

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 10TH FEBRUARY 2015, 4.00 PM IN THE COUNCIL CHAMBER,
TOWN HALL, CHORLEY.

THE MEETING WILL BE ADJOURNED AT 5.30PM UNTIL 6.30PM WHEN IT
WILL CONTINUE IN THE LANCASTRIAN ROOM, TOWN HALL, CHORLEY

AGENDA

This meeting of Development Control Committee will be held in two parts. The first part of the meeting will be held in the Council Chamber, Town Hall, between 4pm and 5.30pm, unless adjourned sooner, to consider agenda items 3a to 3k. The meeting will resume in the Lancastrian Room at 6.30pm to consider any items outstanding from the first part of the meeting that could not be heard in the allocated time and the rest of the business on the agenda.

Members of the Committee are recommended to arrive at the Town Hall by 3.45pm to appraise themselves of any updates received since the agenda was published, detailed in the addendum.

APOLOGIES

1 **MINUTES OF MEETING TUESDAY, 20 JANUARY 2015 OF
DEVELOPMENT CONTROL COMMITTEE**

(Pages 5 - 10)

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 17 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	14/00603/FUL - PROSPECT HOUSE, WHINS LANE, WHEELTON, CHORLEY, PR6 8HN	(Pages 11 - 22)
3B	14/00332/OUT - LAND BETWEEN WHEATSHEAF HOTEL AND 2, CHAPEL LANE, COPPULL	(Pages 23 - 40)
3C	14/00098/FUL - LAND 40M NORTH WEST OF LAKE VIEW NURSING HOME, CHORLEY ROAD, WITHNELL	(Pages 41 - 48)
3D	13/00644/FUL - 7 ALBERT STREET, CHORLEY, PR7 2TY	(Pages 49 - 58)
3E	14/00110/OUT - 69 CHARTER LANE, CHARNOCK RICHARD	(Pages 59 - 66)
3F	14/00309/FUL - LAND ADJACENT TO THE BUNGALOW, CHORLEY OLD ROAD, CLAYTON-LE-WOODS, CHORLEY, PR6 7QZ	(Pages 67 - 78)
3G	14/00705/FUL - 1 QUEENS ROAD, CHORLEY (REPORT TO FOLLOW)	
3H	14/00704/FUL - 3 QUEENS ROAD, CHORLEY (REPORT TO FOLLOW)	
3I	14/00324/FUL - YATES BARNS, 20 ST THOMAS'S ROAD, CHORLEY (REPORT TO FOLLOW)	
3J	14/00376/OUT - 3 OAK DRIVE, CHORLEY (REPORT TO FOLLOW)	
3K	13/00757/FUL - NOVITA, 37 COWLING BROW, CHORLEY	(Pages 79 - 86)

**IT IS ESTIMATED THAT THE MEETING WILL BE
ADJOURNED AT THIS POINT UNTIL 6.30PM WHEN THE
MEETING WILL RESUME IN THE LANCASTRIAN ROOM**

3L	14/01132/FULMAJ - LAND BOUNDED BY BLACK BROOK, CHAPEL LANE AND TITHE BARN LANE, HEAPEY (REPORT TO FOLLOW)	
3M	14/01273/FULMAJ - BROOKFIELD DEVELOPMENT SEDDON HOMES, CHAPEL LANE, COPPULL (REPORT TO FOLLOW)	
3N	14/01011/FULMAJ - LAND 340M EAST OF CUERDEN FARM, WIGAN ROAD, CLAYTON-LE-WOODS	(Pages 87 - 104)
3O	14/01199/FUL - 4 CHORLEY ROAD, HEATH CHARNOCK, CHORLEY, PR6 9LB	(Pages 105 - 112)

3P	14/01231/REMAJ - GROUP 1, EUXTON LANE, EUTON (REPORT TO FOLLOW)	
3Q	14/01243/FUL - ADLINGTON POLICE STATION, 26 CHURCH STREET, ADLINGTON, CHORLEY, PR7 4EX	(Pages 113 - 122)
4	ENFORCEMENT REPORT	(Pages 123 - 126)
	To consider a report of the Director of Public Protection Streetscene and Community (enclosed).	
5	THE CHORLEY BOROUGH COUNCIL (PUBLIC FOOTPATH NO. 34 CHORLEY) PUBLIC PATH DIVERSION ORDER 2013	(Pages 127 - 132)
	The enclosed report seeks approval to confirm as an unopposed order the Chorley Borough Council (Public Footpath No. 34 Chorley) Public Path Diversion Order 2013	
6	PLANNING APPEALS AND OTHER DECISIONS REPORT 10 FEBRUARY 2015	(Pages 133 - 140)
	The enclosed report of the Director of Public Protection, Streetscene and Community is for information.	
7	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 Counce, Jean Cronshaw, David Dickinson, Christopher France, Danny Gee, Keith Iddon, June Molyneaux, Alistair Morwood, Mick Muncaster, Richard Toon, Paul Walmsley and Alan Whittaker.

Electronic agendas sent to Development Control Committee reserves for information.

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, 20 January 2015

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

RESERVES: Councillors John Dalton

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

APOLOGIES: Councillors Henry Caunce and David Dickinson

OTHER MEMBERS: Councillors Margaret France

15.DC.98 Minutes of meeting Tuesday, 16 December 2014 of Development Control Committee

RESOLVED – that the minutes of the last meeting of the Development Control Committee be approved as a correct record for signature by the Chair.

15.DC.99 Declarations of Any Interests

There were no declarations of interest.

15.DC.100 Council Motion 13 January 2015

The Executive Member for Public Protection presented a report of the Executive Leader which sought to formally notify Members of the Committee of a decision of Council to approve a motion authorising the investigation of a Judicial Review of the issuing of the Ministerial Statement dated 28 November 2014 amending the National Planning Policy Guidance and that this was not a material planning consideration.

On 28 November 2014, the Ministry for the Department for Communities and Local Government issued a Statement the effect of which was to amend National Planning Policy Guidance. The amendment affected small sites of 10 or less units whose

combined area was less than 1000 sq m. Such sites would be exempted from tariff based payments and the provision of affordable housing.

Full Council approved, with cross party support a Motion at the meeting on 13 January 2015. The motion directed the Authority to contact other Councils and the Local Government Association with a view to investigating the potential challenging of the Statement by Judicial Review.

RESOLVED – That the report be noted.

15.DC.101 Planning applications to be determined

The Director of Public Protection, Streetscene and Community submitted 11 reports 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.

15.DC.101a 14/00881/FUL - Brinscall Hall Farm, Dick Lane, Brinscall, Chorley, PR6 8Q

Speakers: objector - Steven Perry, Parish Councillor Chris Howard, Ward Councillor Margaret France and the applicant's agent - David Bailey

RESOLVED (8:5:1) – That planning permission be approved subject to a Section 106 legal agreement and the conditions detailed within the report in the agenda.

15.DC.101b 14/01042/TPO - Park Mills, Deighton Road, Chorley

Speaker: objector - Brian Taylor

RESOLVED (12:0:2) - That the application for consent to work on protected trees be approved subject to condition one detailed within the report in the agenda and the amended condition two detailed in the addendum to replace the existing oak tree with two heavy standard replacement oak trees.

15.DC.101c 14/01232/REMAJ - Parcel H2 Group 1, Euxton Lane, Euxton

RESOLVED (unanimously) – That planning permission be approved subject to the conditions detailed within the report in the agenda and the alteration to the condition which stated the approved plan had been amended to refer to the site layout plan being received on 24 December 2014, as the date was incorrect in the report which was detailed in the addendum.

At this point Councillor Whittaker announced that he had a personal interest in the following application in that he was Chair of Friends of the River Yarrow and took part in the debate and subsequent vote.

15.DC.101d 14/01046/FULMAJ- Croston Flood Risk Management Project, land 485m south east of 77 Lydiate Lane, Eccleston

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

15.DC.101e 14/00951/OUTMAJ - Land north of Lancaster Lane and bounded by Wigan Road, Shady Lane and Lancaster Lane, Clayton-le-Woods

RESOLVED (unanimously) – That planning permission be approved subject to a Section 106 legal agreement to secure the provision of public open space and the upgrade of bus stops along Lancaster Lane to bring them up to Lancashire County Council quality bus standard and the conditions detailed within the report in the agenda and the additional conditions detailed in the addendum.

15.DC.101f 14/00601/OUT - Land between 386 and 392, Blackburn Road, Higher Wheelton

Speakers: objector – Simon Sparrow, and the applicant's agent - Christie McDonald

RESOLVED (unanimously) - That planning permission be approved subject to conditions detailed within the report in the agenda and the additional condition detailed in the addendum. In addition, after careful consideration, Members of the Committee felt that there was a significant deficit of types of open space and playing pitch provision and gave due and proper weight to local planning policy in preference to the NPPG. As a result Members of the Committee agreed that the application was subject to a Section 106 legal agreement to secure payments in respect of deficits in the following typologies -

- **Amenity greenspace**
- **Provision for children/young people**
- **Parks and gardens**
- **Allotments**
- **Playing pitches**

15.DC.101g 14/01087/FUL - The Queens, 52 Chapel Street, Chorley, PR7 1BS

RESOLVED (unanimously) – That planning permission be approved subject to conditions detailed within the report in the agenda and the additional condition detailed in the addendum. In addition, after careful consideration, Members of the Committee felt that there was a significant deficit of types of open space and playing pitch provision and gave due and proper weight to local planning policy in preference to the NPPG. As a result Members of the Committee agreed that the application was subject to a Section 106 legal agreement to secure payments in respect of deficits in the following typologies -

- **Amenity greenspace**
- **Provision for children/young people**
- **Allotments**
- **Playing pitches**

15.DC.101h 14/00982/FUL - Town Lane Farm, Town Lane, Heskin, Chorley, PR7 5QA

Speakers: objector - John Morgan, and the applicant's agent - Chris Weetman

RESOLVED (11:0:3) – That planning permission be approved subject to conditions detailed within the report in the agenda and the additional conditions detailed in the addendum. In addition, after careful consideration, Members of the Committee felt that there was a significant deficit of types of open space and playing pitch provision and gave due and proper weight to local planning policy in preference to the NPPG. As a result Members of the Committee agreed that the application was subject to a Section 106 legal agreement to secure payments in respect of deficits in the following typologies

- Amenity greenspace
- Playing pitches

15.DC.101i 14/01051/FUL Hudora Kennels, The Common, Adlington, Chorley, PR7 4DT

Speaker: the applicant's agent - Chris Weetman

RESOLVED (13:0:1) - That planning permission be approved subject to conditions detailed within the report in the agenda. In addition, after careful consideration, Members of the Committee felt that there was a significant deficit of types of open space and playing pitch provision and gave due and proper weight to local planning policy in preference to the NPPG. As a result Members of the Committee agreed that the application was subject to a Section 106 legal agreement to secure payments in respect of deficits in the following typologies -

- Amenity greenspace
- Provision for children/young people
- Allotments
- Playing pitches

15.DC.101j 14/01129/FUL - 100 Market Street, Chorley, PR7 2SL

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

15.DC.101k 14/01185/CB3 - Car park 15m north-west of 171A Chorley Road, Harding Street, Adlington

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

15.DC.102 Tree Preservation Order Number 12 (Chorley) 2014

Members of the Committee considered a report of the Chief Executive which sought formal confirmation of Tree Preservation Order No. 12 (Chorley) 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. 12 (Chorley) 2014 be approved without modification.

15.DC.103 Appeals and other decisions

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

RESOLVED – That the report be noted.

15.DC.104 Any urgent business previously agreed with the Chair

Members of the Committee were made aware that there were a number of outstanding applications that the Committee had resolved to approve subject to Section 106 agreement which were impacted by the changes to the National Planning Policy Guidance (NPPG).

RESOLVED (unanimously) – That the Director of Public Protection, Streetscene and Community, in consultation with the Chair of Development Control Committee, be given delegated authority to consider the outstanding applications in light of the changes to the NPPG and where appropriate change the resolution to comply with the amended guidance. In the event it was felt that there were special circumstances in relation to that application which justified a departure from the NPPG, the Director of Public Protection, Streetscene and Community in consultation with the Chair of Development Control Committee would bring those applications back to the Committee for consideration.

Chair

Date

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Item 3a	14/00603/FUL
Case Officer	Ian Heywood
Ward	Wheelton and Withnell
Proposal	1) Proposed change of use and extension of existing garage block to form garage and new live/work unit and 2) Demolition of existing outbuilding
Location	Prospect House Whins Lane Wheelton Chorley PR6 8HN
Applicant	Mr J Taylor
Consultation expiry:	08 July 2014
Decision due by:	27 February 2015

UPDATE

It was previously considered that this application could be dealt with under delegated powers following Chairs Brief on 22 July 2014 with any grant of planning permission being subject to an associated legal agreement to secure a commuted sum payment for the provision of off-site public open space.

However the formal decision notice has not yet been issued and since the changes introduced by the National Planning Practice Guidance (NPPG) in November last year, the Council's revised position is that all applications affected by the change to NPPG are taken to Chair's Brief for further consideration.

The NPPG 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 what are in the Government's view 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.

This development is for 1 dwelling which is below the 10 unit threshold and also has a gross floorspace of less than 1000m². 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.

The officer's original report is set out below and Members will note that the recommendation previously was to approve the application subject to a legal agreement. However since the NPPG changes this has now been revised to APPROVE. In all other respects the assessment of the proposal is unchanged and there are no other amendments to the report.

This application was taken to Chair's Brief on 20th January 2015 where it was considered that as there are identified open space/ play space deficits in this part of the Borough, and since the applicant has not agreed to enter in a legal agreement to secure a commuted sum towards provision, the Development Control Committee should determine whether a contribution towards public open space is necessary. The identified deficits in respect of this part of the Borough are set out within the body of the report.

Members need not rehearse the arguments aired when it was first agreed by the Council that the matter could be approved. Any discussion should instead concentrate on the issues regarding imposition or not of tariff style obligations in s.106 agreements raised by the Ministerial Statement dated 28 November 2014. However if there have been material changes in relation to the application site since it was agreed that the application could be approved which might cause the decision to be revisited members are encouraged to discuss these issues.

Recommendation: Permit Full Planning Permission, subject to conditions

14/00603/FUL

**DELEGATED
REPORT**

Target Date: 1 August 2014

RECOMMENDATION: Permit Full Planning Permission (subject to legal agreement)

Signed:

Case Officer: Mr Ian Heywood..... **Agreed:**

Date: 14 July 2014..... **Date:**

RELEVANT POLICIES: In accordance with S.38 (6) Planning and Compulsory Purchase Act (2004), the application has been determined in accordance with the development plan (the Central Lancashire Core Strategy (2012), 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.

Note on the Emerging Chorley Local Plan 2012-2026

The Inspector has issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination later in 2014 to consider Gypsy and Traveller matters, which would enable the adoption of the local plan, following a supplementary report.

Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However because of the very advanced stage in the examination process that the main modifications set out in the Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*

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

HOW QUALITY OF SCHEME HAS BEEN IMPROVED: N/A

COUNCILLOR REQUEST TO REFER TO COMMITTEE: None

CONSULTEE COMMENTS:

Wheulton Parish Council have no objections but request that the building be in keeping with the local

area. The Borough Council are requested to ensure that this is not the start of overdevelopment of the area.

Lancashire County Council Highways - No objections

NEIGHBOUR COMMENTS:

4 letters have been received citing the following grounds for objection:

- increased traffic as a result of business deliveries;
- impact on the amenity currently enjoyed by neighbouring residential properties.

OFFICERS REPORT:

Proposal

The application seeks planning permission for the change of use and extension of an existing garage block to form a garage and new live/work unit. The demolition of the existing outbuilding is also proposed.

Site Description

The site is located in the Green Belt, close to the settlement of Wheelton and was formerly occupied by the original 'Prospect House', which was a large Victorian mansion set in expansive landscaped grounds. This building was demolished at some time prior to 1973 and the site was redeveloped with four detached dwellings, the current application site being one of them. The current building is a bungalow with a large detached garage and a further separate outbuilding, the latter a legacy of the original Prospect House.

The site is approached using the original steeply graded entrance drive from Whins Lane, which now serves all four of the modern properties. The land within the area rises quite steeply from west to east and is quite densely filled with trees, some no doubt a legacy from the original house. The site itself is screened on all sides by either a boundary wall or by closely planted trees resulting in an extremely secluded and private location. The combination of the site topography and boundary treatments means that it is not possible to either see or be seen by any other surrounding properties or view points in the adjacent area from/to the site.

Consent was granted in 2006 (06/01384/FUL) and amended in 2007 (07/01217/FUL) for the current garage building.

Constraints

Ancient Woodland Buffer
Canal and buffer zone
Green Belt
Wind turbine consultation zone

Site History

The site history of the property is as follows:

Ref:	74/00049/FUL	Decision:	PERFPP	Decision Date:	8 July 1974
Description:	Bungalow				
Ref:	03/01132/FUL	Decision:	PERFPP	Decision Date:	10 December
Description:	2003 Provision of stable block and sand paddock				

Ref:	06/01384/FUL	Decision:	PERFPP	Decision Date:	6 March 2007
Description:	Demolition of existing attached and detached garages followed by rebuilding at a lower slab level with minor changes to design and scale, lower the level of the existing parking area to the front of the house and provide retaining walls where necessary, two single storey extensions to house one including a conservatory and retrospective application for blockwork retaining walls to tennis court and the rear of the house,				
Ref:	07/00896/FUL	Decision:	REFFPP	Decision Date:	17 October 2007
Description:	Proposed revised garage layout for approved application ref 06/01384/FUL				
Ref:	07/01217/FUL	Decision:	PERFPP	Decision Date:	12 December 2007
Description:	Proposed revised garage layout for approved application ref. 06/01384/FUL,				

Summary of Objections

The objections received from neighbours cite the following grounds for objection:

- Increased traffic resulting from business deliveries. The proposed business use does not involve the delivery of any 'stock'. The proposal is to use the 'work' element of the building as the family company office and for storage of company records, which are not inconsiderable. The employees of the business that will use the work unit currently share the adjacent bungalow with their parents – the applicant. The net result will thus be that traffic movements will overall be reduced as the requirement for commuting is also reduced.
- Harm to the amenity currently enjoyed by neighbouring residents. Due to the topography of the site and the surrounding area, and the nature of boundary treatments, it is not possible for the surrounding properties to either see or be seen by/from the proposed development.

Analysis of Issues:

Principle of Development: The Framework (National Planning Policy Framework).

The application site is located within the Green Belt. The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building is considered as appropriate development. In this case the original building is the one currently occupying the site.

The Framework (para 6) states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three dimensions are economic, social and environmental. Para 9 says pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life, including (but not limited to):

- 4th improving the conditions in which people live, work, travel and take leisure;

Para 10 says plans and decisions need to take local circumstances into account so that they respond to the different opportunities for achieving sustainable development in different areas.

The Framework supports a prosperous rural economy. Para 28 states that, "planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;

Central Lancashire Core Strategy (CS)

Policy 1: Locating Growth, criteria f) states that development 'in other places' – will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need.

CS Policy 13 Rural Economy sets out to achieve economic and social improvement for rural areas by sustaining and encouraging appropriate growth of rural businesses in a number of ways. It encourages live/work units. In all cases, proposals will be required to show good siting and design in order to conserve and where possible enhance the character and quality of the landscape without undermining the purposes of the Green Belt. In this case it is considered that the siting and design of the proposed development are appropriate for this specific location.

The Central Lancashire Rural Development SPD (Oct 2012)

Para 19 supports the development of small business units in rural areas (mainly use class B1). Para 21 refers to live /work units. The Council's definition of a live/work unit is a work space that is integrated with a dwelling unit occupied by the proprietor of the work space with at least 50% of the floorspace being dedicated to the work unit. This type of development should have close access to classified roads and space for parking deliveries. Someone who lives in the residential part of the unit should be employed wholly or primarily in the workspace provided in the development. Live/work units will be controlled by suitable conditions to ensure they are used in accordance with the original consent. Conditions will include occupation restrictions to prevent use as a residential dwelling and a requirement that the property is to be inspected to ensure that the layout as a live /work unit has been implemented.

The Central Lancashire Rural Development SPD (Oct 2012) para 18 states "Employment development proposals should be conveniently located in relation to the surrounding road network, provide a safe access, be adequately serviced or can be serviced at a reasonable cost. Applicants seeking planning permission should also demonstrate that the proposed use would not be detrimental to local amenities and the use of neighbouring land. In order to protect visual amenity, signage should be kept to a minimum. The use of large and/or illustrated signs will not be appropriate in the countryside. Uses that involve outside storage or large numbers of parked vehicles are also unlikely to be acceptable, as again these are unlikely to be visually intrusive in the countryside".

In this case the proposed 55% work /45% residential split is considered to be acceptable and the overall scheme for a 49% increase in volume which is also considered to be acceptable.

The nature of the business and the fact that the building is to be used as the company administrative HQ mean that there will be no deliveries of stock for the business to the site. The employees of the business that will use the 'work' element of the building already reside on the site in the adjacent bungalow – the current Prospect House. As such it is considered that the use of the building will not cause visual intrusion into the countryside.

Policy DC7A of the Adopted Chorley Borough Local Plan Review (2003) and Policy HS9 of the emerging Chorley Local Plan 2012 – 2026 refer to the conversion of buildings in the Green Belt. Both policies set out a number of criteria to be met before a development proposal for the re-use of an existing building in the Green Belt can be considered acceptable:

Policy HS9 lists these as follows:

- 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 of or damage to any important wildlife habitat or protected species.

It is considered that the proposed development complies with all these criteria.

Impact on the amenity currently enjoyed by neighbouring residents:

Policy HS5 of the emerging Chorley Local Plan 2012 – 2026 refers at paragraph b to the requirement for building extensions to not have an unacceptable adverse impact upon the amenity of neighbouring properties through overlooking, loss of privacy and reduction of daylight. The proposed development is situated in a position such that the site cannot see or be seen by neighbouring residential properties. The site is surrounded by masonry walls and a tall and dense planting of trees such that the proposed development will only be visible from within the site and will not be able to see or be seen by any of the neighbouring properties. Furthermore the nature of the business operation and that fact that family members employed in the business already live on site mean that there will be no deliveries of stock for the business arriving at or leaving from the site and that there will be a general reduction in any commuting journeys from the site means that traffic movements will, in general, be reduced compared to those undertaken currently. Consequently it is considered that there will be no material impact upon the amenity currently enjoyed by neighbouring residents.

Open space:

The Open Space and Playing Pitch Supplementary Planning Document (SPD) was adopted for development control purposes at the Council meeting on 17th September 2013. The proposal has been assessed against the provisions of 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 Wheelton and Withnell 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 Wheelton and Withnell 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.

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 (1689 – Bothy Garden 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 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 allotments that are identified as being low quality and/or low value in the Open Space Study (sites 1648 – Preston Road, Whittle-le-Woods, 1649 – Maybank/Oakdene, Withnell Fold, 1639 – Pleasant View, Withnell). A contribution towards improving these sites 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.

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

Amenity greenspace	= £140
Equipped play area	= £134
Parks/Gardens	= £1,467
Natural/semi-natural	= £0
Allotments	= £15
Playing Pitches	= £1,599
Total	= £3,355

Community Infrastructure Levy: The development is liable for CIL to the value of £9942.40

Conclusion The proposed development is considered to be acceptable and is therefore recommended for approval.

Site Visit Date:	13 June 2014	Site Notice Expiry Date:	4 July 2014
Nbr Letter Expiry Date:	8 July 2014	Press Notice Expiry Date:	N/A

RECOMMENDATION: Permit Full Planning Permission (subject to legal agreement)

CODE: LEGFUL

PROPOSED CONDITIONS:

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. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing: Proposed Plans & Elevations

PH/PL/14/002A

30.06.2014

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

3. 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.

Reason: To ensure that the materials used are visually appropriate to the locality.

4. The business floorspace of the live/work unit shall be finished ready for occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the business use;

Reason: To secure the creation and retention of the live-work unit and to safeguard the quality of the Green Belt and the purposes of including land within it.

5. The business floorspace of the live/work unit shall not be used for any purpose other than for purposes within Class [B1] in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To secure the creation and retention of the live-work unit and to safeguard the quality of the Green Belt and the purposes of including land within it.

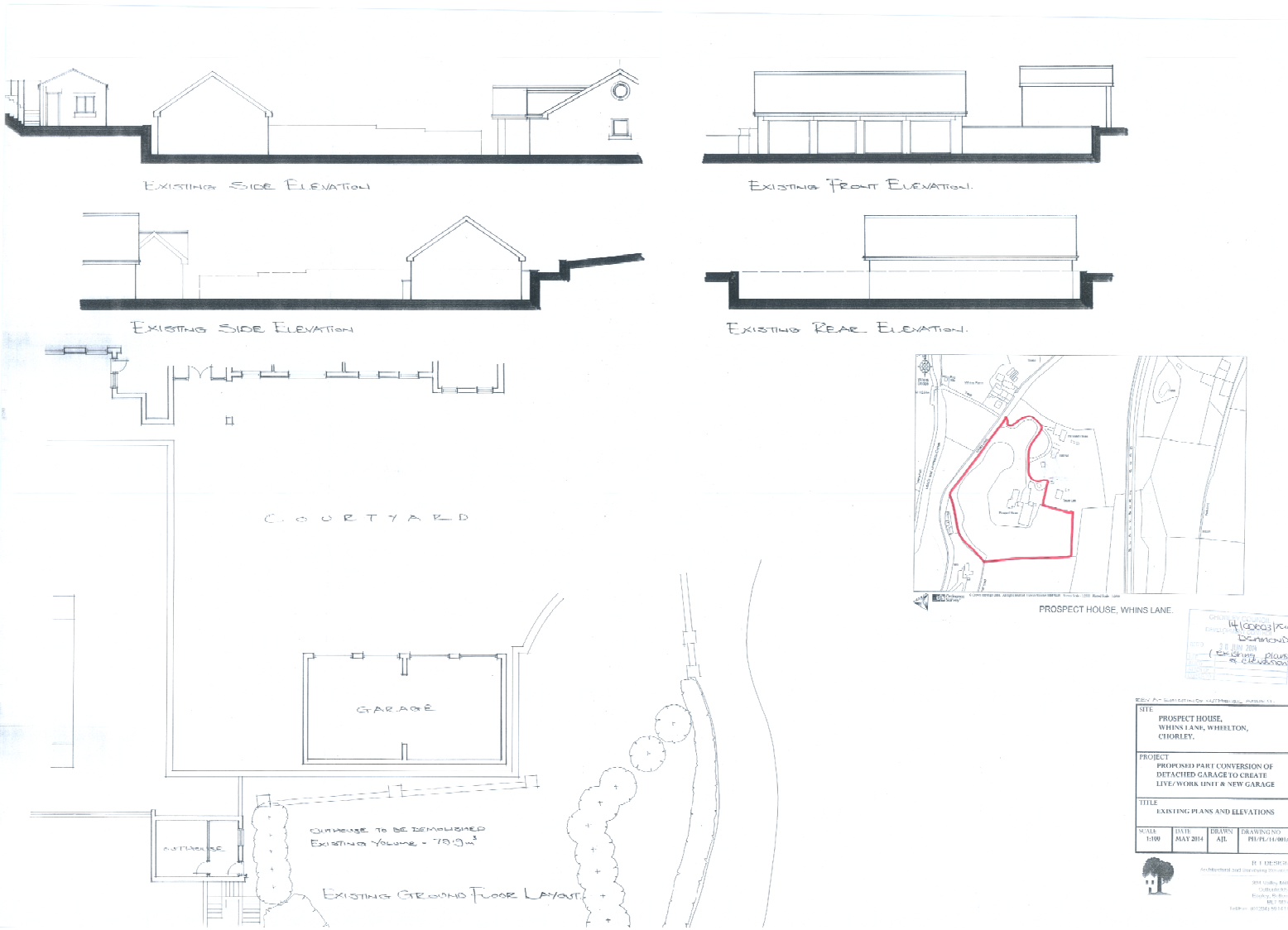
6. The residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floorspace of that unit, a widow or widower of such a person, or any resident dependants.

Reason: To secure the creation and retention of the live-work unit and to safeguard the quality of the Green Belt and the purposes of including land within it.

7. The area of the proposed development marked as the 'Records Store' shall only be used for the storage of company records and shall not be used for the storage of any 'stock' associated with the company.

Reason: In the interests of the amenity of the area.

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GRIP 14/0003/104
PROSPECT HOUSE
21 JUL 2014
(see site plan for location)

PROSPECT HOUSE, WHINS LANE, WHELTON, CHORLEY.

PROJECT
PROPOSED PART CONVERSION OF DETACHED GARAGE TO CREATE LIVE/WORK UNIT & NEW GARAGE

TITLE
EXISTING PLANS AND ELEVATIONS

SCALE	DATE	DRAWN	DRAWING NO.
1:100	JULY 2014	AJL	101/PL/14/001A

14/0003/104
PROSPECT HOUSE
21 JUL 2014
(see site plan for location)

14/0003/104
PROSPECT HOUSE
21 JUL 2014
(see site plan for location)

14/0003/104
PROSPECT HOUSE
21 JUL 2014
(see site plan for location)

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Item 3b	14/00332/OUT
Case Officer	David Stirzaker
Ward	Coppull
Proposal	Erection of 3 no. dwellings
Location	Land Between Wheatsheaf Hotel And 2, Chapel Lane, Coppull
Applicant	Inglenorth Contracting Ltd
Consultation expiry:	3rd June 2014
Decision due by:	8th August 2014 (Extension agreed to 13th February 2015)

UPDATE

Members resolved to approve this application at Development Control Committee on 5th August 2014 subject to an associated legal agreement to secure a commuted sum payment for the provision of off-site public open space. However the formal decision notice has not yet been issued and since the changes introduced by the National Planning Practice Guidance (NPPG) in November last year, the Council's revised position is that all applications affected by the change to NPPG are taken to Chair's Brief for further consideration.

The NPPG 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 what are in the Government's view 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.

This development is for three dwellings which is below the 10 unit threshold and also has a gross floorspace of less than 1000m². 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.

The officer's original report is set out below and Members will note that the recommendation previously was to approve the application subject to a legal agreement. However since the NPPG changes this has now been revised to APPROVE. In all other respects the assessment of the proposal is unchanged and there are no other amendments to the report.

This application was taken to Development Control Committee on 5th August 2014 where it was considered that as there are identified open space/ play space deficits in this part of the Borough, and since the applicant has not agreed to enter in a legal agreement to secure a commuted sum towards provision, the Development Control Committee should determine whether a contribution towards public open space is necessary. The identified deficits are set out in the body of the report.

Members need not rehearse the arguments aired when it was first agreed by the Council that the matter could be approved. Any discussion should instead concentrate on the issues

regarding imposition or not of tariff style obligations in s.106 agreements raised by the Ministerial Statement dated 28 November 2014. However if there have been material changes in relation to the application site since it was agreed that the application could be approved which might cause the decision to be revisited members are encouraged to discuss these issues.

Recommendation Approve

Representations

Coppull Parish Council comments draw the Council's attention to the land being allocated in the Local Plan as "Open Space"

Two representations have been received.

Objection

Two objections have been received which are summarised as follows: -

- The occupier of 2 Chapel Lane states that the side of their bungalow is next to the land where the proposed houses are to be built and on that side of the bungalow there are windows to a kitchen, dining room, bathroom and bedroom windows. If houses are built all of their privacy will disappear as well as most of their daylight.
- An objection is raised by another neighbour in relation to the erection of the 2 storey house due to the impact this will have on the amount of light reaching their house and garden.
- It will also mean a lack of privacy.
- The buildings on that side of Chapel Lane are all bungalows so a house will look totally out of character there.
- Also the close proximity will mean a lot of noise if the construction goes ahead.

Consultees

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

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

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

Assessment**National Planning Policy:**

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

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

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- Specific policies in the Framework indicate development should be restricted.

The Development Plan

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

Adopted Chorley Borough Local Plan Review

12. The Framework confirms that for 12 months from the day of publication of the Framework (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The Framework also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans.
13. The relevant policies of the Local Plan are as follows:
 - **GN1 – Settlement Policy – Main Settlements**
 - **GN5 - Building Design and Retaining Existing Landscape Features and Natural Habitats**
 - **HS3 – Housing Density**
 - **HS4 – Design & Layout of Residential Developments**
 - **HS6 – Housing Windfall Sites**
 - **TR4 – Highway Development Control Criteria**
 - **LT13 – Playspace Allocations**
 - **LT14 – Public,Private, Educational and Institutional Playing Fields, Parks and Other recreational Open Space**

Supplementary Planning Guidance

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

Central Lancashire Core Strategy July 2012

14. The adoption of the Core Strategy (July 2012) postdates the Framework and as such is wholly consistent with the Framework. The following Core Strategy Policies are of relevance to this application:
 - **Policy 1 - Locating Growth**
 - **Policy 4 – Housing Delivery**
 - **Policy 5 – Housing Density**
 - **Policy 17 – Design of New Buildings**
 - **Policy 24 – Sport and Recreation**
 - **Policy 27 – Sustainable Resources and New Development**

Supplementary Planning Documents

- Central Lancashire Design Guide (SPD) October 2012

Emerging Policy

15. Chorley Local Plan 2012-2026. The Inspector has issued her Partial Report on her findings into the soundness of the Chorley Local Plan which is a material consideration in the consideration of any planning application.
16. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination later this year to consider Gypsy & Traveller Matters, which would enable adoption of the local plan, following a supplementary report.
17. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*
18. The Council accepted the Inspector’s modifications for Development Management purposes at its Executive Committee on 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:
- V1: Settlement Areas
 - ST4: Parking Standards
 - HS4A: Open Space Requirements in New Housing Developments
 - HS4B: Playing Pitch Requirements in New Housing Developments
 - BNE1: Design Criteria for New Development
 - HW2: Protection of Existing Open Space, Sport and Recreation Facilities

Principle of the Development

19. The application site falls within the settlement area of Coppull under emerging Chorley Local Plan Policy V1 although it does not have any specific allocation. It is evident that whilst the site was previously used as a bowling green, it has not been used for this purpose for some time and as such the site is not allocated as open space in the emerging Local Plan.
20. In the adopted Local Plan, the site is allocated as proposed playspace under Policy LT13 and this suggests that the site was not in use as open space at the time the emerging Chorley Local Plan was prepared.
21. In the emerging Chorley Local Plan, Policy HW2 protects land and buildings currently or last used as open space and requires alternative provision to be made unless the proposal satisfies all of criteria b) to e). The text of Policy HW2 is set out as follows: -
- Land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless:
- a) Alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facilities cease to be available; or
 - b) It can be demonstrated that the loss of site would not lead to a deficit of provision in the local area in terms of quantity and accessibility; and
 - c) The site is not identified as being of high quality and/or high value in the Open Space Study; and
 - d) It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area; and
 - e) The site does not make a significant contribution to the character of an area in terms of visual amenity.

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

Impact on neighbours

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

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

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

Levels

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

Design & Scale

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

Traffic & Parking

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

S106 & Community Infrastructure Levy (CIL)

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

25. Amenity Greenspace

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

There is currently a deficit of provision in Coppull in relation to this standard, a contribution towards new provision in the settlement is therefore required from this development. The amount required is £140 per dwelling.

26. Provision for children/young people

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

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

27. 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.

28. Natural and Semi-Natural Greenspace

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

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

29. Allotments

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

The site is within the accessibility catchment (10 minutes' drive time) of allotments that are identified as being low quality and/or low value in the Open Space Study (sites 1647 – Chapel Lane, 1644 – Whittam Road, Chorley, 1646 – Worthy Street, Chorley).

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

30. 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.

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

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

32. With regards to CIL, the total floor space of the dwellings of 312m² equates to a CIL charge of £20280.

Contaminated Land & Coal Mining

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

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

Sustainability

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

Waste Storage & Bin Collection

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

Overall Conclusion

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

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

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

Planning Policies

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

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

Suggested Conditions

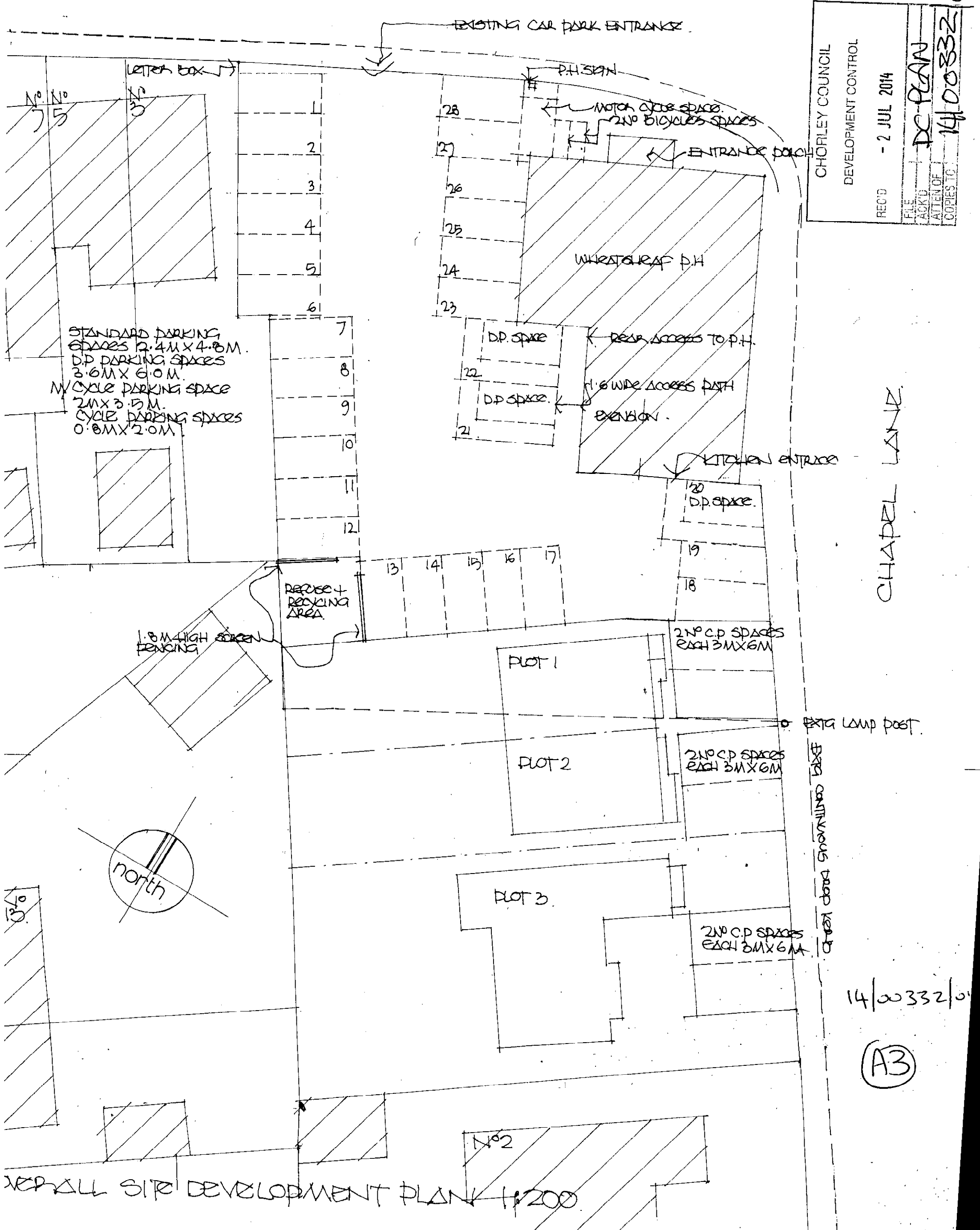
No.	Condition
1.	<p>An application for approval of the reserved matters namely the access, appearance, layout, scale and landscaping of the site must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>All dwellings will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development</i></p>
3.	<p>Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development</i></p>
4.	<p>Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
5.	<p>Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.</p> <p><i>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</i></p>
6.	<p>Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have</p>

	<p>been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
<p>7.</p>	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
<p>8.</p>	<p>A scheme for the landscaping of the development and its surroundings shall be submitted as part of the reserved matters application. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures.</p> <p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p><i>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</i></p>
<p>9.</p>	<p>Prior to the first occupation of the dwellings hereby permitted, the car parking spaces and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.</p> <p><i>Reason: To ensure adequate on site provision of car parking and manoeuvring areas</i></p>
<p>10.</p>	<p>Due to the proposed sensitive end-use (residential housing with gardens), the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.</p> <p>The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.</p>

	<p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.</p> <p><i>Reason: It is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</i></p>																																							
11.	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the dwellings shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety and to prevent flooding</i></p>																																							
12.	<p>The outline planning permission hereby granted is only for the erection of a detached dormer bungalow and a pair of two storey detached dwellings and the final details of the dwellings submitted as part of a reserved matters application shall be in strict accordance with the roof heights and finished floor levels detailed on the approved plans.</p> <p><i>Reasons: To define the permission and to ensure that the final design of the dwellings is consistent with those assessed as part of this outline planning application.</i></p>																																							
13.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="368 1093 1353 1787"> <thead> <tr> <th data-bbox="368 1093 791 1160">Title</th> <th data-bbox="791 1093 1054 1160">Drawing Reference</th> <th data-bbox="1054 1093 1353 1160">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 1160 791 1189">Location Plan</td> <td data-bbox="791 1160 1054 1189">01/09</td> <td data-bbox="1054 1160 1353 1189">26th March 2014</td> </tr> <tr> <td data-bbox="368 1189 791 1218">Site Plan</td> <td data-bbox="791 1189 1054 1218">02/09 Rev A</td> <td data-bbox="1054 1189 1353 1218">7th May 2014</td> </tr> <tr> <td data-bbox="368 1218 791 1285">House Type A Ground & First Floor Plan</td> <td data-bbox="791 1218 1054 1285">03/09</td> <td data-bbox="1054 1218 1353 1285">26th March 2014</td> </tr> <tr> <td data-bbox="368 1285 791 1352">House Type A Front & Side Elevation</td> <td data-bbox="791 1285 1054 1352">04/09</td> <td data-bbox="1054 1285 1353 1352">26th March 2014</td> </tr> <tr> <td data-bbox="368 1352 791 1420">House Type A Rear & Side Elevation</td> <td data-bbox="791 1352 1054 1420">05/09</td> <td data-bbox="1054 1352 1353 1420">26th March 2014</td> </tr> <tr> <td data-bbox="368 1420 791 1471">House Type B Ground Floor Plan</td> <td data-bbox="791 1420 1054 1471">06/09</td> <td data-bbox="1054 1420 1353 1471">26th March 2014</td> </tr> <tr> <td data-bbox="368 1471 791 1538">House Type B Proposed Loft Floor Plan</td> <td data-bbox="791 1471 1054 1538">07/09</td> <td data-bbox="1054 1471 1353 1538">26th March 2014</td> </tr> <tr> <td data-bbox="368 1538 791 1606">House Type B Front & Side Elevation</td> <td data-bbox="791 1538 1054 1606">08/09</td> <td data-bbox="1054 1538 1353 1606">26th March 2014</td> </tr> <tr> <td data-bbox="368 1606 791 1673">House Type B Rear & Side Elevation</td> <td data-bbox="791 1606 1054 1673">09/09</td> <td data-bbox="1054 1606 1353 1673">26th March 2014</td> </tr> <tr> <td data-bbox="368 1673 791 1702">Topographical Land Survey</td> <td data-bbox="791 1673 1054 1702">S14/203</td> <td data-bbox="1054 1673 1353 1702">7th May 2014</td> </tr> <tr> <td data-bbox="368 1702 791 1731">Overall Development Plan</td> <td data-bbox="791 1702 1054 1731">10/09</td> <td data-bbox="1054 1702 1353 1731">2nd July 2014</td> </tr> <tr> <td data-bbox="368 1731 791 1798">Proposed Street Scene Elevation</td> <td data-bbox="791 1731 1054 1798">11/09</td> <td data-bbox="1054 1731 1353 1798">2nd July 2014</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Location Plan	01/09	26 th March 2014	Site Plan	02/09 Rev A	7 th May 2014	House Type A Ground & First Floor Plan	03/09	26 th March 2014	House Type A Front & Side Elevation	04/09	26 th March 2014	House Type A Rear & Side Elevation	05/09	26 th March 2014	House Type B Ground Floor Plan	06/09	26 th March 2014	House Type B Proposed Loft Floor Plan	07/09	26 th March 2014	House Type B Front & Side Elevation	08/09	26 th March 2014	House Type B Rear & Side Elevation	09/09	26 th March 2014	Topographical Land Survey	S14/203	7 th May 2014	Overall Development Plan	10/09	2 nd July 2014	Proposed Street Scene Elevation	11/09	2 nd July 2014
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14.	<p>All windows in the first floor of the northwest and southeast facing elevations and roof planes of the dwellings and bungalow hereby permitted shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.</p>																																							

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



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Item 3c	14/00098/FUL
Case Officer	Ian Heywood
Ward	Brindle & Hoghton
Proposal	Change of use from hospital admin accommodation to residential
Location	Land 40M North West Of Lake View Nursing Home Chorley Road Withnell
Applicant	European Care Group
Consultation expiry:	16 May 2014
Decision due by:	2 February 2015

UPDATE:

It was previously considered that this application could be dealt with under delegated powers with any grant of planning permission being subject to an associated legal agreement to secure a commuted sum payment for the provision of off-site public open space.

However the formal decision notice has not yet been issued and since the changes introduced by the National Planning Practice Guidance (NPPG) in November last year, the Council's revised position is that all applications affected by the change to NPPG are taken to Chair's Brief for further consideration.

The NPPG 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 what are in the Government's view 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.

This development is for 1 dwelling which is below the 10 unit threshold and also has a gross floorspace of less than 1000m². 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.

The officer's original report is set out below and Members will note that the recommendation previously was to approve the application subject to a legal agreement. However since the NPPG changes this has now been revised to APPROVE. In all other respects the assessment of the proposal is unchanged and there are no other amendments to the report.

This application was taken to Chair's Brief on 20th January 2015 where it was considered that as there are identified open space/ play space deficits in this part of the Borough, and since the applicant has not agreed to enter in a legal agreement to secure a commuted sum towards provision, the Development Control Committee should determine whether a contribution towards public open space is necessary. The identified deficits in respect of this part of the Borough are set out within the body of the report.

Members need not rehearse the arguments aired when it was first agreed by the Council that the matter could be approved. Any discussion should instead concentrate on the issues regarding imposition or not of tariff style obligations in s.106 agreements raised by the Ministerial Statement dated 28 November 2014. However if there have been material changes in relation to the application site since it was agreed that the application could be approved which might cause the decision to be revisited members are encouraged to discuss these issues.

Recommendation: Approve subject to conditions

14/00098/FUL

**DELEGATED
REPORT**

Target Date: 2 June 2014

RECOMMENDATION: Permit Full Planning Permission (subject to legal agreement)

Signed:

Case Officer: Mr Ian Heywood..... **Agreed:**

Date: 2 June 2014..... **Date:**

RELEVANT POLICIES: In reaching this decision the policies for the area, which currently comprises the Development Plan which comprises the saved policies of the Adopted Chorley Borough Council Local Plan Review (2003), the Adopted Central Lancashire Core Strategy (2012), the emerging Chorley Local Plan 2012 - 2026 and all other relevant planning guidance, including supplementary planning guidance and supplementary planning documents, were taken into account. This includes specifically the following policies: Core Strategy Policy 1, Emerging Local Plan Policy HS9. Also of relevance is the Framework (NPPF) paragraphs 55 and 90.

HOW QUALITY OF SCHEME HAS BEEN IMPROVED: N/A

COUNCILLOR REQUEST TO REFER TO COMMITTEE: None

CONSULTEE COMMENTS: Parish Council - No comments have been received
 The Coal Authority - Standing advice, low risk
 Lancashire County Council Highways - No objections
 Building Control Team Leader - No objections
 Planning Policy Advice - No objections

NEIGHBOUR COMMENTS: none received

OFFICERS REPORT:

Proposal

This application relates to the change of use from hospital admin accommodation to residential.

Site Description

The site is immediately adjacent to Lake View Nursing Home, which itself is located on a private access drive within the Parish of Withnell that is within the Green Belt. The site is set in a sylvan location, surrounded on its southern side by an extensive stand of trees.

The building itself, Withnell Hall, was originally a grand country house of similar style to Ollerton Hall and was probably constructed at a similar time – 1840 – in a neo classical style faced in fine sandstone ashlar with typical late Georgian/Regency details and proportions. Its style and age lead to

it being included on the Chorley Council list of Locally Important Buildings in 2003. As such Annex 2 to the Framework defines the building as a Heritage Asset.

More recently it was utilised and converted as an admin/staff accommodation block for lake View Nursing Home to which it is immediately adjacent, however in the most recent years it has been abandoned and is now beginning to show signs of neglect and decay.

In effect the current proposal is seeking to return the building to its original use as a single dwelling. Fortunately neither the interior nor the exterior has been too greatly altered such that the job in hand is more one of conservation and a little restoration rather than wholesale reconstruction.

Constraints

Coal consultation zone
Locally Important Buildings
Tree Preservation Orders
Green Belt

Site History

The site history of the property is as follows: Nil

Summary of Objections / Issues

No objections have been received.

The issues for consideration are:

1. Principle of development
2. Design and impact on the significance of a heritage asset
3. CIL
4. S.106 Agreement

Analysis of Issues:

1. Principle of development:

Paragraph 55 of the Framework states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. These special circumstances include where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. This building is currently partly unused, so its re-use would be in accordance with this element of the Framework.

The proposal is located within the Green Belt. Paragraph 90 of the Framework states that certain forms of development are 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. This includes the re-use of buildings provided that they are of permanent and substantial construction. This proposal is for the re-use of a building, so is considered to be in accordance with paragraph 90 of the Framework, providing the building is of permanent and substantial construction.

Core Strategy Policy 1: Locating Growth, criteria f) states that development 'in other places' – will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need. This proposal is for the conversion of a building and is small scale, so is in accordance with Core Strategy Policy 1.

Emerging Local Plan Policy HS9 covers the Conversion of Rural Buildings in the Green Belt. Policy HS9 states that proposals for the re-use of buildings in the Green Belt will be allowed provided that a number of criteria are met. This application will need to be assessed against these criteria on site.

The Central Lancashire Rural Development SPD provides additional information regarding the re-use

of existing buildings in the Green Belt for residential use. Para 50 says that re-use for business, community or tourism purposes will usually be preferable to residential use because they typically require less alteration. Where business, community or tourism uses are not feasible, residential conversions may be more appropriate in some locations and for some types of building. In these instances, the Councils will require the submission of a report demonstrating that it is not practical or financially viable to use the building for business, community or tourism purposes or where there is an amenity or environmental reason why these uses are not acceptable.

This paragraph is duplicated in the reasoned justification to Local Plan HS9 but not within the policy itself. The Emerging Local Plan Inspector’s Partial Report (25 October 2013) considered that the inclusion of a restrictive criterion in Policy HS9 to promote business, community and tourism uses in favour of residential conversions was not supported by the Framework, nor was there an overriding justification in the context of Chorley to impose it. The Council has accepted the recommendations in the Partial Report. This site is next to a nursing home and subject to compliance with other relevant policies, such as emerging Policy HS9, residential re-use is considered acceptable.

2. Design and impact on the significance of a heritage asset:

As stated previously the proposed works are more ones of conservation with a degree of restoration. The aim is to return the building to its original form as a single dwelling. To that end there are no proposed alterations to the exterior of the building. As such therefore the original design of the building will be respected and it is consequently considered that the significance of the building will be enhanced.

3. CIL:

The development involves the conversion of a currently unused building to residential use. As such the whole of the floor area becomes liable for CIL, which in this case equates to 464 square metres, which at the rate of £65 per square metre equals £30160.00.

4. S.106

The development is subject to a S.106 agreement with the following heads of terms:

Amenity greenspace	= £140
Equipped play area	= £134
Parks/Gardens	= £1,467
Natural/semi-natural	= £0
Allotments	= £15
Playing Pitches	= £1,599
Total	= £3,355

Conclusion

The proposed development is considered to accord with both local and national policy guidance and is therefore recommended for approval.

Site Visit Date:	25 April 2014	Site Notice Expiry Date:	16 May 2014
Nbr Letter Expiry Date:	5 May 2014	Press Notice Expiry Date:	

RECOMMENDATION: Permit Full Planning Permission (subject to legal agreement)

CODE: LEGFUL

PROPOSED CONDITIONS:-

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. The development hereby permitted shall be carried out in accordance with the following approved plans:

Ground Floor, 1:200 Submitted on 31.01.2014

First Floor, 1:200 Submitted on 31.01.2014

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

3. All external facing materials of the development hereby permitted shall match in colour, form and texture those on the existing building.

Reason: In the interests of the visual amenity of the area in general and the existing building in particular.

4. 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.

Reason: To maintain the integrity of the historic building

5. Prior to the commencement of any development, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.

6. Prior to the commencement of any development plans and particulars showing the provision for the parking and/or garaging of cars and associated manoeuvring areas (including full details of the surfacing, drainage and marking out of the spaces) shall be submitted to, and approved in writing by, the Local Planning Authority. Such details as agreed shall be laid out and made available in all respects prior to the first occupation of the building to which it is related and thereafter retained (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995).

Reason: In order that the Council may be satisfied with the details of the proposal and to ensure a satisfactory level of off-street vehicle park[.]

7. 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.

Reason: In the interests of the character and appearance of the building

Withnell Hall, Chorley Old Road, Withnell, PR6 9BG



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Item 3d	13/00644/FUL
Case Officer	David Stirzaker
Ward	Chorley South East
Proposal	Erection of a single storey flat together with associated car parking
Location	7 Albert Street, Chorley, PR7 2TY
Applicant	Messrs Tranter & Burgess
Consultation expiry:	9th August 2013
Decision due by:	11th September 2013 (Extension agreed to 20th February 2015)

UPDATE

It was previously considered that this application could be dealt with under delegated powers following Chairs Brief on 5th November 2013 subject to an associated legal agreement to secure a commuted sum payment for the provision of off-site public open space. However the formal decision notice has not yet been issued and since the changes introduced by the National Planning Practice Guidance (NPPG) in November last year, the Council's revised position is that all applications affected by the change to NPPG are taken to Chair's Brief for further consideration.

The NPPG 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 what are in the Government's view 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.

This development is for one dwelling which is below the 10 unit threshold and also has a gross floorspace of less than 1000m². 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.

The officer's original report is set out below and Members will note that the recommendation previously was to approve the application subject to a legal agreement. However since the NPPG changes this has now been revised to APPROVE. In all other respects the assessment of the proposal is unchanged and there are no other amendments to the report.

This application was taken to Chair's Brief 5th November 2013 where it was considered that as there are identified open space/ play space deficits in this part of the Borough, and since the applicant has not agreed to enter in a legal agreement to secure a commuted sum towards provision, the Development Control Committee should determine whether a contribution towards public open space is necessary. The identified deficits are set out as follows:

Amenity Greenspace

The amount required is £140 towards new provision in the Chorley South East ward.

Provision for children/young people

The amount required is £134 towards new provision in the Chorley South East ward.

Allotments

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

A new allotment site within the accessibility catchment (10 minutes' drive time) is proposed at Land at Sylvesters Farm, Euxton (HW5.2). In addition, there are allotments within the accessibility catchment that are assessed as low quality and/or value in the Open Space Study (1644 – Whittam Road, Chorley, 1646 – Worthy Street, Chorley, 1647 – Chapel Lane, Coppull, 1648 - Preston Road, Whittle-le-Woods). A contribution towards either new provision or improving the quality/value of these sites 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.

Members need not rehearse the arguments aired when it was first agreed by the Council that the matter could be approved. Any discussion should instead concentrate on the issues regarding imposition or not of tariff style obligations in s.106 agreements raised by the Ministerial Statement dated 28 November 2014. However if there have been material changes in relation to the application site since it was agreed that the application could be approved which might cause the decision to be revisited members are encouraged to discuss these issues.

Recommendation

Approve

Signed:

Case Officer: D. Stirzaker

Agreed:

Date: 1st November 2013.....

Date:

Consultation expiry date: 9th August 2013

Decision date: 11th September 2013

Proposal

1. This application seeks planning permission for the erection of a single storey flat and the relocation to two parking spaces to the front of the site along with the provision of an additional parking space. The front of the flat will be set 700mm from the footpath running along Albert Street. The flat takes the form of a small bungalow and it will be built off the side elevation of the existing two storey apartment building on the site.
2. The application site is located in Chorley Town Centre on the corner of Albert Street and Victoria Street. The proposed flat will cover a part of the site which comprises two hard surfaced car parking spaces and a small section of lawn.
3. The design utilises a pitched roof which matches the angles of the main roof and will be faced with concrete tiles. Elevations will comprise red coloured facing brick whilst windows and doors are to be white UPVC.

Recommendation

4. It is recommended that this application is granted conditional planning permission subject to the signing of a S106 agreement.

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Impact on the neighbours
 - Design & Streetscene
 - Trees & Landscape
 - Traffic & Transport
 - Contamination & Coal Mines
 - Drainage and Sewers
 - Section 106 & Community Infrastructure Levy (CIL)

Representations

6. One letter of objection has been received from the occupier of the first floor flat, the contents of which can be summarised as follows: -
 - The lease documentation associated with the first floor flat confirm that the development proposed is to take place land which is associated with this property (9 Albert Street)
 - As the parking space is legally part of the lease holding of the first floor flat, it seems evident that no building can take place on this land while it remains as such
7. No letters of support have been received.

Consultations

8. **United Utilities** do not raise any objections and advise that if possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system they may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

9. **Lancashire County Council (Highways)** have not raised any objections to the application subject to a minor amendment to the plans comprising the repositioning of the parking spaces closer to the southern site boundary to improve visibility.
10. **The Council's Waste & Contaminated Land Officer** does not raise any objections to the application.

Assessment

Principle of the development

11. The site of the proposed flat comprises two parking spaces and a small part of the garden associated with the flats (7 & 9 Albert Street). Given the status of the site, the application falls to be considered against emerging Policy HS3 in the Chorley Local Plan. This will replace the Interim Policy on Private Residential Garden Development. In the recently issued partial report following consultations on the main modifications, the Inspector states that because of the very advanced stage in the examination process that the main modifications have reached, significant weight should be attached to all policies and proposals of the plan that are amended accordingly.
12. Policy HS3 states that development within private residential gardens not allocated for housing will only be permitted for (a) appropriately designed and located replacement dwellings where there is no more than one for one replacement, (b) the conversion and extension of domestic buildings, and (c) infill development on gardens which is classified as the filling of a small gap in an otherwise built up street frontage which is typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.
13. The site does not specifically comply with any of criteria (a) or (b) due to the nature of what is proposed. With regards to criteria (c), the site does not meet the definition of an infill plot as it is not a gap in a built up frontage.
14. However, paragraph 5.29 of the preamble to Policy HS3 states that when assessing applications for garden sites the Council will also have regard to the relationship of development to the surrounding character in terms of density, siting, layout, massing, scale, design, materials building to plot ratio and landscaping. The preamble also states that the Council will have regard to sustainability issues such as access to public transport, school, businesses and local services and facilities.
15. Policy HS3 includes the additional sustainability criteria detailed above so in terms of this issue, there are factors which weigh in favour of the proposal. The site is located in an established residential area just outside of the main town centre boundary hence the site is therefore within walking distance of the main bus station, train station and the range of shops and services which can be found in the town centre.
16. On the basis of the above factors, it is considered that the site is in a sustainable location and therefore meets with the objectives of Criteria (1) of Policy HS3, which seeks to promote sustainable forms of development. Notwithstanding the above, criteria (e) of Policy 1 of the Central Lancashire Core Strategy seeks to focus growth and investment in Chorley Town which is designated in the Central Lancashire Core Strategy by Policy 1 (Criteria (b) ii) as a Key Service Centre.
17. In terms of local character, this issue is assessed in paragraphs 24, 25 and 26 wherein it is considered that the development will fit in with the characteristics of the locality. In light of the above factors, it is considered that these weigh in favour of the 'principle' of planning permission being granted for the development of a flat, subject to the material considerations set out in the following paragraphs.

Levels

18. The site is flat so the proposed development does not raise any notable issues in terms of the level of the flat on the site, its relationship with the adjoining properties or the impact it will have on the locality.

Impact on the neighbours

19. The proposed flat is single storey in nature. There are habitable room windows in all of its elevations. The entrance to the flat is off Albert Street and in this elevation there are also windows to a bedroom and a bathroom. This elevation faces the rear yard and the side elevation of 21 Victoria Street. The ground floor side elevation of this property is blank. There is a first floor window in this property but the outlook from it is off set in terms of the bedroom window in the proposed flat.
20. The windows in the west elevation of the flat will look onto the front garden area and beyond this 18m west is St Georges Court, a three storey block of apartments. The lounge window in the flat will be approximately 18m away from the nearest window in the elevation of the apartment block facing the site, which is no nearer than the existing windows in 7 and 9 Albert Street.
21. The kitchen window in the east facing elevation will look onto the access path serving the flats (7 & 9 Albert Street), a small landscaped area and then the driveway serving 5 Albert Street, from which it will be approximately 3.7m away, However, the driveway serving 5 Albert Street is not the private intimate amenity space associated with this property so this distance is considered acceptable in these circumstances.

Design & Streetscene

22. The design of the single storey flat building is simple utilising a pitched roof to match that of the existing building and given its scale, it will read as an extension to the existing building. The application forms state that white UPVC windows and doors will be installed whilst the elevations will comprise red facing brick and the roof will be finished with concrete interlocking tiles.
23. The final details of the materials will be required to be submitted pursuant to a condition. The single storey nature of the building also reduces its impact on the locality although the local area is characterised by high density terraced properties which are generally two storey in nature and front directly onto the footpath. There is also a 700mm gap proposed between the front of the property and the road and this is shown as landscaped on the site plan which will soften the impact of the development. The existing lawned area will also be retained between the west elevation and Victoria Street.
24. In terms of streetscene impact, there are modern properties on Albert Street comprising a row of three two storey dwellings which are set back from the footpath with off street parking spaces to the front. The flat will sit forward of these properties but given the local pattern of development, it is not considered that this will harm the character and appearance of the locality as at the eastern end of Albert Street, the end terrace property abuts the road as does the corner terrace property opposite the application site. Opposite the application site is a three storey building which is again fronts the footpath and the property to the north of this also abuts both Halliwell Street and Victoria Street.

Trees and Landscape

25. The site is open in character with a lawned area at the front and a hardstanding comprising two parking spaces at the side. These car parking spaces will be re-located to the front of the site to make way for the flat.

Traffic and Transport

26. The site is located in the town centre hence it benefits from being very close to the main bus station and the train station and within the town centre there are a myriad of services available. The site is therefore considered to be in a highly sustainable location.
27. As existing there are two car parking spaces. The proposed layout includes three car parking spaces which equates to one space per flat so this complies with the Policy ST4 of the emerging Chorley Local Plan and the accompanying Parking Standards.

28. LCC (Highways) have not raised any objections to the application subject to a minor reconfiguration to the car parking spaces wherein they are sited as close to the southern site boundary as possible.

Contamination and Coal Mines

29. The Council's Land & Contaminated Waste Officer raises no objections to the application. In terms of coal mining, the site is in a Low Risk Area so an informative will be attached to the permission drawing the applicant's attention to the potential low risk of unrecorded mining hazards being present on the site.

Drainage and Sewers

30. United Utilities have not raised any objections to the application and advise that if possible, the site should be drained on a separate system with only foul drainage connected into the foul sewer whilst surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. United Utilities also advise that if surface water is allowed to be discharged to the public surface water sewerage system may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Section 106 Agreement & Community Infrastructure Levy (CIL)

31. A S106 agreement is required to secure the commuted sum to be used towards off site play space and this equates to a figure of £1888.
32. This development is liable for CIL and a notice of liability will be issued with the decision notice if planning permission is granted.

Overall Conclusion

33. With reference to Policy HS3 of the emerging Chorley Local Plan, it is considered that the 'principle' of the flat on this site is acceptable due to the sustainable credentials of the site and the relationship of the proposal with the locality. Moreover, criteria (b) ii of Policy 1 of the Core Strategy encourages growth and investment in Chorley Town, which is identified in the policy as a Key Service Centre.
34. From a design perspective and streetscene perspective, the locality comprises high density terraced housing, much of which fronts directly onto the street and the scale of the flat is subservient to the main building so the design is considered acceptable. With regards to streetscene, it is not considered that the flat will have a detrimental impact on the locality.
35. With regards to neighbour amenity, the relationship with the surrounding properties is considered to be acceptable. Neither the occupier/s of the flat nor the occupiers of the adjacent properties will suffer detrimental harm to their living conditions as a result of the development.
36. The two existing parking spaces will be relocated to the front of the site and an extra space will also be provided to serve the proposed flat. Adequate off road parking space is shown on the site plan to serve the three properties resulting on the site so the level of car parking is adequate and meets the standards in the emerging Chorley Local Plan.
37. On the basis of the above, it is recommended that planning permission be granted for the bungalow, subject to the signing of a S106 agreement.

Other Matters

Sustainability

38. In line with Policy 27 of the Core Strategy, the bungalow will be required to be constructed to meet the relevant level of the Code for Sustainable Homes so the standard conditions are recommended to be attached to the permission requiring this.

Waste Collection and Storage

39. There is sufficient space within the curtilage of the site for waste bins to be stored and on collection days, bins can be placed on Albert Street for kerbside collection.

Neighbours comments

40. The objection from the occupier of the first floor flat is noted. However, whilst planning permission can be granted for the development, this does not override the property rights of the occupier of the first floor flat and if the applicant cannot reach an agreement with the occupier of the flat over the use of the land in question, then the applicant will not be able to implement the planning permission.

Planning Policies

National Planning Policies:

National Planning Policy Framework (NPPF)

Adopted Chorley Borough Local Plan Review

Policies: GN1 / GN5 / EP9 / EP16 / HS4 / HS6 / HS21 / HS22 / TR4

Supplementary Planning Guidance (SPG):

- Design Guide

Joint Core Strategy

Policy 1 / Policy 4 / Policy 5 / Policy 6 / Policy 17 / Policy 27 / Policy 29 / Supplementary Planning Document (SPD) on Design

Emerging Chorley Local Plan 2012-2026

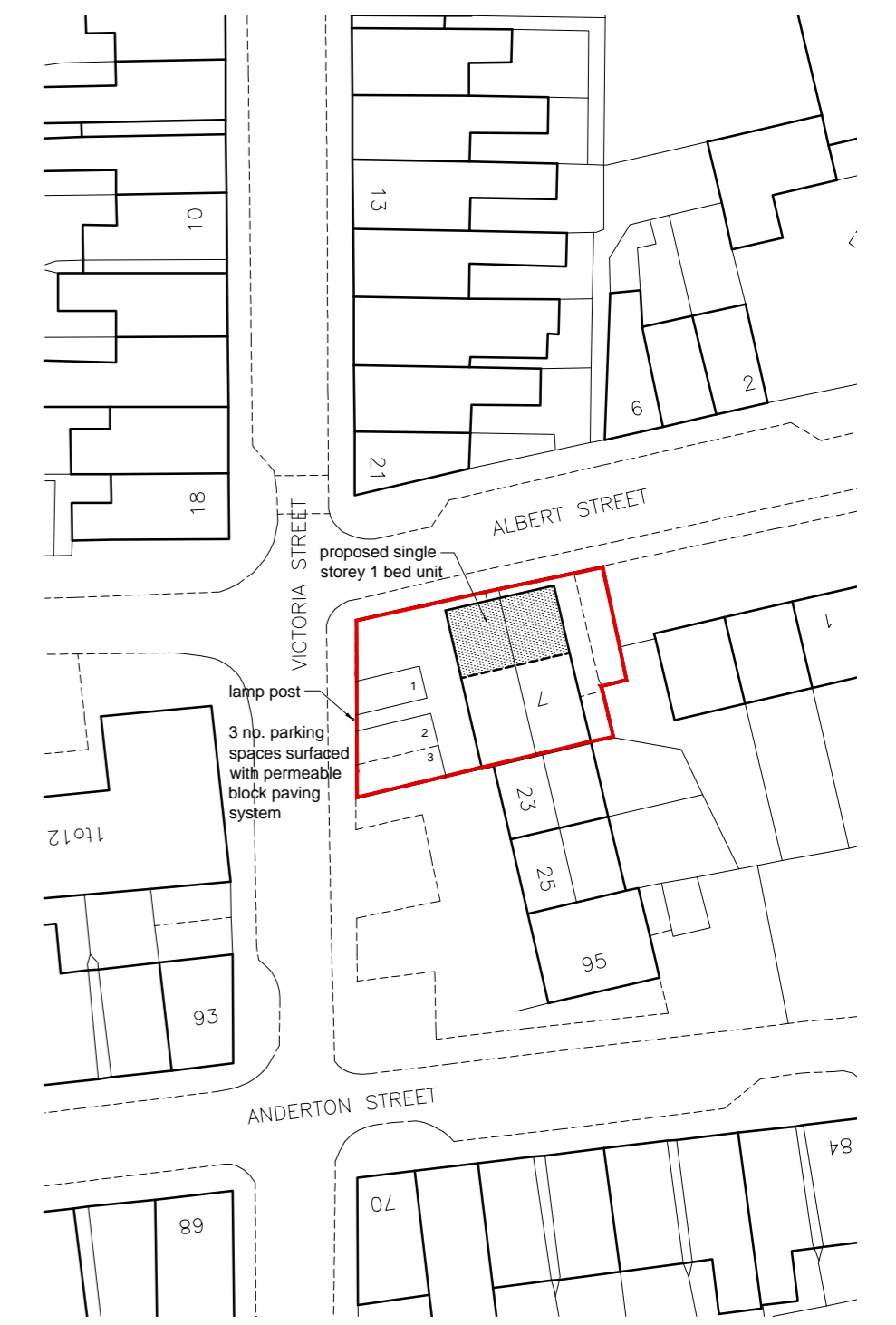
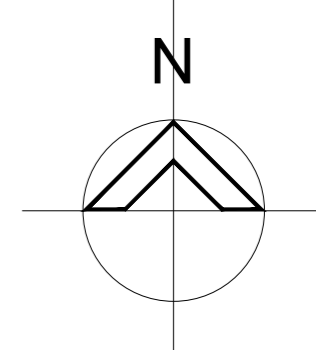
ST4 / HS3 / HS3 / HS4A / HS4B / BNE1 / BNE9

Planning History

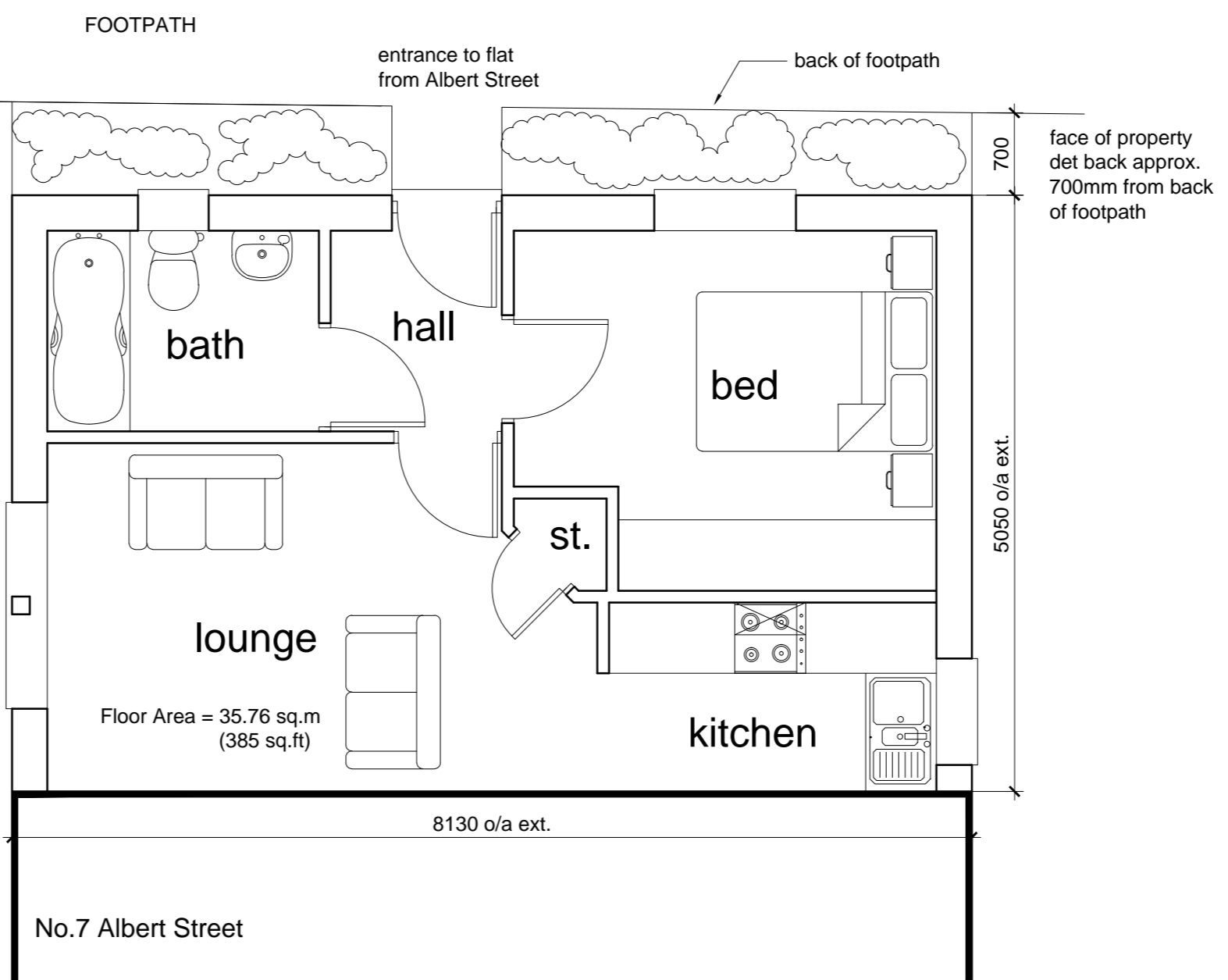
There is no recent planning history on the site.

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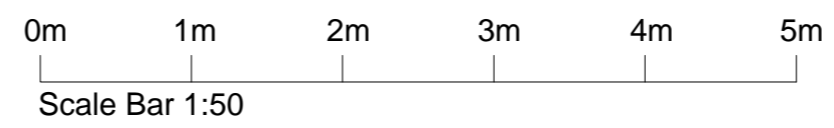
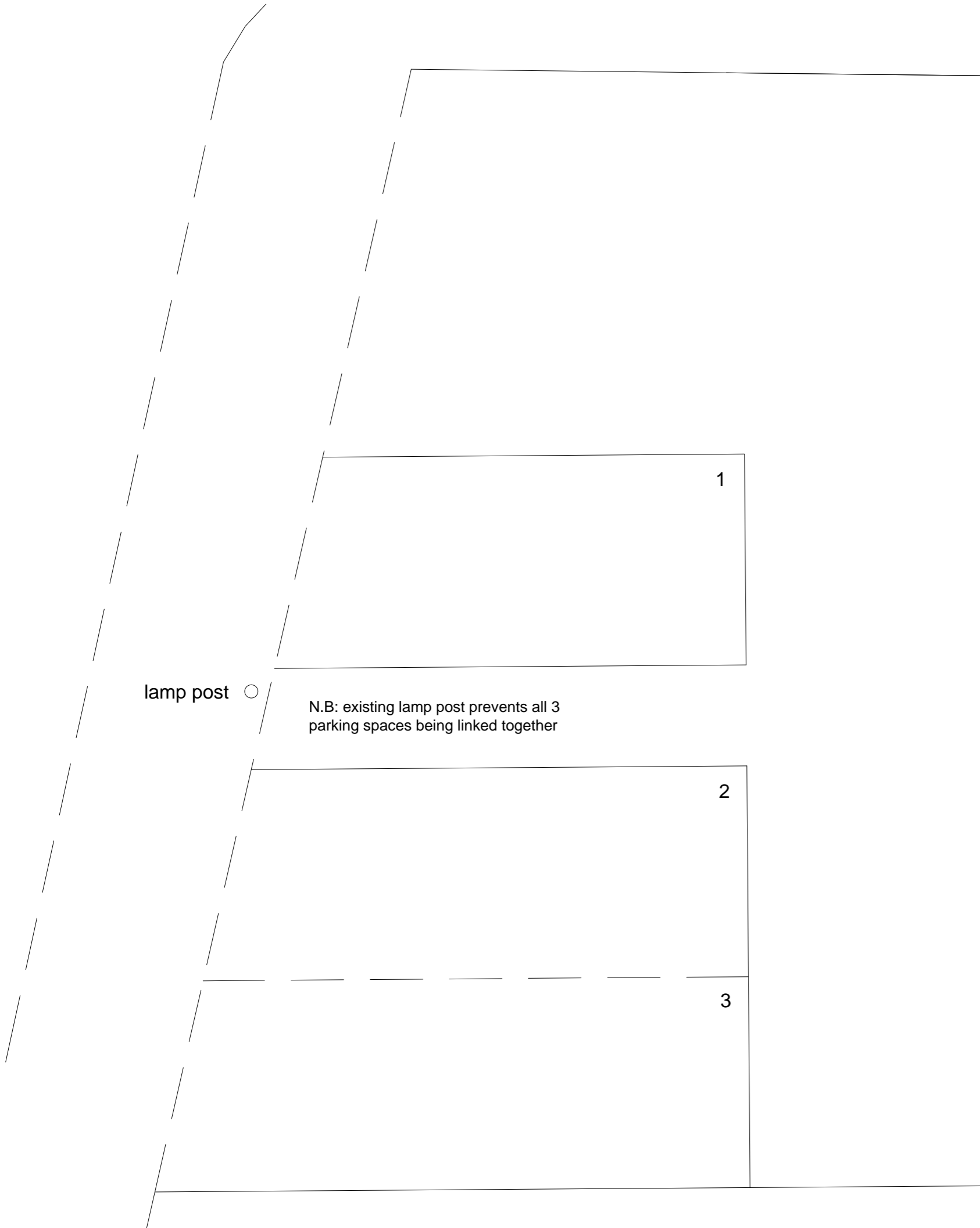
ELEVATIONS 1:100



SITE PLAN 1:500



GROUND FLOOR PLAN 1:50



REVISIONS:
A: Parking space locations altered and further notation added. GJF 05.11.2013

CLIENT Mr. D. Tranter & Mr. L. Burgess.				
PROJECT 7 Albert Street, Chorley, Lancashire, PR7 2TY. Proposed Flat on Land Adjoining Existing Flats.				
DRAWING TITLE Proposed Details. Floor Plan, Elevations & Site Plan.				
DATE 28.05.2013	SCALE as shown@A2	DRAWN GJF	DRWG No. 13/026/P01	REV A

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Item 3e	14/00110/OUT
Case Officer	Adele Hayes
Ward	Chisnall
Proposal	Outline application for the erection of 2 detached dwellinghouses (all matters reserved)
Location	69 Charter Lane Charnock Richard
Applicant	Mr And Mrs A.J, M & A Baybutt, McLeod & Cook
Consultation expiry:	12 March 2014
Decision due by:	13 February 2015

UPDATE:

It was previously considered that this application could be dealt with under delegated powers following Chairs Brief on 8 July 2014 with any grant of planning permission being subject to an associated legal agreement to secure a commuted sum payment for the provision of off-site public open space. However the formal decision notice has not yet been issued and since the changes introduced by the National Planning Practice Guidance (NPPG) in November last year, the Council's revised position is that all applications affected by the change to NPPG are taken to Chair's Brief for further consideration.

The NPPG 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 what are in the Government's view 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.

This development is for 2 dwellings which is below the 10 unit threshold and also has a gross floorspace of less than 1000m². 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.

The officer's original report is set out below and Members will note that the recommendation previously was to approve the application subject to a legal agreement. However since the NPPG changes this has now been revised to APPROVE. In all other respects the assessment of the proposal is unchanged and there are no other amendments to the report.

This application was taken to Chair's Brief on 20th January 2015 where it was considered that as there are identified open space/ play space deficits in this part of the Borough, and since the applicant has not agreed to enter in a legal agreement to secure a commuted sum towards provision, the Development Control Committee should determine whether a contribution towards public open space is necessary. The identified deficits in respect of this part of the Borough are set out within the body of the report

Members need not rehearse the arguments aired when it was first agreed by the Council that the matter could be approved. Any discussion should instead concentrate on the issues regarding imposition or not of tariff style obligations in s.106 agreements raised by the Ministerial Statement dated 28 November 2014. However if there have been material changes in relation to the application site since it was agreed that the application could be approved which might cause the decision to be revisited members are encouraged to discuss these issues.

RECOMMENDATION: PERMIT SUBJECT TO CONDITIONS

14/00110/OUT	DELEGATED REPORT
Target Date: 31 March 2014	
RECOMMENDATION: PERMIT SUBJECT TO LEGAL AGREEMENT AND CONDITIONS	
Signed:	
Case Officer: Adele Hayes Agreed:	
Date: 8 July 2014 Date:	
<p>RELEVANT POLICIES: In accordance with S.38 (6) Planning and Compulsory Purchase Act (2004), the application has been determined in accordance with the development plan (the Central Lancashire Core Strategy (2012), 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.</p>	
<p><u>Note on the Emerging Chorley Local Plan 2012-2026</u></p> <p>The Inspector has issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination later in 2014 to consider Gypsy and Traveller matters, which would enable the adoption of the local plan, following a supplementary report.</p> <p>Paragraph 18 of the Partial Report states: <i>“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However because of the very advanced stage in the examination process that the main modifications set out in the Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”</i></p> <p>The Council accepted the Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.</p>	
<p>HOW QUALITY OF SCHEME HAS BEEN IMPROVED: Acceptable as submitted</p>	
<p>COUNCILLOR REQUEST TO REFER TO COMMITTEE: None received</p>	
<p>CONSULTEE COMMENTS:</p> <p>The Coal Authority - Low risk area – standing advice recommended Lancashire County Council Highways - Recommend condition People & Places - Waste & Contaminated Land – No objections Charnock Richard Parish Council have confirmed that they have no objections United Utilities – no objections</p>	
<p>NEIGHBOUR COMMENTS:</p> <p>One letter of objection has been received objecting to the proposal on the grounds that it will result in a loss of light for the occupants of adjoining properties and the loss of a mature garden.</p>	

OFFICERS REPORT:**Proposal**

This application seeks outline planning permission for the erection of 2 detached dwellinghouses with all matters reserved for subsequent approval.

Site Description

This site is located in the Charnock Richard settlement and comprises a piece of land between 65 Charter Lane and two dwellings which are under construction (10/00298/FUL). Outline planning permission was granted in 2007 for the construction of 4 no. dwellings on a larger site that included this parcel of land. Two of these dwellings are being constructed at the present time and the original dwelling on the site was demolished to make way for the dwellings under construction. The dwellings being constructed were the subject of a full planning permission rather than a reserved matters application as the layout differed to that approved at outline stage. .

Constraints

Coal consultation zone
 More than 1 Other
 More than 1 Other
 Wind turbine consultation zone

Site History

The site history of the property is as follows:

Ref: 81/00657/FUL	Decision: PERFPP	Decision Date: 3 August 1981
Kitchen/bedroom extension and detached garage		
Ref: 07/01068/OUT	Decision: PEROPP	Decision Date: 13 December 2007
Outline application for the demolition of existing house and erection of four detached dwellings (layout only),		
Ref: 08/00471/FUL	Decision: PERFPP	Decision Date: 5 August 2008
Erection of detached house,		
Ref: 10/00298/FUL	Decision: PERFPP	Decision Date: 2 July 2010
Erection of two detached dwellings on plots 3 & 4 approved by outline planning permission no. 07/01068/OUT		
Ref: 10/00612/DIS	Decision: PEDISZ	Decision Date: 8 October 2010
Application to discharge condition nos. 7, 11, 12, 13 and 17 of planning permission no. 10/00298/FUL which permitted the erection of 2 no. detached dwellings		
Ref: 10/01069/OUT	Decision: PEROPP	Decision Date: 3 February 2011
Application for new planning permission to replace the extant outline planning permission on part of the site which permitted residential development (Ref No. 07/01068/OUT)		

Summary of Issues

The main issues for consideration in respect of this planning application are:

- The acceptability of the principle of the development
- Impact on the neighbours
- Open space
- Highway safety

Analysis of Issues

The land which is the subject of this application does not have any built development on it. Part of this application site was previously occupied by 69 Charter Lane but this dwelling has been demolished to make way, in part, for the two dwellings presently being constructed on the southern part of the site. Each of these

dwelling under construction includes its own residential curtilage hence once completed; the dwelling adjacent to the application site would have its boundary running from the front to the back of the site. The remaining land (the current application site) would not be used as a garden for the nearest dwelling being constructed. Moreover, as stated, the original dwelling on the site has now gone so what would remain is a piece of undeveloped land that does not form the residential curtilage of any property.

In this case, it is considered appropriate to assess the application against the provisions of Policy GN4 given that the land is no longer the residential curtilage of 69 Charter Lane or any other property. The nature of this site is now considered to be an infill plot which meets the description of such sites set out in paragraph 2.13 of the preamble to Policy GN4 of the Local Plan so has significant weight. This Policy states that Development in Rural Settlements (including Charnock Richard) will be limited to (a) Infill Sites. This being the case, it is considered that the proposal accords with the Development Plan.

Outline planning permission is being sought will all matters reserved. The scale of the dwellings will be two storey as per the original permission and a planning condition is recommended requiring the eaves and roof ridge levels of the dwellings developed to match that of the two dwellings under construction thus providing a consistent and aesthetically appropriate frontage along all four plots to the Charter Lane streetscene.

As with the previous application, no objections have been raised by LCC Highways and the relationship with the property to the north of the site (65 Charter Lane) will remain the same and this was considered acceptable when the original outline planning permission was granted.

The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Therefore, the provisions of emerging Local Plan Policies HS4A and HS4B and the approach in the SPD are relevant.

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 Charnock Richard in relation to this standard, a contribution towards new provision in the settlement is therefore required from this development. The amount required is £140.

Provision for children/young people

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

There is currently a surplus of provision in Charnock Richard in relation to this standard, a contribution towards new provision in the settlement is therefore not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. A contribution towards improvements is therefore also not required from this development.

Parks and Gardens

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

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

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.

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

Amenity greenspace	= £140
Equipped play area	= £0
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £15
Playing Pitches	= £1599
Total	= £1754

This will be secured by a S.106 agreement.

Conclusion

The proposal is considered to be acceptable and it is recommended that this application is granted conditional outline planning approval subject to a Section 106 Agreement.

Site Visit Date:	19 February 2014	Site Notice Expiry Date:	12 March 2014
Nbr Letter Expiry Date:	28 February 2014	Press Notice Expiry Date:	

RECOMMENDATION: PERMIT SUBJECT TO CONDITIONS

CODE: PERFPP

CONDITIONS

1. An application for approval of the reserved matters (namely the layout, external appearance of the dwellings, the landscaping of the site and the means of access thereto) 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.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The approved plans are:

Plan Ref.	Received On:	Title:
N/A	3 rd February 2014	Location Plan

Reason: To define the permission and in the interests of the proper development of the site.

3. Prior to the first occupation of the approved dwellings a 2.4m footway to an adoptable standard shall be provided across the full frontage of the site to Charter Lane. The footway shall be constructed to the LCC 'Specification for Construction of Estate Roads'.

Reason: To ensure adequate vision from the site access and in the interests of pedestrian safety.

4. The development hereby permitted shall not commence until samples of all external facing materials to the proposed dwellings (notwithstanding any details shown on the approved plans) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality.

5. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage.

6. No development shall take place until details of the proposed surface and foul 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 surface and foul water drainage arrangements have been fully implemented.

Reason: To secure proper drainage and to prevent flooding.

7. The layout of each dwelling shall include the provision for the parking of two vehicles if the dwellings have 3 bedrooms or 3 vehicles if the dwellings have 4 bedrooms or more and such provision shall be laid out and made available for use prior to the occupation of the dwellings hereby approved and retained for that purpose thereafter.

Reason: To provide adequate on site facilities and in the interests of highway safety.

8. That part of the access extending from the kerb line/edge of carriageway for a minimum distance of 5 metres into the site shall be paved in permanent construction, in accordance with details to be first approved in writing by the Local Planning Authority, before the access is used for vehicular purposes.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

9. The eaves and ridge heights of the dwellings hereby permitted shall match the eaves and ridge heights of the dwellings on the land adjoining.

Reasons: To define the permission and to ensure the dwellings relate well to the locality.



Ordnance Survey

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Item 3f	14/00309/FUL
Case Officer	Iain Crossland
Ward	Clayton Le Woods
Proposal	Resubmission of planning application 11/00120/FUL for erection of a two storey detached dwelling
Location	Land Adjacent To The Bungalow Chorley Old Road Clayton-Le-Woods Chorley PR6 7QZ
Applicant	Ms Zoe Kitson
Consultation expiry:	01 May 2014
Decision due by:	23 May 2014

Recommendation

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

Executive Summary

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

UPDATE: It was previously considered that this application could be dealt with under delegated powers following Chairs Brief on 13 May 2014 with any grant of planning permission being subject to an associated legal agreement to secure a commuted sum payment for the provision of off-site public open space. However, the formal decision notice has not yet been issued and since the changes introduced by the National Planning Practice Guidance (NPPG) in November last year, the Council's revised position is that all applications affected by the change to NPPG are taken to Chair's Brief for further consideration.

The NPPG 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 what are in the Government's view 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.

This development is for 1 dwelling, which is below the 10 unit threshold and also has a gross floorspace of less than 1000m². 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.

The officer's original report is set out below and Members will note that the recommendation previously was to approve the application subject to a legal agreement. However since the NPPG changes this has now been revised to APPROVE. In all other respects the assessment of the proposal is unchanged and there are no other amendments to the report.

This application was taken to Chair's Brief on 20th January 2015 where it was considered that as there are identified open space/ play space deficits in this part of the Borough, and since the applicant has not agreed to enter in a legal agreement to secure a commuted sum towards provision, the Development Control Committee should determine whether a contribution towards public open space is necessary. The identified deficits in respect of this part of the Borough are as follows:

Provision for children/young people: There is currently a deficit of provision in the Clayton Brook/Green ward in relation to this standard and the legal agreement would secure a contribution towards new provision= £134 per dwelling

Allotments: A new allotment is proposed at Land at Sylvesters Farm, Euxton (HW5.2), which is within the accessibility catchment (10 mins drive time) of the site and the legal agreement would secure a contribution towards the provision of this allotment allocation= £15 per dwelling.

Playing Pitches: There is a Borough wide deficit of playing pitches= £1,599 per dwelling.

Members need not rehearse the arguments aired when it was first agreed by the Council that the matter could be approved. Any discussion should instead concentrate on the issues regarding imposition or not of tariff style obligations in s.106 agreements raised by the Ministerial Statement dated 28 November 2014. However if there have been material changes in relation to the application site since it was agreed that the application could be approved which might cause the decision to be revisited members are encouraged to discuss these issues.

Consultation expiry date: 01 May 2014

Decision date: 23 May 2014

Proposal

1. Resubmission of planning application 11/00120/FUL for the erection of a two storey detached dwelling on land adjacent to The Bungalow, Chorley Old Road, Clayton Le Woods.
2. The proposed dwelling would measure 10.6m in width, with a garage projecting an additional 3.3m from the side elevation. It would be a maximum of 8.4m in depth with a bay window projecting around 1m to the front. There would be a dual pitched roof with front gable feature. The ridge and eaves height of the dwelling would be around 6.4m and 3.5m respectively and the ridge and eaves height of the attached garage would be around 4m and 2.5m respectively.
3. An existing vehicular access to Chorley Old Road would be utilised and facilitated by the removal of an existing detached garage.

Recommendation

4. It is recommended that this application is granted conditional planning approval subject to the associated Section 106 Agreement.

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Background information;
 - Principle of the Development;
 - Design and impact on the character of the area;
 - Impact on neighbour amenity;
 - Impact on Highways / Access;
 - Section 106 Agreement.

Representations

6. One letter of objection has been received from the occupiers of 25 Ashdown Drive. This relates to the following issues:
 - Garden development
 - No requirement for further housing
 - Loss of light
 - Loss of outlook
 - Loss of privacy
7. No letters of support have been received
8. Clayton Le Woods Parish Council have no comments to make on the application

Consultations

9. **Lancashire County Council (Highways)** - No objection
10. **Chorley's Waste & Contaminated Land Officer** - No objections subject to an assessment being carried out prior to the commencement of development to determine the presence of land contamination, and any subsequent remediation carried out.

Applicants Case (if required)

11. The proposed scheme is for a new two storey detached dwelling on a currently vacant site that was previously used as an area for vehicle repair and was scattered with run

down temporary sheds. This proposal will create an attractive residential dwelling on a previously disused, unsightly plot of land.

Assessment

Background Information

12. This application seeks planning permission for the erection of a two storey dwelling on land adjacent to The Bungalow, Chorley Old Road, Clayton Le Woods. The application site has some planning history, which is of particular relevance to the determination of this application.
13. The application site falls within the same ownership as the adjacent bungalow, however, this is not a private residential garden. The local Parish Council and Councillor Bell have confirmed that historically this site was used for a small car repairs garage. Retrospective planning permission was granted in 1992 (Ref 92/385) for Mr Kitson (father of applicant) to use the site for car repairs. A condition of this permission was that the site could only be used specifically by Mr Kitson given the surrounding residential nature of the area – with a more intensive garage use considered inappropriate. Since his retirement the site appears to have been left vacant and the majority of buildings removed.
14. In April 2011 an application (ref. 11/00120/FUL) was approved for the erection of a two storey dwelling on the same site. The original design was amended several times to address overlooking and privacy issues. The property would have been over 30m from the boundary with the nearest neighbour and at a significantly lower level so would not give rise to issues relating to overlooking or overshadowing. Removing first floor habitable room windows ensured that the relationship with The Bungalow was acceptable should this become owned by a family other than that of the applicant.
15. As such, in considering this application, it is relevant to assess what differences there may be in relation to the previously approved scheme.

Principle of the development

16. In determining the principle of the development it is relevant to consider the previous application, but also whether there have been any changes in policy which may have an impact on the principle of the development.
17. The proposed development is identical to the previously approved 11/00120/FUL, with the exception of a front dormer window having been replaced by a roof light. All other elements remain the same.
18. Turning to the issue of planning policy, 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.
19. 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.
20. 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.”*
21. 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.
22. The application site is located in the core settlement area of Clayton le Woods. The emerging Chorley Local Plan 2012 - 2026 states that within the settlement areas

excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.

23. The site is not considered to be a private residential garden and was most recently used for small scale car repairs. Since this operation ceased there does not appear to have been an intervening use with the site having fallen into a state of abandonment. It is certainly not being used as a garden at the present time and does not appear to have been used as such. Policy HS3 of the emerging Chorley Local Plan 2012 -2026 is not therefore applicable and the principle of the proposed development is considered acceptable.

Design and impact on the character of the area

24. The current proposal is for the erection of a two storey dwelling, which is a house type common to the immediate area. The bungalow has been designed to reflect the character and appearance of the surrounding area and would be constructed of red brick elevations with a pitched roof laid in concrete tiles.
25. In terms of the layout the constraints of the site restrict what can be achieved. The applicant's architect has confirmed that one of the reasons for having the property side-on is not only to make best use of the site but also minimise any overlooking to surrounding properties. Having the house in the position shown ensures that all first floor habitable room windows face out onto the garden and across onto Chorley Old Road, away from the objector's property. Having a house front onto the main road would lead to overlooking onto the site for future occupiers and potential conflict with 5 Chartwell Close. The orientation of the house has also been changed to face south – having the principle elevation of the house as the only visible side from the street – especially important given the site's prominent elevated position in the street scene.
26. In addition to this there is no clear urban form along Chorley Old Road; whilst the immediate run of houses do face the road, residential development is primarily focused around small suburban estates (such as Chartwell Close and Ashdown Drive) set back from the road in the form of small cul-de-sacs. The layout proposed is therefore considered to be acceptable and makes the best use of this brownfield site in a residential area, whilst removing any potential impact on amenity for future residents.
27. It is noted the other nearby properties fronting Chorley Old Road are Bungalows. The design of the proposed dwelling is consistent with the unique mix of bungalows along Chorley Old Road as it is not a traditional two storey design. Given the mix of architectural styles, ages, and materials the proposal would not be out of character and would add to this existing mix of styles of bungalows in the immediate locality.
28. The appearance of the property is therefore considered to be acceptable and complies with Policy BNE1 of the emerging Chorley Local Plan 2012 - 2026.
29. It must be noted at this point that the size of the plot is somewhat restrictive and therefore it is considered appropriate, in the interests of both the amenity of the neighbouring residents and the impact on the character and appearance of the street scene, to remove permitted development rights by planning condition in order to ensure the development remains in accordance with Policy BNE1 of emerging Chorley Local Plan 2012 - 2026.

Impact on Neighbour Amenity

30. Emerging Chorley Local Plan 2012 – 2026 BNE1 requires proposals for all new housing to ensure an appropriate level of amenity for both future occupants and surrounding neighbours. In terms of the future occupants the scheme would include space around the house and a garden area of approximately 9.5m in length and 15m in width. This is considered to provide a good level of private amenity area.
31. The side-on orientation ensures that the property faces south – with the traditional 'rear' garden at the front, and vehicular parking and access to the rear. During the determination of the previous application one option considered and discounted involved

facing the house onto Chorley Old Road reflecting the layout of The Bungalow. This was discounted due to the impact on residential amenity for future occupants who would be overlooked by properties on Chartwell Close, which is at a considerably higher level, albeit separated by existing mature tree planting.

Impact on 'The Bungalow'

32. In terms of the impact on surrounding properties the nearest is The Bungalow itself, which would be approximately 15m away and site perpendicular to the rear elevation. The Bungalow and neighbouring property beyond are unique in that they have little or no rear gardens, with private amenity space restricted to the front, which is predominantly used for car parking. Whilst there would be some overshadowing caused by the new development by virtue of its southern position, the degree of separation (15m), modest height of the proposed dwelling (6.4m), and excavation of land levels (further 1m) ensures this would not have a significant detrimental impact. The ridge height of The Bungalow extends to 5.1m, with the new property 6.4m. This difference of 1.3m would not significantly overshadow the neighbouring property and would not appear overly dominant in terms of its scale and massing.
33. The proposed dwelling would face south onto Chorley Old Road. This ensures that there are no habitable room windows at first floor level which would overlook The Bungalow.
34. One window is proposed to the side elevation serving Bedroom 2 however this looks out onto a public footpath and parking area at the top of Chartwell Close; improving natural surveillance onto this space. The proposal complies with the Council's spacing standards and first floor habitable room windows will not overlook The Bungalow.

Impact on Other Property

35. One letter of objection has been received raising concerns over the impact of the proposal on the amenity of 25 Ashdown Drive in terms of loss of light, outlook and privacy. However, 25 Ashdown Drive is approximately 40m from the application site to the north-east and is also set at a significantly higher level with mature boundary landscaping. Given the change in land levels and degree of separation there will be no significant impact on this property in terms of loss of light, outlook or privacy. No objection has been received from the closest neighbour at 5 Chartwell Close, who benefits from a large detached garage sited between the new house and their private garden area.
36. In terms of overlooking to these properties there are no first floor bedroom windows on the rear elevation and the new dwelling is over 10m from the boundary with 5 Chartwell Close. Whilst one window is proposed on the side elevation this overlooks the parking area at Chartwell Close. Given the acute angle to neighbouring properties, degree of separation, boundary landscaping, and change in levels this window will have no impact on neighbouring property.
37. In summary, the proposal is considered to be acceptable in accordance with the Council's Design Guidance and spacing standards. Whilst a letter of objection has been received from 25 Ashdown Drive this property is some 40m away and set considerably higher than that proposed, ensuring there will be no significant impact in terms of overshadowing and with no overlooking following amendments to the layout. The proposal meets all the relevant standards and therefore complies with Policy BNE1 of the emerging Chorley Local Plan 2012 - 2026.

Access and Parking

38. Policy ST4 of the emerging Chorley Local Plan 2012 – 2026 requires all proposals to have safe access and adequate car parking. LCC Highways have reviewed the proposed access arrangements and confirmed they are acceptable and simply seek to re-use the existing access to have a shared arrangement.

39. The house proposed would have 4-bedrooms and in accordance with the advice in the Householder Design Guidance 3no. car parking spaces would be provided; one in a single garage with sufficient space left over to the front of the property to easily accommodate a further 2no. vehicles. The proposal therefore meets the tests of Local Plan Policy ST4 and is acceptable in highways terms.

Section 106 Agreement

40. In line with Council guidelines the applicant has agreed to enter into a Section 106 legal agreement towards equipped play areas, casual/informal play space and playing fields. The legal agreement has been passed to the applicant any planning permission would be subject to this S106.

CIL

41. In line with the adopted CIL charges and associated regulations the development would result in a payment of around £10,517 towards infrastructure in the local area.

Overall Conclusion

42. The proposal meets the Council's guidance with regard to overlooking and separation distances. Whilst a neighbouring resident has objected, the property would be over 30m from their boundary and at a significantly lower level so will not give rise to issues relating to overlooking or overshadowing in accordance with Policy BNE1 of the emerging Chorley Local Plan 2012 - 2026. Removing first floor habitable room windows also ensures that the relationship with The Bungalow is acceptable should this become owned by a family other than the applicant.
43. Subject to conditions the proposal meets all other relevant Development Plan Policies and the applicant has agreed to enter into a Section 106 legal agreement for the contribution to open space. It is therefore recommended that full planning permission is granted.

Other Matters

No requirement for further housing

44. The proposed development would not take place on a site that is allocated for housing or any other type of use. It would therefore represent a windfall site. The preamble to policy HS1 of the emerging Chorley Local Plan 2012 – 2026 states that *windfall sites can be in sustainable locations and their development can enable the effective use of brownfield land, help to regenerate areas, and provide a mix of housing in terms of tenure and price. Accordingly, the development of windfall sites will be considered favourably, subject to accordance with other relevant policies in the development plan.* As such, the principle of developing a dwelling on the site proposed is acceptable.

Planning Policies

National Planning Policies:

National Planning Policy Framework (The Framework)

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, HS4 and TR8

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Joint Core Strategy

Central Lancashire Core Strategy (2012)

Emerging Chorley Council Local Plan 2012 - 2026

V1, ST4, BNE1

Planning History

Ref:	11/00120/FUL 7 April 2011	Decision:	PERFPP	Decision Date:
Description:	Erection of a 2-Storey detached dwelling			
Ref:	85/00855/FUL 25 February 1986	Decision:	REFFPP	Decision Date:
Description:	Garage for repair of motor vehicles			
Ref:	77/00398/FUL 5 July 1977	Decision:	REFFPP	Decision Date:
Description:	Garage			
Ref:	77/00759/FUL 25 October 1977	Decision:	PERFPP	Decision Date:
Description:	Garage			

Conditions

1. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission or unless otherwise first agreed to in writing by the Local Planning Authority.

Reason: To define the permission and in the interests of the proper development of the site.

2. The integral/attached garage shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 1, Class A to D) or any Order revoking or re-enacting the Order, no alterations or extensions shall be undertaken to any dwelling hereby permitted.

Reason: To protect the appearance of the locality.

5. 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.

6. This consent relates to the following plans:

Plan Ref.	Received On:	Title:
SK/32/1	19 March 2014	Site Location Plan
SK/32/2A	19 March 2014	Existing Plan
SK/32/3D	19 March 2014	Proposed Site Plan
SK/0/1D	19 March 2014	Proposed Floor Plans
SK/0/2D	19 March 2014	Proposed Elevations

Reason: To define the consent and to ensure all works are carried out in a satisfactory manner.

7. No development shall take place until details of the proposed 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 surface water drainage arrangements have been fully implemented.

Reason: To secure proper drainage and to prevent flooding

8. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab 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 only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents.

9. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality

11. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality

12. Due to past processes/activities at this site, (coal storage/depot; vehicle repair/garages) there is a potential for ground contamination. The development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.

The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use.

13. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property

14. All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of

occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.

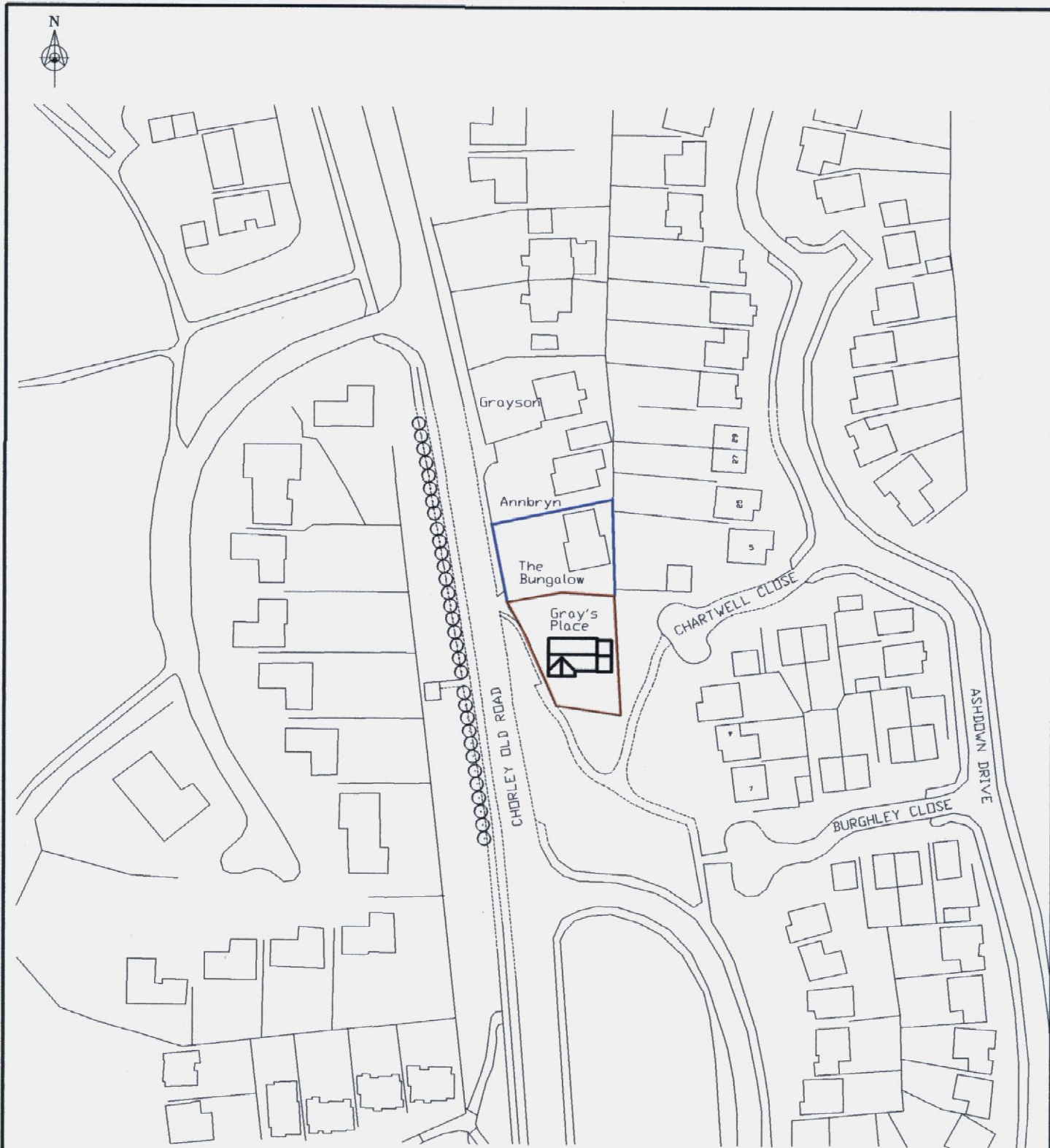
Reason: In the interests of minimising the environmental impact of the development

15. 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

16. 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



Site Location Plan
Scale 1:1250

CHORLEY COUNCIL
141003091RU
DEVELOPMENT CONTROL
DCLC
REC'D 19 MAR 2014

FILE	
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BRAMLEY - PATE + PARTNERS
Chartered Architects - Telephone (01772) 335357

Zoe Kitson Proposed Housing Development Land at 'The Bungalow', Chorley Old Road, Brindle, Chorley, PR6 7QZ	27/10/2010
Site Location Plan 1:1250	Job No. 2594
	SK/321

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Item 3k	13/00757/FUL
Case Officer	David Stirzaker
Ward	Chorley North
Proposal	Conversion of ground floor from hairdressing salon to self-contained flat
Location	Novita, 37 Cowling Brow, Chorley
Applicant	Mr And Mrs Tebbutt
Consultation expiry:	1st July 2014
Decision due by:	30th December 2013

UPDATE

It was previously considered that this application could be dealt with under delegated powers with any grant of planning permission being subject to an associated legal agreement to secure a commuted sum payment for the provision of off-site public open space. However the formal decision notice has not yet been issued and since the changes introduced by the National Planning Practice Guidance (NPPG) in November last year, the Council's revised position is that all applications affected by the change to NPPG are taken to Chair's Brief for further consideration.

The NPPG 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 what are in the Government's view 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.

This development is for one dwelling which is below the 10 unit threshold and also has a gross floorspace of less than 1000m². 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.

The officer's original report is set out below and Members will note that the recommendation previously was to approve the application subject to a legal agreement. However since the NPPG changes this has now been revised to APPROVE. In all other respects the assessment of the proposal is unchanged and there are no other amendments to the report.

It was previously considered that this application could be dealt with under delegated powers on 26th February 2014 where it was considered that as there are identified open space/ play space deficits in this part of the Borough, and since the applicant has not agreed to enter in a legal agreement to secure a commuted sum towards provision, the Development Control Committee should determine whether a contribution towards public open space is necessary. The identified deficits in respect of this part of the Borough are as follows:

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 (ref 1644 – Whittam Road/ Moor Road Allotments, Chorley and ref 1648 – Rear of Bay Horse Hotel, Whittle-le-Woods).

The site is also 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 allotment provision is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

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

Members need not rehearse the arguments aired when it was first agreed by the Council that the matter could be approved. Any discussion should instead concentrate on the issues regarding imposition or not of tariff style obligations in s.106 agreements raised by the Ministerial Statement dated 28 November 2014. However if there have been material changes in relation to the application site since it was agreed that the application could be approved which might cause the decision to be revisited members are encouraged to discuss these issues.

Recommendation Approve

<p>13/00757/FUL</p> <p>Target Date: 30th December 2013</p>	<p>DELEGATED REPORT</p>
<p>RECOMMENDATION: Grant Planning Permission CODE: LEGFUL</p> <p>Signed:</p> <p>Case Officer: D. Stirzaker..... Agreed:</p> <p>Date: 26th February 2014 Date:</p>	
<p>RELEVANT POLICIES: In reaching this decision the policies for the area, which currently comprises the Development Plan which comprises the saved policies of the Adopted Chorley Borough Council Local Plan Review (2003), the Central Lancashire Core Strategy (2012) and all other relevant planning guidance, including supplementary planning guidance and supplementary planning documents, were taken into account. This includes specifically the following policies:</p> <p><i>National Planning Policy Framework (NPPF)</i> <i>Chorley Local Plan Review – GN1 / GN5 / HS4 / HS6 / HS21 / TR4 / Design SPG</i> <i>Emerging Chorley Local Plan – ST4 / HS4A / HS4B / EP8 / BNE1</i> <i>Central Lancashire Core Strategy – Policy 4 / Policy 5 / Policy 6 / Policy 10 / Policy 17 / Policy 29 / Design SPD</i></p>	
<p>HOW QUALITY OF SCHEME HAS BEEN IMPROVED: Acceptable as submitted</p>	
<p>COUNCILLOR REQUEST TO REFER TO COMMITTEE: No</p>	
<p>CONSULTEE COMMENTS: The Coal Authority – Low Risk Area (Standing Advice Informative) LCC (Highways) - No objections Planning Policy Advice - Satisfied that the proposal is in accordance with Policy EP8 of the emerging Local Plan based on the additional supporting information submitted by the applicants agent</p>	
<p>NEIGHBOUR COMMENTS: No comments received</p>	
<p>OFFICERS REPORT: Proposal This application relates to the conversion of the ground floor of the property from a hairdressing salon to a self-contained flat.</p> <p>Site Description The site comprises of an end of terrace property located on Cowling Brow in the settlement of Chorley. The property comprises of a hairdressing salon at ground floor and a self-contained flat above at first floor level. To the front of the property is a hard standing area which merges into the footpath and to the rear is a garage.</p> <p>Constraints Coal consultation zone Chorley Core Area</p>	

Site History

The site history of the property is as follows:

Ref: 13/00577/FUL **Decision:** WDN **Decision Date:** 12 August 2013

Description: Conversion of ground floor from hairdressing salon to self-contained flat

Ref: 5/1/01971 **Decision:** PERFPP **Decision Date:** 23 January 1963

Description: Construction of new shop front

Summary of Issues

The main issues are as follows: -

Issue 1 - Principle of Development

Issue 2 - Design & Scale

Issue 3 - Neighbour Amenity

Issue 4 - Traffic & Parking

Analysis of Issues*Issue 1*

As the property comprises an A1 use at ground floor, Policy EP8 of the emerging Chorley Local Plan states that a change of use application resulting in the loss of an A1 premises must demonstrate that a) the use is not financially viable, b) there is sufficient provision in the local area; and c) the facility is in an isolated location remote from public transport routes.

The applicant had now originally submitted information to address this but has now submitted a supporting statement, prepared by the agent who is a Chartered Surveyor, setting out how the commercial use of the property over the last 3 years has struggled wherein 3 tenants have not been able to run a business successfully with all leaving in arrears even when the landlord has allowed significant rent free periods. The statement asserts that the premises and the location mean that the property is unlikely to be able to sustain a viable business in the foreseeable future.

The supporting statement also details what provision there is in the locality of other shops and the nearest comprise a hot foot takeaway and an off-licence and grocers. There are also several other shops on Cowling Brow. The statement concludes that the property of this nature can no longer cater for a local need as a business could no longer compete with larger stores in Chorley. The property should therefore be permitted to change to a flat to avoid the risk of it falling into neglect.

Planning Policy have considered the statement and consider it sufficiently addresses the requirements of Policy EP8 of the emerging Chorley Local Plan. The 'principle' of the conversion of the property to a flat is there now an acceptable one.

Issue 2

The application plans detail a proposed layout internally and propose the use of panels in the shop frontage to provide privacy for occupants. However, the Design & Access Statement (DAS) states that the shop front will be removed and the property will be given a more domestic frontage. The final details of the frontage are therefore recommended to be the subject of a pre-commencement condition. No other changes are proposed to the property and the DAS also states that the hard standing at the front of the property will be retained for the occupier/s of the flat to use as an off road car parking space.

Issue 3

The change of use of the ground floor of the premises from a hairdressing salon to a flat will

potentially lead to a reduction in noise and disturbance for neighbours given the most recent use of the property as a hairdressing salon. Moreover, the hairdressing salon could have been re-used for retail purposes given it falls within Use Class A1. On this basis, it is considered that the proposed flat at ground floor will not cause detrimental harm to the living conditions of the adjoining and adjacent residents.

Issue 4

There is space to park a car at the front of the property and there is also space at the rear of the property in a garage. On street parking is also available on Cowling Brow and on Brownley Street. LCC (Highways) have not raised any objections to the application so on this basis, there are no objections to the application on traffic and parking grounds.

Conclusion

On the basis of the above, it is recommended that planning permission be granted subject to the signing of a S106 agreement to secure a commuted sum in line with the recently adopted Open Space and Playing Pitch SPD.

Site Visit Date:	11 th December 2013	Site Notice Expiry Date:	1 st January 2014
Nbr Letter Expiry Date:	27 th November 2013	Press Notice Expiry Date:	N/A

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37 Cowling Brow Chorley

DLLOC - 13/00577/PUL

26 JUN 2013



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Item 3n	14/01011/FULMAJ
Case Officer	Adele Hayes
Ward	Clayton-le-Woods West and Cuerden
Proposal	Erection of 36 no. residential dwellings together with associated infrastructure - Plots 161-196 inc.
Location	Land 340M East Of Cuerden Farm Wigan Road Clayton-Le-Woods
Applicant	Redrow Homes Limited Lancashire Division
Consultation expiry:	4 November 2014
Decision due by:	27 February 2015

Recommendation

It is recommended that this application is approved subject to conditions and an associated Section 106 Agreement to secure the provision of 11 affordable dwellings and a financial contribution towards the provision of public open space as detailed in the main report.

Proposal

1. This application relates to part of the applicant's wider land holding which extends to some 8.48 hectares in total and benefits from planning permission for the erection of 160 no. dwellings. Outline planning permission for residential development on the site was originally granted in 2012 (12/00941/OUTMAJ).
2. Members will recall that they resolved to grant reserved matters approval for a re-plan of part of the approved development on a reduced site area at Committee last December. (14/01003/REMMAJ).
3. Full planning permission is now sought for the construction of 36no. dwellings on this parcel of land that comprises 1.26 hectares.
4. The site is located to the north of Clayton-le-Woods, within the defined settlement as indicated on the proposals map of the emerging local plan.

Recommendation

5. It is recommended that the application is approved.

Representations

6. No representations have been received.

Consultations

7. **Clayton-le-Woods Parish Council** have confirmed that they have no comments to make.
8. **The Environment Agency** have no objection in principle and recommend a condition relating to surface water drainage.
9. **Strategic Housing** requested a revision to the proposed mix of affordable dwellings originally proposed.

10. **Lancashire County Council Highways** have no objection to the application and recommend conditions.
11. **Lancashire County Council Education** have requested a contribution of £156,385 towards 13 primary school places.
12. **Director of People & Places (Waste)** has no objection.
13. **United Utilities** have no objection in principle and recommend a condition relating to foul and surface water drainage.

Assessment

Principle of the development

14. The principle of redeveloping the wider site with housing was originally established as being acceptable by the grant of outline planning permission in 2012; the Section 73 applications to vary condition 2 (Code for Sustainable Homes) and 16 (construction of a footpath / cycleway link); and by the subsequent approval of reserved matters.
15. This application is essentially for the consideration of an additional 36no. dwellings.
16. The whole of the applicant's land holding forms part of a mixed use development allocation within the emerging local plan.
17. Policy EP1.15 requires 15 hectares of the whole mixed use allocation for B1, B2, B8 uses. This employment site also forms part of the Core Strategy Policy 10 employment land provision.
18. The Local Plan Inspector concluded that "the allocation of 15.0 hectares of employment land for the full range of Class B uses at site EP1.15, as detailed (MMEC48 and MMEC60) is justified. But since the master planning of the combined HS1.31 and EP1.15 sites will require careful consideration, a degree of flexibility regarding their respective site areas may be necessary in order to achieve the most appropriate and effective comprehensive planning of this mixed use site."
19. The Council monitors annually the employment land supply and at March 2014 there was an employment land supply of 89.58 hectares. This is below and short of the residual land requirement of 96.58 hectares (March 2014). However the Local Plan Inspector examined the employment land supply at the examination. She concluded at the time in paragraph 128 (last sentence): "I consider that this reduced supply remains generally consistent with the Core Strategy requirements, whilst also reflecting actual take-up rates". The Inspector also states at para 26 " I conclude that the employment allocations accord with the quantum and locational strategy of the Core Strategy for employment development, and that the range of site sizes and types provide a flexible portfolio of sites".
20. Policy EP10 allocates a primary school to be developed on the site and it is important the site supports the wider strategic elements of the allocation, namely the employment land and a new school. It would fall to the remainder of the allocated site to support 15 hectares of employment land and the new school.
21. The land to the north of the application site is to be utilised for employment uses forming part of the 15 hectare employment allocation (EP1.15).

Housing

22. The emerging Chorley Local Plan duplicates the Core Strategy Homes for all Strategic Objectives. Of particular relevance to this application are Objectives SO5, SO6 and SO8 which are consistent with the Framework:
 - Objective SO5: To make available and maintain within Central Lancashire a ready supply of residential development land over the plan period, so as to help deliver sufficient new housing of appropriate types to meet future requirements. This

should also be based on infrastructure provision, as well as ensuring that delivery does not compromise existing communities.

- Objective SO6: To achieve densities for new housing that recognises the local character of surrounding areas, whilst making efficient use of land.
- Objective SO8: To significantly increase the supply of affordable and special needs housing particularly in places of greatest need such as more rural areas.

23. At the Clayton Le Woods site, applications from the following house builders/developers are now approved:

David Wilson/Taylor Wimpey:	294 dwellings approved and under construction
Roland:	44 approved and under construction
Parkhomes:	52 approved
Redrow:	160 approved
Gladman application:	<u>220 approved</u>
Total:	770

24. The site as a whole is allocated for 699 units in the emerging Chorley Local Plan. This application would result in a total of 806 dwellings on site, exceeding the allocated figure by a total of 107 units.
25. The proposed additional housing is considered to be acceptable in principle because the whole Clayton Le Woods site is allocated for a mix of uses including housing. An outline consent has already been granted establishing the principle of housing development which includes this site. The proposal accords with Core Strategy Policy MP and emerging Local Plan Policy V1: Model Policy which states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework.
26. The overall higher density on the site is acceptable at 23 dwellings per hectare and makes efficient use of land. It is at a density which is in keeping with local areas and which will have no detrimental impact on the character, appearance, distinctiveness and environmental quality of the area.
27. The number of housing units developed during the 2013/2014 period is 582 units and this indicates a healthy housing supply from predominantly housing allocations (81%) in the Local Plan.

Affordable housing

28. Policy 7 of the Core Strategy requires a minimum proportion of 30% affordable housing on market housing schemes in non-rural areas. Paragraph 43 states that a range of special housing and support options are required for older and vulnerable people who require assistance to maintain their independence. Criterion (e) of Policy 7 states that special needs housing, including extra care accommodation, will be required to be well located in communities in terms of reducing the need to travel to care and other service provision and a proportion of these properties will be required to be affordable.
29. The applicants are required to provide 30% affordable housing on the site which equates to 11 affordable units. Where it is proposed that the affordable housing provision should be on-site, but where the calculation does not equate to whole units, the actual provision will be rounded up or down to the nearest number. (para 49 -Central Lancashire Affordable Housing SPD Oct 2012).
30. The 2009 Strategic Housing Market Assessment (SHMA) estimated that there is an annual shortfall of 723 affordable properties a year borough wide in Chorley, but it does not set out the levels of need in different settlements. However, it clearly indicates high levels of affordable housing need in the Borough as a whole. Therefore, it is considered important to seek 30% affordable housing on appropriate sites, which also accords with Core Strategy Strategic Objective SO8 which aims to significantly increase the supply of affordable and

special needs housing particularly in places of greatest need such as more rural areas.
There is a significant need in Chorley Borough

31. The following mix of affordable units is proposed:

Social Rent:

4 x 1 Bed Flats
4 x 2 Bed Houses

Intermediate:

3 x 3 Bed Houses

32. The number of proposed affordable units has been increased from 10 to 11 since the application was originally submitted and changes to the mix has been made in response to the comments made by the Council's Strategic Housing Team.
33. It is considered that the proposal involves a good mix of dwelling sizes and the balance of affordable units reflects need.

Open Space

34. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Therefore, emerging Local Plan Policies HS4A and HS4B, and the approach in the SPD, apply.

Amenity Greenspace

35. Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a surplus of provision in Clayton-le-Woods in relation to this standard, a contribution towards new provision in the settlement is therefore not required from this development. However, the site is within the accessibility catchment (800m) of an amenity greenspace which is identified as being of low quality and low value in the Open Space Study (site 1954 – off Cypress Close). A contribution towards improvements to this site is therefore required from this development. The amount required is £140 per dwelling.

Provision for children/young people

36. Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a deficit of provision in Clayton-le-Woods in relation to this standard, a contribution towards new provision in the settlement is therefore required from this development. The amount required is £134 per dwelling.

Parks and Gardens

37. There is no requirement to provide a new park or garden on-site within this development.
38. There are no parks/gardens within the accessibility catchment (1,000m) of this site therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace

39. 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

40. There is no requirement to provide allotment provision on site within this development.
41. There is an allotment site within the accessibility catchment (10 mins drive time) of this site that is identified as being of low quality in the Open Space Study (1648 - Rear of Bay Horse, Preston Rd, Whittle-le-Woods) a contribution towards improving the quality of this site is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

42. 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.

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

Amenity greenspace	= £5,040
Equipped play area	= £4,824
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £540
Playing Pitches	= £57,564
Total	= £67,968

44. This will be secured through a Section 106 Obligation.

Design and character of the development

45. The design principles for the development on the applicant's adjoining land are set out in an approved Design Code and the proposed scheme is consistent with these principles.
46. There will be a mixture of dwelling types and sizes ranging from 1 bed apartments to 4 bedroom family homes comprising a mix of detached, semi-detached, terraced and apartment dwellings.
47. The general design principle for the proposed layout incorporates a perimeter block layout with strong street frontages and secure defensible rear gardens.
48. The need to create connectivity both within the development site and into the existing neighbourhood and the land to the east was established as desirable at outline stage.
49. Consideration has been given to the wider area and a potential access point has been incorporated to provide both vehicular and pedestrian linkages to land to the east.
50. It is considered that the proposed scheme develops a legible environment with good connectivity across the site.
51. Inclusive design principles have been adopted and the development delivers 30% affordable housing, some 11 dwellings.
52. Existing hedgerows and two trees at the north eastern corner of the site will be retained.

Traffic and Transport

53. The site will be accessed via the principal access from Wigan Road which also serves the applicant's approved development.
54. The Highway Engineer at Lancashire County Council has been consulted and has raised no objections.
55. The proposed development is permeable internally and has provision for future external connectivity to the east.
56. All the detached and semi-detached properties meet the Council's parking standards of two spaces for three bed properties and four spaces for four or more bed properties.
57. On the higher density part of the site, the properties all have one, two or three bedrooms and therefore require two spaces each.
58. There are 11 properties located within a distinct 'Courtyard' area that will benefit from a total of 16 parking spaces which equates to 150% provision. For each property to have two spaces this would result in a requirement for 22 spaces and so the layout is 6 spaces short. However, the spaces on this part of the site are not provided in driveways but rather in front of properties and are not all allocated to specific properties.
59. With many of the spaces not being allocated it will allow a more flexible and efficient use of them as visitors will be able to park in spaces that would not otherwise be available if they were dedicated to a property, even if they were empty. This approach, with a mixture of dedicated and non-dedicated spaces, is supported by Manual for Streets which states a combination of on-plot, off-plot and on-street parking will often be appropriate. LCC Highways have not objected to the proposal on these grounds. The more flexible the use of parking spaces, the more efficient the use of space is. In this case it is also considered that communal parking for residents and visitors is therefore considered acceptable.
60. This approach has been accepted previously.

Impact on the neighbours

61. The application site has a gentle rise on a west / east axis. It is considered that the proposal will not result in any significant loss of amenity for the future residents within the development or occupiers of other dwellings that have planning permission and that will be built on adjoining land.
62. The approved dwellings on the adjoining land to the west of the site will have finished floor level of 64.3. The proposed dwellings that will be located closest to these will have finished floor levels of 64.8 with facing habitable rooms at a distance of 21m. The relationships are considered to be acceptable.

Flood Risk

63. At outline stage it was demonstrated that the development is not at risk of flooding from external sources and the risk of flooding will not be increased by the development and its environment.

Drainage and Sewers

64. United Utilities have no objection subject to conditions relating to the details of foul and surface water drainage. It is proposed the site drainage system will be adopted by United Utilities.

Sustainable Resources

65. Policy 27 of the Core Strategy relates to Sustainable Resources in New Developments. This requires new dwellings to be built to Level 4 (or Level 6 if commenced after January 2016) of the Code for Sustainable Homes.
66. Policy 27 also includes the following requirements which are applicable to schemes of five or more dwellings.
- Criteria (a) - Evidence is set out to demonstrate that the design, orientation and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change;
 - Criteria (b) - Prior to the implementation of zero carbon building through the Code for Sustainable Homes for dwellings or BREEAM for other buildings, either additional building fabric insulation measures; or
 - appropriate decentralised, renewable or low carbon energy sources are installed and implemented to reduce the carbon dioxide emissions of predicted energy use by at least 15%;
 - Criteria (c) - Appropriate storage space is to be provided for recyclable waste materials and composting;
 - Criteria (d) - If the proposed development lies within a nationally designated area, such as a Conservation Area or affects a Listed Building, it will be expected to satisfy the requirements of the policy through sensitive design unless it can be demonstrated that complying with the criteria in the policy, and the specific requirements applying to the Code for Sustainable Homes and BREEAM, would have an unacceptable adverse effect on the character or appearance of the historic or natural environment.

67. Appropriate conditions are recommended.

Community Infrastructure Levy (CIL)

68. The development will be liable for the Community Infrastructure Levy (CIL).
69. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sq. m. and charging commenced 1 September 2013.
70. There is 100% relief from CIL on those parts of a chargeable development which are intended to be used as social housing. Therefore only 25 dwellings will be chargeable for CIL.
71. The request for a contribution from LCC Education is noted, however education requests such as this are included in the CIL levy.

Conclusion

72. The site forms part of a mixed use allocation in the emerging Chorley Local Plan which forms part of the Clayton Le Woods (Lancaster Lane) Urban Local Service Centre. Housing is acceptable in principle on this site. The proposal will contribute to the achievements of sustainable development and will be consistent with the requirements of the Framework which has a presumption in favour of sustainable development. The applicant proposes to deliver a range of types of housing and overall higher density on the site is acceptable at 23 dwellings per hectare and makes efficient use of land. The proposal is at a density which is in keeping with local areas and which will have no detrimental impact on the character appearance, distinctiveness and environmental quality of an area.
73. The land to the north is to be utilised for employment uses forming part of the 15 hectare employment allocation (EP1.15) and the application proposal should not compromise any future employment use.

74. The applicant is required to provide 30% affordable housing on the site and this would equate to 11 affordable homes. The scheme as originally submitted proposed 10 affordable homes and this has been increased to 11 which is acceptable.

Suggested Conditions

No.	Condition																																																
1.	<p>The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters.</p> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>																																																
2.	<p>The proposed development must be begun not later than 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>																																																
3.	<p>The approved plans are:</p> <table border="1" data-bbox="336 920 1321 2022"> <thead> <tr> <th data-bbox="336 920 671 987">Plan reference number:</th> <th data-bbox="671 920 1046 987">Title:</th> <th data-bbox="1046 920 1321 987">Date received:</th> </tr> </thead> <tbody> <tr> <td data-bbox="336 987 671 1055">4225-AAL-FL10</td> <td data-bbox="671 987 1046 1055">Location Plan</td> <td data-bbox="1046 987 1321 1055">7 October 2014</td> </tr> <tr> <td data-bbox="336 1055 671 1122">4225-DSL-FL-01 Rev C</td> <td data-bbox="671 1055 1046 1122">Detail Site Layout</td> <td data-bbox="1046 1055 1321 1122">19th January 2015</td> </tr> <tr> <td data-bbox="336 1122 671 1189">4225-AHL-FL-08 Rev B</td> <td data-bbox="671 1122 1046 1189">Affordable Homes Layout</td> <td data-bbox="1046 1122 1321 1189">19th January 2015</td> </tr> <tr> <td data-bbox="336 1189 671 1256">4255-ML-FL-05 Rev B</td> <td data-bbox="671 1189 1046 1256">Materials Layout</td> <td data-bbox="1046 1189 1321 1256">19th January 2015</td> </tr> <tr> <td data-bbox="336 1256 671 1323">4255-LDL-FL-06 Rev B</td> <td data-bbox="671 1256 1046 1323">Land Disposal Layout</td> <td data-bbox="1046 1256 1321 1323">19th January 2015</td> </tr> <tr> <td data-bbox="336 1323 671 1391">4225-WML-FL-02 Rev B</td> <td data-bbox="671 1323 1046 1391">Waste Management Layout</td> <td data-bbox="1046 1323 1321 1391">19th January 2015</td> </tr> <tr> <td data-bbox="336 1391 671 1458">4225 WML-FL-10 Rev B</td> <td data-bbox="671 1391 1046 1458">Code for Sustainable Homes</td> <td data-bbox="1046 1391 1321 1458">19th January 2015</td> </tr> <tr> <td data-bbox="336 1458 671 1525">4255-BDL-FL-04 Rev B</td> <td data-bbox="671 1458 1046 1525">Boundary Details Layout</td> <td data-bbox="1046 1458 1321 1525">19th January 2015</td> </tr> <tr> <td data-bbox="336 1525 671 1592">4225-AAL-FL-09 Rev B</td> <td data-bbox="671 1525 1046 1592">Access to Adjacent Land</td> <td data-bbox="1046 1525 1321 1592">19th January 2015</td> </tr> <tr> <td data-bbox="336 1592 671 1659">4091.07 Rev B</td> <td data-bbox="671 1592 1046 1659">Landscape Proposals</td> <td data-bbox="1046 1592 1321 1659">19th January 2015</td> </tr> <tr> <td data-bbox="336 1659 671 1727">4225-STDB-01</td> <td data-bbox="671 1659 1046 1727">Standard boundary details</td> <td data-bbox="1046 1659 1321 1727">17 September 2014</td> </tr> <tr> <td data-bbox="336 1727 671 1794">4225/ENG 001 Rev-G</td> <td data-bbox="671 1727 1046 1794">Drainage Master Plan</td> <td data-bbox="1046 1727 1321 1794">13 November 2014</td> </tr> <tr> <td data-bbox="336 1794 671 1861">4225/ENG001-1 Rev-D</td> <td data-bbox="671 1794 1046 1861">Drainage Layout Sheet 1</td> <td data-bbox="1046 1794 1321 1861">13 November 2014</td> </tr> <tr> <td data-bbox="336 1861 671 1928">4225/ENG001-2 Rev-C</td> <td data-bbox="671 1861 1046 1928">Drainage Layout Sheet 2</td> <td data-bbox="1046 1861 1321 1928">13 November 2014</td> </tr> <tr> <td data-bbox="336 1928 671 1995">4225/ENG001-3 Rev-B</td> <td data-bbox="671 1928 1046 1995">Drainage Layout Sheet 3</td> <td data-bbox="1046 1928 1321 1995">13 November 2014</td> </tr> </tbody> </table>	Plan reference number:	Title:	Date received:	4225-AAL-FL10	Location Plan	7 October 2014	4225-DSL-FL-01 Rev C	Detail Site Layout	19 th January 2015	4225-AHL-FL-08 Rev B	Affordable Homes Layout	19 th January 2015	4255-ML-FL-05 Rev B	Materials Layout	19 th January 2015	4255-LDL-FL-06 Rev B	Land Disposal Layout	19 th January 2015	4225-WML-FL-02 Rev B	Waste Management Layout	19 th January 2015	4225 WML-FL-10 Rev B	Code for Sustainable Homes	19 th January 2015	4255-BDL-FL-04 Rev B	Boundary Details Layout	19 th January 2015	4225-AAL-FL-09 Rev B	Access to Adjacent Land	19 th January 2015	4091.07 Rev B	Landscape Proposals	19 th January 2015	4225-STDB-01	Standard boundary details	17 September 2014	4225/ENG 001 Rev-G	Drainage Master Plan	13 November 2014	4225/ENG001-1 Rev-D	Drainage Layout Sheet 1	13 November 2014	4225/ENG001-2 Rev-C	Drainage Layout Sheet 2	13 November 2014	4225/ENG001-3 Rev-B	Drainage Layout Sheet 3	13 November 2014
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	4225/ENG001-4 Rev-C	Drainage Layout Sheet 4	13 November 2014
	ABINGDON (plans)	The Abingdon	17 September 2014
	ABINGDON (elevations)	The Abingdon	17 September 2014
	E4H138 (brick)	The Cambridge	17 September 2014
	E4H141 (plans)	The Canterbury	17 September 2014
	E4H141 (elevations)	The Canterbury	17 September 2014
	E3H096 (plans)	The Letchworth	17 September 2014
	E3H096 (render)	The Letchworth	17 September 2014
	E4H131 (brick)	The Oxford+	17 September 2014
	E4H117 (brick)	The Stratford	17 September 2014
	E4H117 (render)	The Stratford	17 September 2014
	E2AF083 (plans)	The Tavy	17 September 2014
	E2AF083 (render)	The Tavy	17 September 2014
	E3H106 (brick)	The Warwick	17 September 2014
	E3H106 (render)	The Warwick	17 September 2014
	E4H153 (plans)	The Welwyn	17 September 2014
	E4H153 (brick)	The Welwyn	17 September 2014
	E4H121 (brick)	The Windsor+	17 September 2014
	E3H118	The Worcester	17 September 2014
	E3AF090 (plans)	The Dart	9 January 2015
	E3AF090 (render)	The Dart	9 January 2015
	<i>Reason: To define the permission and in the interests of the proper development of the site.</i>		
4.	The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans. <i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i>		
5.	All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has		

	<p>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>
6.	<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.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>
7.	<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 approved in writing by 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 Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant [Code Level/BREEAM] rating.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>
9.	<p>The proposed foul sewer network shall be constructed in accordance with the approved details indicated on the following drawings:</p> <ul style="list-style-type: none"> - Drainage Master Plan Dwg No:4225/ENG 001 Rev-G - Drainage Layout Sheet 1 Dwg No: 4225/ENG001-1 Rev-D - Drainage Layout Sheet 2 Dwg No: 4225/ENG001-2 Rev-C - Drainage Layout Sheet 3 Dwg No: 4225/ENG001-3 Rev_B - Drainage Layout Sheet 4 Dwg No: 4225/ENG001-4 Rev-C - Drainage Master Plan Dwg No:4225/ENG 001 Rev-G <p>unless otherwise agreed in writing by the Local Planning Authority. Prior to the first occupation of the development hereby permitted, the works shall be implemented in accordance with the approved details and programme.</p> <p><i>Reason: To allow for adequate drainage of the site and capacity within Walton-le-Dale Wastewater Treatment Works area.</i></p>
10.	<p>No development shall take place until details of the proposed surface water drainage and attenuation scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. Details of the maintenance and management of the scheme shall be included. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.</p> <p><i>Reason: To prevent an increased risk of flooding, to improve habitat and amenity and to ensure future maintenance of the surface water drainage system.</i></p>
11.	<p>There shall not be any site clearance, site preparation or development work carried</p>

	<p>out until an Ecological Management Plan for the creation and enhancement of biodiversity has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The plan shall provide full details of measures that will be implemented during works for the avoidance of impacts on wildlife (e.g. bats, nesting birds, amphibians, reptiles, hedgehogs) and for the protection of features of biodiversity value (e.g. Biological Heritage Site, hedgerows, ponds, mature trees).</p> <p>Reason: To ensure that habitats are suitable protected at all times during any works on site.</p>
12.	<p>During the construction period, all trees to be retained shall be protected by 1.2m high fencing as specified in paragraph 8.2.2 of the British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit off the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within areas to be fenced. All excavations within the areas so fenced shall be carried out by hand.</p> <p><i>Reason: To safeguard the trees to be retained.</i></p>
13.	<p>There shall not be any felling of trees, vegetation clearance works, demolition works or other works that may affect nesting birds between March and July (inclusive) unless the absence of nesting birds has been confirmed by further written surveys or inspections.</p> <p><i>Reason: To ensure the protection of nesting birds during the construction period.</i></p>
14.	<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>
15.	<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>
16.	<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>
17.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.</p>

	<p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
18.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any dwellings or the completion of the development within the relevant Phase, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p> <p><i>Reason: In the interest of the appearance of the locality.</i></p>
19.	<p>The car parking spaces for each dwelling shall be surfaced or paved, drained and marked out all in accordance with the approved plan before it is first occupied. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.</p> <p><i>Reason: To ensure adequate on site provision of car parking and manoeuvring areas.</i></p>
20.	<p>The detached and integral garages hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter or convert the space into living or other accommodation.</p> <p><i>Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards and nuisance caused by on-street parking.</i></p>
21.	<p>Prior to the commencement of the development an Estate Street Phasing and Completion Plan shall be submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards to each estate streets serving each phase of the development will be completed.</p> <p><i>Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.</i></p>
22.	<p>No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.</p> <p><i>Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety.</i></p>
23.	<p>Prior to the commencement of the development full engineering, drainage, street lighting and constructional details of the streets proposed for adoption shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.</p>

	<p><i>Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</i></p>
<p>24.</p>	<p>No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> 1. the parking of vehicles of site operatives and visitors 2. hours of operation (including deliveries) during construction 3. loading and unloading of plant and materials 4. storage of plant and materials used in constructing the development 5. siting of cabins 6. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate 7. wheel washing facilities 8. measures to control the emission of dust and dirt during construction 9. a scheme for recycling/disposing of waste resulting from demolition and construction works <p><i>Reason: In the interests of highway safety and to protect the amenities of the nearby residents.</i></p>

Planning Policies

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

Emerging Local Plan

The Inspector has issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers.

Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However because of the very advanced stage in the examination process that the main modifications set out in the Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*

The Council accepted the Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant

weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications.

Planning History

The site history of the property is as follows:

Ref: 11/00981/SCE **Decision:** PESCEZ **Decision Date:** 8 December 2011

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

Ref: 11/00990/SCE **Decision:** PESCEZ **Decision Date:** 7 December 2011

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

Ref: 11/01004/OUTMAJ **Decision:** Withdrawn **Decision Date:** 3 December 2014

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

Ref: 11/01093/OUTMAJ **Decision:** REFOPP **Decision Date:** 13 June 2012

Description: Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access.

Ref: 12/00941/OUTMAJ **Decision:** PEROPP **Decision Date:** 6 November 2012

Description: Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access. (Resubmission of Application: 11/01093/OUTMAJ).

Ref: 13/00803/OUTMAJ **Decision:** PDE **Decision Date:**

Description: Section 73 application to vary condition 2 (Code for Sustainable Homes) attached to outline planning approval 12/00941/OUTMAJ

Ref: 13/00821/DIS **Decision:** PEDISZ **Decision Date:** 29 October 2013

Description: Application to discharge conditions 13 (Master plan and a Design Code), 15 (phasing programme) _ 18 (vehicular and pedestrian connections) attached to outline planning approval 12/00941/OUTMAJ

Ref: 13/00822/REMAJ **Decision:** PERRES **Decision Date:** 15 January 2014

Description: Reserved matters application pursuant to outline planning permission 13/00803/OUTMAJ for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space.

Ref: 13/01059/DIS **Decision:** PEDISZ **Decision Date:** 5 December 2013

Description: Application to discharge condition 13 (Design Code and Masterplan) attached to outline planning approval 13/00803/OUTMAJ

Ref: 14/00025/OUTMAJ **Decision:** PEROPP **Decision Date:** 23 September 2014

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

Ref: 14/00046/DIS **Decision:** PEDISZ **Decision Date:** 2 May 2014

Description: Application to discharge conditions numbered 4 - (DESIGN OF SEWER NETWORK), 5 - (ECOLOGICAL MANAGEMENT PLAN), 8 - (CONSTRUCTION METHOD STATEMENT), 9 - (LANDSCAPING), 10 - (HARD GROUND SURFACING MATERIALS), 14 - (SURFACE WATER DRAINAGE), 16 - (SITE ACCESS AND HIGHWAY IMPROVEMENT WORKS), 19 - (HIGHWAY IMPROVEMENT WORKS TO HIGHWAY JUNCTIONS), 21 -

(TRAVEL PLAN CO-ORDINATOR), 22 - (GROUND CONTAMINATION), 23 - (FOUL WATER DRAINAGE), 24 - (PUBLIC OPEN SPACE AND PLAY SPACE PROVISION), 25 - (EXTERNAL FACING MATERIALS), 26 - (WALLS AND FENCES) AND 29 - (CARBON REDUCTION STATEMENT) attached to planning permission 13/00803/OUTMAJ

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

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

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

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

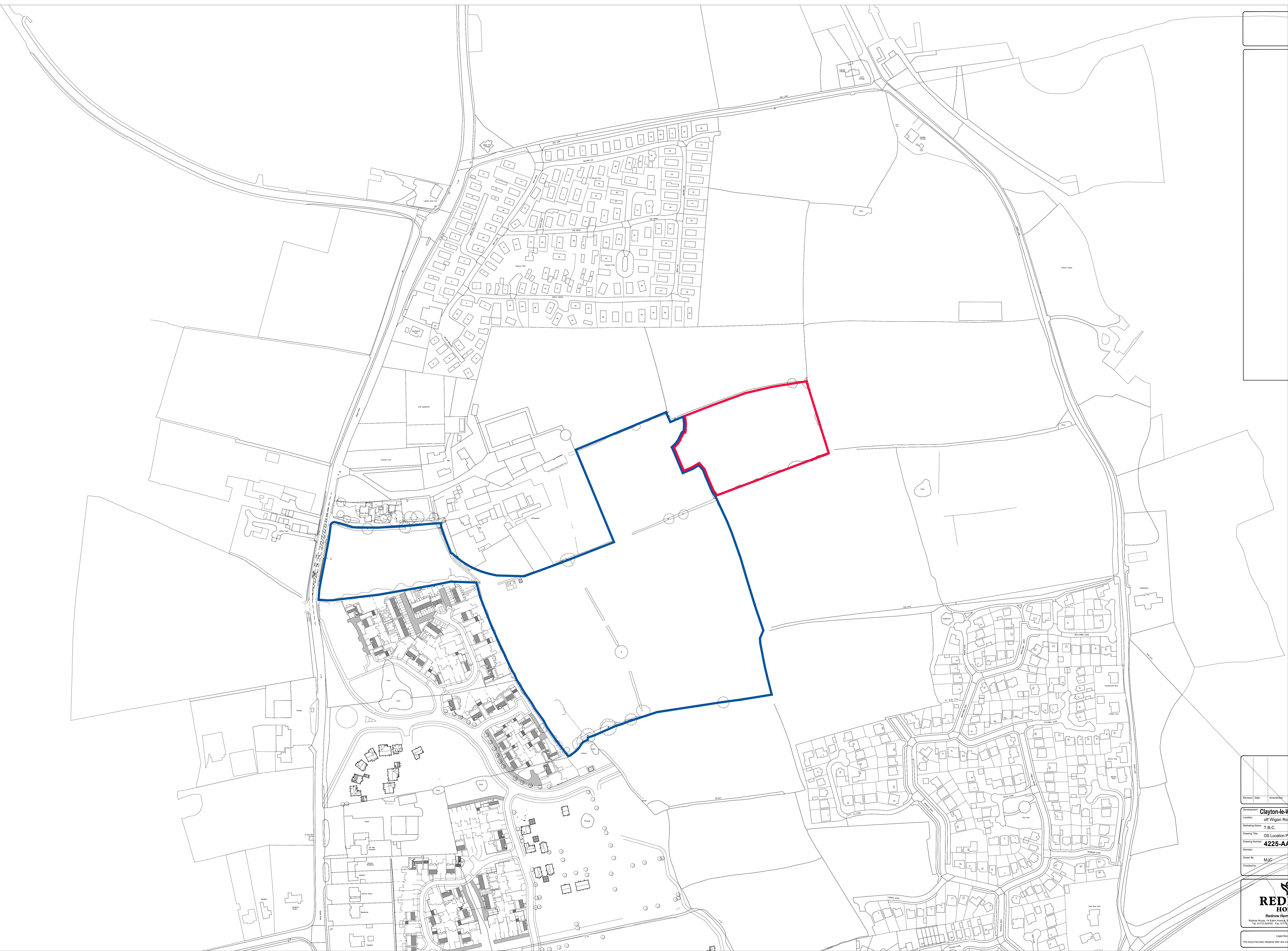
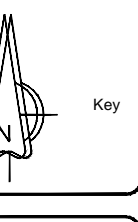
Ref: 14/00867/REM **Decision:** PERRES **Decision Date:** 3 October 2014
Description: Reserved matters application pursuant to outline planning permission 13/00803/OUTMAJ for substitution of house types on Plots 2 and 3 approved under reserved matters approval 14/00541/REM

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

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

Ref: 14/01003/REMMAJ **Decision:** PCO **Decision Date:** 18 December 2014
Description: Reserved matters application pursuant to outline planning permission 13/00803/OUTMAJ for the development of land to the east of Wigan Road for the erection of 154 dwellings (part amendment to reserved matters approval 13/00822/REMMAJ)

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Revision	Date	Amendment	Mark
Development: Clayton-le-Woods			
Location: off Wigan Road, Leyland			
Planning Name: T.B.C.			
Drawing Title: OS Location Plan			
Drawing Number: 4225-AAL-FL-10			
Revision:	Scale: A1	1:500 @ A0	
Drawn By: MJC	Date Started:	11.09.14	
Checked by:	Date:		

REDROW HOMES
Redrow Homes, 14 East Avenue, Ilkley, West Yorkshire, LS23 7BA
Tel: 01172 842000 Fax: 01172 842001 Web: www.redrow.co.uk

Legal Disclaimer: TBC
This report has been designed after due consideration of our Contract & Conditions Part

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Item 30	14/01199/FUL
Case Officer	Adele Hayes
Ward	Heath Charnock and Rivington
Proposal	Change of use of existing guest house to 6 no. flats for adults with learning disabilities
Location	4 Chorley Road Heath Charnock Chorley PR6 9LB
Applicant	New Foundations Housing Association
Consultation expiry:	17 December 2014
Decision due by:	13 February 2015

Recommendation

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

Proposal

1. This application relates to a detached property located at 4 Chorley Road, Heath Charnock.
2. The property itself is currently occupied as a bed and breakfast establishment with the potential to accommodate up to seven guests at any one time. The surrounding area is predominantly residential in character although there is a children's day nursery located on Brookdale Close which shares an access off the main road.
3. Planning permission is sought to change the use of the building to specialist residential accommodation comprising 6 no. flats for adults with learning disabilities.
4. The submitted plans show that some alterations would be made to the internal arrangement of the building and a staff sleep-in area will be created. Minor elevational alterations involving alterations to an existing window are also proposed.

Representations

5. The application has been publicised by way of individual letters and a site notice has been displayed. As a result of this publicity two letters have been received citing the following grounds of objection:

- The use of Ivy House as a bed and breakfast establishment did not generate much traffic.
- There is inadequate car parking provision.
- There would be additional traffic.
- There is already a children's nursery in the Brookdale Close cul de sac with inadequate parking. This means that there is an increase in traffic and vehicle usage by staff and by parents who drop off then pick up their infants at the nursery parking on the main road and footpath due to lack of turning area and access/egress from Brookdale Close cul-de-sac as it is singular vehicle width. Further vehicle use would make this extremely hazardous and difficult for neighbours to park their own cars.

- The applicant cannot ensure that staff and visitors will only use the car parking spaces at Ivy House will not be parking their vehicles on the road immediately adjacent to Ivy House or on the surrounding roads or streets.
- The number of vehicles now parking on the road and pavements adjacent to Ivy House has increased dramatically and has now reached full capacity.
- Equally the number of vehicles now using the A673 Chorley Road has increased dramatically and it should be noted that this road is also a main bus route from Bolton to Preston.
- Hole House Farm opposite Ivy House use the immediate adjacent road and pavement for the parking of their vehicles so parking on this extremely busy stretch of road is at maximum capacity already.
- A major concern regarding road and highway safety is for any vehicle emerging from Brookdale Close onto the A673. The site line is hazardous to say the least in its present state.

In addition 1 letter of support has been received commenting that:

- The locality and the building are ideal for such purposes.
- The adults with learning difficulties will benefit tremendously from this move, where they will have very pleasant surroundings in which to integrate with society.
- The property is ideally suited for this purpose, being on a main bus route and very near bus stops. The village of Adlington is well within walking distance and every amenity can be found there, including two supermarkets, doctor's surgery, chemist and host of other shops. The railway station is also very accessible.

Consultations

6. Lancashire County Council Highways - no objections have been raised.
7. Lancashire County Council Social Services - no objections have been raised.
8. Heath Charnock Parish Council query whether this is a suitable place for vulnerable people to be housed, given the proximity to a busy main road, but have objected principally on the grounds of limited parking adjacent to the property. The pavement there is wide, but is generally congested with local parking, making sight lines difficult.

Assessment

Principle of the development

9. The application site is located within the settlement of Adlington and at a local level, Policy GN1 of the Chorley Local Plan states that '*Within the areas of Adlington, Chorley, Clayton Brook/Green, Clayton-le-Woods, Coppull, Euxton and Whittle-le-Woods, as well as land adjoining Feniscowles and Horwich, excluded from the Green Belt, there is a presumption in favour of appropriate development, subject to normal considerations and the other Policies and Proposals of this Plan.*

10. Policy GN5 of the Adopted Chorley Borough Local Plan Review states that the design of proposed developments will be expected to be well related to their surroundings. The proposed changes to the existing window are minor and are considered to be acceptable.

11. The applicant has provided additional information outlining how the proposed use will operate. They have confirmed that Brothers of Charity Services, based in Chorley, require a property to house six people in one bedroom self-contained flats with some communal area and a room for support staff to sleep over.

12. The potential tenants for this development are adults with learning disabilities. The tenants have no physical disabilities and already have a relatively high level of independence. The aim of the development is to provide independent accommodation all with assured tenancies to

enable the tenants to move out of shared supported living accommodation and enjoy their own home.

13. The tenants would benefit from a support worker from Brothers of Charity Services being on site to offer support if/when needed i.e. to help with finances/meal preparation/general advice. There would be one support worker sleeping at the property every night in a guest room.

14. The tenants would all have personal budgets and it is their decision what time/how much support they require on a daily basis. It is anticipated that there would be a minimum of one support worker and a maximum of four at any one time.

15. The proposed use of the property will create vehicular and pedestrian movements predominantly from comings and goings associated with staff working on a rota basis. However the property is on a main road and given its lawful use, as a bed and breakfast establishment, it is not considered that the proposed use will have a harmful impact on the character and appearance of the locality. There are therefore no objections in principle to the proposed use.

Highway safety

16. The proposal is for change of use as described above with access via Brookdale, a privately maintained access track. A total of 6no. car parking spaces (including 2no for disabled people) are proposed and there is adequate space to allow for turning of vehicles in order to drive out of the site in forward gear.

17. To access and exit the site, vehicles have to be driven over a wide footway where there are no delineation between the vehicle access and the footway to allow vulnerable pedestrians to identify the limits of safe space. Apart from damage caused to the footway, pedestrians may be at risk from moving vehicles. This is of highway concern, however, the proposed change of use will not lead to increased vehicular movement in and out of the site. The change of use to flats will generate marginally less vehicular movements compared to the existing use as a guest house.

18. The access has served the existing site with higher vehicular movements without incidents and this makes it difficult to insist on a vehicle crossing being provided as a condition for approval of the application.

19. The County Highway Engineer has considered the proposed change of use and the level of car parking proposed and does not raise any objections to the application. There are not therefore any objections on highway safety grounds.

Conclusion

20. It is considered that the proposal accords with national planning policy and the provisions of the adopted and emerging Local Plan. It is therefore recommended that the application is approved.

Planning Policies

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

Note on the Emerging Chorley Local Plan 2012-2026

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

application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers.

Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However because of the very advanced stage in the examination process that the main modifications set out in the Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*

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

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 approved plans are: Plan Ref. Received On: Title: 14/092/P01 18 November 2014 Proposed Floor Plans, Elevations, Site Plan & Location Plan <i>Reason: To define the permission and in the interests of the proper development of the site.</i>
3.	The use hereby approved shall be for the provision of residential accommodation and care to people in need of care as defined by Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), and for no other purpose. <i>Reason: To protect the amenities of local residents and in the interests of highway safety.</i>

Planning History

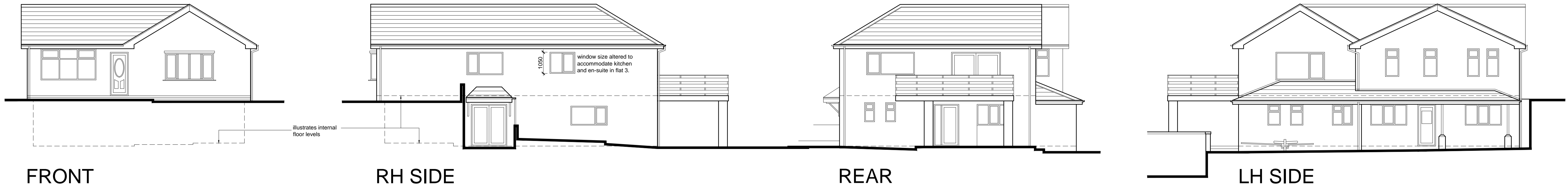
The site history of the property is as follows:

- | | | |
|--------------------------|---|---|
| Ref: 79/00309/FUL | Decision: PERFPP | Decision Date: 30 April 1979 |
| Description: | Front and rear porches | |
| Ref: 87/00138/OUT | Decision: PEROPP | Decision Date: 14 June 1987 |
| Description: | Outline application for residential development | |
| Ref: 91/01013/FUL | Decision: PERFPP | Decision Date: 31 March 1992 |
| Description: | Erection of 1.8 metre high fence adjacent highway | |
| Ref: 96/00684/FUL | Decision: PERFPP | Decision Date: 27 November 1996 |
| Description: | Two-storey side extension and change of use of lower ground floor to Bed and Breakfast, | |
| Ref: 98/00552/FUL | Decision: PERFPP | Decision Date: 23 September 1998 |
| Description: | Erection of post brickwall with timber infill panels 1.8m high x 10m long, | |
| Ref: 14/00299/COU | Decision: WDN | Decision Date: 23 May 2014 |

Description: Change of use from bed & breakfast establishment to residential
childrens home Class C3(b)

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ELEVATIONS 1:100

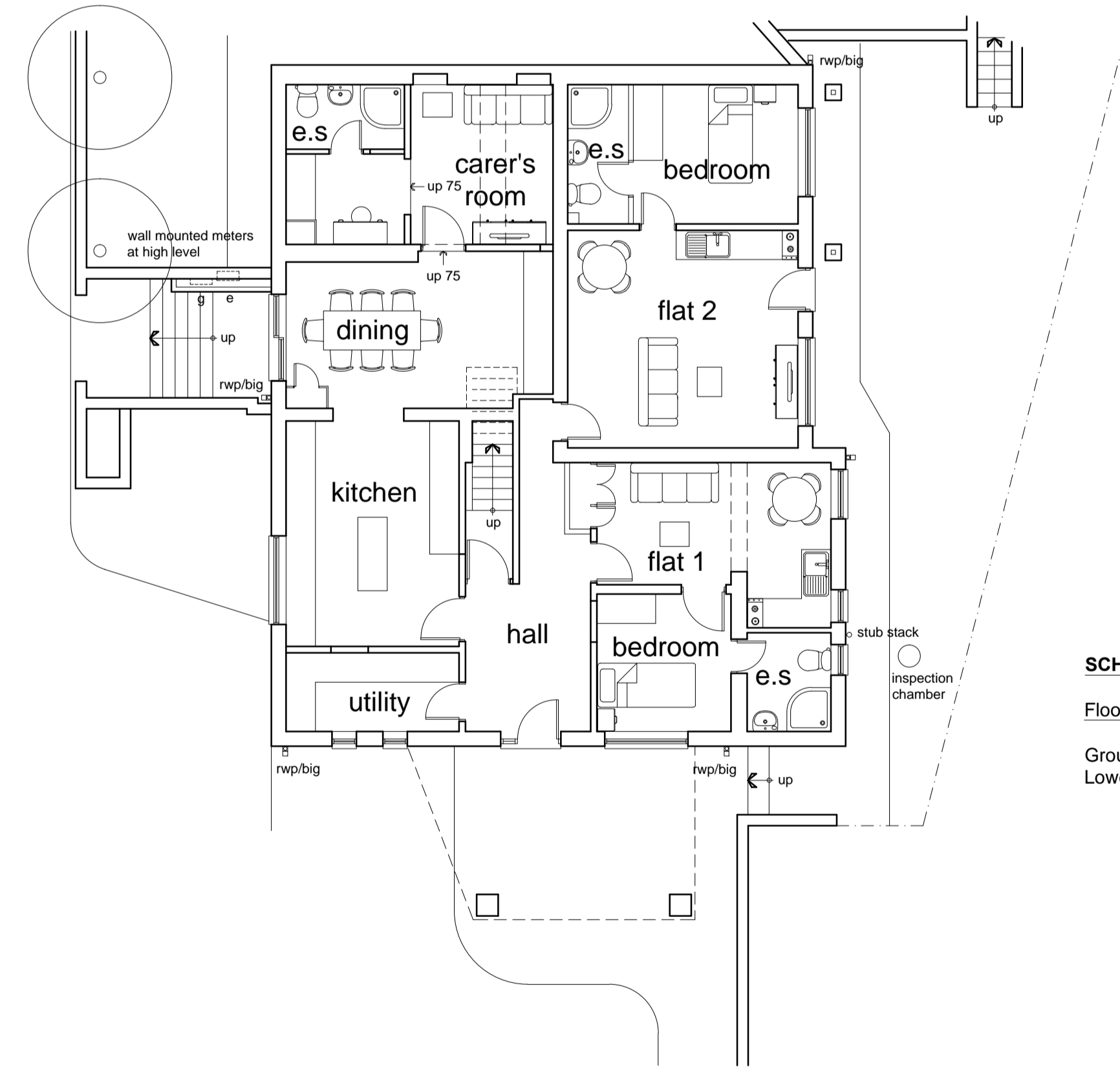


FRONT

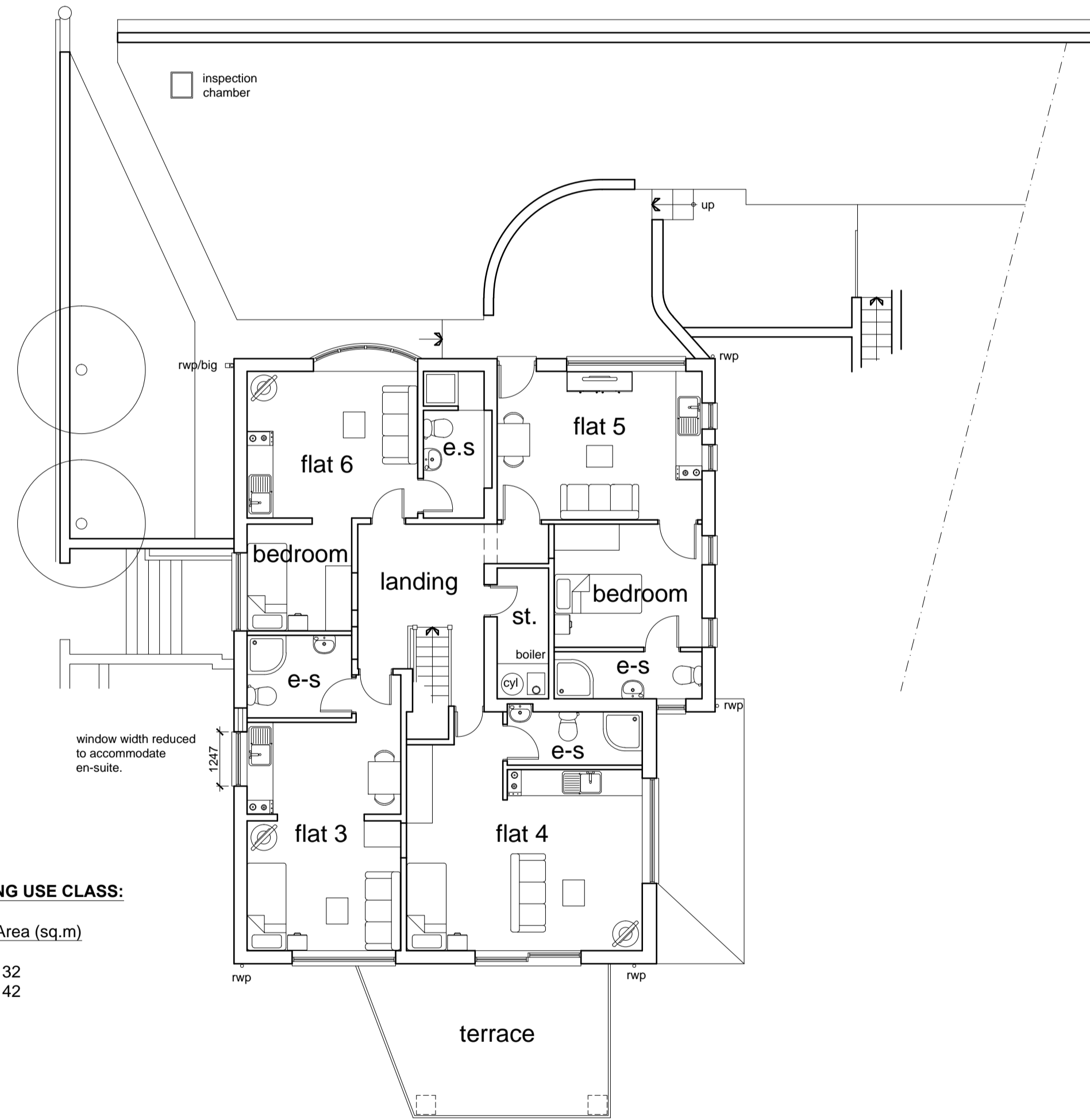
RH SIDE

REAR

LH SIDE



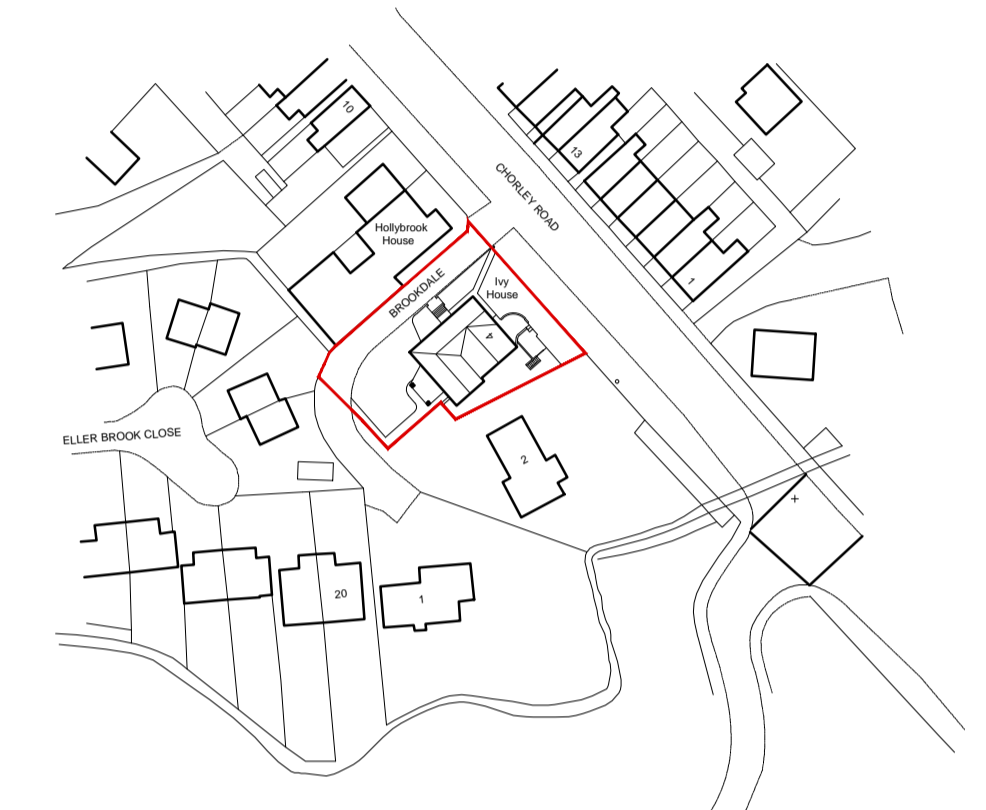
LOWER GROUND FLOOR PLAN 1:100



GROUND FLOOR PLAN 1:100

SCHEDULE OF PROPOSED PLANNING USE CLASS:

Floor Level	Use	Area (sq.m)
Ground Floor	C3(b)	132
Lower Ground Floor	C3(b)	142



LOCATION PLAN 1:1250

0m 125m
Scale: 1:1250



SITE PLAN 1:500

0m 25m 50m
Scale: 1:500

0m 5m 10m
Scale: 1:100

Revision Notes:



CLIENT
New Foundations Housing Association.

PROJECT NAME
Ivy House, 4 Chorley Road, Heath Charnock, Chorley, PR6 9LB.

Proposed Change of Use from C1 to C3(b).

DRAWING NAME
Proposed Floor Plans, Elevations, Site Plan & Location Plan.

SCALE DRAWN BY DATE DRAWING NUMBER REVISION
varies @ A1 WA 04.11.2014 14/092/P01 -

213 Preston Road, Whittle-le-Woods, Chorley, Lancashire, PR6 7PS
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Item 3q	14/01243/FUL
Case Officer	Iain Crossland
Ward	Adlington and Anderton
Proposal	Change of use from Police Station (sui generis) to dwelling house (class C3) with single storey extension to rear and canopy to front
Location	Adlington Police Station 26 Church Street Adlington Chorley PR7 4EX
Applicant	Silver Grove Properties Ltd
Consultation expiry:	16 January 2015
Decision due by:	02 February 2015

Recommendation

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

Executive Summary

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

Representations

Adlington Town Council - The Town Council considers that this application should be left for residents' comments.
In total 0 representations have been received

Consultees

Consultee	Summary of Comments received
United Utilities	<p>United Utilities have no objection at this stage. However, the applicant should be made aware that the proposed development falls within the required access strip of a public sewer.</p> <p>Therefore, United Utilities suggests that the applicant contacts a Building Control Body at an early stage, to discuss this matter further.</p> <p>The applicant has been informed of the presence of sewers within the vicinity of the proposed development and the potential impact this might have on the development. This does not impact on the assessment of the proposal and the assessment has been carried out on the basis of the plans received.</p>
Lancashire County Council Highways	No comments have been received

AssessmentThe Site

1. The application site comprises a disused police station in the core settlement area of Adlington. The police station building of a modern design resembling a dwellinghouse and is attached to a dwelling at 30 Church Street to the north. The building is faced in red brick and the roof is laid in concrete roof tiles. There are UPVC window frames and doors. There are grassed areas to the front and rear of the property. The site is located in a position set back from the main road (A6) in an area characterised by terraced properties and a mixture of uses, close to the local centre of Adlington.

The Proposal

2. The proposed development is for the change of use of the disused Police station to a dwelling house with a single storey extension to rear and canopy to front. The extension would project 3m from the rear elevation of the building. It would have a width of around 7.2m and mono pitched roof with a ridge and eaves height of around 3.9m and 2.75m respectively. The canopy to the front would project around 0.5m from the front elevation. It would have a width of around 5.7m and would have a mono pitch with a ridge and eaves height of around 3.1m and 2.6m respectively. There would be limited changes to window and door openings.
3. The proposed dwelling would face Church Street (A6) and would include a garden and two car parking spaces to the front and a garden to the rear.

Assessment

The main issues are as follows:-

Issue 1 – Impact on character and appearance of the locality

Issue 2 – Impact on neighbour amenity

Issue 3 - Impact on highways/access

Issue 4 – S106

Issue 5 – CIL

Principle of the Development

4. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
5. 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.
6. 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.
7. 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.
8. It is therefore considered that significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
9. The application site is located in the core settlement area of Adlington. The emerging Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the

Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.

10. The application site is a disused police station, which falls within the Sui Generis use class. There are no policy designations covering the site and therefore the principle of residential development on the site is acceptable, subject to other material planning considerations.

Design and impact on the character of the area

11. The proposal is for the change of use of an existing building and as such the physical changes are fairly limited. The existing building is of a fairly standard design closely resembling the scale and appearance of the neighbouring residential dwelling at 30 Church Street. The scale of the building would not be perceptibly increased. The only changes to the front of the property would involve repositioning the doorway, adding an Oriel bay window at ground floor, and a 5.7m wide canopy across the frontage at ground floor. These would improve the appearance of the dwelling and would be of a typical domestic appearance. As such the changes would not be out of keeping with existing neighbouring buildings.
12. The proposed dwelling would front Church Street and would be set back a significant distance of around 17m from the highway. As such there would be very limited impact on the street scene and character of the area. The proposed driveway parking spaces would be located to the front of the property and would result in the removal of an existing privet hedge. This would provide a frontage consistent with neighbouring dwellings and would result in an appropriate domestic appearance.
13. A single storey extension would be added to the rear of the property. This would not be visible in the street scene and would be of a modest scale commensurate with the dwelling and of a design that is compatible with the character of a domestic property.
14. The overall changes to the building are likely to improve the appearance and contribute positively to the character of the area. The development is therefore considered to be in accordance with Policy BNE1 of the emerging Chorley Local Plan 2012 – 2026

Impact on the neighbours

15. The proposed development would include a single storey rear extension that would project 3m from the existing rear elevation of the dwelling. The extension would be located around 2.9m from the boundary with 30 Church Street to the north. It would not be visible from any windows to habitable rooms at ground floor and would therefore have a limited impact on light and outlook.
16. There would be no windows to habitable rooms in the side elevation of the application property facing 30 Church Street. There would be windows in the rear elevation at ground and first floor, however, no direct views of the property or private intimate amenity space would be possible due to the relative alignment of the properties. As a result, it is considered that the proposed development would not have an unacceptable impact on the amenity of the occupiers of 30 Church Street through loss of outlook, privacy or light.
17. The proposed dwelling would be located around 14.4m from the nearest building at 20 Church Street to the south side, which is a commercial property on the opposite side of an un-adopted road. It is noted that there are no windows in the side elevation of this property, and no windows are proposed in the south side elevation of the proposed dwelling. The only significant addition to the property would be the single storey rear extension, which is of modest scale and substantial separation therefore the proposed development would not have an unacceptable impact on the amenity of the occupiers of 20 Church Street through loss of outlook, privacy or light.
18. The proposed dwelling would be visible from windows to habitable rooms in the side elevation of the rear part of 18 Church Street, which incorporates three flats. The proposed dwelling would incorporate a rear extension of modest scale and substantial

separation therefore no loss of outlook would occur. It would be located to the north of the windows at 18 Church Street and would not therefore result in any loss of light. There are no windows proposed in the side elevation of the dwelling and therefore no loss of privacy would occur.

19. The nearest dwelling at 13 Church Street on the opposite side of Church Street is located around 32m away. Due to this significant degree of separation it is not considered that the proposed dwelling would impact on the amenity of this property or any others on Church Street.
20. There are no dwellings to the rear of the site.

Impact on highways/access

21. The proposed development would result in a three bedroom dwelling with off street parking for two vehicles provided by driveway parking to the front. This meets with the adopted parking standards set out in relation to policy ST4 of the emerging Chorley Local Plan 2012 – 2026.
22. Vehicular access to the car parking at the front would be from Church Street via an existing vehicular lay by. As this vehicular access already exists it is not considered that the addition of two off street parking spaces would result in any unacceptable harm to highway safety.
23. In considering the wider access arrangements and sustainability of the location it is noted that there is a nearby bus route providing direct access to Chorley and a railway station less than 200m away, which provides direct access to Manchester, Preston and points in between. This provides the benefit of realistic sustainable transport alternatives.

Section 106 Legal Agreement

24. 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.
25. This development is for one dwelling, which is below the 10 unit threshold and also has a combined gross floorspace of less than 1000m².
26. 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

27. In line with the adopted CIL charges and associated regulations the development would result in a payment of around £5,850 towards infrastructure in the local area.

Overall Conclusion

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

Planning Policies

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

adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

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

Ref: 14/00883/FUL Decision: PERFPP Decision Date: 25 November 2014
Description: Erection of detached dwelling and associated detached garage

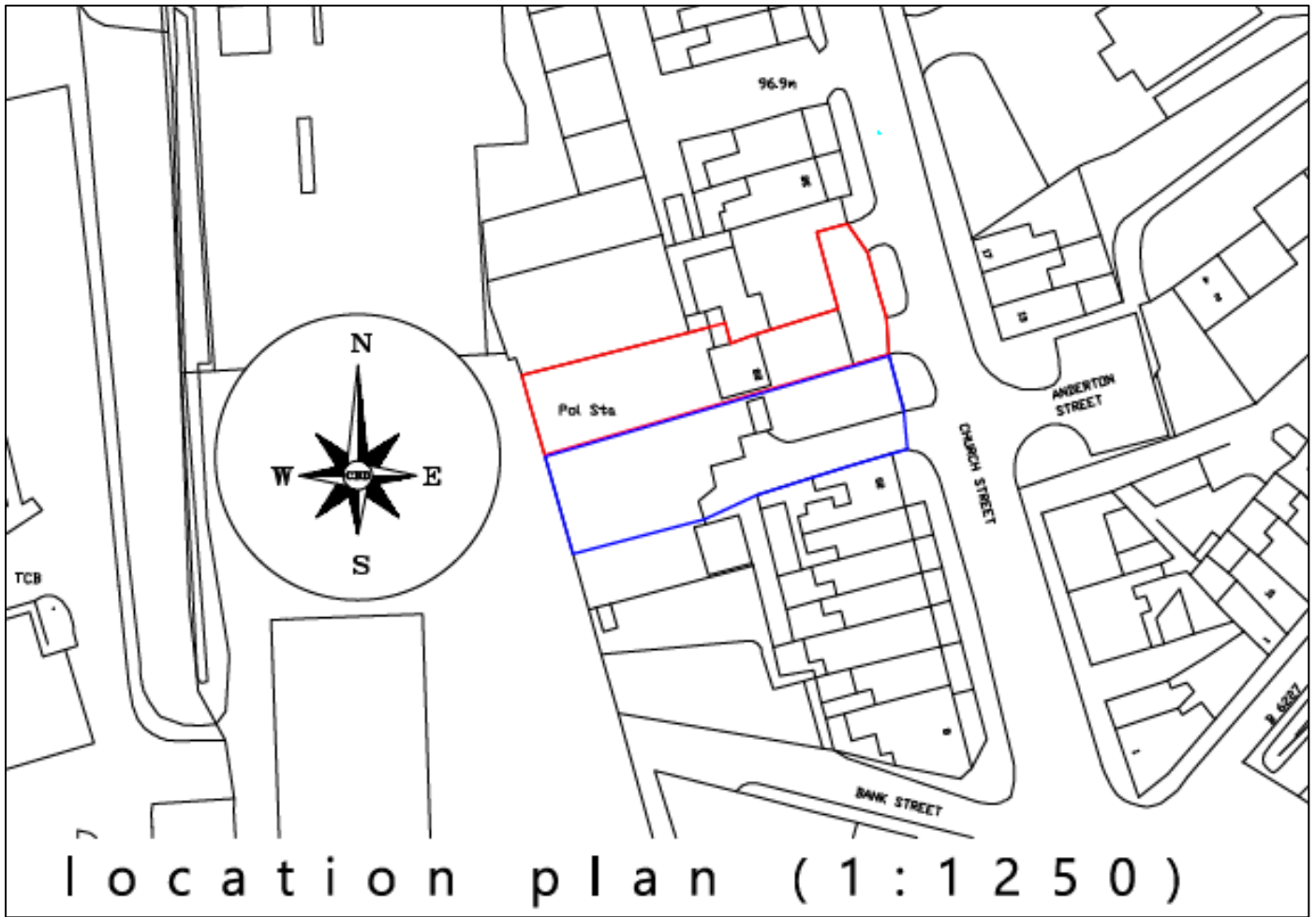
Ref: 90/00376/FUL Decision: PERMIT Decision Date: 12 June 1990
Description: Change of use of dwellinghouse to police station and external alterations

Suggested Conditions

No.	Condition
1.	<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>All external facing materials shall match in colour, form and texture those on the existing building.</p> <p><i>Reason: In the interests of the visual amenity of the area in general and the existing building.</i></p>
3.	<p>The proposed garage and off-road parking spaces as shown on drawing number 1159-05 shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.</p> <p><i>Reason: To ensure adequate off street parking provision is made/maintained and thereby avoiding hazards caused by on-street parking</i></p>
4.	<p>No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.</p> <p><i>Reason: In the interests of the amenity of the area</i></p>
5.	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety and to prevent flooding</i></p>
6.	<p>Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
7.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p><i>Reason: In the interest of the appearance of the locality</i></p>
8.	<p>The development shall be carried out in accordance with the following plans:</p>

	Plan Ref. 1159-05 1159-05 <i>Reason: For the avoidance of doubt and in the interests of proper planning</i>	Received On: 28 November 2014 28 November 2014	Title: Location Plan Proposed Site Plan
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Location Plan



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Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Development Control Committee	10 February 2015

ENFORCEMENT ITEM

CHANGE OF USE OF LAND FROM LIVERY STABLE YARD AREA TO USE FOR THE PARKING, AND SALE OF MOTOR VEHICLES, TOWN LANE FARM, TOWN LANE, HESKIN.

PURPOSE OF REPORT

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

RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control:
3. Without planning permission the change of use of livery stable yard area to a use for the parking, and sale of motor vehicles.

Remedy For Breach

Cease the use of land for the parking, storage and sale of motor vehicles.

Period For Compliance

Three Months.

Reason For Issue Of Notice

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

EXECUTIVE SUMMARY OF REPORT

4. There is no planning permission for the unauthorised development on the land and the landowner has not submitted a planning application. The land is designated as Green Belt where such development is considered inappropriate development and unacceptable in planning terms. It is considered therefore given the inappropriateness of the development within the Green Belt that it would be expedient to issue an enforcement notice in this case.
- 5.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

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

BACKGROUND

7. This case relates to an area of land used as a yard area in connection with an existing livery stable. The yard area is being used for the parking of motor vehicles which are being advertised for sale and sold from the site. The numbers of vehicles parked on the site varies but has on occasion there have been 20 vehicles on site which are advertised for sale on the internet.

ASSESSMENT

8. The land is within the Green Belt and policy guidance within the National Planning Policy Framework and Policy DC1 of the Adopted Chorley Borough Local Plan Review are relevant policy considerations.

9. Within the Green Belt only those uses of land which are considered appropriate development will be permitted unless it can be demonstrated that very special circumstances exist to outweigh the harm to the Green Belt.

10. In this case the use of land do not fall within any of the categories of development considered to be appropriate development within the Green Belt and is therefore by definition inappropriate development.

11. There is no planning permission for the development on the land and the landowner has been advised that because the land is designated as Green Belt such development is considered inappropriate development and unacceptable in planning terms. It would be unlikely that planning permission would be granted should a planning application be submitted. No action has been taken to cease the use of the land and it appears that the landowner is not willing to comply voluntarily in this case. It is considered therefore given the inappropriateness of the development within the Green Belt that it would be expedient to issue an enforcement notice in this case.

IMPLICATIONS OF REPORT

12. 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

13. The costs of enforcement will be covered within the Council's budget allocation.

COMMENTS OF THE MONITORING OFFICER

14. Given the content of the report the issuing of an Enforcement Notice is an appropriate and proportionate response.

JAMIE CARSON

DIRECTOR OF PUBLIC PROTECTION STREETSCENE AND COMMUNITY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Peter Willacy	5226	28 January 2015	***

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Report of	Meeting	Date
Chief Executive	Development Control Committee	10 February 2015

PROPOSED CONFIRMATION OF DIVERSION OF A SECTION OF PUBLIC FOOTPATH NUMBER 34 CHORLEY S.257 TOWN AND COUNTRY PLANNING ACT 1990

PURPOSE OF REPORT

1. To determine whether the Diversion Order in relation to part of Public Footpath No. 34 Chorley (in order to facilitate the development of 24 affordable dwellings) should be confirmed as an unopposed order.

RECOMMENDATION(S)

2. That the Chorley Borough Council (Public Footpath No. 34 Chorley) Public Path Diversion Order 2013 made on 21 November 2013 pursuant to Section 257 of the Town and Country Planning Act 1990 be confirmed as an unopposed order in respect of a length of Footpath Number 34 Chorley.
3. That the Head of Governance is authorised to serve notice regarding the confirmation of the order on prescribed persons and arrange for notice in the local press and on site and certify the order as being complied.

EXECUTIVE SUMMARY OF REPORT

4. A section of Public Footpath No. 34 Chorley affects a parcel of land lying between Moor Road and Hodder Avenue, running in a broadly south westerly direction. The parcel of land was subject of a planning application by Adactus Housing Association to build 24 affordable dwellings.
5. Planning permission was granted by Development Control Committee on 19 November 2013 (Ref 13/00798/CB4). The making of the diversion order was also approved at that committee.
6. The south eastern area of the application site is affected by a section of Footpath Number 34. Members are referred to the order map within Appendix A to this report which shows a section of the existing legal footpath by a continuous bold black line between the points A-C. This is the route which is to be diverted i.e. it will cease to be a legal right of way if Chorley Council certifies the terms of the order as being complied with following confirmation.
7. In order to facilitate the development it is proposed to divert the path onto a route between the points A-B-C shown by bold black dashes on the plan in Appendix A.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

8. This report relates to the following Strategic Objectives:

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

DETAILS OF THE MAKING OF THE ORDER ON 21 NOVEMBER 2013

- 9. The length of Footpath No. 34 between the points A-C forming the subject of the application runs for a total distance of about 33 metres.
- 10. The length of the proposed diverted route between the points A-B-C runs for a total distance of about 45 metres.
- 11. The diversion comprises a slightly longer route so it is scarcely any less convenient for users. It is not significantly different in nature (i.e. gradients, extent, length or direction) to the existing route.
- 12. Before the development authorised in November 2013 the section of Footpath No. 34 to be diverted was in practice not used by the general public as it was obstructed by a fence bounding the eastern boundary of the application site. The diversion will in fact improve matters for the public by restoring a route along footpaths which will become part of the public footpath network and therefore maintainable at public expense.
- 13. Consent of the owner of the land affected by the newly diverted route is required. The existing legal route is situated on land owned by Adactus which they acquired from the Council in 2013. The route of the proposed diversion is on land retained by the Council.
- 14. The width of the existing unadopted pathway from point A to point B is 2 metres. However it narrows to about 1.8 metres between points B and C. No change in the width of the path was specified in the order.
- 15. The cost of dealing with the application has been met by Adactus.
- 16. The order was made i.e. with provisional effect on 21 November 2013 following approval by Development Control Committee on 19 November. The relevant notices were served on statutory consultees on 27 November 2013 and notice placed on site and in the local press.

OBJECTION TO THE ORDER

- 17. A single objection to the order was received on 13 December 2013. The objection was on technical grounds. In Part 2 the order refers to the diversion on to a “footway” between the points A-B-C. A “footway” is a legal term referring to part of the highway i.e. in normal parlance what is referred to as the pavement. Case law has established that it is not possible to divert a public footpath onto a footway. According to Highway Authority records the route between the points A-B-C is not in fact a public right of way so the description used in Part 2 of the order is erroneous. This was explained to the objector who withdrew his objection on 19 December 2013. This means that the Council can authorise confirmation of the order as unopposed.
- 18. LCC responded that they had no objection. No other responses were received.

WORKS REQUIRED UNDER THE ORDER

- 19. The diversion order specified the following works to be completed to the reasonable satisfaction of Chorley Council in respect of the route shown between the points A-B-C on the order map in Appendix A: (a) Replacement Tarmacadam surface to be laid between the points A-B-C on the attached Map (b) Removal of the concrete bollard between the points B and C and reinstatement of the surface to the satisfaction of Chorley Borough Council (c) Removal of vegetation near point A.

20. The Public Rights of Way Officer from Lancashire County Council visited the site on 14 January 2015 and advised that the works have been completed satisfactorily. LCC will become legally responsible for maintaining the footpath once the diversion order comes into effect.

IMPLICATIONS OF REPORT

21. 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

22. The applicant developer made a contribution of £1500 to the costs of making the order and paid for the notice of making in November 2013. Costs of placing the notice of confirmation in the local press will be recovered from the applicant developer. When the order comes into effect after it is certified that its provisions have been complied with legal responsibility for maintenance of the newly created section of public footpath will rest with Lancashire County Council.

COMMENTS OF THE MONITORING OFFICER

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

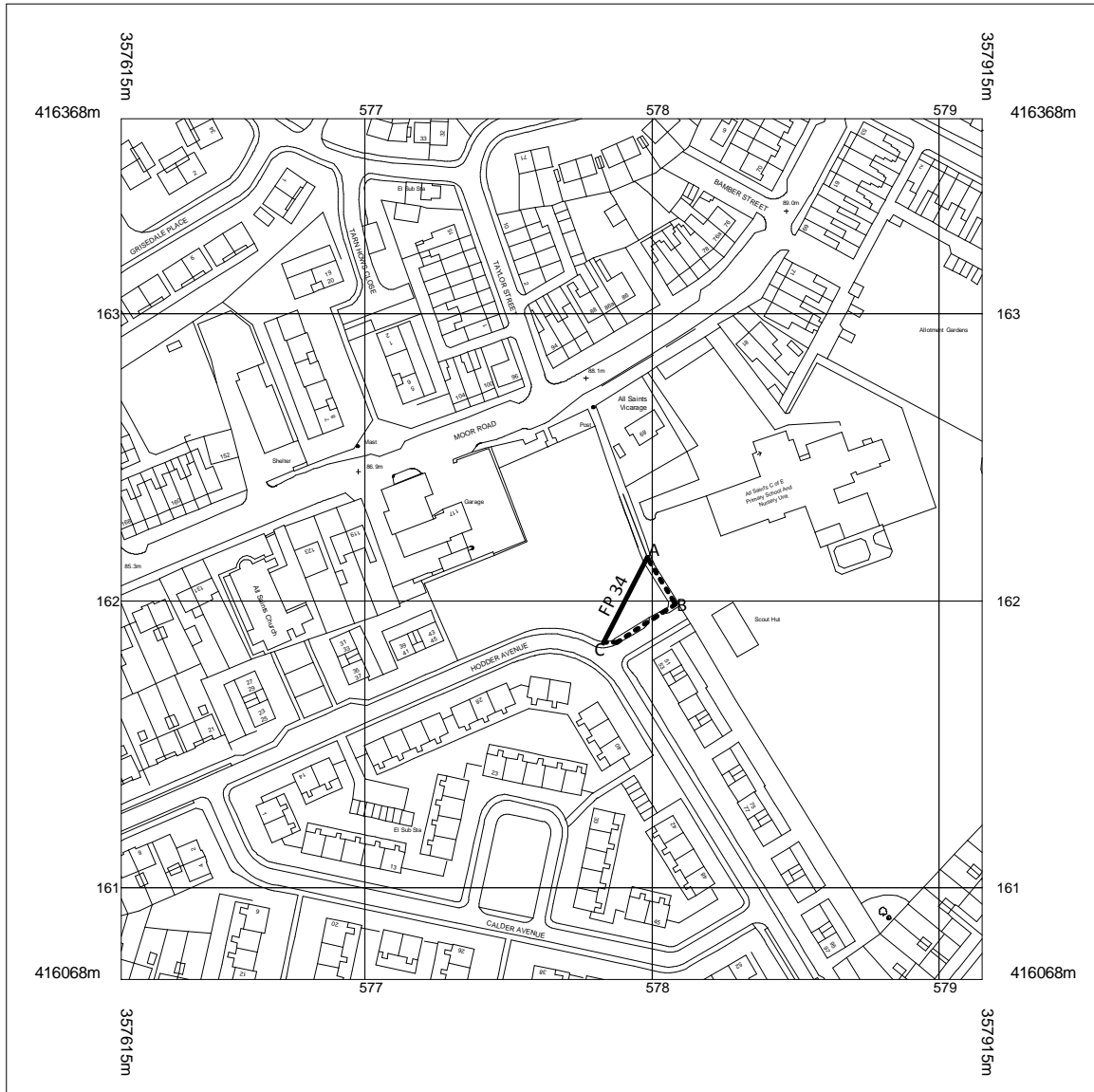
GARY HALL
CHIEF EXECUTIVE

Background Papers			
Document	Date	File	Place of Inspection
Letter from objector	8/12/13	IKEN File 1970	Town Hall
Council response to objector	17/12/13		
Letter withdrawing objection	19/12/13		

Report Author	Ext	Date	Doc ID
Alex Jackson	5166	23 January 2015	IKEN File 1970

Town and Country Planning Act 1990 - Section 257

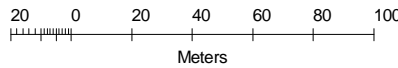
Proposed diversion of Public Footpath 34, Chorley, Chorley Borough



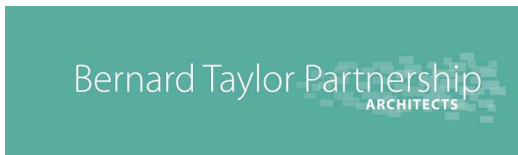
— Length to be diverted A - C
 - - - Alternative Length A - B - C

FP34 diversion

1 : 2500



A	18.10.13	MA	FP34 line above point A indicated as thin black line
Rev	Date	Int	Description



Description:
FP34 diversion

Client:
Adactus Housing
 Project:
Douglas House

Job No:
2217

Scale @ A4:
 1 : 2500

Drawn By: MA Checked By: VS Date: 09/25/13 Drawing No: **130** Rev: **A**

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Report of	Meeting	Date
Director of Public Protection, Streetscene and Community	Development Control Committee	10 February 2015

PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 9 JANUARY AND 28 JANUARY 2015

PLANNING APPEALS LODGED

1. None.

PLANNING APPEALS DISMISSED

2. Appeal by Mr Tom Bennett against the 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). Appeal is dismissed Inspectorate letter received 23 January 2015.
3. 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). Appeal is dismissed Inspectorate letter received 26 January 2015.

PLANNING APPEALS ALLOWED

4. None.

PLANNING APPEALS WITHDRAWN

5. None.

ENFORCEMENT APPEALS LODGED

6. None.

ENFORCEMENT APPEALS DISMISSED

7. None.

ENFORCEMENT APPEALS ALLOWED

8. None.

ENFORCEMENT APPEALS WITHDRAWN

9. None.

HIGH HEDGES APPEALS LODGED

10. None.

HIGH HEDGES APPEAL DECISIONS

11. None.

LANCASHIRE COUNTY COUNCIL DECISIONS

12. 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	29.01.2015	***

Appeal Decision

Site visit made on 20 January 2015

by Andrew Hammond MSc MA CEng MIET MRTPI

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

Decision date: 23 January 2015

Appeal Ref: APP/D2320/D/14/2229135

17 Millfield Road, Chorley, Lancashire, PR7 1RF

- 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 Tom Bennett against the decision of Chorley Borough Council.
 - The application Ref 14/00715/FUL was refused by notice dated 25 September 2014.
 - The development proposed is a two storey side/rear extension over existing garage/workshop to a detached dwelling – resubmission of application Ref 14/00445/FUL.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the existing building and on the streetscene of Millfield Road

Reasons

3. Millfield Road contains a wide variety of semi-detached and detached properties on modest plots with a generally uniform building line. Where space permits most of the properties have garages or single storey extensions to the side and a considerable number have two-storey side extensions, generally set back at first floor level.
4. Number 19 is a semi-detached house that has, at some point in the past, been extended to the side with a set back first floor above a garage, topped by a gable end roof. No 17 also has a gable end roof and both properties are constructed close up to the shared boundary.
5. The proposed development would see No 17 extended above its existing garage almost up to the boundary with No 15 and with a gable end roof above the first floor. The first floor would be set back by 0.5m and the roof would be set down slightly from that of the original dwelling.
6. As a result the dwelling would extend across the majority of the plot to a full two storeys surmounted by a gable ended roof, with the first floor extension set back by only a minimal amount.

7. Whilst it is appreciated that the neighbouring property, No 15, has not been extended above its associated garage, similarly built up to the boundary, the form and bulk of the consequentially extended No 17 would result in a harmful terracing effect to the detriment of the character and appearance of the existing building and of the streetscene, an effect which would be aggravated were No 15 to be extended to the side, even were it to be set back.
8. The proposed development would, therefore, be contrary to the guidance in the Council's adopted supplementary Planning Document *Household Design Guidance* which states that where a gap of at least 1m between properties cannot be achieved, a substantial set back of a minimum of 2m should be provided.
9. The proposed development would also be contrary to Policy HS9 of the Adopted Chorley Local Plan Review and Policy HS5 of the emerging Chorley Local Plan, which both require extensions to be in keeping with the existing house and surrounding buildings.
10. It is noted that there are properties in Millfield Road which have been extended with a first floor set back of less than 2m. However these either pre-date the adoption of the Supplementary Planning Guidance or have a more substantial gap to the side, unlike the appeal property.
11. For the above reasons, and taking account of all material planning considerations, the appeal is dismissed.

Andrew Hammond

INSPECTOR

Appeal Decision

Site visit made on 13 January 2015

by Karen L Ridge LLB (Hons) MTPL

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

Decision date: 26 January 2015

Appeal Ref: APP/D2320/D/14/2228749

Dalton House, 209 Town Lane, Whittle-le-Woods, Chorley, Lancashire PR6 8AG

- 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 Mrs Ann Briscoe against the decision of Chorley Council.
 - The application Ref. 14/00742/FUL was refused by notice dated 22 August 2014.
 - The development proposed is the erection of a summerhouse/garden tool store.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The summerhouse has already been partially built. It is sited on land which is an extension to a domestic garden, granted planning permission¹ as such in 2013. The planning permission contained a condition removing permitted development rights in relation to the erection of outbuildings. I have determined the appeal on the basis that development has already commenced.

Main issues

3. The appeal site is within an adopted Green Belt designated by policy DC1 of Chorley Borough Local Plan Review (LP). I therefore consider that the main issues case are;
 - (i) whether or not the proposed summerhouse amounts to inappropriate development within the Green Belt;
 - (ii) the effect of the proposal on the openness and on the character and appearance of the Green Belt; and
 - (iii) in the event that the proposal is inappropriate development, whether any material considerations in favour of the development clearly outweigh the harm identified so as to amount to the very special circumstances necessary to justify development.

Reasons

Whether or not the proposal constitutes inappropriate development

4. The National Planning Policy Framework (The Framework) seeks to control development within Green Belts and it sets out a general presumption against inappropriate development. It provides that inappropriate development is, by

¹Reference 13/00194/COU.

- definition, harmful to the Green Belt and it should not be approved except in very special circumstances. The Framework further states that the construction of new buildings should be regarded as inappropriate development with a number of exceptions. LP policy DC1 contains similar provisions.
5. The summerhouse is not a building for agriculture or forestry. Neither is it for the purposes of outdoor sport or outdoor recreation. None of the other exceptions listed in the Framework apply to the proposal. It therefore follows that the summerhouse is inappropriate development.
 6. The appellant contends that when the Council granted planning permission for the change of use of the land to domestic curtilage, it either considered that the change of use was not inappropriate development or, if it concluded that the change was inappropriate development, the Council must have been satisfied that very special circumstances existed. Be that as it may, the proposal before me is for operational development within the Green Belt and I must determine this appeal in light of relevant national and local policies relating to the construction of new buildings.
 7. The Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be attributed to any harm to the Green Belt.

Effect of the proposal on the openness and character and appearance of the Green Belt

8. The Framework states that the essential characteristics of Green Belt are their openness and their permanence. The appeal proposal would result in the introduction of a new building into the Green Belt. To that extent it would erode the openness of this part of the Green Belt and cause some limited harm to openness.
9. Policy BNE1 of the emerging Chorley Borough Local Plan sets out design criteria for new development and requires, amongst other things, that proposals respect the character of the local area. The Council has also adopted its 'Householder Design Guidance Supplementary Planning Document' (SPD). This provides that outbuildings should generally be sited in an incongruous position and that the siting and design of such structures need to be carefully considered in rural locations. The SPD further states that any outbuilding which relies upon an extension of an existing curtilage will not normally be acceptable and that where permission has been given for a curtilage extension, and permitted development rights removed, that permission is unlikely to be given for any further structures on the land.
10. The appeal property, Dalton House, is the end house in a row of stone-built cottages on a rural road. It is larger than its more modest neighbours, with a larger garden area to the rear. The extended domestic curtilage comprises a rectangular area running behind the original garden area with steps up to it. Dalton House fronts onto Town Lane with its side boundary running along Copthurst Lane. The summerhouse is sited in the extended curtilage area close to the stone wall which abuts Copthurst Lane. It is clearly visible above this stone wall for quite a length of Copthurst Lane.
11. I note that the summerhouse is not completed and that natural timber cladding walls and a light green polyester coated roof are proposed. I further note the appellant's offer to use any other materials which may be deemed more suitable.

12. The summerhouse is around 4.5 metres by 3 metres with a ridge height of around 2.75 metres. It is located quite a distance away from the rear elevation of the main house and on land which is raised above the original garden. In addition the lower height of the stone wall along this part of the lane and the siting of the summerhouse close to the boundary mean that it is a conspicuous structure seen for some length along Copthurst Lane. The summerhouse is an intrusive and prominent addition which causes harm to the character and appearance of this part of the Green Belt. The use of alternative materials would not mitigate this harm.
13. I note that the change of use of the land to domestic curtilage could result in the introduction of children's play equipment and other domestic paraphernalia. However these would not be permanent structures affixed to the land unlike the summerhouse. Finally whilst planting could be used to screen the summerhouse, this would not eradicate the harm given that it would result in further domestication of the land and the further loss of openness of the Green Belt.
14. I conclude that the summerhouse causes some localised harm to the character and appearance of the Green Belt, contrary to the objectives of the Framework, the Council's SPD and LP policy DC1 as well as emerging policy BNE1.

Whether or not there are other material considerations sufficient to clearly outweigh the identified harm

15. I have set out my findings in relation to the proposal constituting inappropriate development in the Green Belt. National policy in the Framework provides that there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition there is some limited harm to the openness and to the character and appearance of the Green Belt. The Framework also stipulates that substantial weight should be given to any harm to the Green Belt.
16. I now turn to examine whether there are any factors in support of the development such that very special circumstances arise. The appellant says that she was advised by a Council Planning Officer that planning permission would not be required for the summerhouse and she proceeded to erect the structure. I have no further information about pre-application exchanges which took place. However it is commonly accepted that any pre-application advice provided by Council employees is not binding on the Council.
17. The appellant also asserts that in granting permission for the change of use, the Council should reasonably have expected that residents would wish to use the land for domestic purposes and this would naturally include the erection of structures. Therefore the appellant contends that the condition removing permitted development rights is essentially unreasonable and should not have been imposed. Alternatively it is argued that the Council have already accepted the principle of development on the land by allowing the change of use to domestic garden.
18. In the event that the appellant considered the condition withdrawing permitted development rights to be unreasonable, there is the option of applying to remove the condition and a right of appeal in the event of refusal. The removal of permitted development rights is commonly used to protect rural areas and the Green Belt from harmful development by limiting what can be done. I am

not persuaded that the removal of permitted development rights was unreasonable in these circumstances and I attach little weight to this matter.

Overall conclusions

19. I must attach significant weight to the harm to the Green Belt by way of inappropriateness and the limited harm to openness and character and appearance. Lack of harm to the Green Belt or minimal harm to openness and character and appearance do not constitute positive factors in the overall planning balance when considering whether or not very special circumstances exist. The other factors in support of the proposal, taken either individually or cumulatively, do not outweigh the significant harm which I have identified. Therefore very special circumstances do not arise and permission should not be granted. The proposal is contrary to the national and local policy objectives outlined above.

Karen L Ridge

INSPECTOR