
Proposed Units			
HOUSE TYPE	NO	TOTAL GALT	
Single	56	1932	
Large	8	1283	
Highly	19	2674	
CH/HT	6	3726	
FL/HT	2	3034	
Highrise	3	8052	
Medium	20	15700	
TH/HT	4	3192	
TOTAL	58	34444	
FOOTAGE (GROSS)	TR/HAIR	TR/HEIR	
FOOTAGE (NET)	37,620	16,515	
UNITS (GROSS)	TR/HAIR	TR/HEIR	
UNITS (NET)	25	25	

Rev	Date	Description	Author
1	28/12/2014	Initial design & 2D & 3D models for the site plan.	JB
2	28/12/2014	Final design & 2D & 3D models for the site plan.	JB
3	29/01/2014	Site plan design and boundary lines for the site plan.	JB
4	28/02/2014	Amendments to the site plan & boundary lines.	JB
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Individual Group One - AREA H2
 Location: EUXTON
 Name: CHARLES CHURCH
 Title: PLANNING LAYOUT
 Drawn: JB/PL/CC/GJ/H2
 Checked: E
 Scale: A1: 1:500
 Date: 29.05.14

CHARLES CHURCH
 THE NAME ON THE FINISH HOMES

Charles Church

Planning Room, Lutterworth Business Park, Green Road, Lutterworth, LE15 9QJ
 Tel: 01534 620200 Fax: 01534 621001 Web: www.charleschurch.com

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Item 3d	14/01046/FULMAJ
Case Officer	Nicola Hopkins
Ward	Eccleston And Mawdesley
Proposal	The construction of an earth embankment, ancillary control structures and infrastructure, a new permanent access road and borrow pits on the River Yarrow approximately 700m upstream of Eccleston Bridge.
Location	Croston Flood Risk Management Project, Land 485M South East Of 77 Lydiate Lane, Eccleston
Applicant	Environment Agency
Consultation expiry:	6th November 2014
Decision due by:	3rd February 2014 (this application is subject to a PPA with a Committee date of 20th January 2015 and a requirement to issue the decision within 2 weeks of the Committee date)

Recommendation

Approve full planning permission

Executive Summary

The scheme proposed is designed to reduce the risk of flooding in Croston to a 1 in 100 chance of happening each year from the River Yarrow. This will give rise to major beneficial effects for the village. Although the scheme represents inappropriate development within the Green Belt along with the permanent loss of an area of agricultural land it is considered that the benefits outweigh the harm.

Representations

<p>Euxton Parish Council have commented that although they have criticisms of the consultations undertaken for the scheme and of the documentation produced in support of it, Euxton Parish Council appreciates the need for this scheme and of the implications of delay. The Parish Council have also commented that although they are very concerned for the preservation of the Green Belt in the parish, the Council accepts that this proposal is acceptable development. The Parish Council's specific comments are contained within the body of the report.</p>	
<p>In total 3 representations have been received which are summarised below</p>	
Objection	Not specified
Total No. received:1	Total No. received:2
<ul style="list-style-type: none"> • Object to new permanent access road on Lydiate Lane 	<ul style="list-style-type: none"> • The removal of all or part of the mature hedgerow/property boundary to assist traffic movements on site. • The possible removal of one mature sycamore tree (one of only two mature trees) to assist traffic movements. • Access/egress onto Southport road at an accident hot-spot. • Litter and mud brought onto the road. • Daily Traffic volumes once work begins have not been made clear. • Times the site will operate from and to have not been made clear. • Compensation for impact to property and use during project. • Concerns about safety on Southport Road-the result of more traffic especially large heavy trucks carrying clay and building materials will make it a lot worse. • Vehicles will transfer mud onto the roundabout junction and along the road causing further hazards. • Elevated noise levels • Tree and hedge removal will remove land boundaries and decrease property security.

Consultees

Consultee	Summary of Comments received
Greater Manchester Ecological Unit	Have commented on the ecological impacts in respect of the scheme which are addressed in detail below
LCC Archaeology	No objection
LCC Flood Risk Management	Supports the proposed development
Natural England	No objection
English Heritage	Do not wish to comment in detail although they have suggested that LCC Archaeologist is consulted. English Heritage do not consider that there will be a marked impact on the setting of highly graded heritage assets

Chorley Conservation Officer	No objection
Council's Tree Officer	<p>Trees within the flood area will be affected.</p> <p>Hedgerows with mature trees are the dominant field boundary type and a prominent feature within the landscape. The mature trees are mainly oak, alder and willow. The majority of the hedgerows consist of hawthorn with occasional hazel and elder.</p> <p>The River Yarrow is heavily shaded in part by mature willow trees. Woodland is present in narrow strips, forming corridors along the river Yarrow and isolated pockets between fields. Species include alder, willow, oak, ash and occasional beech.</p> <p>Billinge Wood lies immediately outside the area of flood storage forms a significant stand of semi mature woodland, with oak, sycamore, and hawthorn dominating. The woodland will be less exposed to flooding so no loss of trees to accommodate the Flood Management Scheme will be required within the woodland.</p> <p>Loss of mature and veteran trees should be avoided at the design stage. Tolerance of trees affected within the flood water holding area will be determined by a number of factors, soil aeration, pH, organic matter, sedimentation, age, vigour, species, and season. If water is to be held within the flood storage area for prolonged periods on a regular basis it would be advisable to removed affected trees and replant away from the affected area.</p> <p>Retained trees and hedges should be protected during construction work in accordance with BS 5837 2012.</p>
Environment Agency Sustainable Places Team	No objection in principle to the proposed development.
Lancashire County Council (Highways)	Have no objection subject to conditions (the specific comments are contained within the body of the report)
CBC Parks and Open Spaces Officer	Has commented on the visual impact of the proposals

The Development Plan

1. The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003 and the Adopted Central Lancashire Core Strategy.
2. The starting point for assessment of the application is Section 38(6) of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Adopted Chorley Borough Local Plan Review 2003

3. The 2003 Local Plan Review and the 2012 Adopted Core Strategy comprise the statutory development plan relevant to the application. The Framework confirms that for 12 months from the day of publication of the Framework (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The Framework also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans. The emerging plan is later in this report.
4. The relevant policies of the Local Plan are as follows:
 - GN5 - Building Design and Retaining Existing Landscape Features and Natural Habitats
 - DC1- Green Belt
 - EP4 - Species Protection
 - EP9 - Trees and Woodlands
 - EP10 - Landscape Assessment
 - EP12 – Environmental Improvements
 - EP17- Water Resources and Quality
 - EP18 – Surface Water Run Off
 - TR1 – Major Development – Tests for Accessibility & Sustainability
 - TR4 – Highway Development Control Criteria
 - LT10 – Public Rights of Way

Adopted Central Lancashire Core Strategy 2012

5. The following Core Strategy Policies are of relevance to this application:
 - **Policy MP** clarifies the operational relationship between the Core Strategy and the National Planning Policy Framework. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. Planning policies that accord with the policies in the Core Strategy will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date the Council will grant planning permission unless material considerations indicate otherwise taking into account Policy MP a) and b).
 - **Policy 1** Locating Growth
 - **Policy 16** Heritage Assets
 - **Policy 22** Biodiversity and Geiodiversity
 - **Policy 29** Water Management
 - **Policy 31:** Agricultural Land

Emerging Policy Considerations**Emerging Local Plan 2012-2026**

6. The Inspector has issued her Partial Report on her findings into the soundness of the emerging Chorley Local Plan which is a material consideration in the assessment 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.”
9. The Council accepted the Inspectors modifications for Development Control purposes at its Executive Committee on 21st November 2013 and as such the Policies can be afforded significant weight subject to the main modifications.
10. The following emerging Local Plan Policies are of relevance to this application:
 - BNE8: Protection and Enhancement of Heritage Assets
 - BNE10: Trees
 - BNE11: Species Protection

Assessment**Background Information**

11. The Environment Agency (the applicants) have worked in partnership with Lancashire County Council, Chorley Borough Council, United Utilities and the Lower Yarrow Flood Action Group, to devise a flood defence scheme to reduce the flood risk to the village of Croston related to high flows in the River Yarrow.
12. The proposals are designed to improve the standard of flood protection to a 1% chance of flooding in any given year (and also account for the likely changes in river flow related to climate change over the next 100 years). The proposals have been designed to reduce the flood risk to people and property in Croston from the River Yarrow which flows through the centre of the village. In addition to risk of floodwater overtopping river banks, during high flows surface water from heavy rainfall cannot drain to the River Yarrow causing surface water flooding. The proposed embankment and its Flood Storage Area (FSA) are located in the river valley some 3km upstream of Croston.
13. It is estimated that 438 properties (347 residential and 91 commercial properties) are at risk of flooding in an event with a 1 in 100 year probability (i.e. a 1% chance of occurring in any year). The existing flood defences were built following major floods in 1966 and have been modified since but the existing standard of flood protection (i.e. a 5% chance of flooding in any year) is below government guidance. Flooding has occurred in 1987, 2000 and 2008.
14. The proposals involve the construction of an upstream temporary storage area, near the village of Eccleston (approximately 800m from the settlement boundary) which will hold water (up to 1.3 million m³) on farmland in the valley floor during peak flows then gradually release it back to the river over several hours. In order to store the flood water, an earth embankment will be built across the valley and the River Yarrow will be diverted through a flow control structure incorporated into the embankment.
15. In addition to reducing flood risk the applicants objectives are as follows:
 - To minimise adverse impacts on the environment.
 - To improve river quality.
 - To conserve and where practical improve the townscape/landscape and recreational quality.
 - To improve the wildlife value of the river corridor.
16. The Environment Agency has designated this as an 'Accelerated Project' and commitments to its delivery have been made to the public by the government and the Environment Agency. The Scheme's funding is dependent on the flood risk management works commencing before March 2015.

Public Consultation

17. Prior to submitting the planning application the Environment Agency carried out public consultation with statutory, non-statutory and local organisations, businesses and members of the general public. Meetings have been held with:
 - Making Space for Water Group.
 - United Utilities.
 - Lower Yarrow Flood Action Group.
 - Friends of the River Yarrow.
 - Chorley Borough Council.
 - Lancashire County Council.
 - Parbold and District Agricultural Discussion Society
18. Additional parties consulted on the environmental effects of the Scheme were:
 - Lancashire Wildlife Trust.
 - Natural England.
19. Opportunities were provided to comment on the proposals at a number of public drop-in events. Quarterly newsletters have been distributed to all landowners directly affected by the Scheme, members of the public that have signed up at the drop-in events to receive newsletters, local

councillors, parish councils, Members of Parliament and other local stakeholders. In addition several press releases and media reports were issued between January 2013 and January 2014, leading to the detailed design of the preferred option.

20. The key issues raised during this consultation are summarised below:

- Management of river (dredging needed?)
- Detail on mechanisms of flooding and routes of flooding.
- How the Scheme could/would be funded.
- Concerns that upstream storage represents 'development' in green belt land.
- Impacts on footpath, and public access across the embankment.
- Traffic management and local disruption during construction.
- Impact on the landscape.

21. The comments made and concerns raised by the public and other consultees have been fed into the developing design. It is considered that the prior consultation has resulted in the submission of the most appropriate scheme for this site that would meet the objectives set out above.

Euxton Parish Council's concerns

22. As set out above Euxton Parish Council initially raised some concerns about the lack of recognition in terms of the impact of the scheme on Euxton. The applicants have responded to these concerns as follows:

1. *The Parish Council is critical of the lack of recognition of Euxton's interest in this scheme. A substantial part of the area to be flooded upstream of the proposed dam is in Euxton Parish, within the Greenbelt. Proposals for development in the green fields and green belt around Euxton have been strongly resisted by the Parish Council.*
2. *Euxton Parish Councillors are, of course, aware of the flooding problems of Croston and of the fact that a scheme to remedy them was in course of preparation. Some were also aware that the scheme involved building a dam across the River Yarrow at some location above Croston but had no indication that it involved Euxton. For this reason no parish councillors attended the various consultation meetings and exhibitions that have been held in connection with the scheme.*

Response: It is regrettable that the Parish Council perceive there to be a lack of recognition of their interest in the scheme. The project team have endeavoured to involve all affected groups and individuals at each stage of the project development. Due to the scale of consultation and the number of stakeholder groups, the conveyance of information to these groups was primarily conducted via email. Project newsletters were distributed via email to the stakeholder list on a quarterly basis. The newsletters contained an update of scheme progress and any upcoming consultation events. The email address used for the Parish Council was 'euxtoncouncil@btinternet.com'. Invites to the consultation events were distributed by post to properties that were envisaged to be directly affected by the construction and operation of the scheme.

3. *Until a parish councillor looked at the planning application out of interest the Council was unaware that the scheme would have a direct effect upon Euxton in times of flooding and indirect effects at other times (eg visual effects of the dam, diversion of the footpath which passes along the River Yarrow to and from Euxton).*
4. *Obviously Euxton is not involved to the same extent as Croston, where the main benefits of the scheme occur or as Eccleston, where the project is primarily located and where the greatest negative effects occur. Even so, The Parish Council is a very interested stakeholder in this project and regrets that it has not been treated as such*

Response: Detailed plans were displayed at the consultation events and were discussed in detail with affected landowners/residents prior to the events.

5. *The Environmental Statement (ES), like other documents supporting the scheme, offers little recognition of Euxton's interest in it and most mentions of Euxton are incidental - for example the transport section mentions Euxton's station in relation to the proposed scheme - a matter of no relevance.*

Response: The construction works, with the exception of some very minor works within the river corridor, are within Eccleston Parish and naturally this forms the main focus of the ES. Notwithstanding this, opportunities for comment were provided to the wider community.

6. *Conversely, where Euxton might have been mentioned, it is not. The footpath along the river which will be diverted to avoid the dam is correctly referenced as on the definitive map (ie Footpath from Lydiate Lane to Billinge Wood (9-13 FP8 / 9-14 FP12); However, in practice, this is a footpath that connects Euxton and Chorley to Eccleston and Croston and which follows the river down its valley.*

Response: It is intended that this footpath will remain and these villages will continue to be linked apart from a short period during the construction phase when it will be temporarily diverted.

7. *Even more remiss is ES paragraph 12.2 which discusses the cumulative effect that the scheme might have in conjunction with other potential local developments. It lists four such proposals including those at Charnock Richard Golf Club, Park Hall and 26 houses at Croston Woodwork Ltd. It does not mention more relevant proposed developments in Euxton, much closer to the site, which already have planning approvals which have not yet been implemented at:*
- a) The former Xelflex factory for demolition of the redundant mill building (now completed) and construction of 55 apartments and communal facilities, roads etc. This lies on the banks of the Yarrow and*
 - b) The massive proposed sand quarry in the Euxton Greenbelt, off Dawbers Lane, Euxton most, if not all of which will drain into Culbeck Brook and which could generate heavy traffic whilst the CFRS scheme is on site.*

Response: During preparation of the ES we approached Chorley Borough Council as Planning Authority to obtain details of other development in the area to inform this part of the ES and these proposals were not identified. In addition we worked closely with the Lancashire County Council Highway team to agree an appropriate access route to the site and again, these proposals were not identified as material. Please note that the proposed access route to the FRMS does not pass through Euxton Parish.

23. In terms of the two schemes identified by the Parish Council the first, at the former Euxton Mill, had outline consent however that expired on 24th October 2014 and as such the majority of the site (there is a reserved matters application for 6 cottages at this site) does not have planning consent. Whilst the site did have outline consent at the time the ES was compiled there was no full planning approval on the site and the permission was close to expiry. As such the fact that this site was not taken into account as part of the cumulative impact is considered to be acceptable. There is a new outline application (14/01127/OUTMAJ) for the majority of the site currently under consideration which the Environment Agency have been consulted on and they will comment accordingly in respect of discharge rates.
24. In respect of the second application this was a Lancashire County Council application as the Minerals and Waste Authority. LCC were contacted and they did consider that there should have been some reference to this site within the submission documents however it is important to note that any discharge into the water course from the quarry will require the full consent from the Environment Agency and measures will be put in place at the quarry in the event of a major flood event.
25. Following further consideration of this site by the applicants they have confirmed that when the application was considered no flood risk concerns identified by the EA. There should be no contaminated discharges (including silt laden water) from the quarry development into Culbeck Brook/Chapel Brook. The conditions attached to the Appeal Decision identifies a number of measures to support this. As such the Environment Agency are satisfied that the quarry development will not adversely impact on the proposed scheme.

8. *The footpath affected by the dam is important, both for local and longer distant walkers (who may, for example, be following the Yarrow Valley). The diversion proposed during construction is unreasonable and walkers will probably not become aware it until they are faced with a long, and much less satisfactory route. On this they will have to cross much of the site traffic on the A581 at a roundabout (never the easiest of junctions for a pedestrian). This is the lazy alternative for the developer and suggests that they would wish to prevent the general public from seeing the works in progress. Could this path not be retained more or less on its present or eventual line and the crossing movement controlled (possibly by pedestrian gates and suitable signing etc)*

Response: During construction we have an obligation to eliminate risk to the public and our recommended option of a temporary footpath closure and diversion completely outside the working area would therefore be the ideal solution and should be the first choice. We have no objection to the public seeing the work in progress but do require a working area free from public access. Should a requirement to maintain this footpath during the construction period be confirmed then some form of controlled crossing may be possible but in our view this would introduce risks that otherwise could be eliminated.

9. *The land in the valley is likely to be flooded for up to 35 hours (ES Para 9.5.2) and the effect of this are not thought to be severe. Indeed some flooding can regularly affect the trees near the river now. However there are many small trees and hedgerows which, with the scheme in operation, could be virtually submerged for all or part of this time. The Parish Council would appreciate assurance that this would not affect their health and leave a landscape of dead or feeble trees. If this assurance cannot be given the Council would wish to know what mitigation is proposed.*

Response: The effects on trees from inundation have been considered and will be mitigated appropriately. Any tree/hedgerow that is required to be removed during construction will be replaced with a higher ratio of native species to compensate for the loss. Other improvements to the environment are also proposed such as wetland, reedbeds, fencing and planting of native species along the river corridor.

Any loss that is sustained during operation of the asset will be mitigated appropriately with replacement/repair at the time and will form part of legal agreements developed with individual landowners.

26. Following receipt of this information the Parish Council have confirmed that they are content with the assurances given and are happy that the development should proceed.

Neighbours' concerns

27. As set out above one letter of objection has been received however there is no permanent access from Lydiate Lane proposed which is the basis of the objection received.
28. Two comments have been received not directly objecting to the scheme but raising concerns. Some of the concerns raised were from a land owner and as a number of the concerns were in respect of facilitating the development the applicants have met with the adjacent land owner to discuss the concerns raised and responded as follows:
- *The removal of all or part of my mature hedgerow/property boundary to assist traffic movements on site.* The resident was satisfied that we have minimised the removal required and planned to replant with a native species on completion.
 - *The possible removal of one mature sycamore tree (one of only two mature trees on my land) to assist traffic movements.* No trees are identified for removal. Some tree limbs may need to be pruned which the resident was satisfied with.
 - *Access/egress onto Southport road at an accident hot-spot.* Details of proposed mitigation are included the Design and Access statement and will be developed further in the Site Management Plan produced by the Contractor.
 - *Litter and mud brought onto the road.* The contractor will address these issues in their Site Management Plan

- *Daily Traffic volumes once work begins have not been made clear.* Volumes have been estimated in the ES
- *Times the site will operate from and to have not been made clear.* Working hours have been identified in the ES as restricted to 0800-1800 Monday to Friday and 0830-1330 Saturday, with no noisy works on a Sunday or Public Holidays, or by prior agreement with CBC. Work on Sundays or Bank Holidays will be avoided, except in emergencies.
- *Compensation for impact to property and use during project.* This is now being progressed with the residents appointed land agent

29. The Environment Agency will continue to liaise with the adjacent land owner through his appointed land agent.

Proposed Scheme

30. Alternative options have been considered by the applicants which include:

- **DO NOTHING:** discounted as would lead to an unacceptable increase in flood risk over time.
- **DO MINIMUM:** The present standard of flood risk management to Croston would generally be maintained, although the actual standard of flood risk management may reduce over time due to the effects of climate change. This option would not address surface water flooding.
- **YARROW FLOW DIVERSION:** Divert flood flow over a new weir onto Croston Moss and build new channels to transfer this water to Croston and Mawdesley pumping stations which would pump it into the River Douglas. This option will not lower river levels enough to allow free drainage of surface water through the village.
- **SURFACE WATER PUMPING:** This would involve raising and replacing existing flood defences, building new defences and then pumping surface water over these into the River Yarrow. This option will achieve the target reduction in flood risk.
- **TEMPORARY FLOOD STORAGE UPSTREAM OF ECCLESTON BRIDGE:** This option will also achieve the target reduction in flood risk and is significantly more affordable to build and maintain than the Surface Water Pumping option.

31. The Environment Agency has chosen to pursue the temporary flood storage solution which will comprise of the following elements:

- **Earth embankment-**The earth embankment will be approximately 535m long, up to 45m wide, and up to 4.5m high at the river but reducing relative to ground level until it joins the valley sides. It will be covered in grass, which will overlies concrete reinforcement along 125m of the embankment where flood water can overtop it (the "spillway"), and for an access track on its crest.
- **New permanent access road-**There will be a gravel access track, which will continue around the embankment alongside stock-proof hedging and fencing.
- **Realignment of the River Yarrow-** A new section of river approximately 140m long will be dug to pass through a new culvert under the embankment. About 134m of the existing river will be in-filled for safety, but 70m will be kept as a backwater habitat.
- **Culvert with control gates and ancillary infrastructure-** The new concrete culvert through the embankment will be approximately 5m wide by 2.5m high and 34m long. The entrance and exit will be clad with brick. The culvert will contain a movable flow control structure which will shut when water depth in Croston reaches a trigger level. This will need a brick clad control kiosk on top of the embankment.
- **Five concrete poles** some 5m tall will be set into the riverbed upstream to trap any large debris during a flood event.
- **Two new drainage channels** will be dug on the floodplain to extend existing drains.
- **Two borrow pits:** approximately 40,520m³ of material will be excavated from borrow pit 1 to the south of the River Yarrow and approximately 7,050m³ will be excavated from borrow pit 2 to the north of the river.
- **Temporary construction compound:** approximately 0.3ha of land is required for the compound.

32. The scheme works by storing floodwater on agricultural land upstream of the village and limiting forward flows so that fluvial flows remain within the capacity of the river channel. An earth

embankment will be built across the shallow valley containing the River Yarrow and a concrete box culvert will carry the river through the embankment.

33. At the upstream end of the culvert two control gates (penstocks) will be mounted on a flow control structure. These will be operated independently by electric actuators and will be controlled by water levels monitored in the village.
34. The design philosophy is to maximise the forward flow from the storage area whilst not exceeding channel capacity in the village. The penstocks will normally be fully open and at the onset of a flood event, flows will pass unrestricted through the culvert. As river levels rise in the village they will be monitored electronically and at a pre-set trigger level the penstocks will be closed to start impounding water in the storage area. The triggers to which the penstocks are closed will depend on flows from Syd Brook and the other downstream tributaries. Water levels in the village will be continuously monitored and as they reduce, the penstocks will be opened gradually to release more water from the storage area. Operation of the scheme in this way will allow more efficient use of the storage area than operation by allowing a fixed flow through the culvert.

Proposed Construction

35. The provisional location of the main compound is on land approximately 100m to the south of Roemoor House, south of Southport Road (A581). It will be the main site office including single storey cabins and welfare facilities and will also be used for material storage. The compound will be surrounded by hoarding (the height of which will be controlled by condition) to reduce any potential visual impacts for nearby residents and security lighting will be directed away from adjacent properties.
36. Construction access will be via a track leading south from the A581 to Roemoor House and farmyard, and then will follow a route adjacent to existing field boundaries. A one-way on-site traffic system will be designed and detailed in a traffic management plan. This will be implemented to reduce health and safety risks and potential noise impacts from reversing vehicles.
37. The existing track from the A581 Southport Road, through Roemoor farmyard, will be improved to provide a route to the working area and compound area. The track will be finished in macadam from the road junction to the yard entrance, cross the farmyard and then continue as a stone track leading to the crest of the embankment, along a route adjacent to existing field boundaries. This track will also be used for maintenance access during operation of the scheme, and would remain unfenced to avoid severing the existing field and to allow stock to graze across it.
38. A network of haul routes and temporary hard standing areas will be established across the floodplain where the embankment is to be built, to provide access to the culvert site and from the borrow pits to the fill area and storage areas. These temporary haulage routes will be constructed of stone which will be removed and the land reinstated on completion of construction.
39. It is proposed to excavate a supply of impermeable material (clay) for construction of the embankment from two borrow pits on the site. Site investigation has indicated that the material in these locations is suitable for use in the construction of the core of the embankment and sufficient material should be available to construct the embankment without the need to import clay from off site.
40. It is anticipated that material from each of the borrow pits will be excavated as a 'slice' out of the hillside with a steep rear slope, typically a gradient of 1 in 3, and a shallow gradient, representative of the adjacent land, over the rest of the excavation. It has been estimated that approximately 40,520m³ of material will be excavated from borrow pit 1 to the south of the River Yarrow and approximately 7,050m³ will be excavated from borrow pit 2 to the north of the river.
41. Borrow pit 2 and 2/3rd of borrow pit 1 will be restored as agricultural land, with the remainder of borrow pit 1 established as wildlife habitat, subject to landowner agreement. This will be secured by condition.

42. Likely materials that will required to be imported to the site include steel reinforcement; ready mixed concrete; concrete culvert sections; wall cladding materials (concrete/brick); and fencing. It is possible that clay may need to be imported for embankment construction but this is considered unlikely.
43. The estimated work programme is as follows: February 2015 – Clearance works, March 2015 – Site set up, March 2015 – Main construction phase commences, March 2016 – Main construction phase complete, May 2016 – Scheme operational. The anticipated sequence of construction works is as follows:
1. Mobilise and create construction compound and access from local highway network;
 2. Footpath closure;
 3. Prepare construction access route from A581 (upgrade existing track, create layby and construct new track across farmland to construction compound, working area and borrow pits on both sides of the river;
 4. Erect temporary stock proof fencing to secure the working area;
 5. Site clearance (vegetation) of working area;
 6. Create a temporary access across the River Yarrow, approximately 10m downstream of the new channel, for movement of construction materials across the site;
 7. Strip topsoil from borrow area and footprint of the embankment and stockpile within the working area;
 8. Excavate and stockpile borrow material;
 9. Excavate new sections of drainage channels for existing un-named drains to south of the river currently running beneath the footprint of the embankment;
 10. Complete excavation of new river channel to within 10m of existing river channel at either end;
 11. Install temporary earthworks support on north bank to assist culvert installation;
 12. Commence inlet and outlet construction to permit culvert installation to commence.
 13. Install the upstream precast culvert units and continue until required length of culvert constructed;
 14. Construct outlet and inlet finishes, and control equipment;
 15. Complete excavation of new section of river channel and divert flow into culvert;
 16. Infill 134m of existing river channel from the upstream end to the bend in the existing channel beneath the embankment and associated structures;
 17. Complete earthworks and roadwork's above culvert;
 18. Complete mechanical and electrical works and commissioning;
 19. Reinstate for return to pasture (both borrow pits) and habitat creation (borrow pit 1);
 20. Reinstate working area and undertake landscape planting and environmental mitigation.

Green Belt

44. The application site is previously undeveloped agricultural land located in the Green Belt. National guidance on Green Belt is contained in Chapter 9 of the Framework which states:

79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

80. Green Belt serves five purposes:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not

exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

90. *Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:*

- *mineral extraction;*
- *engineering operations;*
- *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- *the re-use of buildings provided that the buildings are of permanent and substantial construction; and*
- *development brought forward under a Community Right to Build Order.*

45. The proposed development is considered to be an engineering operation in accordance with paragraph 90 of the Framework. Engineering operations are not necessarily inappropriate development within Green Belt locations providing that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

46. As such there are 2 considerations in respect of the proposals and the appropriateness of the development in the Green Belt as follows:

1) *Will the development preserve the openness of the Green Belt?* Whilst the test for sites such as this relates to preserving openness it is important to note that the Framework contains no specific definition of 'openness'. It is considered that there is an impact to openness simply because building/structures exist and openness generally means the absence of development. As such the engineering operations and structures in this instance do have an impact on openness.

2) *Will the development conflict with the purposes of including land in the Green Belt?* Paragraph 80 of the Framework sets out the five Green Belt purposes which the scheme is assessed against as below:

Purpose 1 (to check the unrestricted sprawl of large built-up areas).

The proposals are for a flood defence scheme and do not propose to extend new built development into this Green Belt.

Purpose 2 (to prevent neighbouring towns merging into one another)

Development of the site would not lead to the coalescence of neighbouring towns (Chorley and Standish). In respect of the neighbouring villages the development would not lead to a coalescence of neighbouring villages.

Purpose 3 (to assist in safeguarding the countryside from encroachment;).

The proposals involve the erection of hard engineering works within an area of previously undeveloped agricultural land so there will be an element of encroachment in conflict with this purpose.

Purpose 4 (to preserve the setting and special character of historic towns;).

This does not apply as the site is not located near a historical town

Purpose 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land).

The proposed development does not involve new built residential or commercial development and as such this purpose does not apply. It is unrelated to urban regeneration initiatives as it is a bespoke response to an identified flooding problem.

47. As such it is considered that the engineering operations associated with the proposals (including the embankment, permanent access road and culvert) will impact on openness and will involve the encroachment of hard engineered operations into an area of previously undeveloped agricultural land. As such the proposal falls to be considered inappropriate development. Consequently, the tests of paragraph 88 of the Framework are engaged. In this case very special

circumstances need to be demonstrated which outweigh the harm the development will have to the Green Belt.

Visual Impact

48. The proposals result in encroachment of engineered structures into the Green Belt and as such the visual impact of the development is a key consideration.

49. It has been established in case law that openness and visual impact are different concepts in terms of Green Belt Policy. However they can relate to each other and as such the visual impact is a material consideration. In *Heath & Hampsted Society v LB of Camden* [2007] EWHC 977, the difference between openness and visual impact was explained as follows:

21. Paragraph 3.6 is concerned with the size of the replacement dwelling, not with its visual impact. There are good reasons why the relevant test for replacement dwellings in the Green Belt and Metropolitan Open Land is one of size rather than visual impact. The essential characteristic of Green Belts and Metropolitan Open Land is their openness ... The extent to which that openness is, or is not, visible from public vantage points and the extent to which a new building in the Green Belt would be visually intrusive are a separate issue...

The fact that a materially larger (in terms in footprint, floor space or building volume) replacement dwelling is more concealed from public view than a smaller but more prominent existing dwelling does not mean that the replacement dwelling is appropriate development in the Green Belt or Metropolitan Open Land.

22. The loss of openness (ie unbuilt on land) within the Green Belt or Metropolitan Open Land is of itself harmful to the underlying policy objective. If the replacement dwelling is more visually intrusive there will be further harm in addition to the harm by reason of inappropriateness, which will have to be outweighed by those special circumstances if planning permission is to be granted (paragraph 3.15 of PPG 2, above). If the materially larger replacement dwelling is less visually intrusive than the existing dwelling then that would be a factor which could be taken into consideration when deciding whether the harm by reason of inappropriateness was outweighed by very special circumstances.

50. When interpreting paragraph 89 of the Framework the Judge in *Timmins v Gedling BC and Westerleigh Group Limited* [2014] analysed the relationship between openness and visual impact. He held inter alia:

74. Any construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities. A beautiful building is still an affront to openness, simply because it exists. The same applies to a building this is camouflaged or rendered unobtrusive by felicitous landscaping.

51. In this case the Judge concluded that:

78. In short it seems to me that there are three points which arise from the above analysis. First, there is a clear conceptual distinction between openness and visual impact. Secondly, it is therefore wrong in principle to arrive at a specific conclusion as to openness by reference to visual impact. Thirdly, when considering however whether a development in the Green Belt which adversely impacts upon openness can be justified by very special circumstances it is not wrong to take account of the visual impact of a development as one, inter alia, of the considerations that form part of the overall weighing exercise.

52. As the development falls to be considered inappropriate development the landscape/visual impact of the proposed development is a key material consideration in terms of the overall balance as to whether there is harm. In this regard the application is supported by a Landscape and Visual Impacts Assessment within the Environmental Statement.

53. The application site and proposed development will be visible from the following receptors:

1. Properties along the south side of Southport Road (east of Lydiate Lane),

2. Four Winds (residential property)
 3. Billinge Farm (residential property)
 4. East side of Lydiate Lane in Ulnes Walton
 5. West side of Lydiate Lane
 6. The Mill Race (residential property)
 7. Southern edge of Shaw Green
 8. Old Shaw Green Farmhouse (listed dwelling)
 9. North side of Towngate, Woodcock Fold and Parr Lane in Eccleston
 10. Hilton House (residential property)
 11. Bradley Hall Farm and setting (scheduled monument)
 12. Pedestrians on public footpaths within the study area have open views across agricultural land from paths crossing adjacent fields. The closest views of the river itself are seen from PRoW 9-13-FP8; PRoW 9-14-FP12; and PRoW 9-14-FP11 north of the river which follow the corridor of the River Yarrow between Lydiate Lane and Old Shaw Green.
 13. Transient views from Eccleston Bridge and open elevated views from a section of Dawbers Lane west of Shaw Green, where roadside hedgerows are clipped to around one metre in height.
54. Mitigation measures are proposed including protection of existing features during site clearance and construction and mitigation of scheme proposals and landscape elements lost to the development. The scheme has been assessed by the Council's Parks and Open Spaces Officer who has confirmed that the landscape and visual assessment has been undertaken in accordance with the latest guidance and a 'zone of visual influence' (ZVI) around the proposed development has been defined based on site observations and desk study analysis. The ZVI has formed the basis of the assessment study area.
55. The Officer considers that the extent of the zone of visual influence and the landscape and visual assessment study area is appropriate to the scale and potential visibility of the proposed development.
56. The landscape and visual assessment considers the impact of the proposed development at 3 stages, construction, operation (year 1) and operation (year 15). This allows the assessment to take account of the maturation of mitigation planting by year 15.
57. The assessment is supported by a tree survey which has also been prepared to the relevant standards and is useful in the consideration of loss of existing vegetation which will be necessary during the construction works.
58. The Officer considers that the impacts assessed are a realistic picture of the actual impact which will occur which is as follows:
- Significant residual adverse impacts on landscape character are identified for the two landscape character areas most directly affected by the proposed development as the new structures which will appear alien in the context of the existing landscape setting.
 - Significant residual effects on landscape features are also identified, primarily due to the extensive clearance of vegetation which will be necessary for the proposed development.
 - Significant residual adverse impacts on visual amenity are also identified for users of PROW 9-13-FP8 and residents at 'Four Winds' which are the receptors most directly affected by the proposals.
59. The Officer initially noted that there were certain limitations to the originally submitted study, due to data not being available at the time of site assessment. However additional plans have been provided detailing the extent of tree removal required to facilitate the development along with the root protection zones. The agent for the application has confirmed that at the time of the submission the precise extent of the tree removal hadn't been confirmed. However, further assessment has taken place since the submission and the submitted plans details the full extent of the tree removal.
60. Following receipt of these plans the Council's Parks and Open Spaces Officer has confirmed that the plans show clearly the vegetation to be removed and the protection of trees to be retained.

The Officer considers that the levels of vegetation removal shown on the drawings are broadly consistent with the impact on existing vegetation set out within the originally submitted Landscape Assessment. The drawings therefore address the Officers original comments although a condition has been attached to ensure that tree removal and protection is undertaken in accordance with the submitted plans as advised by the Officer.

61. In conclusion it is considered that the adverse landscape effects caused by the loss of existing trees will be mitigated in the long term by the planting of new trees as part of the required mitigation. However the residual adverse effects on landscape character and visual amenity will not be mitigated in the long term as the embankment and associated structures will appear alien in the existing landscape context and due to the need for the embankment to be kept free of vegetation, for the operation reasons, these adverse visual and landscape character will not be mitigated to the same degree as the landscaping scheme matures.

What Constitutes Very Special Circumstances (VSCs)

62. Firstly the answer to the question will depend on the weight of each of the factors put forward and the degree of weight to be accorded to each is a matter for the decision taker, in this case the Planning Committee, acting within the "Wednesbury Principles". This stage will often be divided into two steps. The first is to determine whether any individual factor taken by itself outweighs the harm and the second is to determine whether some or all of the factors in combination outweigh the harm. There is case law that says that a number of factors, none of them "very special" when considered in isolation, may when combined together amount to very special circumstances and goes on to say that "there is no reason why a number or factors ordinary in themselves cannot combine to create something very special.
63. The weight to be given to any particular factor will be very much a matter of degree and planning judgement and something for the decision-taker.
64. There cannot be a formula for providing a ready answer to any development control question on the green belt. Neither is there any categoric way of deciding whether any particular factor is a 'very special circumstance' and the list is endless but the case must be decided on the planning balance qualitatively rather than quantitatively.
65. What is required of the decision taker above all, is a value judgement and inevitably decision takers are given wide latitude, as indeed is inherent in the entire development control regime.

Green Belt Conclusion

66. The starting point for consideration of the proposals is the development plan (Core Strategy & Adopted Local Plan), and then material considerations which include the Framework and the emerging (partially sound) local plan, and any other relevant material considerations, including the harm and the benefits that arise from the proposal.
67. The proposal constitutes inappropriate development in the green belt and to succeed it must meet the two tests in the Framework as set out above. It is accepted that there will be a greater impact on openness and the proposals conflict with one of the Green Belt purposes and as such "very special circumstances" need to demonstrated to outweigh the implicit harm from inappropriate development in the green belt. In addition, as stated above, there is harm to landscape character of the area and visual amenity.
68. The applicant has put forward the following points in support of the proposals:
- The probability and impacts of flooding in Croston will be reduced through the implementation of the scheme.
 - The construction of a well-designed scheme will provide protection from flood risk to 438 properties (347 residential and 91 commercial properties) predicted to be at risk of flooding from the Rivers Yarrow and Lostock, and will ensure long term sustainability benefits for the local community in accordance with the principles set out in the Framework.
 - The scheme will reduce flood risk to a 1 in 100 year event.

- Section 10 of the Framework provides detailed guidance with regard to meeting the challenge of climate change, flooding and coastal change. Specifically relevant are paragraphs 100 – 103 of the section which set a test of avoiding inappropriate development in areas of risk and that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by site-specific flood risk assessments. The section and paragraphs are directly relevant to the scheme's intention to help reduce flood risk in Croston, and whilst the development would be located in Flood Risk Zones 2 and 3, a Flood Risk Assessment has been submitted alongside the application which identifies no issues with the scheme, however, there will be an increase in flood risk on agricultural land.
- This principle of development has also been reflected within the Core Strategy through Policy 29: Water Management. The policy seeks to improve water quality, water management and reduce the risk of flooding through a criteria based policy.
- Specifically relevant to the scheme are parts D, F and H [criterion d, f and h of Policy 29]. Part D relates to appraising, managing and reducing flood risk in all new developments, avoiding inappropriate development in flood risk areas particularly in Croston. It is considered the proposed scheme is directly relevant to this part of the criteria. The same also applies to Part F which seeks to manage the capacity and timing of development to avoid exceeding sewer infrastructure capacity. Part F seeks to maximise the potential of Green Infrastructure to contribute to flood relief, therefore through creating a flood storage area the scheme will also help to meet this aspect of the policy.

69. It is not considered that any one of the factors above would, of itself, constitute very special circumstances. Consequently, the question for the decision taker is whether collectively those factors combine with sufficient weight to represent the very special circumstances that would overcome the harm to the green belt by reason of the openness and other harm. To assist in the decision making process the table below of benefit/dis-benefit has been produced. The degree of weight and the impact in the balancing exercise represent the officer assessment of the proposal.

	Material Consideration	Very Special Circumstance (Green Belt Policy)	Weight to be afforded (limited/moderate/substantial)	Impact in balancing exercise (negative/neutral/positive)
BENEFITS				
1	Reduce the risk of flooding	<p>Strategic Objective 23 of the Adopted Core Strategy seeks to manage flood risk and the impacts of flooding especially adjoining the River Ribble and at Croston which this scheme directly relates to</p> <p>Policy 29 of the Core Strategy seeks to reduce the risk of flooding by: (d) Appraising, managing and reducing flood risk in all new developments, avoiding inappropriate development in flood risk areas particularly in Croston, Penwortham, Walton-le-Dale and southwest Preston; (f) Managing the capacity and timing of development to avoid exceeding sewer infrastructure capacity; (h) Seeking to maximise the potential of Green Infrastructure to contribute to flood relief.</p> <p>It is considered that the scheme will assist in reducing river flooding, will address surface water flooding on the area and involves a green earth mound which seeks to contribute to flood relief</p>	Substantial	Positive
2	Address climate change	<p>Chapter 10 of the Framework requires Local Plans to be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards.</p> <p>This scheme seeks to manage flood risk from both rivers and surface water in accordance with the aspirations of the Framework. The scheme is designed to adapt to climate change.</p>	Substantial	Positive
3	Landscaping/habitat creation	New habitats will be created and the areas will be managed which will result in	Moderate	Positive

	and management plan including removal of invasive species	a benefit to biodiversity. There will also be the introduction of new wetland within the footprint of the southern borrow pit to enhance habitat value of the local river valley with additional scrapes, ponds, aquatic and marginal vegetation and native scrub.		
4	Long term flood protection of Croston Conservation Area, and Listed Buildings within Croston	This will ensure that heritage assets are protected in the long term in accordance with the aspirations of the Framework	Substantial	Positive
5	Protection of road infrastructure in Croston ensuring the community does not become isolated during a flood event. Ensuring that the existing businesses can continue operating.	This will ensure that the operation of Croston can continue and reduce future maintenance and management costs which are the result flooding.	Substantial	Positive
	Material Consideration	Concerns	Weight to be afforded (limited/moderate/substantial)	Impact in balancing exercise (negative/neutral/positive)
DISBENEFITS				
1	Inappropriate development in the Green Belt	The proposals are inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt	Substantial	Negative
2	Impact on openness	It has been concluded that the proposals will impact on the openness of the Green Belt in the short term during construction however in the long term the impact is reduced.	Substantial (in the short term). Limited (in the long term when the scheme is completed)	Negative
3	Purposes of the Green Belt	It has been concluded that the proposals conflict with the purposes of the	Substantial	Negative

		Green Belt by encroaching into open land. Substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.		
4	Visual impact- new structure	The two landscape character areas most directly affected by the proposed development as the new structures which will appear alien in the context of the existing landscape setting.	Substantial	Negative
5	Visual impact- vegetation clearance	Extensive clearance of vegetation which will be necessary for the proposed development.	Moderate (in the short term). Limited (in the long term when the replacement planting matures)	Neutral
6	Visual impact- footpath users and Four Winds	Users of PROW 9-13-FP8 and residents at 'Four Winds' which are the receptors most directly affected by the proposals.	Substantial	Negative
7	Loss of 3 hectares of agricultural land	The permanent construction on site will result in the loss of pasture land however the embankment will be reseeded and accessible for sheep grazing reducing permanent land take	Moderate	Neutral
8	Temporary closure of PROW 9-13 FP8	To enable the construction a section of the footpath will need to be closed however this impact is only for the limited period during the construction phase. There are alternative routes available and continuous access to the river will be maintained.	Moderate (in the short term). Limited in the long term (a footpath diversion is proposed)	Neutral
9	Permanent loss of existing vegetation cover	To accommodate permanent elements of the scheme vegetation will be lost however this will be mitigated for by replacement tree planting	Significant (in the short term). Limited in the long	Neutral

			term (when the mitigation is secured and matures)	
10	Potential impacts on water quality	Due to construction activities in proximity to River Yarrow and disturbance of sediment during in-channel works.	Moderate	Neutral
11	Increased number of HGV vehicles	This is a result of the proposed construction works increasing traffic flows on an unadopted road. However the impact will be mitigated by the implementation of traffic management measures.	Moderate (in the short term). Limited in the long term (there will be very few vehicle movements following the construction stage)	Neutral

70. The topography of the site and the fact that the embankment will be grassed ensures that once the scheme is completed the impact on the openness of the Green Belt is significantly reduced. It is not considered that the completed development will have a significant impact on the openness of the Green Belt and the land will remain open in nature. This is demonstrated in the following photomontages, which detail the completed scheme for 2 different view points and demonstrate the limited impact of the scheme when complete:



71. However this does not alter the fact that the development represents inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is particularly pertinent in this case as the hard engineering part of the scheme which will be visible in the surrounding landscape (the culvert, spillway, kiosk and railings shown on the above photomontages) from a visual impact perspective will have a significant impact by creating an 'alien' feature within the landscape resulting in a change to the landscape character of the area.

72. In the case of the proposals it is considered that the fact that the proposals will:

- assist in managing flood risk and reduce the potential for flooding in accordance with the Core Strategy Strategic Objective 23
- Assist in meeting the objectives of Policy 29 of the Core Strategy.
- Are in accordance with one of the core planning principles set out within the Framework (which seeks to mitigate and adapt to climate change taking full account of flood risk, coastal change and water supply and demand considerations)

amounts to very special circumstances and the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by these very special circumstances in accordance with guidance contained within the Framework.

Traffic and Transport

73. The existing access point, where there is already an access track in place on the southern arm of the Southport Road (A581) / Leyland Lane (B5253) roundabout, will be utilised. The access track is not an adopted highway and is currently privately maintained.
74. This preferred option results in a single point of entry and egress from the site and limits the impact as it reduces the need for construction traffic to navigate through Ecclestone or the Southport Road (A581) / Lydiat Lane (B5250) corridors.
75. It is intended to implement a Construction Management Plan as part of the construction phase which will include an access strategy for construction vehicles accessing the site. As part of the submission information it was identified that the preferred option was the following route: via route N1 (via M65 J1a, Lostock Hall, Farrington Moss and Leyland Lane (B5253)). This will mean construction traffic exiting the M6 at junction 28 (this avoids construction traffic travelling through Ecclestone Village which would be the result if the vehicles exited at Junction 27). This route was chosen as it is relatively short distance and ensures that traffic makes a 'straight ahead' movement at the Southport Road (A581) / Leyland Lane (B5253) roundabout. This avoids the need for vehicles to manoeuvre through 90 degree turns either east or west onto Southport Road (A581).
76. However as discussed at the Member presentation in December 2014 there were queries about why the route didn't exit the motorway at junction 29 which would take the traffic away from the busy junction at Clayton le Woods. The Environment Agency have considered this issue and confirmed that they will instruct the contractor to direct deliveries to use Junction 29 as the primary route for HGV traffic coming off the motorway and to limit the use of Junction 28 to an absolute minimum.
77. Given the nature of the development, the greatest impact on traffic and transport in the area will be at the construction phase as there will be an increased number of Heavy Good Vehicles (HGVs) and traffic associated with construction related staff. A Transport Assessment (TA) has been carried out and submitted in support of the application. This assessment considers 2 scenarios to estimate the main vehicular impacts as follows:
- 1) Scenario one 'no material import':
 - A maximum daily trip level of 68 vehicle movements; and
 - A maximum hourly number of trips of 9 vehicle movements.
 - 2) Scenario two '20,000 cubic metres' material import:
 - A maximum daily trip level of 108 vehicle movements; and
 - A maximum hourly number of trips of 12 vehicle movements.
78. As set out above the scheme includes 2 borrow pits which are intended to be the source of the materials for the construction of the embankment reducing the need to import material onto the site. Approximately 47,570m³ of material for the construction works will be attained onsite however, there will still need to be some earth, clay and concrete imported to the site. The earth and clay will be delivered to site by heavy good vehicles (HGVs) and will either be stored in a storage area within the works area or deposited directly onto the embankment, depending upon requirements. Indicative stockpiling areas are detailed on the submitted plans and these areas will be restricted in height to 2.0m, secured by condition.
79. The TA has been fully assessed by LCC who have made the following comments:
80. The access track is proposed to be widened and improved. Improvement of the access track will include alteration of the existing corner radii, removal of the existing hedgerow along its western side and felling of the mature tree at its junction with Southport Road. A temporary passing place is to be provided along the access track to facilitate safe passage of vehicles. The passing place will work in the instance that opposing vehicles arrive at the site access and are wishing to exit / enter the site at the same time, one of the vehicles will be able to utilise this passing place and allow the other vehicle to pass.

Deliveries will call in advance to the banksman on site who will deal with the logistics of vehicles using the accesstrack.

81. Once construction of the development has been completed, the passing place will be removed, the hedgerow reinstated and the ditch along the track realigned. On completion of construction, the improved access track will remain for use as maintenance access during the operation of the flood storage embankment.
82. Lancashire County Council has no objection to the site being accessed from the Southport Road/Leyland Lane roundabout, assuming the Local Authority is satisfied with the applicant's arrangements for use of the private access track with the owners.
83. The Highway Engineer has however commented that while it is appreciated that the proposed access improvement includes a passing place, it is not considered that the proposed single passing place to be sited near the junction alone will be sufficient in ensuring safe passage of two vehicles from opposing directions on the access track while at the same time avoiding delays at the Southport Road/Leyland Lane roundabout.
84. In response to this comment the applicant's appointed transport planner has confirmed that the TA put forward a detailed explanation of the mechanism (in addition to the passing place) that would be put in place to manage the movement of site traffic to minimise likelihood / avoid such vehicle interactions on the access track. It is considered that this can be adequately addressed within the required Construction Traffic Management Plan (CTMP).
85. It is envisaged some earth, clay and concrete, to a volume of 20,000m³ will need to be imported to site using heavy good vehicles (HGVs) The haulage route involves HGVs travelling from the M65 J1a, turning onto South Ribble Way, then to Lostock Lane, Farrington Road, Flensburg Way, Schleswig Way, Leyland Lane and then crossing over the A581 Southport Road/ B5253 Leyland Lane roundabout onto the site access track. The applicant's main reasons for using this route are, so that mitigation measures can be focused on a defined single access route and the fact that the route supports a 'straight ahead' only movement at the A581 Southport Road/B5253 Leyland Lane roundabout.
86. According to the applicant's estimates, the haulage of 20,000m³ will generate 108 vehicle movements a day. This comprises 50 HGV movements and 58 light goods vehicle movements during the construction stage of the development. This amounts to 12 vehicle movements per hour, which broken down further equates to a vehicle movement every 5 minutes.
87. The normal practice for establishing trips associated with a development is for the applicant to conduct surveys to establish trip rates (the number of traffic/people movements in and out of the development) and then use recommended national standard such as Trip Rate Information Computer System (TRICS) to analyse the trip to be generated by the site and how it would be distributed on the highway network.
88. The applicant has not undertaken this procedure but instead made assumptions based on 'first principle' to estimate the impact of trips. It is established that obtaining an accurate comparison is not always straightforward, especially for atypical developments which is the case here. In these instances it is recommended that, unless there is a clear valid comparable situation, the assessment trips should be constructed from first principles based on a detailed analysis of the daily operation of the proposed development.
89. It is not considered that the TRICS database offers information of the type needed to reflect the operation of the site and as such the first principles analysis therefore provides a most likely assessment bespoke to the likely construction of the site
90. Notwithstanding the analysis undertaken the Highway Engineer considers that, notwithstanding that fact that the trips to be generated by the development would result in higher flows on the surrounding highway network, the impact might not be as severe as to

warrant any more detailed analysis than provided in the TA. It is indicated in the Design and Access Statement that construction activities would be timed, in terms of avoiding deliveries at peak travel times, to avoid significant adverse impacts on the local community. The Engineer has commented that it is not clear if this includes timing in relation to material haulage to site, however, to reduce the traffic impact on the highway network, the Engineer considers that the applicant should establish peak hours for traffic on the haulage routes and avoid material haulage during these hours. This can be addressed within the Construction Traffic Management Plan.

91. Once the scheme becomes operational, there will be no need for deliveries and permanent staffing on site. As such, vehicular trips to the site will be minimal as only vehicles associated with the maintenance of the flood storage embankment and its components will be required. The submission information estimates that visits for maintenance purposes will be on a scale of 1 visit per week and an annual inspection of the embankment structure and its components. The weekly visits will be by a vehicle capable of removing any collected debris, but smaller than HGVs to be used during the construction stage, while the annual inspection will be undertaken using light vehicles for transport of the inspection team. It is anticipated that the traffic impact in relation to the operation of the flood storage embankment will be minimal.
92. The Highway Engineer agrees that there would be minimal traffic impact during the operation of the scheme and the applicant's proposal to re-consult the County Council in case of a need for significant maintenance seems a reasonable approach and therefore acceptable. An informative can be added in this regard.
93. The applicant has undertaken a review of traffic accidents at the junction of the proposed access and Southport Road/Leyland Lane roundabout; and that of the material haulage routes. Although various recorded traffic accidents have been noted the applicant has concluded that the reasons for the accidents were wide ranging and that there was no common identifiable cause of the accidents. The applicant stated that some of the accidents occurred before the 5 years period normally used as the reference point for assessing the need for impact mitigation.
94. Regarding the junction of the site access with the Southport Road/Leyland Lane, the applicant noted the occurrence of 8 traffic collisions, but considered that there are no existing safety issues as the accidents have occurred before the 5 year period.
95. The Highway Engineer has noted that 5 recorded Personal Injury accidents occurred at the roundabout within the past 5 years. In addition, 2 accidents occurred within 100m of the roundabout each in the direction of Southport Road and Dawbers Lane. One of the accidents at the roundabout occurred as recently as July 2014 involving a cyclist and a vehicle and was recorded as serious.
96. The Highway Engineer therefore disagrees with the applicant that there are no existing safety issues at the roundabout. The Highway Engineer is concerned that no specific measures have been proposed towards mitigation at the roundabout (the site access). The TA states that any mitigation measures at the site access will only form part of the Construction Traffic Management Plan (CTMP) within the overall mitigation strategy to be adopted.
97. The Highway Engineer considers that the applicant's non-inclusion of a suitable solution within the proposal to ameliorate traffic incidents at the roundabout risks exacerbating the seemingly poor accident record at the Southport Road/Leyland Lane roundabout when development commences. Therefore, the applicant's mitigation measures within the CTMP relating to the roundabout will be critically examined to ensure that the proposed development does not lead to a surge in the rate of traffic accidents at the roundabout. One possible solution may be to include a temporary traffic light solution. This however can be addressed by condition.

98. The CTMP is to include a Travel Plan with measures to encourage sustainable modes travelling to the site by staff and visitors. The measures within the CTMP must be agreed with the Highway Authority prior to implementation. A suitable condition should therefore be attached to the approval for submission of the CTMP.
99. The applicant's proposed traffic management measures in relation to the haulage routes are noted, however, this should essentially form part of the CTMP.
100. Given that the site access track is single lane, the applicant should consider whether the proposed passing place should not be made a permanent feature for the benefit of the operation of the FRMS and the frontages along the access. However following the completion of the development traffic generation along the Lane will be low and as such it is not considered that a passing place is essential in the long term. Removal of this feature will assist in reinstating the rural character of this Lane and will be secured by condition.
101. It is noted that provision will be made in the CTMP for vehicle wheel washing to prevent dirt, dust, mud and debris from being carried from the site onto the highway. However, given the existing condition of the access track, the Highway Engineer does not consider that this measure alone will be sufficient in preventing debris being carried onto the main roads. Therefore, despite the TA proposing tarmacing the access track after construction of the development, the Engineer has requested that a suitable condition is attached to the approval to enable 10 metres of the access track from its junction with Southport Road to be paved in an approved material prior to commencement of development.
102. However, the proposed sequence of engineering operations identifies that the access road will be upgraded early on within the proposed sequence of activities at the site including creating a layby. This will be controlled via a separate condition to the CTMP condition.
103. The CTMP referred to in several of the paragraphs above will cover the following items:
- the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - full details including the height, materials and maintenance of the security hoarding (the site compound shall not exceed an area of 0.3 hectares)
 - The timing of deliveries to the site (to ensure that deliveries avoid peak travel movements on the surrounding road networks)
 - Mitigation/ measures to improve the site access
 - Traffic managements measures (including the one way system within the site)
 - Road condition surveys (including the surrounding construction transport routes)
 - Travel Plan
 - Wheel washing facilities to be sited at the entrance/exit of the farm yard
 - Full details, including details of motion sensors, of the security lighting
104. The applicant's proposal regarding the assessment of the condition of roads associated with the development before and after construction does not appear to have gone far enough. It is only concentrated on the site access track, which is not a true representation of the highway network area covered by the proposed development. The condition of the material haulage routes, particularly around the waiting areas identified for use during the material transport should be assessed prior to commencement and on completion of construction with the view to remedying any damage caused. The details of this should form part of the CTMP as indicated by the applicant, but should essentially be conducted jointly by the Highway Authority and the applicant and can be addressed by the CTMP condition.

Public Rights of Way

105. There are several rights of way within the vicinity of the site as follows:
- Footpath from Lydiate Lane to Billinge Wood (9-13 FP8 / 9-14 FP12);
 - Footpath from Billinge Wood north across Culbeck Brook (9-13 FP8 / 9- 14 FP15); and
 - Footpath from Eccleston to Church of the Blessed Mary (9-13 FP7).
106. For safety reasons, during construction this will involve the temporary closure of 9-13 FP8. Once the development is operational, the footpath will be reinstated and diverted across the top of the existing embankment as shown below by the pink and purple dotted lines:



107. Additionally as the proposals will create a temporary water storage area during periods of heavy rainfall footpaths may become flooded and as such unusable. In this case signs will be erected warning footpath users of potential issues further along the routes. Whilst the loss of a continuous route is a negative impact of the scheme continuous access will be maintained for the majority of the time and it is considered that during periods of heavy rainfall use of these routes will be significantly reduced anyway.
108. The Highway Engineer at LCC has considered the Public Rights of Way and made the following comments:
109. The above measures including appropriate signage seem acceptable although the Engineer has confirmed that it is the responsibility of the applicant to ensure that the PROW (FP8) is temporarily closed following the appropriate legal procedures. It is also the responsibility of the applicant to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way.
110. The Engineer has also advised that objections may be raised to the diversion and the applicant is advised to contact the Lancashire County Council Public Rights of Way section early in advance of commencement of development to discuss the modalities with regard to the temporary closure and the subsequent diversion of the PROW. The applicant is also advised to liaise with the Lancashire County Council's Countryside Services early to ensure that the signage to be provided and erected in relation to the temporary closure and diversion of the PROW and the public flood warning signs are sympathetic to the countryside environment.

Agricultural Land

111. Policy 31 of the Core Strategy seeks to protect the best and most versatile agricultural land, (Grades 1, 2 and 3a) that occurs in the west of Central Lancashire when considering both agricultural and other forms of development to avoid irreversible damage to, and instead achieve the full potential, of the soil. The scheme falls in Grade 2 and 3a agricultural land which Policy 31 seeks to protect. During the construction of the embankment, the associated working area will cover approximately 23ha of Grade 2 and 3a agricultural land. This includes the proposed borrow pits covering an area of 0.7ha (north borrow pit) and 3.0ha (south borrow pit) of Grade 2 and 3a agricultural land.

112. During operation of the scheme the area of land covered by the embankment and associated access routes will cover approximately 3ha of Grade 3 agricultural land. The applicants have assumed this land is Grade 3a (high value) land and it is expected to result in a minor adverse impact.
113. The northern borrow pit (0.7ha) and approximately 2ha of the southern borrow pit will be reinstated to agricultural land. The remaining 1ha of the southern borrow pit will be reinstated as a wetland habitat to mitigate the loss of river channel habitat beneath the embankment. The reinstated borrow areas will result in a negligible impact, whilst the minor loss of agricultural land within the southern borrow pit area is considered to give rise to a minor positive impact as a result of habitat creation.
114. The footprint of the development has been designed to be kept to a minimum and although 23ha of agriculture land will be temporarily unavailable for use during the construction of the development when the development becomes operational the impact is considered to be negligible.
115. Although the scheme will result in the loss of some agricultural land the majority of the land will be available following the completion of the construction and although during flood events the land will be flooded this is pasture land which regenerates a lot more quickly than cropped land. As such it is considered that the benefits of reducing flood risk downstream outweigh the loss of a small area of agricultural land.

Ecological Impacts

116. The unknown impacts on the potential effects of the development on the surrounding ecology and hydrology along with the long-term impact on the geomorphological status, fisheries and biodiversity was the reason why it was determined at EIA Screening stage that this proposal is EIA development (hence why the development is supported by a Environmental Statement).
117. The application is supported by various species surveys and habitat surveys which have been reviewed by Greater Manchester Ecology Unit (GMEU) on behalf of the Council. The Ecologist has made the following observations:
118. The ecological survey reports that have been submitted as part of the application have been prepared by suitably qualified consultants and are to appropriate and proportionate standards. No further surveys are considered to be necessary prior to determining the application.
119. The development proposal has the potential to cause some harm to a locally designated wildlife site (Lydiate Lane Grassland BHS), statutorily protected species (great crested newts, otters, badgers and bats) and habitats of local importance (trees, hedgerows, river and grassland). Significant proposals have been put forward for mitigating and compensating for these harmful effects.

Legal Responsibility in respect of Protected Species

120. Great crested newts, bats, otters, badgers, water voles and their habitats (European Protected Species) are protected under UK and European legislation and are a material consideration when determining planning applications. Further, under the Conservation of Habitats and Species Regulations 2010 which enacts the EU Habitats Directive into the UK, a licence will be required from Natural England to derogate the terms of this legislation before any work can commence with the potential to cause harm to protected species. Before a licence can be granted three tests must be satisfied. These are:
- i) That the development is "in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment";
 - ii) That there is "no satisfactory alternative";
 - iii) That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

121. In considering planning applications that may affect European Protected Species, Local Planning Authorities are bound by Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their functions. All three tests must be satisfied before planning permission is granted on a site and Natural England will seek evidence from the LPA that the three tests were considered during the grant of any planning permission before agreeing to issue a license.

Great crested newts

122. The development will not result in any permanent losses to breeding or terrestrial habitat used by great crested newts. However there will be temporary losses of amphibian habitat during the course of the works and there is potential for the works to directly harm newts should they be present in the works area.

123. As regards the third test the Ecologist at GMEU has noted the submission of an outline method statement giving details of measures to be taken to mitigate for any potential harm to newts and to compensate for habitat loss. The Ecologist considers that providing that these measures are implemented the third test above can be satisfied and the development could be allowed to proceed without substantive harm being caused to local great crested newt populations. This can be addressed by condition.

124. Overall it is considered that the nature of the development is such when taken with the mitigation proposals to be secured by condition that the statutory duty has been met.

Badgers

125. Badgers have been recorded in the local area and may be affected by works. As such conditions will be attached requiring a pre-construction survey to check for any new badger setts within 100m of the proposed works and for excavations to be covered at night or by providing a means of escape to avoid injury to badgers.

Impact on Bats

126. It is possible that some trees with potential to support bats will be affected by the scheme, although this is a little unclear at this stage. The Ecologist is confident that because there is sufficient alternative habitat available nearby for bats, that habitat enhancement and recreation is planned and because mitigation for bats will be relatively straightforward no substantive harm will be caused to local bat populations.

127. A precautionary tree inspection will be required by condition prior to any tree works occurring.

Impact on Otters

128. Otters have been recorded in the area and the proposed development may affect otters. The Ecologist considers that adverse impact on otters can be avoided by the imposition of a suitable condition.

Protection of water voles

129. Water voles have been recorded locally and voles are mobile in their habitats. The Ecologist has recommended that precautionary surveys for water voles be carried out within the works area prior to any works commencing. This can be addressed by condition.

Protection of nesting birds

130. The Ecologist has advised that no vegetation clearance required by the scheme should take place during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. This can be addressed by condition.

Legal Responsibility in respect of Protected Species Conclusion

131. Following the Supreme Court ruling (Morge vs Hampshire County Council – Supreme Court ruling Jan 2011) the Local Authority now have a responsibility to consult Natural England on proposals which may affect protected species and ask the following questions:
- Is the proposal likely to result in a breach of the Habitats Regulations?
 - If so, is Natural England likely to grant a licence?
132. Natural England have been consulted on the proposals and confirmed that they have not assessed this application and associated documents for impacts on protected species. The advisor at Natural England has advised that their standing advice is a material consideration. As set out above Great Crested Newts have been recorded immediately adjacent to the construction, borrow and haulage area and as such the proposed works will need to proceed under a European Protected Species Licence (EPSL) from Natural England.
133. In such cases the Great Crested Newt standing advice confirms that a mitigation and compensation strategy should be produced which will be included within the mitigation licence application to assess how the proposals will affect the newts.
134. As set out above the Ecologist at GMEU is satisfied with the outline mitigation statement submitted in respect of Great Crested Newts and there is no reason to believe that a licence would not be issued.
135. Other protected species present on/ within the vicinity of the site include bats, otters, badgers and water voles. However the surveys undertaken consider that significant impacts on these species are unlikely within the footprint of the proposed scheme. Precautionary surveys are recommended which can be addressed by condition. Whilst the results of these surveys may necessitate a Natural England licence at this stage it is not considered that the scheme will result in a breach of the Habitats Regulations in respect of these species.
136. Following the high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
- (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
 - (b) there must be no satisfactory alternative and
 - (c) favourable conservation status of the species must be maintained.
137. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.
138. As set out above the Ecologist at GMEU considers that a favourable conservation status of the protected species will be maintained which satisfies the third test.
139. In respect of the first two tests, which are essentially 'land-use planning' tests and need to be considered by the Local Planning Authority, it is considered that reducing flood risk to the residents of Croston is within the public interest and alternative options have been considered by the applicant, including doing nothing, which have been discounted for the reasons set out above. As such it is considered that the proposals satisfy the three tests and the ecological impacts of the scheme can be satisfactorily addressed via condition/ Natural England licence.

Other Ecological Impacts

Impact on Local Wildlife Site (Lydiate Lane BHS)

140. The Ecologist initially recommended that in case indirect harm to the BHS does result from the scheme, that areas for potential grassland enhancement / creation be identified at this stage. However the applicant has confirmed that the flood model has been refined and it shows no flooding of the BHS before or after the scheme. Therefore, the BHS is unlikely to be affected given the flood extent is not likely to substantially change from the current situation.
141. Following receipt of this information the Ecologist has confirmed that given the refined modelling which has been provided it can be concluded that the SBI will not be harmed by the scheme and therefore no mitigation is required

Impact on important habitats

142. Certain habitats that will be affected by the scheme have local nature conservation value. Although the ecologist notes the proposals for habitats enhancement and recreation he has recommended the following in the interests of protecting local nature conservation interests –
- That trees and hedgerows to be retained be properly protected during the course of works (BS5837:2012)
 - That Best Practice be followed throughout works to avoid any possibility of polluting the water courses present in the works area.
 - That a comprehensive long-term habitat creation and management plan be prepared for habitats to be created as part of the scheme.
143. This will all be secured by condition.

Ecological Impacts Conclusion

144. In conclusion the Ecologist at GMEU has no overall objections to the scheme on nature conservation grounds however there are significant nature conservation concerns that will need to be taken into account if biodiversity interests are to be properly protected and, where possible, enhanced during the course of the works.
145. In addition to the above recommendation the Ecologist has further recommended, the following which will be addressed by condition:
- That a comprehensive over-arching Environmental Construction Method Statement (ECMS) be prepared to inform the development. The ECMS should incorporate all of the measures to be implemented to protect important species and habitats during the course of the works.
 - That an Environmental Clerk of Works (or Environmental Manager) be appointed to oversee the works to ensure that all of the required ecological avoidance, mitigation and compensation measures are implemented in full and in a co-ordinated and coherent way, in line with the requirements of the ECMS and any other mitigation proposals.
146. As part of the Environment Agencies tender package which is supplied to contractors tendering for the construction of the scheme an Environmental Action Plan (EAP) has been produced. The EAP summarises the actions required to implement the environmental mitigation and outcomes of the proposed works, contained within the Environmental Statement. During the preparation of the EAP the EA has internally identified a number of further environmental mitigation measures and improvements that they want to be implemented. These are as follows:

Water Framework Directive

A WFD assessment has been completed that concludes that deterioration in status is unlikely provided that the stated mitigation is implemented. The scope and detail of this mitigation is currently considered insufficient to fully compensate for the scale of expected impacts on the waterbody, particularly in terms of hydrology and geomorphology. Some of the suggested mitigation is also subject to landowner agreement.

ACTION:

- Following landowner agreement, the final package of mitigation will be agreed with the Agency Geomorphology expert and the WFD assessment updated accordingly.
- Before construction begins, project details will be recorded on the Environment Agency's WFD compliance register.

River Channel Mitigation

The Environmental Statement identifies an adverse impact associated with the loss of 28m of natural river channel due to the straightening and culverting of the river under the flood embankment. Currently insufficient mitigation is presented to address this adverse effect.

ACTION:

- The principal of no net loss of aquatic habitat will be adopted in the design and the commitment to deliver recorded in the Environmental Action Plan.
- The project will compensate for the loss of river channel through the creation of new ditch habitat within the storage area of at least 28 metres.
- The design will aim to maximise biodiversity potential

Protected species - Otters

Ecology surveys have confirmed the presence of otters in the river valley. Two potential holts were identified but are not considered to be adversely affected by the maximum storage extent. The Environmental Statement concludes the impact on otters as "not significant". However, there is still the potential that the operation of the scheme will increase the risk of flooding to future holts in the valley with potential adverse consequences for individuals – especially young. In addition the construction of the embankment has the potential to deter otters from using the river to commute and bring individuals into greater risk of injury/death due to road traffic etc

ACTION:

- The EAP will propose mitigation to address the potential impact on otters associated with the operation of the scheme. This will include construction of an otter holt outside of the inundation area.
- Monitor mammal activity during construction. Should evidence emerge that the culvert is preventing the movement of otters along the river corridor, mitigation will include alternative routes. New fencing will incorporate mammal gates.

Protected species – Great Crested Newts

ACTION:

- The ponds to be created in the borrow pit location south of the embankment will be designed to be suitable for both water voles and great crested newts.

Fish

147. All new river structures which are deemed to be a new barrier must comply with certain regulations. Measures have been taken at the design stage to ensure that fish passage can continue along the modified river (including the culvert) and that the scheme complies with the regulations.
148. The stretch of the River Yarrow where the scheme is being constructed is not a known spawning area for migratory salmonid species, but it is for coarse fish. The coarse fish spawning window is mid-March until mid-June and the salmonid window is 15th October through to 15th May. However, this is very much temperature dependant. The ideal time for in channel work is July to September. Within this period there will be no eggs in riffles and low summer flows.
149. A migration route will be maintained at all times and in-channel works will require measures to prevent harm to fish which may include localised electrofishing to remove fish from working areas, for example during connection of the existing and new channels.

150. The scheme has also included the provision of baffles to create areas of slack water (which is water where there is no movement either way). Continuous monitoring is needed to identify the fish species present and in what numbers on completion of the works.
151. The EAP discussed above also includes the following actions in respect of fish:
- The final design will be approved by the Environment Agency Fisheries team and the finished product tested to demonstrate that it meets the required flow conditions.
 - The culvert will include provision for future monitoring of fish movement.

Trees and Hedgerows

152. The application site is currently agricultural fields characterised by mature trees and hedgerows along field boundaries. Given the extent of the development trees and hedgerows will be affected by the proposed works and as such the application is supported by a Tree Survey.
153. Trees are identified to be felled (G8, G15, T4 and T9) along with a group of sycamore, alder, birch, hawthorn, oak and willow, under the footprint of the embankment (Group G5). Further mapping of G5 has been undertaken which indicates that there are approximately 58 trees within the group however the applicant's agents do not consider that this number of trees will be felled as the mapping identifies large juveniles and other large shrubs and vegetation and as such it is considered that between 45 -50 trees is more realistic.
154. As set out above the Highway Engineer has queried tree removal along the access route. The agent for the application has confirmed that if felling is required (and not just pruning) along the access route; G1 (2 trees; sycamore & elder), H4 (a length of hedgerow containing sycamore, hazel, hawthorn and elder) and G10 (3 trees; sycamore, hawthorn and oak) will be lost. That would be 14 trees in total. However the agent has confirmed that pruning would be the preferred option and this is the expected approach.
155. Approximately 150m of hedgerow beneath the embankment footprint will also be lost.
156. To mitigate for this loss compensation is proposed in the form of the planting of native, locally occurring trees around the toe and the upstream face of the embankment.
157. The tree impact has been assessed by the Council's Tree Officer who has concluded that trees within the flood area will be affected although Billinge Wood will be less exposed to flooding so no loss of trees to accommodate the Flood Management Scheme will be required within the woodland.
158. The Officer considers that loss of mature and veteran trees should be avoided at the design stage. Tolerance of trees affected within the flood water holding area will be determined by a number of factors, soil aeration, pH, organic matter, sedimentation, age, vigour, species, and season. If water is to be held within the flood storage area for prolonged periods on a regular basis then the Officer considers that it would be advisable to remove affected trees and replant away from the affected area.
159. The proposed scheme is intended to reduce the risk of flooding to a 1 in 100 chance each year from the River Yarrow. In the event of such an event the flood water will rise up to a level of approximately 17.1mAOD within the proposed storage area and the water depth within the storage area will increase up to a maximum of approximately 4m immediate upstream of the proposed embankment.
160. It is considered that floodwater will only be stored at the site on an infrequent (20% probability in any year) and short-term timescale. Vegetation within the existing floodplain is already subjected to occasional flooding and as such it is not considered that there will be any long term damage to trees or hedgerows due to the infrequent and short term periods that flood water will be stored.

Flood Risk Assessment

161. A Flood Risk Assessment (FRA) has been prepared in support of the planning application for the scheme in line with the Framework requirement for a site-specific flood risk assessment for all types of development within flood risk areas or where development in non-flood risk areas may increase the risk of flooding.
162. The FRA concludes that:
- The proposed Scheme will be constructed within Flood Zone 3; this is however accepted for flood mitigation purposes to improve community living standards;
 - The proposed storage area will alter the local hydraulics and will widen the existing flood extents purposely within the storage areas of defined location in order to provide maximum flood risk management objectives for the Croston community;
 - Flood Zone data for the undefended scenario in the wider catchment will not be changed by this Scheme, so there will be no increase in flood risk to the wider catchment. The Scheme components are being designed to minimise any residual flood risks. Adequate measures are in place to manage any residual flood risks from this Scheme.
163. This assessment has been reviewed by the Sustainable Places Team at the Environment Agency who have confirmed that they have no objection in principle to the proposed development.
164. The scheme has also been assessed by LCC's Flood Risk Management team who have made the following comments. As part of the Climate Change Policy in Chorley's emerging Local Plan there is a Core Strategic Objective SO23 to 'manage flood risk and the impacts of flooding especially at Croston.' This planning application relates to a flood alleviation scheme designed to significantly reduce flood risk to the village of Croston and is therefore in keeping with the Local Planning Policies for this area.
165. The flood risk for this proposal is limited to the flood storage area which is designed to retain a 1:100 year event. The key residual flood risk is therefore the breach or overtopping of the flood embankment during a flood event. An overflow spillway has been provided and if flows do reach Croston the flooding scenario will be much reduced when compared with current levels.
166. There is an ordinary watercourse located on the site. Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent if you want to build a culvert or structure (such as a weir) which may alter or impede the flow of water on any ordinary watercourse. In this regard Land Drainage Consent will be required from LCC.
167. The Flood Risk Management Team supports the proposed development and originally requested that a drainage strategy be submitted to and approved in writing by the Local Planning Authority however LCC have confirmed that the reference to a drainage strategy is one of their standard conditions which shouldn't have been included. As such a drainage strategy is not required.

Heritage

168. Section 12 of the Framework is pertinent as are policy 16 of the Adopted Central Lancashire Core Strategy (2012) and policy BNE8 of the emerging Chorley Local Plan 2012 – 2026.
169. Within the Framework paragraph 129 states that, '*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*'

170. Paragraph 132 states, *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*
171. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, *'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:*
a. Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'
172. The emerging Chorley Local Plan 2012 – 2026, Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, *'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate. The enhancement of the setting of heritage assets.'*
173. English Heritage have been consulted on the proposals and they have commented that the scheme has the potential to impact on buried archaeological remains, this is addressed elsewhere within this report (please see archaeology section below) is not considered to be an issue.
174. English Heritage do not consider that the proposals will impact on the setting of highly graded heritage assets although they have commented that the impact on the setting and visual amenity of historic places needs to be considered. The proposals have been fully considered by the Council's Conservation Officer who has confirmed that the application site does not itself include any heritage assets, designated or otherwise. However it is surrounded by a number of listed buildings and scheduled monuments. The nearest of these is located over 425 metres from the site. All other designated heritage assets are located at greater distances than this from the site. Given the prevailing topography and the incidence of other buildings between these assets and the site it is considered that their significance will be sustained as a result of the proposed development.

Archaeology

175. The Planning Officer (Archaeology) at LCC has considered the proposals and confirmed that the 2013 National Museums Liverpool Field Archaeology Unit Desk-Based Assessment suggested a limited potential for the proposals to encounter deposits of archaeological significance, a suggestion borne out by the results of the 2014 GSB geophysical survey which did not identify any potential archaeological features, or the 2014 Oxford Archaeology Unit Archaeological Watching Brief, which failed to encounter any archaeological deposits whilst monitoring the excavation of a number of geotechnical test pits.
176. As such it is considered that the current proposals have a low-nil potential to encounter previously unknown archaeological deposits, and that no further archaeological work is therefore necessary in advance of the determination of the application.

Benefits/ Negative Impacts

177. The Scheme will reduce the risk of flooding in Croston to a 1 in 100 chance of happening each year from the River Yarrow. This will give rise to major beneficial effects for the village. However there are negatives impacts associated with the scheme, particularly during the construction phase, which need to be taken into account along with the clear benefits of the scheme which can be summarised as follows:

Construction Phase

- Loss of agricultural land (23ha) in the vicinity of the upstream storage area during construction due to the extent of the working area and access requirements.
- Temporary closure of PRoW 9-13 FP8 across working area (and subsequently permanent diversion around the northern end of the embankment).
- Impact on landscape character within Eccleston valley due to vegetation clearance and construction operations including siting and use of the site compound and construction access for the duration of the works.
- Visual impact for residents along the valley receptors and pedestrians on public footpath 9-13-FP8 with views of vegetation clearance and construction operations for the duration of the works.
- Permanent loss of existing vegetation cover including trees, hedgerows, riverine habitat and agricultural grassland to accommodate permanent elements of the scheme.
- Potential adverse impact on undiscovered archaeological finds, although surveys have suggested a low probability of these being present. This has been confirmed by LCC Archaeology.
- Modifications to the water bodies in the working area including River Yarrow, Culbeck Brook and two un-named drains with potential damage to channel bed and banks.
- Potential impacts on water quality due to construction activities in proximity to River Yarrow and disturbance of sediment during in-channel works.
- Increased number of HGV vehicles on local road network and along site access route (north of the site) in the short-term, to be addressed through a Traffic Management Plan.

Operation PhasePositives:

- Increased level of flood protection and improved health and safety for local residents and businesses in Croston giving rise to a major beneficial impact.
- Long term flood protection of Croston Conservation Area, and Listed Buildings within Croston benefitting from enhanced flood protection.
- Protection of road infrastructure in Croston ensuring the community does not become isolated during a flood event. Ensuring that the existing businesses can continue operating.

Negatives:

- Permanent loss of 3ha agricultural land beneath the footprint of the embankment and associated infrastructure.
- Permanent effect on landscape character within Eccleston valley due to the height, length and man-made characteristics of the operational embankment across the valley.
- Permanent change of residential receptors' and pedestrians' views where the embankment features within their views.
- Locally-reduced floodplain connectivity downstream of the flood storage area, loss of natural river channel at the culvert, reduced stream power and therefore changes in morphological processes downstream and upstream of the culvert, and sediment deposition in the upstream river (including Culbeck Brook). However the changes are not significant at the water body scale
- Loss of continuity of river bank habitat for otter using the River Yarrow, Culbeck Brook and unnamed drains at the embankment site.
- Loss of mature trees and subsequent loss of opportunity for nesting birds at the embankment.

178. To mitigate for the impacts the following measures are proposed:
- Minimising working areas and limiting access routes to reduce temporary land take.
 - Full reinstatement of temporary construction land take including return of agricultural land used for access or borrow pit excavation to match or improve on existing condition.
 - Reinstatement of grassland with appropriate seed mixes according to land use and landowner requirements.
 - The embankment will be reseeded and accessible for sheep grazing, subject to landowner requirements, reducing permanent land take.
 - Footpath closure will be enforced for the minimum period required, together with community liaison and suitable signage.
 - Minimising vegetation clearance and protecting trees and hedgerows adjacent or in close proximity to the construction works areas including the site compound and construction access.
 - Replacement tree and scrub planting will, over time, restore the continuity of the river corridor and maintain otter and other mammal movements.
 - Replacement planting of hedgerows and/or laying, gapping up and replenishment with native species of existing hedgerows.
 - Vegetation will be removed outside the bird nesting season to reduce disturbance to breeding birds.
 - The Scheme includes provision for bat and bird boxes to mitigate for the loss of habitat whilst the replacement trees mature.
 - Visual integration of the embankment and associated structures and finishes by introduction of mitigation planting including new hedgerow and hedgerow tree planting; gapping up of existing hedgerows; native riverine scrub and tree planting.
 - Softening of embankment structural features including access tracks and hardstanding by the specification and seeding of 'Grasscrete' tracks and hardstanding areas; and topsoiling and seeding of the stilling basin.
 - Sensitive design and the use of finishes and materials
 - Introduction of new wetland within the footprint of the southern borrow pit to enhance habitat value of the local river valley with additional scrapes, ponds, aquatic and marginal vegetation and native scrub.
 - Provision of method statements for all construction activities which will be approved by an Environmental Clerk of Works (advised by other specialists as required).
 - Introduction of new planting along the river enclosed by fencing to preserve habitat and protect the banks from erosion and poaching by livestock.

Referral to Secretary of State

179. As Members are aware certain types of application need to be referred to the Secretary of State under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 for development in the Green Belt as Green Belt which consists of or includes-
- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
 - (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.
180. However although it is considered that the creation of the embankment and associated control structures and kiosk will alter the character of this rural area in the long term it is not considered that the creation of a grassed embankment on this site will have a significant impact on the openness of the Green Belt as the essential characteristics of this Green Belt location following the completion of the development, its openness and permanence, will be maintained. As such in this case it is not considered that referral to the Secretary of State is required.

Overall Conclusion

181. The proposals are contrary to the statutory development plan as the development represents inappropriate development within the Green Belt and will impact on the visual appearance of the area. However in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 it is considered that the fact that the scheme will assist in

managing flood risk and reduce the potential for flooding in accordance with the Core Strategy Strategic Objective 23 and will assist in meeting the objectives of Policy 29 of the Core Strategy are material considerations in favour of the proposals. The proposals are also in accordance with one of the core planning principles set out within the Framework which seeks to mitigate and adapt to climate change taking full account of flood risk, coastal change and water supply and demand considerations. As such the proposals are recommended for approval.

Planning History

Reference	Description	Decision	Date
13/01197/SCE	Request for Screening Opinion Pursuant to Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 for the Croston Flood Risk Management Project	EIA required	Jan 2014
14/00028/SCOPE	Scoping Opinion for the Environmental Statement, pursuant to Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales)	Formal scoping opinion provided	Feb 2014

Suggested Conditions

No.	Condition																																																																					
1.	The proposed development must be begun not later than three years from the date of this permission. Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004																																																																					
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="368 533 1286 2024"> <thead> <tr> <th data-bbox="368 533 671 562">Title</th> <th data-bbox="671 533 1002 562">Drawing Reference</th> <th data-bbox="1002 533 1286 562">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 562 671 622">Location plan</td> <td data-bbox="671 562 1002 622">497849/500/01 Rev 0</td> <td data-bbox="1002 562 1286 622">29th September 2014</td> </tr> <tr> <td data-bbox="368 622 671 779">Figure 5-2 Location of embankment and potential 100 year flood outline</td> <td data-bbox="671 622 1002 779">475712/100/019 Rev: P0</td> <td data-bbox="1002 622 1286 779">29th September 2014</td> </tr> <tr> <td data-bbox="368 779 671 840">Figure 7.5 Mitigation plan</td> <td data-bbox="671 779 1002 840">497849/100/004 Rev 0</td> <td data-bbox="1002 779 1286 840">29th September 2014</td> </tr> <tr> <td data-bbox="368 840 671 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3.	<p>Prior to any tree works commencing on any of the mature trees highlighted (detailed within the submitted Extended Phase 1 Habitat Survey (2014 Update) dated September 2014) as having potential to support bats a precautionary survey shall be undertaken to establish the presence of bats. If evidence of bats is found at any stage then a method statement shall be prepared giving details of measures to be taken to mitigate any possible harm to bats. This method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved method statement shall thereafter be implemented in full. Reason: to avoid harm/ injury to bats and to fully mitigate against any loss of bat roosts</p>		
4.	<p>Any excavations shall be completely covered at night or a means of escape for badgers shall be provided to mitigate for potential direct injury to badgers. Reason: to avoid injury to badgers within the excavation works that will be undertaken.</p>		
5.	<p>No vegetation clearance/ tree removal required by the scheme shall take place during the optimum period for bird nesting (March to July inclusive) unless prior to such vegetation clearance/tree removal nesting birds have been shown to be absent by a suitably qualified person and the absence confirmed in writing by the Local Planning Authority. Reason: to avoid adversely impacting on nesting birds</p>		
6.	<p>Prior to the commencement of the development (including vegetation clearance) a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall incorporate all of the measures to be implemented to protect important species and habitats during the course of the works and shall include the following:</p> <ol style="list-style-type: none"> a) Detailed Method Statement incorporating full details of the measures to be taken to mitigate for any possible harm to amphibians that may arise from the scheme. The Method Statement and agreed mitigation measures shall thereafter be implemented in full. b) A pre-construction survey to check for any new badger setts within 100m of the proposed works. If new badger setts are identified then works on site shall cease until a suitable mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved mitigation measures. c) A pre-construction survey to check for water voles within the works area. If water voles are identified then works on site shall cease suitable mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved mitigation measures. d) The following measures shall be adhered to throughout the entire construction period: <ul style="list-style-type: none"> • Access along river banks (e.g. ledges) and in and out of the channel should be maintained during the course of the works to allow access through the site. • Pipework should be capped overnight or stored within a fenced area to prevent animals being accidentally trapped/ killed. • Best Practice should be adopted throughout to avoid any possible pollution of watercourses e) Full contact details for the named person / body who will oversee the 		

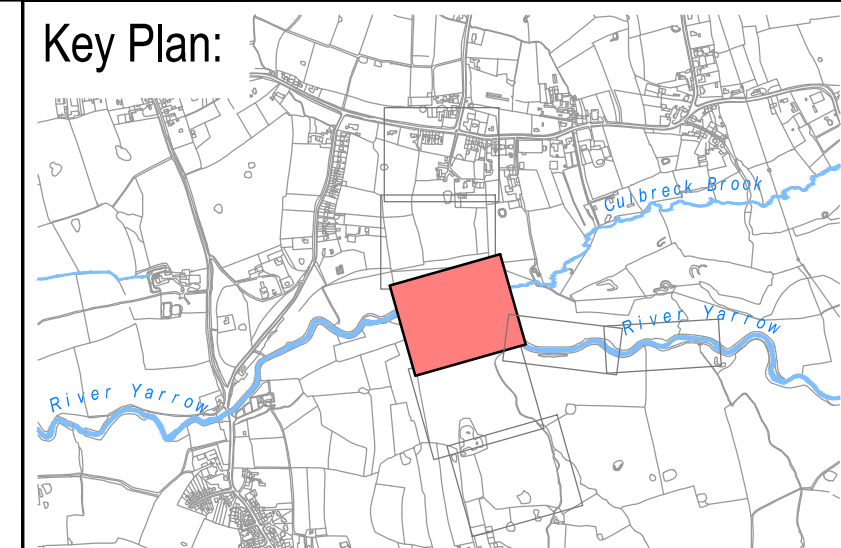
	<p>implementation of the CEMP</p> <p>The scheme shall be undertaken fully in accordance with the approved CEMP. <i>Reason: to ensure that biodiversity interests are protected and, where possible, enhanced during the course of the works.</i></p>
7.	<p>Plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) are known to occur on the site, including Himalayan balsam and Japanese knotweed. These species shall be eradicated from the site and working methods shall be adopted to prevent their Spread in accordance with Environment Agency guidance and codes of practice. <i>Reason: to ensure the eradication and control of any invasive species which are found on the site</i></p>
8.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall include the identification of 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 (to mitigate for the tree loss resultant from the development), their distribution on site, those areas to be seeded. The scheme shall include a landscaping/habitat creation and management plan which shall identify measures that contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. 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 carried out to mitigate the impact of the development and secure a high quality design.</i></p>
9.	<p>During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards. <i>Reason: To safeguard the trees to be retained</i></p>
10.	<p>The development hereby permitted shall be carried out in accordance with the approved site clearance plans (ref: 497849/100/131, 497849/100/132 Rev T0 and 497849/100/133 Rev T0 received 9th December 2014) in respect of tree removal and tree protection areas.</p> <p>Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting (on a ratio of 5 replacement trees for every tree lost) shall have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Before any tree felling is carried out full details (including number and location) of the bat and bird boxes shall have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The replacement tree planting shall be carried out and the bat and bird boxes shall thereafter be installed in accordance with the approved details within nine months of the tree felling.</p>

	<p>Reason: To safeguard the visual amenity of the area and to mitigate for the loss of bird and bat habitat whilst the replacement trees mature</p>
<p>11.</p>	<p>Prior to the commencement of the development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall accord with the details set out within the submitted Transport Assessment and in particular shall, amongst the other elements, include:</p> <ul style="list-style-type: none"> • the parking of vehicles of site operatives and visitors • loading and unloading of plant and materials • storage of plant and materials used in constructing the development • full details including the height, materials and maintenance of the security hoarding (the site compound shall not exceed an area of 0.3 hectares) • The timing of deliveries to the site (to ensure that deliveries avoid peak travel movements on the surrounding road networks) • Mitigation/ measures to improve the site access • Traffic managements measures (including the one way system within the site) • Road condition surveys (including the surrounding construction transport routes) • Travel Plan • Wheel washing facilities to be sited at the entrance/exit of the farm yard • Full details, including details of motion sensors, of the security lighting <p><i>Reason: The development thereafter shall be undertaken in accordance with the approved plan</i></p>
<p>12.</p>	<p>The soil/ earth stockpiling areas associated with the proposed construction of the embankment, detailed on plans ref: 497849/500/01, 497849/500/03 and 497849/500/05, shall be maintained at a height no greater than 2 metres above ground level. Within 12 months of the completion of the development all surplus earth/ soil shall be removed from these areas and the land restored to its former condition.</p> <p>Reason: in the interests of the visual amenities of the area and due to the fact that these areas are only necessary during the construction phase of the development.</p>
<p>13.</p>	<p>The construction works, deliveries associated with the development and any development of the site hereby permitted shall not take place except between the hours of:</p> <ul style="list-style-type: none"> • 0800 hrs to 1800 hrs Monday to Friday • 0830 hrs to 1330 hrs on Saturdays. <p>No construction activities shall take place on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of local residents and to protect nearby noise sensitive buildings</p>
<p>14.</p>	<p>No works in the river shall take place between the months of July to September inclusive.</p> <p>Reason: to ensure avoidance of the works impacting on fish spawning.</p>
<p>15.</p>	<p>Prior to the completion of the development full details of warning signs to erected along the footpaths shall be submitted to and approved in writing by the Local Planning Authority. The signage shall be erected prior to the completion of the development to advise footpath users of possible footpath flooding which could result in the footpath being impassable. The signage shall be maintained in perpetuity.</p> <p>Reason: due to the nature of a temporary storage area and the lengths of footpath routes present at the site to ensure users have advanced notice of possible</p>

	blockages along the network.
16.	<p>Within 12 months of the completion of the development hereby permitted the land utilised as part of the construction phase, including the compound, borrow pit 2, 2 thirds of borrow pit 1 (the remainder of borrow pit 1 will be established as wildlife habitat), and storage areas, shall be restored to its former condition and made suitable for agricultural use. The grassland shall be reinstated with appropriate seed mixes according to land use and the newly constructed embankment shall be reseeded and made available for grazing purposes.</p> <p>Reason: a large part of the site is only required during the construction phase and thereafter the land can be returned to its agricultural use reducing the amount of land take associated with the development.</p>
17.	<p>Within 2 months of the commencement of the development full details of the replacement hedgerows and/or laying, gapping up and replenishment with native species of existing hedgerows shall be submitted to and approved in writing by the Local Planning Authority. The approved planting shall be carried out in the first planting season following the completion of the development and any hedgerows which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: In the interest of the appearance of the locality and to mitigate for the loss of hedgerows as a result of the approved development.</p>
18.	<p>The proposed/ upgraded access tracks hereby approved shall be constructed utilising the following materials:</p> <ul style="list-style-type: none"> • The resurfaced access track from Southport Road to the farm yard shall be resurfaced in macadam from the road junction to the yard entrance. As detailed on plan reference 497849/500/02 • The newly created access track from the edge of the farmyard to the crest of the embankment along the existing field boundaries shall be constructed out of permeable stone material. As detailed on plans reference 497849/500/02, 497849/500/03, 497849/500/04 and 497849/500/05 • The newly created 4m wide access track around the toe north of the river and along the crest of the embankment shall be constructed out of seeded 'Grasscrete'. As detailed on plans reference 497849/500/02, 497849/500/03, 497849/500/04 and 497849/500/05 <p>Reason: in the interests of the visual amenities of the area and to reduce the medium to long term impact of the rural character of the area.</p>
19.	<p>Within 12 months of the completion of the development two thirds of the southern borrow pit shall be reinstated to agricultural land. A new wetland area shall be created on the remaining third, as detailed on plan reference 497849/500/013, incorporating additional scrapes, ponds, aquatic and marginal vegetation and native scrub.</p> <p>Reason: to enhance habitat value of the local river valley and to mitigate for the loss of habitats as a result of the development</p>
20.	<p>Within 6 months of the completion of the development hereby approved all of the temporary elements of the development (which are required to enable the construction of the approved development), including the temporary haul roads and site compound, shall be removed off site and the land restored to its former agricultural land status.</p> <p>Reason: in the interests of the visual amenities and character of this rural area and due to the fact that these elements are only necessary during the construction phase of the development.</p>

<p>21.</p>	<p>The proposed development shall be undertaken in accordance with the anticipated sequence of construction works detailed within the submission information. In particular the access route from A581 shall be upgraded (surfaced in macadam from the road junction to the yard entrance) and the layby shall be created prior to any vegetation site clearance, the creation of the temporary access across the River Yarrow or material excavation on site. The access route shall be resurfaced in accordance with plan reference 497849/500/02 and the details submitted as part of the Construction Traffic Management Plan. Reason: to ensure that a safe and suitable access is provided to the site and to ensure that debris is prevented from being carried onto the main roads</p>
<p>22.</p>	<p>Within 6 months of the completion of the development the following works to the access track (from the Southport Road junction to the farm yard entrance) shall be undertaken:</p> <ul style="list-style-type: none"> • Hedgerow reinstated • Passing place removed • Ditch realigned <p>The access track thereafter shall be maintained as an access route for maintenance purposes in respect of the embankment. Reason: in the interests of maintaining the rural character of the area and to rectify the impacts of the construction phase of the development.</p>
<p>23.</p>	<p>Prior to the commencement of development samples of all external bricks for the culvert hereby approved (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 in accordance with the details as approved. Reason: To ensure that the materials used are visually appropriate to the locality.</p>
<p>24.</p>	<p>Prior to the commencement of the stripping of any earth at the site a scheme and programme for the final restoration of the remaining agricultural land shall be submitted to and approved in writing by the Local Planning Authority. The scheme and programme shall include details of the following:</p> <ol style="list-style-type: none"> a) Details of the contours of the restored land. b) Details for the replacement of topsoils and subsoils and their treatment to a level suitable for the proposed afteruse. c) Details for the seeding of the restored areas including the seed mixes to be used on different areas of the site and rates of application. d) Details for the restoration of the borrow pits and stockpile areas including the removal of the internal haul roads and hard standing areas and regarding of the land to the contours shown in (a) above. e) The measures to be undertaken to reinstate the Public Right of Way on the site <p>The approved scheme and programme shall be carried out in full. Reason: To ensure that the land is reinstated to a suitable standard following the completion of the construction phase of the development.</p>

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- Notes:**
- For landscaping drawings refer to Drg nos 497849/600/011 to 014.
 - For cross sections refer to Drg nos 497849/500/08 and 09.

- Key:**
- Red line boundary
 - Proposed stone access track
 - Proposed earthwork embankment
 - Proposed Grasscrete track
 - Proposed Spillway (Grass covering to basin)
 - Proposed River Yarrow realigned course
 - Existing route of River Yarrow infilled and realigned
 - Proposed shrub planting
 - Proposed hedgerow planting
 - Existing Public Right of Way

Rev	By	Chkd	Apprvd	Date	Description
0	MEC	RC	ML	12.9.2014	PLANNING APPLICATION



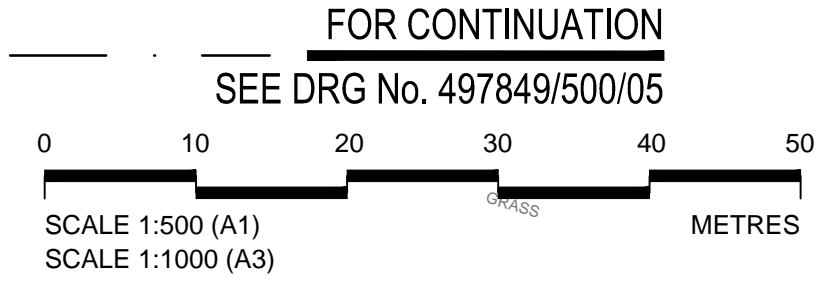
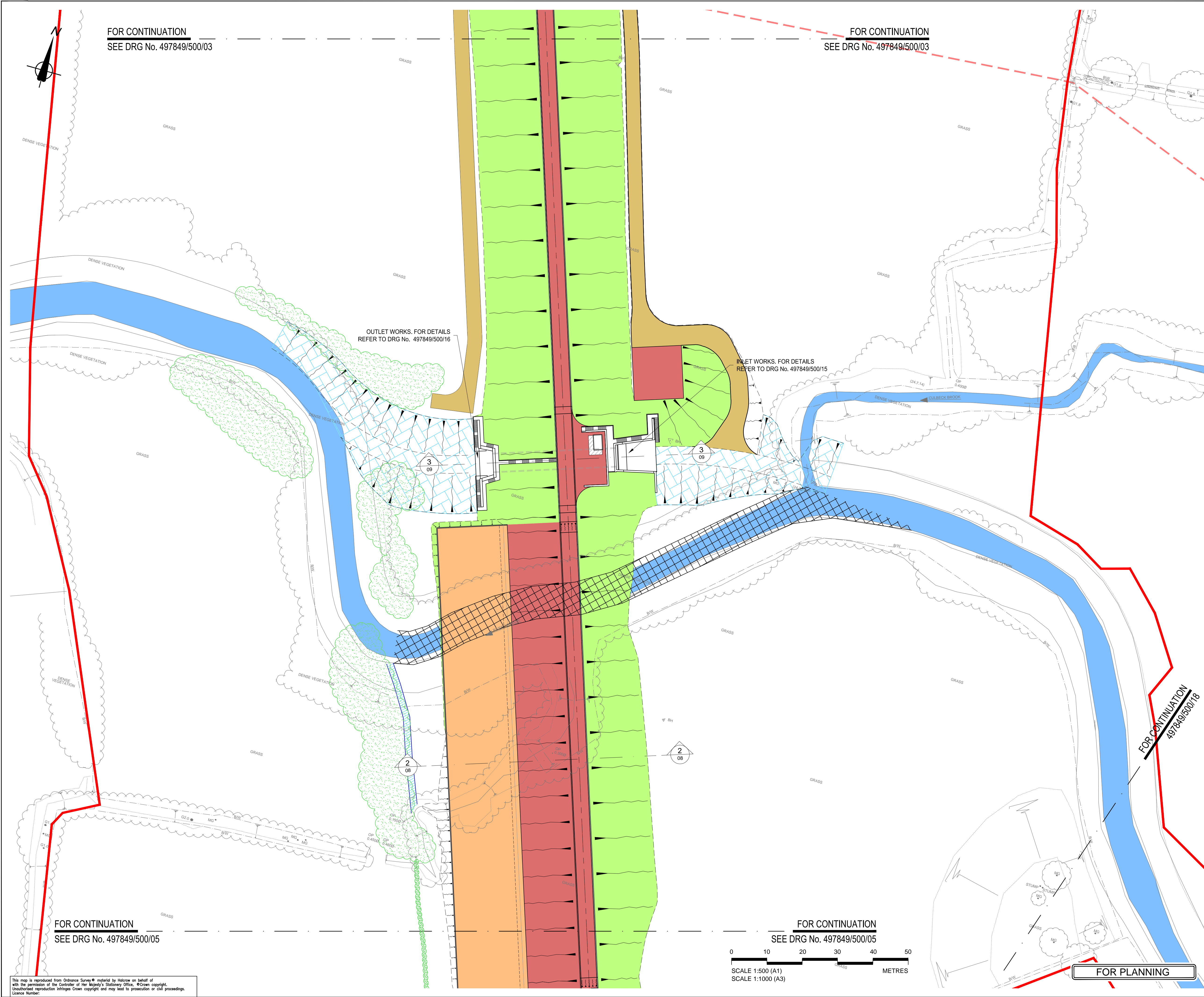
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Project
 CROSTON FRMS
 PLANNING APPLICATION

Drawing
 SITE PLAN
 SHEET 3 OF 6

Drawn by: MEC	Date: 12.9.2014
Checked by: RC	Date: 12.9.2014
Approved by: ML	Date: 12.9.2014
Drawing No.	Revision

497849/500/04 0
 Drawing Scale: 1:500 at A1

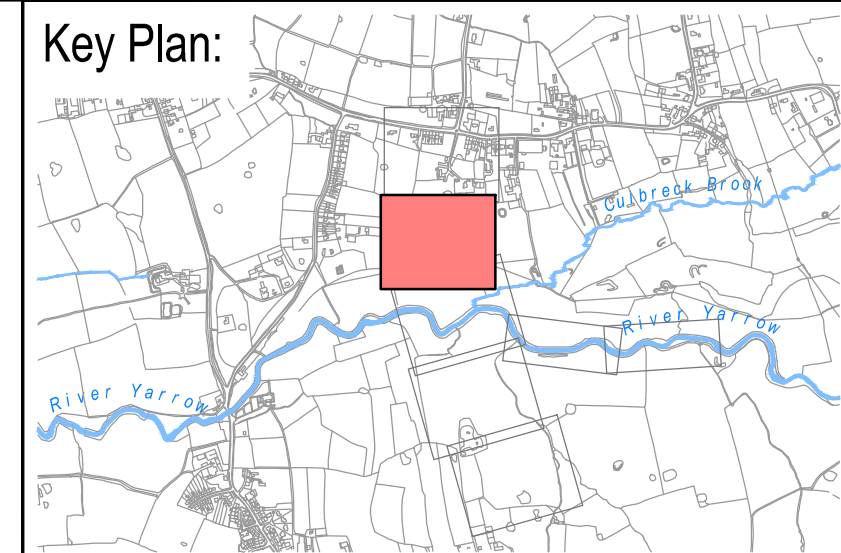
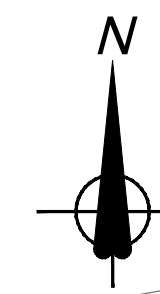


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FOR CONTINUATION
SEE DRG No. 497849/500/02

FOR CONTINUATION
SEE DRG No. 497849/500/02



- Notes:**
- For landscaping drawings refer to Drg nos 497849/600/011 to 014.
 - For cross sections refer to Drg no 497849/500/09.

- Key:**
- Red line boundary
 - Proposed stone access track
 - Proposed earthwork embankment
 - Proposed Grasscrete track
 - Proposed Borrow Pit
 - Area available for soil storage. Height not to exceed 2.0m
 - Existing Public Right of Way
 - Indicative route of diverted Public Right of Way (9-13-FP8)
 - X X X Existing Public Right of Way (9-13-FP8) to be closed and diverted.
 - Proposed hedgerow planting

PROPOSED CONTRACTORS COMPOUND

BORROW PIT 1.
SEE DRAWING 497849/500/10 FOR DETAILS

PLANTING BETWEEN ACCESS TRACK AND PUBLIC RIGHT OF WAY.
SEE NOTE 1.

NEW PEDESTRIAN GATE

NEW PEDESTRIAN GATE

FOR CONTINUATION
SEE DRG No. 497849/500/04

FOR CONTINUATION
SEE DRG No. 497849/500/04

0 10 20 30 40 50
SCALE 1:500 (A1)
SCALE 1:1000 (A3)
METRES

FOR PLANNING

Rev	By	Chkd	Apprvd	Date	Description
0	MEC	RC	ML	12.9.2014	PLANNING APPLICATION

Client
 Environment Agency

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Project
**CROSTON FRMS
PLANNING APPLICATION**

Drawing
**SITE PLAN
SHEET 2 OF 6**

Drawn by: MEC Date: 12.9.2014
Checked by: RC Date: 12.9.2014
Approved by: ML Date: 12.9.2014

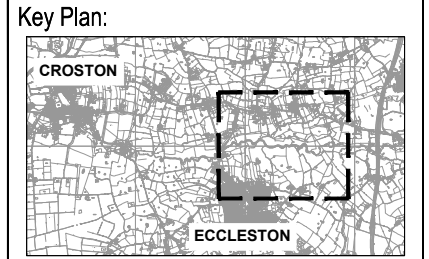
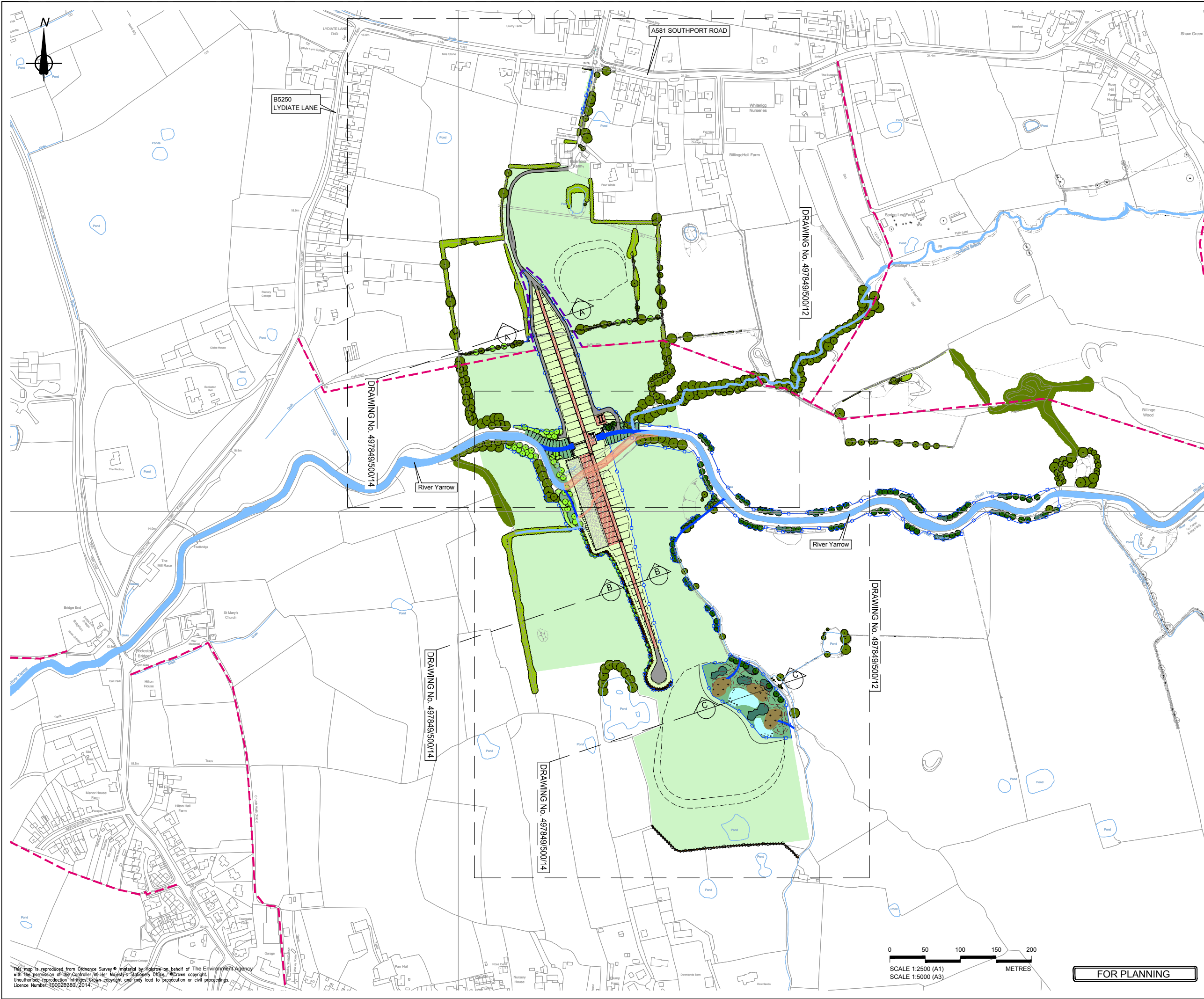
Drawing No. **497849/500/03** Revision **0**

Drawing Scale: 1:500 at A1

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- Key:**
- EXISTING FEATURES**
- Watercourse
 - Public Right of Way (PRoW)
 - Existing trees / vegetation / hedgerow
- PROPOSED FEATURES**
- Red line boundary
 - Location of flood embankment
 - Proposed grass crete track and spillways
 - Location of stilling basin
 - Stoned maintenance access track
 - Indicative location of borrow area
 - Existing river channel / drain in-filled
 - Indicative route of diverted river / drain
 - Indicative diversion of Public Right of Way (PRoW)
 - Permanent stock proof fencing and gate
 - Temporary stock proof fencing for new hedge (5yrs.)
 - Native tree planting
 - Native riverine tree planting
 - Native scrub planting
 - Native riverine scrub
 - New hedgerow / existing hedgerow to be gapped up
 - Embankment and reinstatement mix EA7
 - Pasture reinstatement Emorsgate EG26 mix
 - Wet / species rich grassland Emorsgate EM8 mix
 - Pond / scrape
 - Reed bed
 - Marginal aquatic planting

Notes:

- Refer dwg. 497849/500/014 Landscape Masterplan Sheet 4 for sections.

Rev	By	Chkd	Apprv	Date	Description
0	MPW	MJ	ML	SEP 14	FOR PLANNING

Client: Environment Agency

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Project: CROSTON FRMS
 DETAILED DESIGN

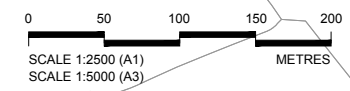
Drawing: **LANDSCAPE MASTERPLAN
 SHEET 1 OF 4 - KEYPLAN**

Drawn by: MPW Date: AUG 14
 Checked by: MJ Date: AUG 14
 Approved by: ML Date: AUG 14

Drawing No.	Revision
497849/500/011	0

Drawing Scale: 1:2500 at A1; 1:5000 at A3 and as shown

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FOR PLANNING

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Photoviewpoint D: View south west towards the embankment location from residential property, 'Four Winds'. The property is located on higher ground and residents have panoramic views across open countryside from picture windows and a balcony on the first floor.



Photomontage D: Residents will notice a shortening of views to the south west. The kiosk and railings will be visible, but new shrub and tree planting will help to filter views once it establishes. The embankment itself will be well integrated from this viewpoint once the grass has established. The change in topography along the ridgeline associated with the northern borrowpit will be just noticeable in first floor views.



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Project

CROSTON FRMS DETAILED DESIGN

Note:

1. All dimensions in metres unless stated otherwise.

2. For viewpoint locations refer Figure 7.2: Visual Analysis, Photoviewpoint and Photomontage Locations.

3. Photomontage illustrates the view on a summer's day after 15 years with mitigation planting in place.

Drawing status

Rev	By	Chkd	Appvd	Date	Description
0	MFW	ML	ML	SEP 14	FOR ENVIRONMENTAL STATEMENT

Drawing title

**FIGURE 7.4
 SHEET 4
 PHOTOMONTAGE D**

Drawn by: MFW

Date: SEP 14

Checked by: MJJ

Date: SEP 14

Approved by: ML

Date: SEP 14

Drawing No.

497849/600/019

Revision

0

Drawing Scale: n/a

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Photoviewpoint B: View east across the northern part of the site from PRoW 9-13-FP8.



Photomontage B: Looking east along the footpath route, mature vegetation along the river would be removed and the embankment would shorten the view. The top of the kiosk and railings, culvert wing walls and spillway will be visible, but new shrub and tree planting will help to filter views once it establishes.



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Project

CROSTON FRMS DETAILED DESIGN

Note:

1. All dimensions in metres unless stated otherwise.

2. For viewpoint locations refer Figure 7.2: Visual Analysis, Photoviewpoint and Photomontage Locations.

3. Photomontage illustrates the view on a summer's day after 15 years with mitigation planting in place.

Drawing status

Rev	By	Chkd	Appvd	Date	Description
0	MFW	ML	ML	SEP 14	FOR ENVIRONMENTAL STATEMENT

Drawing title

**FIGURE 7.4
 SHEET 2
 PHOTOMONTAGE B**

Drawn by: MFW

Date: SEP 14

Checked by: MJJ

Date: SEP 14

Approved by: ML

Date: SEP 14

Drawing No.

497849/600/017

Revision

0

Drawing Scale: n/a

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Item 3f **14/00601/OUT**

Case Officer **David Stirzaker**

Ward **Wheelton & Withnell**

Proposal **Outline application (all matters reserved apart from access and layout) for two residential dwellings**

Location **Land Between 386 And 392, Blackburn Road, Higher Wheelton**

Applicant **Sandra Foster**

Consultation expiry: **8th December 2014**

Decision due by: **7th August 2014 (Extension of time agreed until 23rd January 2015)**

Recommendation
Permit Planning Permission

Executive Summary

The main issues to consider are whether the erection of two dwellings on this site is acceptable in principle, if the scale of the development is acceptable, whether or not it will harm the amenities of local residents and if the access and parking proposed is acceptable. For the reasons set out below, it is considered that the proposed development is consistent with the aims of the Framework and in accordance with the provisions of the development plan.

Representations

Wheulton Parish Council comment as follows: -

- The Parish Council express concerns in relation to the original and amended plans regarding the overdevelopment of the site, access, its proximity to the junction with Bett Lane and the reduction in the length of the lay-by.

In total 14 objections have been received. This includes 12 objections from the same household. The objections are summarised as follows: -

- Proximity of dwellings to 392 Blackburn Road as the dwellings should be centred on the site and the position of the dwellings highlights the applicants true intentions for the site
- This proposals is an initial proposal and it is anticipated that a revised application will be submitted for the development of the site at the rear
- The layout leaves space for an access to the site at the rear
- On street parking will be lost due to the access to the site being onto the lay-by
- It is requested that Development Control Committee Members visit the site to appreciate the complexity of the development
- The tree report does not fully address root protection
- The plans are not correctly annotated
- The application makes no reference to the large windows in the site of 392 Blackburn Road in the rear extension to this property
- The proposals would be detrimental to highway safety in terms of the access to Blackburn Road
- Installation of services will harm the trees
- The loss of car parking at the Golden Lion will impact on the limited spaces for existing residents as a result of the access to the site crossing the lay-by
- Development on this site will increase the risk of flooding, which has occurred in the past, from water run-off as the site has a high water table and is boggy and poorly drained
- The trees, field and surrounding land are a haven for wildlife
- The land directly leading onto the proposed site from the golf course and fields has been developed with man-made drainage and a watercourse running along the perimeter of our property and the land and in the past this has caused flooding problems
- The vehicle movements associated with the dwellings will increase traffic to dangerous levels
- The dwellings would lead to a loss of residential amenity for the occupiers of 386 Blackburn Road in terms of loss of light, overlooking, loss of privacy: noise and disturbance
- There is presently no access to the site
- The trees are home to a colony of bats
- Surface water from the access will run-off onto Blackburn Road and the Lawton Close and cause flooding

Cllr Margaret France has requested that the application be reported to Development Control Committee and also made the following comments: -

- The root system of the protected trees would be compromised
- There is limited visibility in both directions along the A674 which also has heavy traffic so the access would be dangerous to road users of the A67 as

driving from either direction round a bend in the road cars would potentially be confronted with a car halfway out of the drive and onto the highway

Consultees

Consultee	Summary of Comments received
LCC (Highways)	No objections in principle to the scheme and no objections raised in relation to the access onto Blackburn Road but comments awaited on the amended scheme so these will be reported on the addendum.
Waste & Contaminated Land Officer	Recommends an informative requiring a Desk Top Study, site walkover and preliminary risk assessment to establish if the site is potentially contaminated and if potential contamination is identified, further investigations should be undertaken and suitable remediation undertaken in accordance with any recommendation made.
United Utilities	No objections to the application and no conditions recommended.
Environment Agency	No comments to make on the application.
Tree Officer	No objections raised in relation to the scheme but final comments awaited on the amended layout and updated Arboricultural Report.
Planning Policy (Open Space)	Under the Open Space and Playing Pitch SPD, emerging Local Plan Policies HS4A and HS4B and the approach in the SPD, a contribution of £6710 is required.

Proposed Development

1. This outline application, with some matters reserved, proposes the erection of a pair of two storey semi-detached dwellings. The application seeks approval for access and layout with appearance, landscaping and scale matters being reserved for approval at a later date.
2. The site is located in the settlement of Higher Wheelton and comprises open land sat between 386 and 392 Blackburn Road, onto which the site fronts. The site is rectangular with a frontage of 20m and a depth of 31m. The level of the site falls approximately 2m towards Blackburn Road.
3. The dwellings comprise a pair of semi-detached two storey properties and the submitted plans detail an indicative layout along with the maximum scale parameters of the dwellings. The dwellings will have a total floor space of less than 1000m² with external footprints of 5.6m by 7.6m and 9.2m by 5m respectively and eaves heights of 4.9m and ridge heights of 7.3m. Access to the site is proposed from Blackburn Road and the layout of the site proposes 2 no. parking spaces per dwelling. The original plans have been amended to address layout, levels and issues pertaining to the relationship with the adjacent properties.
4. An application submitted in 2012 (Ref No. 12/00317/OUT) was refused on the grounds of residential amenity impact, highway safety and impact on the trees.

Principle of the Development

5. Policy HS7 of the emerging Chorley Local Plan states that within smaller villages, limited infilling for housing will be permitted providing the applicant can demonstrate that certain criteria are met. These are as follows: -
 - a) The existing buildings form a clearly identifiable built up frontage;
 - b) The site lies within the frontage, with buildings on either side, and its development does not extend the frontage;
 - c) The proposal would complement the character and setting of the existing buildings.
6. The policy defines infilling as the filling of a small gap in an otherwise built-up street frontage, e.g. typically a gap which could be filled by one or possibly two houses in keeping with the character of the street frontage. The policy goes on to state that when assessing applications for rural infill sites, the Council will also have regard to site sustainability, including access to public transport, schools, businesses and local services and facilities.
7. The site sits between 386 and 392 Blackburn Road and comprises a rectangular piece of land measuring approximately 20m wide by 31m deep. With regards to criteria a), it is considered that the existing buildings either side of the site constitute a clearly identifiable built up frontage given they extend over 150m either side of the site. There are also buildings on the opposite side of the road which again stretch for a total distance of approximately 450m in length. In terms of criteria b), the site lies within the frontage with buildings on either side and the proposed development will not extend the frontage. With regards to criteria c), there are a diverse mix of property types adjacent to the application site comprising dormer bungalows, terraced, semi-detached and detached dwellings. The proposed semi-detached properties are in scale terms similar to the properties to the terraced properties to the west and utilise the step up in land level from 386 to 392 Blackburn Road. Whilst the final design of the dwellings is not known, it is however considered that the dwellings, subject to final design and materials, would complement the character and setting of the existing buildings.
8. With regards to sustainability, there is a primary school (St Chads Catholic) in Wheelton which is approximately 1.4 miles away and a primary school (Brinscall St Johns Church of England/Methodist Primary School) is approximately 0.9 miles away. In the settlement itself, there is a public house (Golden Lion) approximately 63m away, a general store approximately 140m away and a petrol station/car repair garage approximately 53m away. There is also a bus stop adjacent to the site with buses running to Blackburn and

Chorley along with numerous school bus services. On this basis, whilst the site is not as sustainable as a site in Chorley town for example, the site has excellent access to the bus route, there is a pub and shop within walking distance and there are primary schools a short bus ride away so on this basis, it is considered that the site is in a sustainable location.

9. On the basis of the above, it is considered that the 'principle' of the development of this site is an acceptable one subject to favourable consideration of the issues set out in the rest of this report.

Design, Scale and impact on locality

10. The dwellings take the form of a pair of two storey semi-detached dwellings and the indicative plans of the dwellings show they will have footprints of 5.6m by 7.6m and 9.2m by 5m respectively. The dwellings will have eaves heights of 4.9m and ridge heights of 7.3m. Access to the site is proposed from Blackburn Road and the layout of the site proposes 2 no. parking spaces per dwelling.
11. The scale of the dwellings is akin to the terraced properties to the west of the site (380 to 386 Blackburn Road). The finished floor levels (FFL) of the dwellings are above that of 386 Blackburn Road and are stepped up from this property with the easterly dwelling having a similar FFL to 392 Blackburn Road. The wider locality is made up of varying house types ranging from large detached dwellings to terraced dwellings and bungalows on Lawton Close. Facing materials are also mixed and comprise red brick and natural stone. Therefore subject to suitable final design and appropriate facing materials, it is not considered that design and scale of the dwellings would be unacceptable.
12. The dwellings are positioned closer to 392 Blackburn Road but this is in part due to the higher land level they are to be positioned on. The streetscene drawing included with the application shows that the dwellings will not appear out of character with the locality from a scale perspective and in design terms, the indicated drawings show simply design dwellings. Therefore subject to suitable final design and appropriate facing materials considered at reserved matters stage, it is not considered that design and scale of the dwellings would be unacceptable on this site nor would they have a detrimental impact on the character and appearance of the locality.

Impact on neighbours

13. The site is bounded to the east by 392 Blackburn Road and to the west by 386 Blackburn Road. In relation to 386 Blackburn Road, the gable of this property faces the site and at first floor level, this contains the main habitable window to a first floor room which is at present used as a lounge. There are also windows to the front and rear of this property which serve this room but they are smaller and secondary to the room. The position of the dwellings relative to the first floor side window in this property is considered to be acceptable given the plot nearest this property is stepped back so is not in the direct line of sight from the main first floor window looking onto the site. Also, at its nearest point, the closest dwelling to 392 Blackburn Road will be approximately 9m away. This distance and the position of the dwellings is considered sufficient to address the higher floor levels of the proposed dwellings.
14. In terms of 392 Blackburn Road, the side elevation of this property contains numerous windows. At ground floor level in this property, there is a secondary window to the lounge, two windows which serve a garage, one window which serves a bathroom at the rear of the garage and two full height windows which serve a single storey rear extension (Ref No. 06/01234/FUL) completed in 2008. At first floor level, there is a secondary bedroom window and a bathroom window.
15. The occupier of this property has raised an objection to the application with one of the main issues being the loss of outlook from the windows in the extension facing onto the site. The window closest to the proposed dwelling nearest this property is part of a recently added extension and comprises one side of the fully glazed part of the extension where it joins the house. The glass spans the roof and the opposite side of the extension.

The proposed dwelling near to this window would be approximately 3.3m from it. However, the window is a secondary window to the room given it is part of a link between the extension and the house and the main windows to the extension are in the rear elevation. Moreover, it was a design decision to place a window in this position of the extension which affords views onto land that is outside of the control of the occupier/s of this property and it is not the role of the Council to protect views. The final boundary treatment details next to this window will therefore be considered as part of a reserved matters application.

16. In terms of the window in the rear of the extension, this is the corner of a fully glazed section of the extension encompassing part of the side elevations and the whole of the rear elevation and is 1.8m from the boundary. Given the dwellings will sit forward of this window, it is not considered that the outlook from it will be detrimentally affected and again, final boundary treatment details will be considered as part of a reserved matters application.
17. On the basis of the above, it is not considered that the proposed dwelling will have a harmful impact on the living conditions of the occupiers of 386 and 392 Blackburn Road.

Traffic & Transport

18. LCC (Highways) have not raised any objections to the application in principle or the access onto Blackburn Road which is onto the lay-by referred to by objectors. The layout of the development also includes 2 no. off road spaces per dwelling and turning space to facilitate ingress and egress in a forward gear. Also, no objections have been raised in relation to the access point being off the lay-by.
19. The final comments from LCC (Highways) on the amended layout are being awaited so will be reported on the addendum.

Impact on trees

20. The trees across the site frontage are the subject of a Tree Preservation Order. The application includes an Arboricultural Report which recommends that tree protection measures are implemented during the course of development. As the access passes over the root protection zones of the trees, the report recommends a 'no-dig' construction technique and installation load bearing support system over the surface in accordance with BS 5837 (2012) and this should be the first operation to take place following erection of protective tree fencing.
21. In terms of recommended tree works, none are recommended in relation to T1 and T4. In relation to T2 and T3, it is recommended that the crown of these trees is raised over the driveway to a height of 4m to create sufficient clearance for vehicles. The works to the trees are considered to be acceptable by the Council's Tree Officer.

S106 and CIL

22. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. A contribution of £6710, as set out below, was originally required and the applicant has signed a S106 agreement, based on the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD.

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 Higher Wheelton in relation to this standard; a contribution towards new provision in the settlement is therefore required from this development. The amount required is £140 per dwelling.

Provision for children/young people

Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a deficit of provision in Higher Wheelton in relation to this standard; a

contribution towards new provision in the settlement is therefore required from this development. The amount required is £134 per dwelling.

Parks and Gardens

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

The site is within the accessibility catchment (1,000m) of parks/gardens that are identified as being low quality and/or low value in the Open Space Study (sites 1689 - Bothy Gardens, Withnell Fold and 1690 – Memorial Garden, Withnell Fold); a contribution towards improving these sites is therefore required. The amount required is £1,467 per dwelling.

Natural and Semi-Natural Greenspace

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

There are no natural/semi-natural greenspaces within the accessibility catchment (800m) of the site identified as being low quality and/or low value in the Open Space Study, a contribution towards improving existing provision is therefore not required.

Allotments

There is no requirement to provide allotment provision on site within this development.

There are allotments within the accessibility catchment (10 minutes' drive time) of the site that are identified as being low quality and/or low value in the Open Space Study (sites 1639 Rear of Pleasant View, Withnell, 1649 - Rear of Maybank and Oakdene, Withnell Fold and 1648 Rear of Bay Horse, Preston Road, Whittle-le-Woods). A contribution towards improving existing sites is 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.

23. The National Planning Practice Guidance was updated by the Government on 28 November 2014 in respect of contributions for affordable housing and tariff style planning obligations. These measures were introduced to support small scale developers by reducing disproportionate burdens on developer contributions. The updated guidance confirms that such contributions should not be sought from small scale and self-build development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m².
24. This development is for 2 no. dwellings which is below the 10 unit threshold and also has a combined gross floorspace of less than 1000m².
25. In the case of this development and taking into account the updated Government guidance, there is no evidence at this time, which is directly related to the development, to justify seeking a contribution towards public open space which is contrary to the Planning Practice Guidance.
26. With regards to CIL, under the charging schedule, and based on the layout plans which show that the total approximate floorspace would be 177m², the charge would be £11505.

Contamination and Coal Mines

27. The Council's Land & Contaminated Waste Officer has recommended an informative requiring a Desk Top Study, site walkover and preliminary risk assessment to establish if the site is potentially contaminated and if potential contamination is identified, further investigations should be undertaken and suitable remediation undertaken in accordance with any recommendation made. The site does not fall within the low or high risk zones in relation to former coal mining activity.

Drainage and Sewers

28. United Utilities have not raised any objections to the application or recommended any conditions and the drainage from the dwellings will be dealt with as part of any application made under the Building Regulations. A condition is recommended in relation to the installation of services to the site to ensure that the works do not cause harm to the root system of the trees on the site boundary.

Sustainability

29. In line with Policy 27 of the Core Strategy, the dwellings will be required to be constructed to meet the relevant Code for Sustainable Homes level (Level 4 and Level 6 from January 2016) so the standard conditions are recommended requiring this to be the case.

Other matters

30. Some of the objections have raised an issue regarding the land to the rear of the site and its possible future development. These are noted but whilst this land is in the settlement and owned by the applicant, it is outside of the red edge and not therefore included in this application. However, the site is not part of the infill plot and the position of the dwellings on the site is a result of the relationship with 386 Blackburn Road and due to the difference in levels between the site and this property. From a planning policy perspective, any development on it would be the subject of a different set of considerations given it comprises wholly open land in a rural settlement so the site at the rear is essentially separate in planning terms. Any proposals for the development of this land would be assessed if/when a planning application is submitted to the Council.
31. Concerns have also been raised in terms of surface water run-off from the site and the field to the rear of 378 to 386 Blackburn Road. However, the site is not in Flood Zone 2 or 3 nor is it in an area which is identified as being less, intermediately or more susceptible to flooding. Also, United Utilities and the Environment Agency have not raised any objections to the application or recommended any conditions.
32. In relation to the comment that the trees are home to a colony of bats, the trees are to be retained with only pruning works proposed to two of them so an informative is recommended drawing the applicant's attention to the potential presence of bats and the need to contact Natural England if they are found to be present.

Overall Conclusion

33. The 'principle' of the proposed development on this site is considered to be acceptable given it constitutes the development on a rural infill plot.
34. It is considered that the scale of the development is appropriate for the site and the final design of the dwellings will be considered as part of a reserved matters application. With regards to neighbour amenity, the layout of the development is such that the dwellings will not result in detrimental harm to the living conditions of the occupiers of 386 and 392 Blackburn Road.
35. The access to the site is satisfactory and the layout includes turning space and adequate parking for each property.

Planning Policies

36. 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
98/00046/OUT	Outline application for the erection of detached house and garage	Withdrawn	25.11.1998
04/00611/OUTMAJ	Outline application for the erection of 12 cottage style dwellings (affordable housing units) and removal of trees and landscaping	Refused	26.07.2004
06/01176/TPO	Removal of basal shoots to T1 & T3 (retrospective), and removal of low boughs to T3 covered by TPO 12 (Wheelton) 1998	Withdrawn	12.02.2009
06/01185/COU	To create a hardstanding area for maintenance vehicles and temporary storage	Withdrawn	21.02.2007
12/00317/OUT	Outline application for the erection of a pair of semi-detached two storey dwellings	Refused	15.02.2013

Suggested Conditions

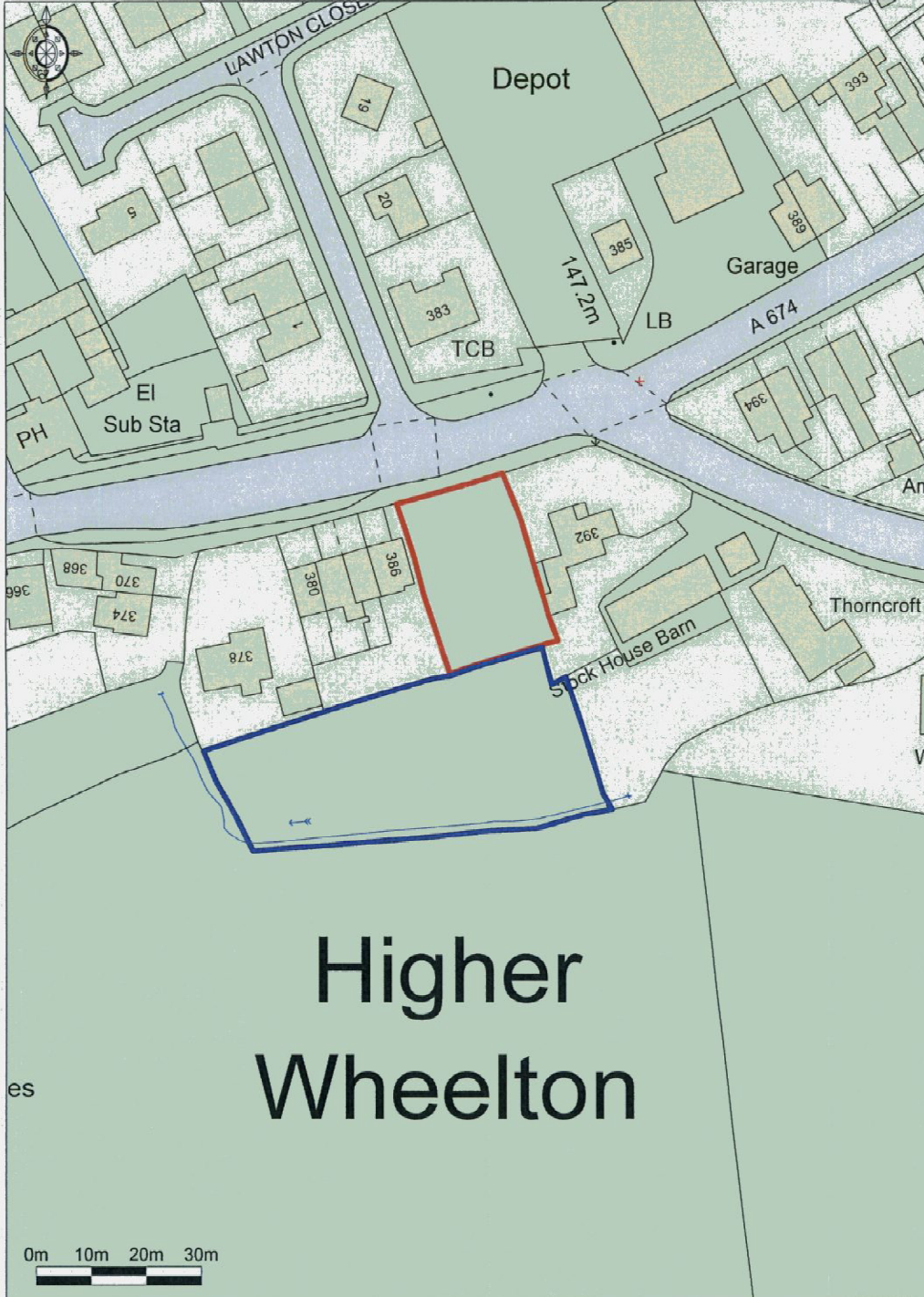
No.	Condition
1.	<p>An application for approval of the reserved matters, namely the appearance and scale of the dwellings and the landscaping of the site must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>Prior to the commencement of 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>
3.	<p>Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
4.	<p>The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out 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>
5.	<p>Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
6.	<p>No dwelling hereby permitted shall be occupied until the access from Blackburn Road, the parking spaces and manoeuvring space has been completed and surfaced in accordance with the approved plans.</p> <p><i>Reason: In the interests of highway safety</i></p>

7.	<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>												
8.	<p>The reserved matters application shall include final details of the 'no-dig' construction technique and installation of services to the dwellings and the load bearing support system to form the access, car parking spaces and manoeuvring space which is within the Root Protection Area of the protected trees. The development shall only thereafter be carried out in accordance with the approved details.</p> <p><i>Reasons: To safeguard the protected trees during and after construction.</i></p>												
9.	<p>The development hereby permitted shall only be carried out in accordance with the recommendations set out in section 6 of the Arboricultural Report prepared by Treescapes Consultancy Ltd dated 13th November 2014 (Reference No. AH/ALA/22013-1).</p> <p><i>Reasons: In the interests of safeguarding the protected trees.</i></p>												
10.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="368 992 1340 1211"> <thead> <tr> <th data-bbox="368 992 647 1025">Title</th> <th data-bbox="647 992 1066 1025">Drawing Reference</th> <th data-bbox="1066 992 1340 1025">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 1025 647 1115">Proposed Site Layout, Site Section & Street Scene</td> <td data-bbox="647 1025 1066 1115">14/100/P01</td> <td data-bbox="1066 1025 1340 1115">20th November 2014</td> </tr> <tr> <td data-bbox="368 1115 647 1178">Topographical Survey</td> <td data-bbox="647 1115 1066 1178">1806/1</td> <td data-bbox="1066 1115 1340 1178">4th June 2014</td> </tr> <tr> <td data-bbox="368 1178 647 1211">Location Plan</td> <td data-bbox="647 1178 1066 1211">2278/1</td> <td data-bbox="1066 1178 1340 1211">4th June 2014</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Proposed Site Layout, Site Section & Street Scene	14/100/P01	20 th November 2014	Topographical Survey	1806/1	4 th June 2014	Location Plan	2278/1	4 th June 2014
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Proposed Site Layout, Site Section & Street Scene	14/100/P01	20 th November 2014											
Topographical Survey	1806/1	4 th June 2014											
Location Plan	2278/1	4 th June 2014											
11.	<p>All dwellings commenced will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development</i></p>												
12.	<p>Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority which demonstrates that the dwellings will be constructed to meet the relevant level of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved 'Design Stage' assessment and certification.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development</i></p>												
13.	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the dwellings shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within</p>												

	<p>the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p>
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Reason: In the interests of highway safety and to prevent flooding

CHORLEY COUNCIL
 14/00601/01
 DEVELOPMENT CONTROL
 REC'D
 - 4 JUN 2014
 FILE _____
 ACK'D _____
 ATTEN OF _____
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Higher
 Wheelton



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Plan Ref:2278/1

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Item 3g 14/01087/FUL

Case Officer David Stirzaker

Ward Chorley South East

Proposal Refurbishment and change of use of existing public house to form 7 No new apartments

Location The Queens, 52 Chapel Street, Chorley, PR7 1BS

Applicant Mr Nick Burton

Consultation expiry: 16th December 2014

Decision due by: 19th January 2015 (Extension of time agreed to 23rd January 2015)

Recommendation
Permit Planning Permission

Executive Summary

The main issues to consider are whether the conversion and extension of the property to form 7 no. apartments is acceptable in principle, whether or not neighbour amenity will be harmed, if the character and appearance of the locality and Conservation Area will be maintained and enhanced, if the level of parking provision is acceptable and highway safety. For the reasons set out below, it is considered that the proposed extension is consistent with the aims of the Framework and in accordance with the provisions of the development plan.

Representations

To date, 1 no. representation has been received:
Objection
Total No. received: 1
<ul style="list-style-type: none"> • The re-use of the pub for residential purposes would lead to an increased level of noise and disturbance through the noise of cars coming and going and the gates opening and closing • A loss of amenity would be caused by overlooking from the windows facing 2 Victoria Street

Consultees

Consultee	Summary of Comments received
LCC (Highways)	Advise that the proposed apartments (7 no.) would each require a parking space, but the total number of spaces provided is below this as 6 no. spaces are proposed. LCC (Highways) note that there is some on-street parking provision on Victoria Street, but the spaces are for Resident Permit holders only which given the number of dwellings in the street may have been over subscribed. The on-street parking provisions on Chapel Street, Halliwell Street and Albert Street are also mainly for short stay parking and the roads in the immediate vicinity of the site are extensively restricted in terms of on-street waiting of vehicles. It is therefore important that the site's parking needs are fully met, if unsatisfactory on-street parking conditions are to be avoided in the area. From the proposed plan, it appears modifications can be made to allow for the single additional parking space to be accommodated. Also, the cycle storage needs to be covered and secured; and the access to the bin store properly defined.
Planning Policy	Planning Policy has considered the applicants statement addressing Policy HW6 and do not raise any objections to the application on this basis.
Conservation Officer	Conservation Officer considered that the development is acceptable and advises as follows: - <ul style="list-style-type: none"> • The site is comprised of a former public house that is identified as a 'locally important building' within the Chorley Council approved List of Locally Important Buildings that was approved by the Council's Executive Cabinet on 29 March 2001. The building is thus defined as a Heritage asset by Annex 2 to the Framework. • The building is located within the St George's Street Conservation Area for which an appraisal and management proposals document was adopted by the Chorley Council Executive Cabinet as part of the evidence base for the emerging local development Framework on 12 February 2009. The St Georges Street Conservation Area was first designated by Chorley Council on December 19 1985. • The building is currently vacant and in a deteriorating condition and is desperately seeking a new, sustainable use. At present the condition of the building is causing harm to the significance of both the

	<p>building itself and the St George's Street Conservation Area.</p> <ul style="list-style-type: none">• The proposed use retains the essential character and the embodied significance of the heritage asset. That significance and that which is imbued by it within the St George's Street Conservation area will be sustained and probably enhanced as a result of the proposed development.
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Proposed Development

1. This application proposes the conversion and extension of an existing three storey public house to form 7 no. single bedroom apartments. The extension takes the form of a two storey rear extension which projects 3.1m and has a width of 4.4m.
2. The public house is located in the settlement of Chorley and fronts onto Chapel Street and also has a side elevation facing onto Victoria Street. The building is in the Conservation Area although this excludes the car park at the rear. The proposals also include the laying out of the existing car park to form 6 no. spaces and the provision of a bin storage area.
3. The applicant states that the pub closed in 2009 and has remained unoccupied since despite being marketed for both sale and lease.

Principle of the Development

4. The application site is located in the settlement of Chorley and is also in the Town Centre boundary as defined in the emerging Chorley Local Plan. Under Policy HW6 of the emerging Chorley Local Plan, which seeks to protect existing community facilities, the five criteria need to be met in order for a proposal to be considered acceptable. These stipulate that (a) the facility should no longer be needed to serve the local community, (b), there is adequate alternative provision in the area, (c), the use is no longer financially viable, (d), the facility is in an isolated location remote from public transport routes or (e), there is an amenity or environmental reason why the facility is no longer available.
5. The applicant has submitted a statement to address Policy HW6. In relation to criteria a), the applicant advises that the Queens public house closed around 2009 following the continuing change in social trends and the subsequent drop in demand for public houses and that the building has remained unoccupied since it closed despite being marketed on both sale or lease terms. In this respect it is clear that the Queens along with a number of similar public houses in the town centre such as The Swan with Two Necks and Harrys Bar are surplus to requirements in terms of serving the local needs of the community. The remaining thirteen public houses within very short walking distance continue to support the needs of the local community.
6. In relation to criteria b), the applicant states that there are currently thirteen public houses within very easy walking distance of the Queens: Leigh Arms, Sams Bar, The Railway Hotel, Last Orders, White Bull, Rose and Crown, The George, The Market Tavern, The Prince of Wales, The White Hart, Sir Henry Tate, Malt n Hops, Trader Jacks. This list excludes public houses on the periphery of the town centre and as such establishes that more than adequate alternative provision is already available in the local area. Also, a new 'micro' public house, the Shepherds Hall Ale House, which is opposite the application site, was recently opened following a grant of planning permission (Ref No. 14/00339/FUL) last year.
7. With regards to criteria c), the applicant states that a number of public houses within the immediate vicinity have closed due to lack of demand following changes in social trends away from traditional recreational activities. Also, there are thirteen existing public houses within an approximate 150m radius of the application site all vying for the remaining custom. Given the deterioration of the building fabric and the capital investment required to rectify the situation, the lack of public demand and competition from other existing facilities the Queens cannot be considered financially viable. The applicant also states that in July 2014, a pre application enquiry for the change of use to a Restaurant/Casino in an effort to make the facility financially viable was submitted to the Council but the enquiry was not considered favourably.
8. In terms of criteria d), the applicant states that the facility is located immediately opposite the town centre bus terminus and not far from Chorley train station, the facility cannot be considered remote from public transport routes and in relation to criteria e), the applicant states that in terms of a pure amenity use it has previously been demonstrated that the

facility is no longer acceptable due lack of demand, fabric/aesthetic deterioration and competition from similar facilities close by.

9. The applicant concludes by stating that it should be considered The Queens, as a community facility, is surplus to requirements due to lack of demand, changes in recreational trends and competition from the thirteen similar facilities within the immediate vicinity.
10. The submitted evidence has been considered by Planning Policy and has been deemed to suitably address the requirements of Policy HW6 of the emerging Chorley Local Plan. This being the case, the 'principle' of converting the building to 7 no. apartments is considered to be an acceptable one.

Design and Scale

11. The main envelope of the building, which has been designated by the Council as a Locally Important Building, will remain unchanged in terms of its frontage onto Chapel Street and Victoria Street. A two storey extension is proposed in place of a fire escape to the rear elevation to provide bedroom accommodation to a ground and first floor flat respectively. The extension incorporates a flat roof and projects 3.1m and has a width of 4.4m. Given the extension is proposed on the rear elevation and will not occupy a prominent position in the streetscene, subject to suitable facing materials, it is not considered that the extension will have a harmful impact on the character and appearance of the existing building whilst the conversion scheme overall will enhance this Locally Important Building.

Impact on character and appearance of Conservation Area

12. The application includes a Heritage Statement which states that the facades to Chapel Street and Victoria Street will be retained as will the original roof scape. It is also stated that doors and windows will be replaced with units to match the existing ones. The statement makes the point that converting the building will prevent further deterioration of a prominent building which is important in the locality.
13. The existing building is in the St Georges Conservation Area and consideration of the application has to made in relation to paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the '*Special considerations affecting planning functions*'.
14. Section 66 states: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*
15. *Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.*
16. Section 72 states: *In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
17. The provisions referred to in subsection (1) are the planning acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953. Annex 2 to the Framework defines a number of terms including 'designated heritage assets' which includes listed buildings, conservation areas and registered parks and gardens. Paragraphs 128, 129, 130, 131, 132, 133, 134, 135, 136, 137 and 138 of the Framework (the National Planning Policy

Framework, March 2012) are relevant. Policy 16 of the Core Strategy mirrors guidance in the Framework.

18. In considering the application with regards to the above legislation and guidance in the Framework, the Conservation Officer considered that the development is acceptable and advises as follows: -

- The site is comprised of a former public house that is identified as a 'locally important building' within the Chorley Council approved List of Locally Important Buildings that was approved by the Council's Executive Cabinet on 29 March 2001. The building is thus defined as a Heritage asset by Annex 2 to the Framework.
- The building is located within the St George's Street Conservation Area for which an appraisal and management proposals document was adopted by the Chorley Council Executive Cabinet as part of the evidence base for the emerging local development Framework on 12 February 2009. The St Georges Street Conservation Area was first designated by Chorley Council on December 19 1985.
- The building is currently vacant and in a deteriorating condition and is desperately seeking a new, sustainable use. At present the condition of the building is causing harm to the significance of both the building itself and the St George's Street Conservation Area.
- The proposed use retains the essential character and the embodied significance of the heritage asset. That significance and that which is imbued by it within the St George's Street Conservation area will be sustained and probably enhanced as a result of the proposed development.

19. Conditions are recommended by the Conservation Officer pertaining to facing and roofing materials, rainwater goods and soil pipes wherein repairs should match the existing elements and any new areas/sections should be agreed in writing with the Council. A condition requiring window details is also recommended.

20. The application includes a Heritage Statement which states that the facades to Chapel Street and Victoria Street will be retained as will the original roof scape. It is also stated that doors and windows will be replaced with units to match the existing ones. The statement makes the point that converting the building will prevent further deterioration of a prominent building which is important in the locality.

21. The Council's Conservation Officer has considered the application and accompanying Heritage Statement and on the basis of this, does not raise any objections to the application. This being the case, it is considered that the proposal will safeguard the designated heritage asset on the site and enhance the Conservation Area.

Impact on neighbours

22. The conversion scheme includes the construction of a two storey rear extension. However, this does not include any windows facing the side elevation of 2 Victoria Street, which contains a habitable room window at ground floor level. This extension would be at its nearest point approximately 7.5m from the gable end of this property but is not directly opposite the window which otherwise faces onto the rear elevation of the existing building. Also, the extension is due north of this window.

23. With regards to the two storey property adjoining the building, this is split into a ground and first floor apartment. There is a first floor window facing the extension, which will be approximately 6.9m away. However, this window appears to serve a non-habitable room as it is fitted with obscure glazing and given the extension only projects 3.1m, it is not considered that the extension will have a harmful impact on the living conditions of the occupier/s of the first floor flat.

24. In terms of the comments regarding noise and disturbance raised by the occupier of 2 Victoria Street, these are understandable given the pub has been closed for over 5 years

as local residents are likely to have become accustomed to the public house not generating notable levels of noise and disturbance. Whilst the apartments will lead to an increase in noise and disturbance once they are occupied, primarily through residents using the car park, it should also be borne in mind that the public house could in fact re-open without the need for planning permission and it is reasonable to assume that this would lead to greater levels of noise and disturbance than the apartments will generate.

25. In terms of the issue of overlooking, again raised by the occupier of 2 Victoria Street, the first and second floors of the existing building in the elevation facing this property contains three windows at first floor level and a single window at second floor level. The existing first floor window nearest to 2 Victoria Street is to be moved 2.2m along the elevation towards Victoria Street and will serve the lounge of apartment F. This window was originally proposed to be full height but to mitigate the increased perception of being overlooked, the applicant has agreed to raise the cill height of this window. On this basis, it is not considered that there is a material difference in terms of the existing first floor window and the proposed one nearest to 2 Victoria Street. With regards to the other first floor windows, the other first floor windows are located to the left hand side of the extension so will not cause undue overlooking. With regards to the second floor windows, these will replace a single window along with a door onto a fire escape so again, it is not considered that there will be a material difference between the existing situation and the proposed situation.

Traffic & Transport

26. LCC (Highways) advise that on street parking in the locality is limited hence it is important that each apartment has a single parking space as the proposed layout only proposes 6 no. spaces.
27. However, in favour of allowing a slight reduction in parking provision is the sustainable credentials of the site given it is located opposite the bus station and just over 90m to the train station. It is also in the Town Centre which includes a range of shops and services. On this basis, it is considered acceptable for a slight reduction in the level of car parking to be accepted.

S106 and CIL

28. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. A contribution, as set out below, would normally be required and secured through a S106 agreement, based on the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD.

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 Chorley South East ward in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £140 per dwelling.

Provision for children/young people

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

There is currently a deficit of provision in the Chorley South East ward in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £134 per dwelling.

Parks and Gardens

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

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

Natural and Semi-Natural Greenspace

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

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

Allotments

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 proposed new allotment sites at Land at Sylvesters Farm, Euxton (HW5.2) and Harrison Road, Adlington (HW5.3). A contribution towards new 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.

29. The National Planning Practice Guidance was updated by the Government on 28 November 2014 in respect of contributions for affordable housing and tariff style planning obligations. These measures were introduced to support small scale developers by reducing disproportionate burdens on developer contributions. The updated guidance confirms that such contributions should not be sought from small scale and self-build development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m².
30. This development is for 7 no. apartments which is below the 10 unit threshold and also has a combined gross floorspace of less than 1000m².
31. In the case of this development there is no evidence at this time, which is directly related to the development, to justify seeking a contribution towards public open space contrary to the Planning Practice Guidance.
32. With regards to CIL, under the charging schedule, apartments do not incur a charge.

Overall Conclusion

33. The 'principle' of the proposed development is considered to be acceptable given the applicant has demonstrated compliance with Policy HW6. It is also considered that bringing the building back into use will enhance the character and appearance of the Conservation Area and safeguard the buildings local importance. Likewise, the re-use of the public house will also enhance the character and appearance of the streetscene.
34. It is not considered that the development will have a harmful impact on the living conditions of adjacent residents and the level of car parking proposed is also deemed to be acceptable given the sustainable location of the property.

Planning Policies

35. 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
82/00217/ADV	Two illuminated lantern signs	Consent Granted	04.05.1982
89/01132/FUL	Display of illuminated advert	Consent Granted	02.02.1990
89/01156/COU	Change of use of landlords accommodation to 5 no en-suite bedrooms and erection of fire escape	Permitted	20.02.1990
92/00692/ADV	Display of illuminated box sign	Consent Granted	15.10.1992
92/00841/ADV	Display of various non-illuminated advertisement signs	Consent Granted	18.12.1992

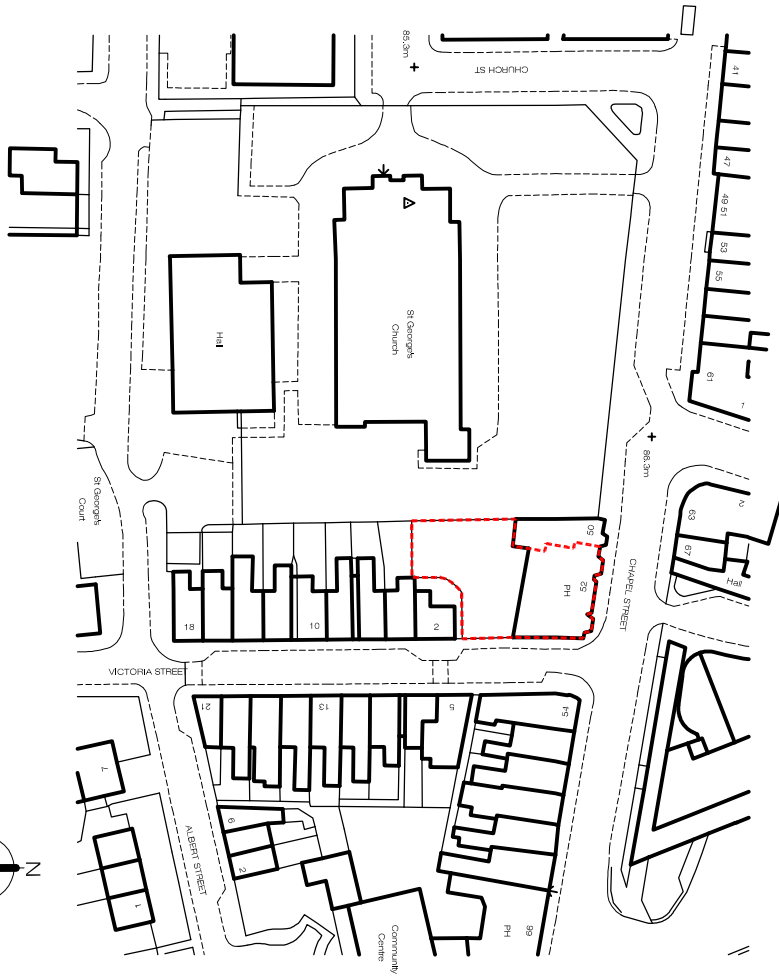
Suggested Conditions

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>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 first occupation of any of the apartments hereby permitted and 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>															
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>No development shall commence until details of covered and secured cycle storage has been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the Chorley Council Parking Standard. The scheme shall be implemented in accordance with the approved details before the first occupation of any of the apartments hereby permitted. The cycle storage shall be retained at all times thereafter.</p> <p><i>Reason: To encourage sustainable transport modes.</i></p>															
5.	<p>Before the commencement of any works, full details of the proposed rainwater goods to be used on the building shall have been submitted to and been approved in writing by the Local Planning Authority. All works undertaken on site should be strictly in accordance with the approved details.</p> <p><i>Reason: In the interests of the character and appearance of the building</i></p>															
6.	<p>Prior to any works commencing details of the proposed fenestration (windows, doors and other joinery), to include full details at a scale of not less than 1:10 shall be submitted to and agreed in writing by the Local Planning Authority. All works shall then be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To maintain the integrity of the historic building.</i></p>															
7.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="368 1787 1340 2011"> <thead> <tr> <th data-bbox="368 1787 628 1821">Title</th> <th data-bbox="628 1787 999 1821">Drawing Reference</th> <th data-bbox="999 1787 1340 1821">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 1821 628 1854">Location Plan</td> <td data-bbox="628 1821 999 1854">-----</td> <td data-bbox="999 1821 1340 1854">13th October 2014</td> </tr> <tr> <td data-bbox="368 1854 628 1944">Existing & Proposed Site Layouts</td> <td data-bbox="628 1854 999 1944">03</td> <td data-bbox="999 1854 1340 1944">13th October 2014</td> </tr> <tr> <td data-bbox="368 1944 628 1977">Existing Layouts</td> <td data-bbox="628 1944 999 1977">01</td> <td data-bbox="999 1944 1340 1977">13th October 2014</td> </tr> <tr> <td data-bbox="368 1977 628 2011">Proposed Layouts</td> <td data-bbox="628 1977 999 2011">02 Rev A</td> <td data-bbox="999 1977 1340 2011">27th November 2014</td> </tr> </tbody> </table>	Title	Drawing Reference	Received date	Location Plan	-----	13 th October 2014	Existing & Proposed Site Layouts	03	13 th October 2014	Existing Layouts	01	13 th October 2014	Proposed Layouts	02 Rev A	27 th November 2014
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Existing & Proposed Site Layouts	03	13 th October 2014														
Existing Layouts	01	13 th October 2014														
Proposed Layouts	02 Rev A	27 th November 2014														

	<i>Reason: For the avoidance of doubt and in the interests of proper planning</i>
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THE QUEENS, CHAPEL STREET, CHORLEY



SITE LOCATION PLAN 1:1250

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Item 3h	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

<p>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.</p>
<p>In total, three representations have been received:</p>
<p>Objection</p>
<p>Total No. received: Three</p>
<p>Comments in relation to amended plans for a single dwelling: -</p> <ul style="list-style-type: none"> • 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 <p>Comments in relation to original plans for 2 no. dwellings: -</p> <ul style="list-style-type: none"> • 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.
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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. The National Planning Practice Guidance was updated by the Government on 28 November 2014 in respect of contributions for affordable housing and tariff style planning obligations. These measures were introduced to support small scale developers by reducing disproportionate burdens on developer contributions. The updated guidance confirms that such contributions should not be sought from small scale and self-build development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m².

- 37. This development is for 1 no. dwelling which is below the 10 unit threshold and also has a combined gross floorspace of less than 1000m².
- 38. In the case of this development and taking into account the updated Government guidance, there is no evidence at this time, which is directly related to the development, to justify seeking a contribution towards public open space which is contrary to the Planning Practice Guidance.
- 39. 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

- 40. 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.
- 41. 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

- 42. 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.
- 43. 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.
- 44. 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

- 45. 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-submission of application no. 11/00069/FUL).	Permitted	05.10.2012
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>

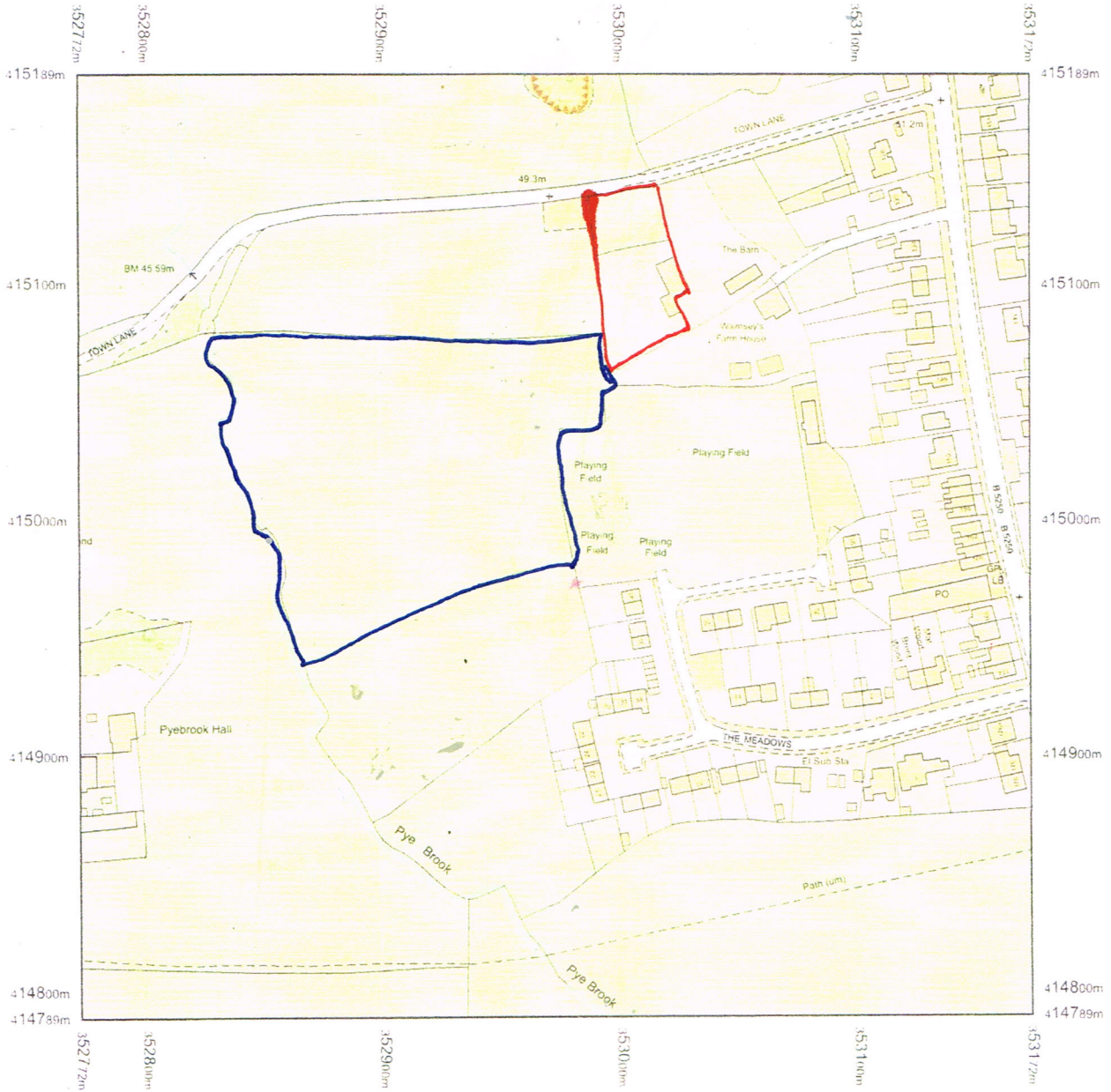
	<i>carried out to mitigate the impact of the development and secure a high quality design.</i>
7.	<p>The dwelling shall be constructed to meet Code Level 4 of the Code for Sustainable Homes and if commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. 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>

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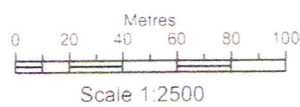
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Item 3i	14/01051/FUL
Case Officer	Iain Crossland
Ward	Adlington and Anderton Ward
Proposal	Demolition of former cattery building and erection of detached bungalow
Location	Hudora Kennels The Common Adlington Chorley PR7 4DT
Applicant	Mr & Mrs Roger 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 propose 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. The National Planning Practice Guidance was updated by Government on 28 November 2014 in respect of contributions for affordable housing and tariff style planning obligations. These measures were introduced to support small scale developers by reducing disproportionate burdens on developer contributions. The updated guidance confirms that such contributions should not be sought from small scale and self-build development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m².
36. This development is for one dwelling, which is below the 10 unit threshold and also has a combined gross floorspace of less than 1000m².
37. In the case of this development there is no evidence at this time, which is directly related to the development, to seek a contribution towards public open space contrary to the national guidance.

CIL

38. The development is CIL liable, however, in line with the adopted CIL charges and associated regulations the development would not result in any payment towards infrastructure in the local area, as the gross internal area of the existing kennel building to be demolished is greater than the liability of the proposed dwelling.

Overall Conclusion

39. 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

40. 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

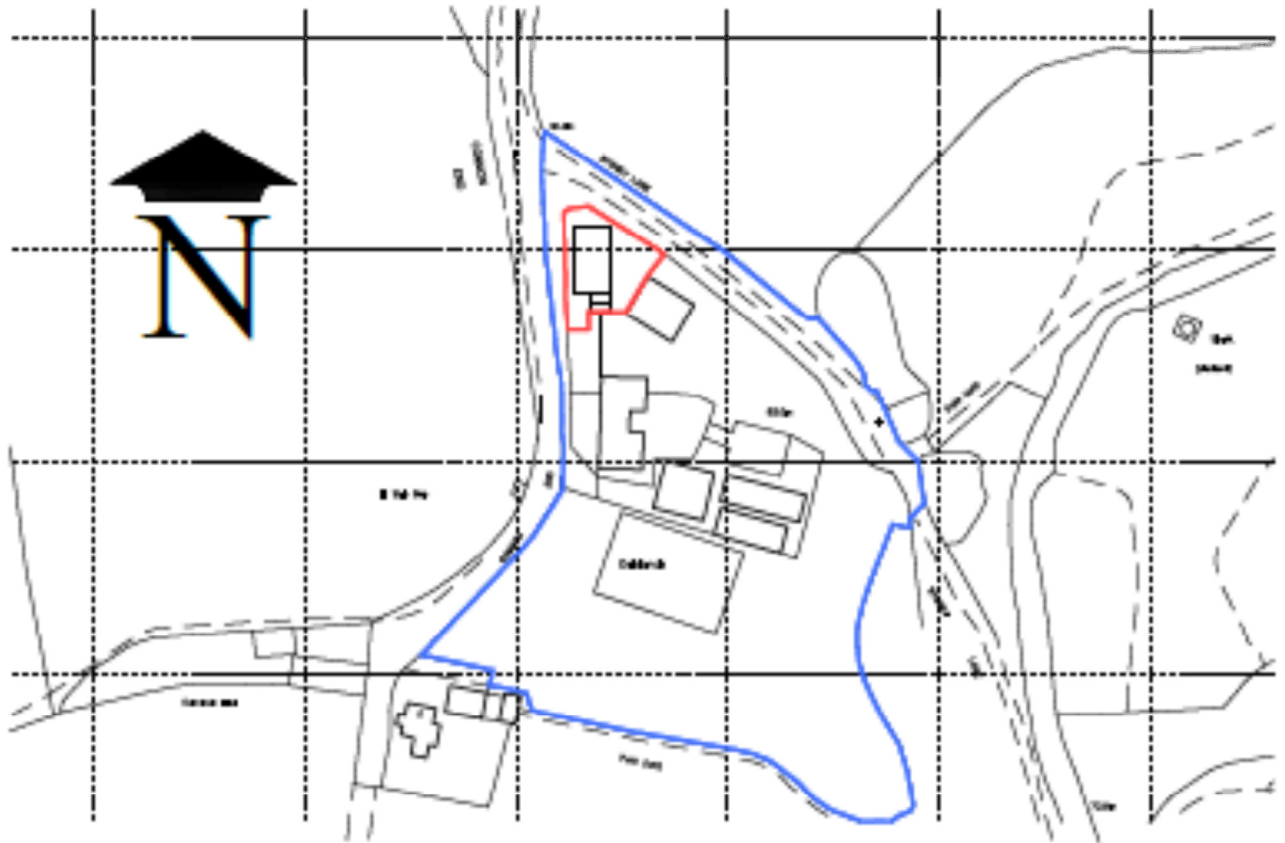
Ref: 83/00091/FUL Decision: PERFPP Decision Date: 3 May 1983
Description: Kennel block to replace existing

Suggested Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission. 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. 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. 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. 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. 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="319 929 1300 1052"> <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>									

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Location Plan

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Item 3j	14/01129/FUL
Case Officer	Caron Taylor
Ward	Chorley North West
Proposal	Change of use from vacant retail unit (Class A1) to beautician and massage room (Sui Generis)
Location	100 Market Street Chorley PR7 2SL
Applicant	Flame Nails And Beauty
Consultation expiry:	5th December 2013
Decision due by:	31st December 2014

Recommendation

That the application is approved.

Representations

No representations have been received.

Consultees

No consultee comments have been received.

Assessment**Background information**

1. The application property is recently completed two-storey retail unit (permission ref: 13/00400/CB4) on the Market Street in the centre of Chorley. It was given permission as an A1 retail unit. The application is to change the use to a beautician and massage room which does not fall in any of the use classes and is therefore what is known as a Sui Generis use in planning terms. The business applying is looking to relocate and expand from their existing premises on Market Street.

Principle of the Development

2. The unit is within the town centre boundary and the frontage is part of the secondary shopping frontage covered by Policy EP6 of the emerging Local Plan 2012-2026. This policy states that within the secondary frontage a combination of retail and town centre uses as defined by the Framework (the National Planning Policy Framework) will be permitted where they maintain and enhance the vitality of the area. This can include some development and change of use which:
 - a) Promotes the evening and daytime economy;
 - b) Provides for independent retailers that contribute to the overall vitality of the Town Centre; and
 - c) At first floor level, provides offices and residential uses.
3. The proposal is to change the use of the unit from retail (A1 use) to a beautician and massage room (a Sui Generis use). The Framework defines town centre uses as:
'Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).'

4. Although a beauty salon and massage room is not strictly a retail use, it is considered appropriate to a town centre by promoting the daytime economy, and the vitality of the town centre by bringing into use a currently vacant unit. The proposal is therefore considered acceptable in principle.

Impact on the neighbours

5. The unit has commercial units on either side and to the rear is a car park. It is not considered that the proposal will have a detrimental impact on neighbouring properties and it is not considered necessary to restrict the hours of operation for this reason.

Design

6. The proposal does not involve any external alterations, only the internal alterations will be made in the form of internal partitions, which does not require planning permission.

Traffic and Transport

7. The proposal does not benefit from its own parking but is within the town centre boundary so customers will have access to nearby car parks and on-street parking. The town centre is also well served by public transport. The proposal is considered acceptable in this respect.

Overall Conclusion

8. The application is considered an acceptable use for the town centre. It will add to its vitality by bringing a currently empty unit into use and therefore the application is recommended for approval.

Planning Policies

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

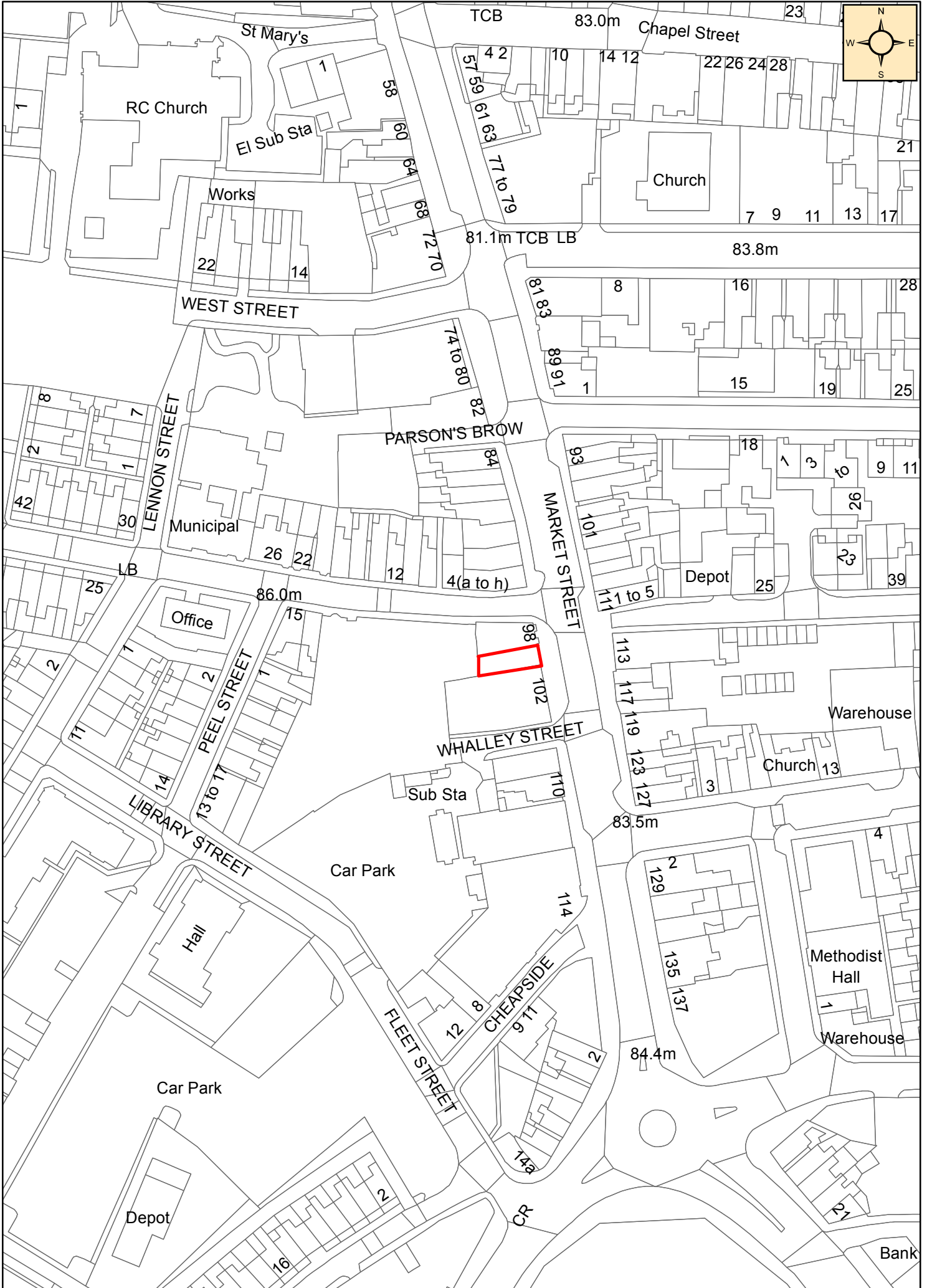
Planning History

Reference	Description	Decision	Date
13/00400/CB4	Demolition of number 98 Market Street, demolition of two-storey element to rear of number 102 Market Street, splitting of number 102 into two retail units, recladding of Market Street frontage and optional new build kiosk unit on site of former 98 Market Street. Service access to rear.	Permitted	11 th July 2013

Suggested Conditions

No.	Condition									
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>									
2.	The development hereby permitted shall be carried out in accordance with the following approved plans: <table border="1" data-bbox="320 504 1297 629"> <thead> <tr> <th data-bbox="320 504 603 535">Title</th> <th data-bbox="603 504 1007 535">Drawing Reference</th> <th data-bbox="1007 504 1297 535">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 535 603 595">100 Market Street (Location Plan)</td> <td data-bbox="603 535 1007 595">N/A</td> <td data-bbox="1007 535 1297 595">5th November 2014</td> </tr> <tr> <td data-bbox="320 595 603 629">Plans as Proposed</td> <td data-bbox="603 595 1007 629">A12/17/104</td> <td data-bbox="1007 595 1297 629">5th November 2014</td> </tr> </tbody> </table> <i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>	Title	Drawing Reference	Received date	100 Market Street (Location Plan)	N/A	5 th November 2014	Plans as Proposed	A12/17/104	5 th November 2014
Title	Drawing Reference	Received date								
100 Market Street (Location Plan)	N/A	5 th November 2014								
Plans as Proposed	A12/17/104	5 th November 2014								

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Item 3k	14/01185/CB3
Case Officer	David Stirzaker
Ward	Adlington & Anderton
Proposal	Extension to existing car park
Location	Car Park 15M North-West Of 171A Chorley Road, Harding Street, Adlington
Applicant	Chorley Council
Consultation expiry:	15th December 2014
Decision due by:	19th January 2015 (Extension of time agreed to 23rd January 2015)

Recommendation
Permit Planning Permission

Executive Summary

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

Representations

Adlington Town Council welcomes the proposal and hopes that the additional parking can be made available as soon as possible.

Consultees

Consultee	Summary of Comments received
Tree Officer	In relation to the original plans, advise that the trees on the car park would be within the Root Protection Area (RPA) of three trees. Amended plans have addressed this issue by moving the edge of the car park away from the RPA of these trees. In relation to the Sycamore tree adjacent to the northern corner of the car park extension, the car park extension is within the RPA of this tree so it is recommended that a replacement tree is proposed.
LCC (Highways)	No objections subject to confirmation that the car park spaces are 4.8m by 2.4m with a 6m wide isle between, that 2 no. spaces will be provided for disabled drivers, and that pedestrian safety is checked in relation to the path from 171a Chorley Road which leads onto the existing car park.
Planning Policy	No objections are raised as the land in question is within the defined settlement of Adlington and is not allocated. The site will not impact on the adjacent existing sport and recreational facilities protected by Local plan Policy HW2 (Protection of existing Open Space , Sport and Recreational Facilities)

Background information

1. This Council application has arisen following concerns from Ward and Parish Councillors regarding the increasing congestion and parking problems in the area around the shops on Chorley Road, Adlington. Inadequate parking capacity on the Council owned Harding street car park has led to vehicles parking on the pavement and on double yellow lines. The proposed extension to the current car parking will result in a car park with 27 no. spaces (including 2 no. spaces for disabled drivers) and go some way to alleviating current parking issues on Chorley Road.
2. The application site is in the settlement of Adlington and located off Harding Street which is accessed from Chorley Road between 151 and 153 Chorley Road.

Proposed development

3. This application seeks planning permission to extend an existing Council owned car park on Harding Street in the settlement of Adlington. The existing car park can accommodate approximately 12 no. cars and the extended car park will increase this by 15 no. spaces resulting in 27 no. parking spaces in total. The extension will encompass an area of existing grassed amenity land situated between the existing car park and the main playing fields to the north. The car park layout will include 2 no. spaces for disabled drivers.
4. Access to the site is from Chorley Road to the southwest and the car park surface will be formed using ground reinforcement tiles filled with decorative gravel thus providing a porous surface.

Principle of the Development

5. The application site is not specifically allocated in the emerging Chorley Local Plan and the application site currently serves as an area of amenity greenspace adjacent to King George's Playing Field. Local Plan Policy HW2 seeks to protect all existing open space, sport and recreational facilities. This includes sites allocated on the Policies Map as well as sites not allocated but currently in use as, or last in use as open space sport or recreational facilities. Planning Policy have advised that there is no objection to the proposal to extend the existing car park as the land in question is within the defined settlement of Adlington and is not allocated. The site will not impact on the adjacent existing sport and recreational facilities protected by Local plan Policy HW2 (Protection of existing Open Space, Sport and Recreational Facilities).
6. On the basis of the above, it is considered that the car park extension is not contrary to Policy HW2 so the 'principle' of the development is considered to be an acceptable one. The extra spaces resulting from the enlarged car park will also provide greater opportunities for people to visit the King Georges Playing Field.

Impact on character and appearance of locality

7. The replacement of the grassed part of the site with a hard surface will have some impact on the visual amenity of the locality. However, given there is a large open space just north of the site beyond a set of railings which demarcate the start of the playing fields, it is not considered this change in ground surfacing material will cause detrimental harm to character and appearance of the locality. The existing trees are also being retained and decorative gravel is proposed.

Impact on neighbours

8. The site of the car park is flat and comprises a grassed area between the existing car park and the main playing fields to the north. The playing fields are separated from the site by existing railings. Replacement of the grassed part of the site with the hard surface will have some effect on the visual amenity of the site but given there is a large open space just north of the site beyond the said railings, it is not considered this change to the ground surface will cause detrimental harm to the living conditions of any of the occupiers of the neighbouring properties, which have views of the site.

9. Enlargement of the car park will lead to additional vehicular movements into and out of the car park and as stated, there are residential properties bounding the site. However, given there is already a car park on the site, it is not considered that the extension to it will significantly exacerbate noise and disturbance to such levels that harm to living conditions occurs. It is not therefore considered that the car park extension will harm the living conditions of local residents.

Traffic & Transport

10. The proposed car park extension will result in a total of 27 no. car parking spaces which will go some way to addressing the issue of on street parking along Chorley Road. Access to the car park will remain as existing. The car parking spaces will be 2.4m by 4.8m and the layout includes 2 no. spaces for disabled drivers. The isles between the spaces will be a minimum of 6m wide. In terms of the pathway from 171a Chorley Road, this leads onto the existing car park and the proposed layout shows the area next to the path as being hatched so a car should not be parked next to the path.
11. In terms of surface water, the surface will be porous so as with the grassed surface, surface water will drain naturally. On this basis, and subject to LCC (Highways) raising no concerns, there are no objections to the application on traffic and transport grounds.

Impact on trees

12. There are several trees adjacent to the proposed site of the car park and the Tree Officer initially advised that the car park would be within the RPA of the trees on the southern boundary. An amended plan has addressed this issue. In terms of the Sycamore tree adjacent to the northern corner of the car park extension, the Tree Officer has recommended a replacement for this tree as the car park will involve excavations within its RPA which will impact on its longevity. An amended plan has been submitted showing this tree replaced with a Silver Birch.

Overall Conclusion

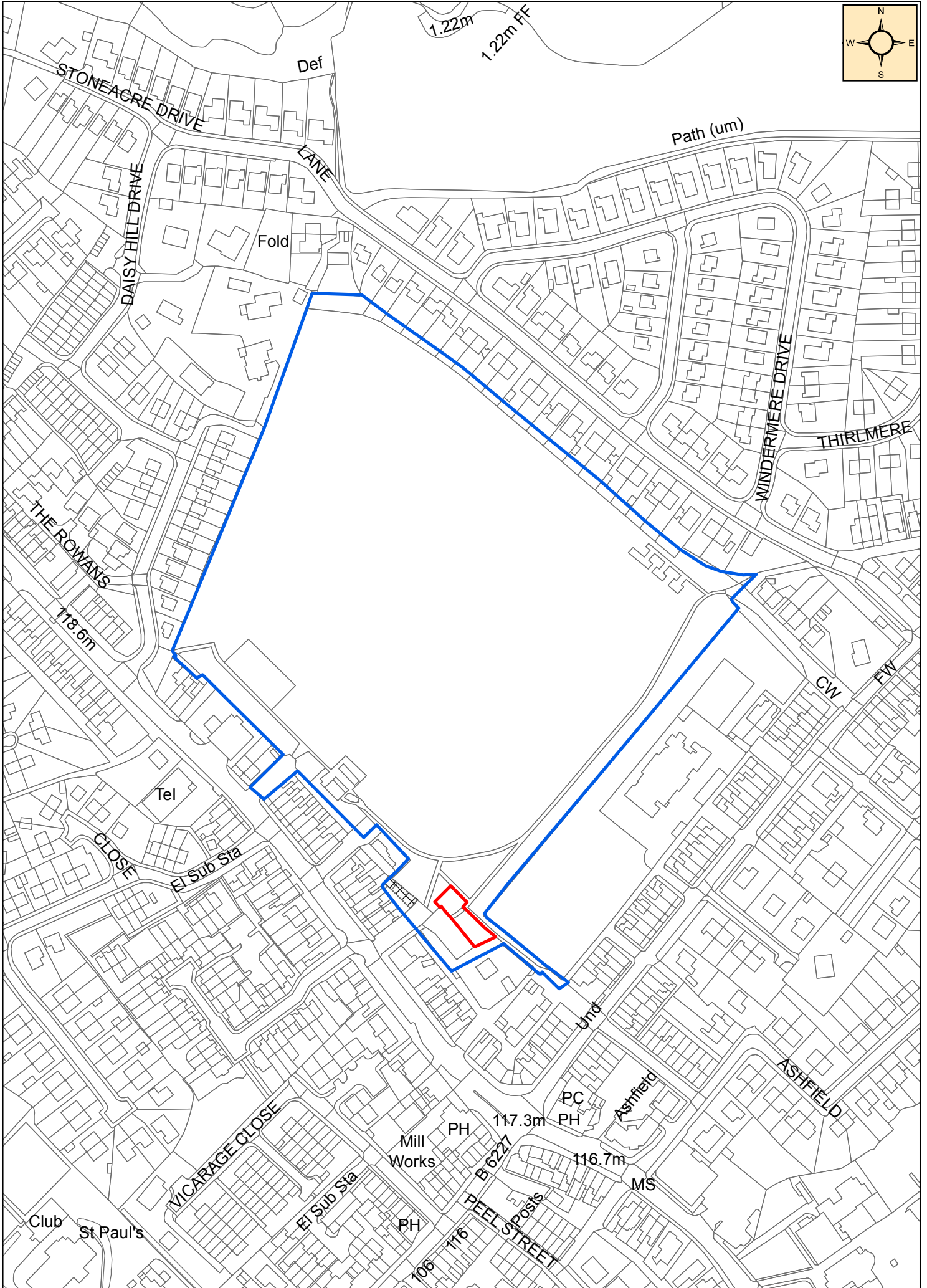
13. The 'principle' of the car park extension is an acceptable one and it is not considered that providing the additional spaces will have a harmful impact on the amenities of local residents.
14. From a design perspective, the car park extension is considered to be acceptable with regards to the choice of surfacing material and given the location of the site, it is not considered that the works will have a harmful impact on the character and appearance of the streetscene either as only one tree will need to be removed and will be replaced with a native species specimen.
15. Providing the extra spaces will obviously relieve the pressure for on street car parking so would be beneficial to the local business and residents. No changes are proposed to the existing access so the scheme is considered to be acceptable from a highways perspective. Also, as already stated, the extra spaces resulting from the enlarged car park will also provide greater opportunities for people to visit the King Georges Playing Field.
16. The composition of the parking surface is porous and limited excavation works will be necessary to form the finished surface given a cellular system is proposed. This will ensure water reaches the roots of the trees adjacent to the car park. Only one tree will need to be removed but the Council's Tree Officer has not raised any objections subject to its replacement with a native species tree.

Planning History

Reference	Description	Decision	Date
80/00691/FUL	Car park extension with footpaths linking Babylon Land and the Playing Fields	Permitted	10.09.1980

Suggested Conditions

No.	Condition									
1.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="368 376 1353 506"> <thead> <tr> <th data-bbox="368 376 799 439">Title</th> <th data-bbox="799 376 1066 439">Drawing Reference</th> <th data-bbox="1066 376 1353 439">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 439 799 472">Improvement Scheme</td> <td data-bbox="799 439 1066 472">-----</td> <td data-bbox="1066 439 1353 472">8th January 2015</td> </tr> <tr> <td data-bbox="368 472 799 506">Location Plan</td> <td data-bbox="799 472 1066 506">-----</td> <td data-bbox="1066 472 1353 506">12th November 2014</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Improvement Scheme	-----	8 th January 2015	Location Plan	-----	12 th November 2014
Title	Drawing Reference	Received date								
Improvement Scheme	-----	8 th January 2015								
Location Plan	-----	12 th November 2014								
2.	<p>The existing soil levels around the base of the trees to be retained shall not be altered.</p> <p><i>Reason: To safeguard the trees to be retained</i></p>									
3.	<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>									
4.	<p>The car park surfacing materials, detailed on the approved plans, shall be used and no others substituted.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>									
5.	<p>The parking spaces hereby approved shall be surfaced, drained and marked out in accordance with the approved plans prior to being made available for use by the general public.</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site.</i></p>									
6.	<p>Within the first planting season (October to March inclusive) following commencement of development the Sycamore tree to be removed shall be replaced with a Silver Birch tree which shall be planted in the position shown on the approved site layout plan. If following the completion of the development the tree dies, is removed or becomes seriously damaged or diseased, it shall be replaced in the next planting season with a tree of similar size and species.</p> <p><i>Reason: In order to preserve the visual amenity pf the site.</i></p>									



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Report of	Meeting	Date
Chief Executive	Development Control Committee	20 January 2014

PROPOSED CONFIRMATION CHORLEY BOROUGH COUNCIL TREE PRESERVATION ORDER NO.12 (CHORLEY) 2014 WITH MODIFICATION

PURPOSE OF REPORT

1. To consider formal confirmation of the Chorley Borough Council Tree Preservation Order No.12 (Chorley) 2014 without modification.

RECOMMENDATION(S)

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

EXECUTIVE SUMMARY OF REPORT

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

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

CORPORATE PRIORITIES

4. This report relates to the following Strategic Objectives:

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

BACKGROUND

5. The Order was made on the 7 November 2014. The Order was made and served along with the statutory notice prescribed in Regulations on all those with an interest in the land on which the trees are situated on the 7 November 2014. The Order was made because on the assessment of the Council's Tree Officer the trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public.

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

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

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

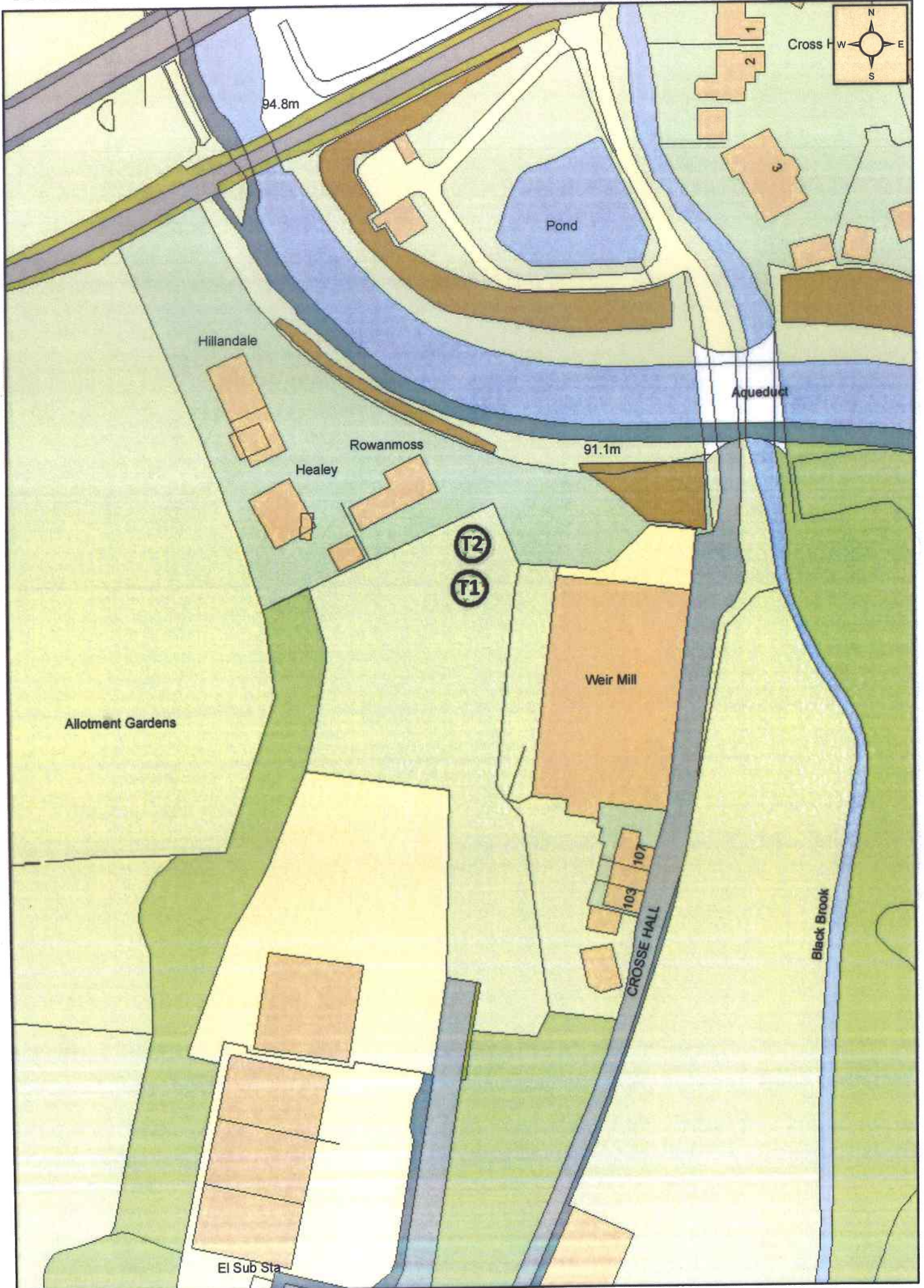
COMMENTS OF THE MONITORING OFFICER

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

GARY HALL
CHIEF EXECUTIVE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Stefanie Leach	01257 515170	08 December 2014	071482



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Report of	Meeting	Date
Director of Public Protection, Streetscene and Community	Development Control Committee	20 January 2015

PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 5 DECEMBER 2014 AND 8 JANUARY 2015

PLANNING APPEALS LODGED

1. Appeal by Mrs Ann Briscoe against the delegated decision to Refuse Retrospective Permission for Part retrospective application for the erection of a summerhouse/garden tool store at 209 Town Lane, Whittle-Le-Woods, Chorley PR6 8AG (Planning Application: 14/00742/FUL Inspectorate Reference: APP/D2320/D/14/2228749). Inspectorate letter received 9 December 2014.
2. Appeal by Mr Tom Bennett against delegated decision to Refuse Full Planning Permission for First floor extension over existing garage and two storey rear extension (amendment to previously approved permission ref: 14/00445/FUL to increase height of roof of first floor side extension) at 17 Millfield Road, Chorley, PR7 1RF (Planning Application: 14/00715/FUL Inspectorate Reference: APP/D2320/D/14/2229135). Inspectorate letter received 16 December 2014.
- 3.

PLANNING APPEALS DISMISSED

4. Appeal by Mr David Haughton against the delegated decision to Refuse Full Planning Permission for Erection of dormer bungalow at Land Adjacent To 227 Moor Road, Croston (Planning Application: 14/00490/FUL Inspectorate Reference APP/D2320/A/14/2226834). Appeal is dismissed Inspectorate letter received 5 December 2014.

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. Appeal by Mr John Justin Cowley against Enforcement Notice EN649 - Without planning permission the erection of a two story brick building on the land at Land 30M East Of Lands End, Gales Lane, Mawdesley (Enforcement Notice: EN649 Inspectorate Reference: APP/D2320/C/13/2208675). Planning Inspectorate letter received 20 October 2014.

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	08.01.2015	***

Appeal Decision

Site visit made on 1 December 2014

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 5th December 2014

Appeal Ref: APP/D2320/A/14/2226834

Land adjacent to 227 Moor Road, Croston, Leyland PR26 9HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Haughton against the decision of Chorley Borough Council.
 - The application Ref 14/00490/FUL, dated 30 April 2014, was refused by notice dated 7 July 2014.
 - The development proposed is a dormer bungalow.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Chorley Local Plan 2012 – 2026 (CLP) is at an advanced stage in its preparation. The Inspector's Partial Report found that the plan was sound with the exception of matters relating to Gypsies and Travellers and indicated that subject to the modifications set out in the report, significant weight could be given to policies that are amended accordingly. In the light of this, I consider it appropriate to give significant weight to Policies BNE1 and HS7 of the CLP referred to by the Council in its reason for refusal because they are likely to be adopted in their current form.

Main Issues

3. The main issues in the appeal are:
 - Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework;
 - The effect of the proposed development on the openness of the Green Belt; and
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons*Whether inappropriate development*

4. Paragraphs 89 and 90 of the National Planning Policy Framework (the Framework) set out the categories of development which may be regarded as not inappropriate within the Green Belt, subject to certain conditions. The proposed development is a new dwelling. The Framework establishes in paragraph 89 that new buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages.
5. Policy DC1 of the *Chorley Local Plan Review (adopted August 2003)* (CLPR) seeks to control new development within the Green Belt and sets out the forms of development that are not inappropriate within it. This allows for limited infilling in accordance with Policy DC4 which permits the development of a single plot for a single dwelling subject to certain criteria. In that these policies allow for limited infilling whether the site is within a village or not, the Council have indicated that they are not in accordance with the Framework.
6. Policy HS7 of the CLP sets out Council's approach to residential infilling in villages. In accordance with the Framework, subject to certain criteria, this only allows for limited infilling within villages within the Green Belt.
7. In the light of paragraph 215 of the Framework, as the policies within the development plan are not in broad conformity with the Framework, I have determined the appeal in accordance with the Framework and the policies in the CLP.
8. The appellant has identified that the site is located within the hamlet of Barber's Moor. I have not been made aware that the settlement boundary for Croston is defined in either the CLPR or the CLP and, it is disputed whether this hamlet forms part of the village or not. Whilst it is not argued that the hamlet itself constitutes a village, the appellant considers that as the hamlet consists of a significant number of houses and businesses, is within a kilometre of the services of Croston, and is only separated from the village by a short stretch of open farmland it forms part of this village.
9. However, I do not agree. Close to the central part of Croston, Moor Road is characterised by houses on both sides of the road, many of which are terraced houses with little or no front garden. The area therefore is clearly a built up area which has quite an urban feel. Some distance from the junction of Moor Road with Station Road, there is a distinct change in character: houses are replaced by fields on both sides of the road; the pavement stops on one side of the road; and the speed limit increases first to 30 and then 40 mph. This area has a rural, open and spacious feel which contrasts greatly with that before it. In my view, this change in character marks the edge of the village and the appeal site is located well beyond this.
10. Consequently, as the site does not form part of the village of Croston, the proposal cannot represent limited infilling within a village. It would therefore not fall within any of the categories listed within paragraph 89 of the Framework. As a result, I conclude that the appeal scheme would be inappropriate development, which according to paragraph 87 of the Framework is, by definition, harmful to the Green Belt.

Openness

11. Openness is an essential characteristic of the Green Belt. The appeal site is currently open land that is agricultural in nature. In that a house would be built on land that is currently not occupied by buildings, the openness of the Green Belt would be reduced. Consequently, there would be a degree of harm arising from this, in addition to that arising from the inappropriate nature of the development.

Other Considerations

12. The appellant has argued that the site lies within a built up frontage and so would have limited effect on the openness of the Green Belt and the character of the area. Whilst the appeal site does lie between 2 other houses, I do not agree that it forms part of a built up frontage. I accept that Nos 189 – 209 form such a frontage but beyond No 209, towards the appeal site, the dwellings are much more sporadic and interspersed by areas of open land used for other purposes. This, together with the fact that some of the houses are set back a considerable way from the road, means that houses on this side of Ridley Lane do not form a consistent built up frontage. Moreover, I have already concluded that the scheme would harm the openness of the Green Belt. Given that the openness of the area is one of its key characteristics, it would also harm the character of the area.
13. The proposed development would retain the trees and hedges that currently exist on the site which it is suggested would minimise its impact on the streetscene. Furthermore, I note that the proposed dwelling could be accommodated on the site without causing any harm to the living conditions of neighbouring occupiers. Nevertheless, an absence of harm in these matters is at best a neutral factor which does not weigh positively in favour of the scheme.
14. It is suggested that the appeal site provides the opportunity to provide a different kind of dwelling than has been provided in many of the recent residential developments in Croston and so it would therefore contribute to the policy objective of building a variety of housing types to meet all needs. Be that as it may, I have not been provided with any firm evidence to indicate that within the locality, or the borough as a whole, there is a lack of any specific types of housing or a lack of sites to meet a variety of housing needs, nor that it is necessary to build on Green Belt land to meet any such need.
15. I note the presumption in favour of sustainable development set out in paragraph 14 of the Framework. However, this paragraph indicates that there are times when development should be restricted and the footnote to this paragraph is clear that this includes land designated as Green Belt.
16. Reference is made to a recent permission granted for a dwelling on land adjacent to 195 Moor Road, to the other side of Ridley Lane, and the lack of consistency in decision making. The Council have highlighted that outline permission for this site was granted in November 2012. At this time the CLP was at a much earlier stage in its preparation and so little weight could be given to the policies it contained. As such there have been changes to the policy framework since that application was determined. Moreover, as outlined above, I agree with the Council's conclusion that, unlike the appeal site, that

site represented an infill plot in an otherwise built up frontage and so its development was in accordance with policies in the CLPR.

17. I have seen a copy of a signed and dated Section 106 agreement which would provide contributions towards Amenity Green Space, Playing Pitches, Allotments and provision for Children and Young People. Whilst this would mitigate the effect the scheme would have in regard of these matters, it is at best a neutral factor that does not weigh positively in its favour.

Conclusion

18. Overall, the proposal would be inappropriate development in the Green Belt which is harmful by definition. According to the Framework (paragraph 88) substantial weight has to be given to any harm to the Green Belt. In addition, the proposal would result in a reduction in openness. I conclude that, taken together, the factors cited in its favour do not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist.
19. As a result, I consider that the proposal would be contrary to the Framework and to Policy HS7 of the CLP. Therefore I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR