

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 10TH MARCH 2015, 5.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

Members of the Committee are recommended to arrive at the Town Hall by 5.15pm to appraise themselves of any updates received since the agenda was published, detailed in the addendum, which will be available in the Members Room from 5.00pm.

APOLOGIES

1 MINUTES OF MEETING TUESDAY, 10 FEBRUARY 2015 OF DEVELOPMENT CONTROL COMMITTEE

(Pages 5 - 12)

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 16 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 14/00975/FUL - BRINSCALL HALL FARM, DICK LANE, BRINSCALL, PR6 8QL

(Pages 13 - 22)

3B 14/00376/OUT - OAK DRIVE, CHORLEY

(Pages 23 - 32)

3C	14/01279/FULMAJ - LAND 200M SOUTH EAST OF 132 CHORLEY LANE, CHARNOCK RICHARD (REPORT TO FOLLOW)	
3D	14/01157/FULMAJ - LAND WEST OF 77 DOCTORS LANE, ECCLESTON (REPORT TO FOLLOW)	
3E	14/01332/FUL - 1 LANCASTER AVENUE, CLAYTON-LE-WOODS, LEYLAND, PR25 5TD	(Pages 33 - 42)
3F	15/00028/FUL - INITIAL TEXTILE SERVICES, BOTANY BROW, CHORLEY	(Pages 43 - 58)
3G	14/01316/FUL - WINTER VIEW FARM, PARR LANE, ECCLESTON, CHORLEY, PR7 5RP	(Pages 59 - 68)
3H	14/01336/FULMAJ - NOOK FARM, HOLKER LANE, ULNES WALTON, LEYLAND, PR26 8LL	(Pages 69 - 82)
3I	14/01168/FUL - OAK TREE HOTEL, 130 PRESTON ROAD, COPPULL, CHORLEY, PR7 5ED	(Pages 83 - 94)
3J	15/00058/FUL - THE BARN, DEAN HALL LANE, EUXTON, CHORLEY (REPORT TO FOLLOW)	
3K	14/01303/FUL - MORRIS FARM, HOLLINS LANE, WHITE COPPICE, HEAPEY	(Pages 95 - 106)
3L	14/01304/LBC - MORRIS FARM, HOLLINS LANE, WHITE COPPICE, HEAPEY	(Pages 107 - 114)
3M	14/01297/OUT - ST PETER'S VICARAGE, HARPERS LANE, CHORLEY (REPORT TO FOLLOW)	
3N	15/00039/FUL - LAND AND GARAGES ADJACENT 26 PEAR TREE ROAD, CROSTON	(Pages 115 - 126)
3O	15/00040/FUL - GARAGES, AT LONGFIELD AVENUE, COPPULL	(Pages 127 - 138)
3P	15/00031/CB3 - LAND NORTH OF 61 CHAPEL STREET, CHORLEY	(Pages 139 - 146)

4 TREE PRESERVATION ORDERS

4A	TREE PRESERVATION ORDER NO.9 (COPPULL) 2014	(Pages 147 - 152)
	Report of the Director Public Protection, Streetscene and Community (enclosed).	
4B	TREE PRESERVATION ORDER NUMBER 1 (ECCLESTON) 2015	(Pages 153 - 158)

Report of the Chief Executive (enclosed).

**4C TREE PRESERVATION ORDER NUMBER 14 (CHORLEY)
2014**

(Pages 159 -
164)

Report of the Chief Executive (enclosed).

5 APPEALS AND OTHER DECISIONS

(Pages 165 -
170)

Report of the Director of Public Protection, Streetscene and Community (enclosed).

6 ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR

GARY HALL
CHIEF EXECUTIVE

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

Electronic agendas sent to Development Control Committee reserves for information.

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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, 10 February 2015

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

RESERVES: Councillors John Dalton and Mike Handley

OFFICERS: Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), Nicola Hopkins (Principal Planning Officer), Ian Heywood (Senior Planner (Conservation)), Alex Jackson (Legal Services Team Leader), Jodi Fitzpatrick (Solicitor) and Cathryn Filbin (Democratic and Member Services Officer)

APOLOGIES: Councillors David Dickinson and Alan Whittaker

OTHER MEMBERS: Councillors Marion Lowe and Gordon France

15.DC.105 Minutes of meeting Tuesday, 20 January 2015 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.106 Declarations of Any Interests

There were no declarations of interest for any items on the agenda.

15.DC.107 Planning applications to be determined

The Director of Public Protection, Streetscene and Community submitted 17 reports for planning permission consideration.

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

(At this point Councillor Paul Walmsley joined the meeting.)

15.DC.107a 14/00332/OUT - Land between Wheatsheaf Hotel and 2, Chapel Lane, Coppull

Registered speaker: the applicant's agent – John Taylor

RESOLVED (unanimously) – That planning permission be approved subject to 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 –

- Allotments
- Amenity Greenspace
- Playing Pitches

15.DC.107b 14/00376/OUT - 3 Oak Drive, Chorley

Registered speakers: objector – Adrian Sherlock and Ward Councillor Marion Lowe.

RESOLVED (12:0:1) - That the decision be deferred to allow Members of the Committee the opportunity to visit the site of the proposals.

15.DC.107c 14/00603/FUL - Prospect House, Whins Lane, Wheelton, Chorley, PR6 8HN

RESOLVED (unanimously) – That planning permission approved subject to the 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 –

- Allotments
- Amenity Greenspace
- Playing pitches

15.DC.107d 14/00098/FUL - Land 40M North West Of Lake View Nursing Home, Chorley Road, Withnell

RESOLVED (unanimously) – 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
- Playing Pitches
- Provision for children/young people

(At this point both Councillor Christopher France and Charlie Bromilow joined the meeting.)

15.DC.107e 13/00644/FUL - 7 Albert Street, Chorley, PR7 2TY

RESOLVED (unanimously) – That planning permission be approved subject to 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. Members noted that it would not be appropriate to seek contributions for provision for children and young people from this type of development. 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 –

- Allotments
- Amenity Greenspace
- Playing Pitches

15.DC.107f 14/00110/OUT - 69 Charter Lane, Charnock Richard

RESOLVED (unanimously) – 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 –

- Allotments
- Amenity Greenspace
- Paying pitches

15.DC.107g 14/00309/FUL - Land adjacent to The Bungalow, Chorley Old Road, Clayton-le-Woods, Chorley, PR6 7QZ

RESOLVED (unanimously) – That planning permission be approved subject to the 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 -.

- Allotments
- Playing Pitches

- Provision for children/young people

15.DC.107h 14/00705/FUL - 1 Queens Road, Chorley

RESOLVED (unanimously) – That planning permission be approved subject to the 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 –

- Allotments
- Amenity Greenspace
- Playing pitches

15.DC.107i 14/00704/FUL - 3 Queens Road, Chorley

RESOLVED (unanimously) – That planning permission be approved subject to the 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 –

- Allotments
- Amenity Greenspace
- Playing Pitches

15.DC.107j 14/00324/FUL - Yates Barns, 20 St Thomas's Road, Chorley

RESOLVED (unanimously) - Planning permission approved subject to the 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 -

- Allotments
- Amenity Greenspace
- Playing pitches

15.DC.107k 13/00757/FUL - Novita, 37 Cowling Brow, Chorley

RESOLVED (unanimously) - That planning permission be approved. 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 –

- Allotments
- Playing Pitches

At this point the business on the agenda for the first part of the meeting had been concluded and the meeting was adjourned at 4.55pm.

The Committee was reconvened at 6.30pm for the second part of the meeting to consider the remaining items of business on the agenda.

15.DC.107i 14/01132/FULMAJ - Land bounded by Black Brook, Chapel Lane and Tithe Barn Lane, Heapey

Registered speakers: objector – Peter Smith and Ward Councillor Gordon France

RESOLVED (unanimously) – That planning permission be refused for the reasons set out in the report, namely on the grounds that the proposal would be inappropriate development within the green belt. The size, scale and nature of the proposal was such that members of the Committee considered it would cause significant harm to the countryside through encroachment of development into the countryside eroding the openness of the green belt and that the harm arising was not outweighed by any potential benefits. The proposed development would be harmful to the amenities of users of Public Footpath 31.

Whilst the proposal was materially different to the recent appeal decision on the same site, members of the Committee did not consider that the changes to the proposal were sufficient to overcome the Inspector's reasons for refusal.

15.DC.107m 14/01273/FULMAJ - Brookfield Development Seddon Homes, Chapel Lane, Coppull

Registered speaker: applicant's agent – Debra Baker

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

15.DC.107n 14/01011/FULMAJ - Land 340m east of Cuerden Farm, Wigan Road, Clayton-le-Woods

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

15.DC.107o 14/01199/FUL - 4 Chorley Road, Heath Charnock, Chorley, PR6 9LB

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

15.DC.107p 14/01231/REMAJ - Group 1, Euxton Lane, Euxton

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

15.DC.107q 14/01243/FUL - Adlington Police Station, 26 Church Street, Adlington, Chorley, PR7 4EX

RESOLVED (unanimously) – 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 –

- Allotments
- Amenity greenspace
- Playing Pitches
- Provisions for children/young people

15.DC.108 Enforcement Report

Members of the Committee considered a report by the Director of Public Protection, Streetscene and Community which sought authority to take enforcement action in respect of the unauthorised use of land at Town Lane Farm, Town Lane, Heskin.

Without planning permission there had been a change of use of the livery stable yard area, to a use for the parking and sale of motor vehicles. The development constitutes inappropriate development in the Green Belt and was contrary to the National Policy Framework and Policy DC1 of the Adopted Chorley Local Plan Review.

RESOLVED (unanimously) – That it was expedient to issue an enforcement notice to remedy the breach of planning control by ceasing the use of land for the parking, storage and sale of motor vehicles. The period for compliance was three months.

15.DC.109 The Chorley Borough Council (Public Footpath No. 34 Chorley) Public Path Diversion Order 2013

Members of the Committee considered a report of the Chief Executive which sought confirmation of a Diversion Order in relation to part of Public Footpath Number 34 Chorley, as an unopposed order.

RESOLVED –

- 1. 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.**

2. **That the Head of Governance be 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 with.**

15.DC.110 Planning appeals and Other Decisions Report 10 February 2015

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

RESOLVED – That the report be noted.

Chair

Date

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Item 3a	14/00975/FUL
Case Officer	Ian Heywood
Ward	Wheelton and Withnell
Proposal	Erection of a single dwelling for occupation by an agricultural worker.
Location	Brinscall Hall Farm Dick Lane Brinscall Chorley PR6 9DQ
Applicant	Mr Joey Drinkall
Consultation expiry:	23 February 2015
Decision due by:	11 March 2015

Recommendation Permit Full Planning Permission

Executive Summary

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

Update

Since the application was first considered by Members at the Development Control Committee on 28 October 2014 a site visit has been held on 14 January 2015 and further discussions with the County Land Agent together with the agent and applicant have taken place. These have resulted in the plans being further revised. The County Land Agent has confirmed that he considers the proposed plans to be acceptable and that the proposed accommodation meets the needs of the farming unit in this case. The changes involve a reduction in the overall size of the proposed dwelling, the deletion of the detached garage and a reconfiguration of the internal layout. The proposed facing materials have not been specified but an indication that either stone, brick or render or a combination of these are possible but that final details are to be determined by a planning condition.

Further consultation with neighbours and the Parish Council upon the receipt of the amended plans has not produced any further responses.

Members will be aware of the changes to the National Planning Policy Guidance (NPPG) with regard to 'tariff based planning obligations', effectively S.106 Agreements for financial contributions, which in this case relate to the provision of public open space. In this case the proposal falls below the threshold for such contributions.

Representations

<p>Councillor Margaret France: Objects to the proposed development on the following grounds:</p> <ul style="list-style-type: none"> • Inappropriate development in the Green Belt • Inappropriate materials • Highways safety/safety of walkers • Impact on the appearance of the area
<p>Withnell Parish Council: Objects to the proposal on the grounds that ‘a development of this size in the Green Belt is not appropriate. The proposed materials are also not in keeping with other buildings in the area. The Parish Council also question the “agricultural worker” statement for a dwelling and garages of this size’.</p>
<p>In total six representations have been received which are summarised below</p>
<p>Objection</p>
<p>Total No. received: 5</p> <ul style="list-style-type: none"> • Inappropriate development in the Green Belt – isolated location • Poor access • Inappropriate materials • Impact on the appearance of the area • Building too large for the alleged need • Impact on amenity of walkers who use the footpath.
<p>Support</p> <p>Total No. received: 1</p>

Consultees

Consultee	Summary of Comments received
Lancashire County Council Highways	No objections
Lancashire County Council Ecology	No comments have been received
Lancashire County Council County Land Agent	Supports the need for an agricultural workers dwelling on the site. The amended plans now reflect the comments previously aired and the resultant proposed dwelling is considered to be acceptable.
Chorley Council Tree Officer	No objections
Chorley Council Planning Policy	See the body of the report

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

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

Description of the site

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

AssessmentUpdate

12. Following the Development Control Committee meeting of 28 October 2014 and also following receipt of further comments from the County Land Agent the applicant agreed on 19 December 2014 to a number of amendments to the proposed scheme. These include:
- Deletion of the proposed garage and replacement with a small porch/woodstore;
 - Alterations to the internal layout and type of accommodation proposed;
 - Reduction in the overall scale of the proposed dwelling;
 - Changes to the proposed facing materials, with the final details to be controlled by condition.
13. Although agreement to the proposed changes was obtained in writing from the applicant via the agent on 19 December 2014, no further amended plans have been received. On the basis that agreement had been obtained a further consultation with neighbours and the Parish Council was undertaken, the closing date for which being 7 January 2015. No further comments have been received.

Principle of the Development

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

21. Consequently it is considered that the proposal meets the requirements of the aforementioned policies and that therefore it falls to be considered as appropriate development within the Green Belt.

Design

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

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

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

Impact on the amenity of neighbours

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

Highway Safety and Parking

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

Ecology

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

Trees

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

33. The proposed development does not require works to any trees. However to safeguard any trees within or adjacent to the site a condition will require the submission and approval of tree protection details prior to the commencement of the development.
34. The proposal is therefore considered to be in conformity with the aforementioned policies.

Public Right of Way

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

Drainage and Sewers

37. Pertinent Policies are: Adopted Chorley Local Plan Review (2003), Policy EP18. The development proposes the use of independent drainage for both foul and surface water disposal. To secure the details a suitably worded condition has been suggested.
38. The proposed development is therefore considered to accord with the aforementioned policy.

S.106 Agreement

39. 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.
40. This development is for 1 no. dwelling which is below the 10 unit threshold and also has a combined gross floorspace of less than 1000m².
41. 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

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

Sustainable Resources

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

Overall Conclusion

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

Planning Policies

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

Planning History

Nil.

Proposed Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Drawing: BS.14-024/03 Proposed Plans & Elevations Received on 09.09.14</p> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>
3.	<p>The development hereby permitted shall not commence unless and until, plans and particulars showing a scheme of foul sewers and surface water drains, have been submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.</p> <p><i>Reason: To ensure a satisfactory means of drainage.</i></p>
4.	<p>The development hereby permitted shall not commence unless and until samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
5.	<p>During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.</p> <p><i>Reason: To safeguard the trees to be retained</i></p>
6.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwelling(s), porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.</p> <p><i>Reason: In the interests of neighbour amenity.</i></p>
7.	<p>The development hereby permitted shall not commence unless and until the applicant has received approval in writing from the local planning authority that the recommendations of the Ribble Ecology reports received on 14 August 2014 have been implemented in full.</p> <p><i>Reason: To safeguard protected and endangered species and their habitats.</i></p>
8.	<p>The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working at Brinscall Hall Farm in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependents.</p> <p><i>Reason: To ensure that the dwelling are kept available to meet the needs in the locality for agricultural or forestry workers' accommodation, as the site is within an area where residential development for purposes other than the essential requirements of agriculture, or forestry, are not normally permitted.</i></p>
9.	<p>All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate,</p>

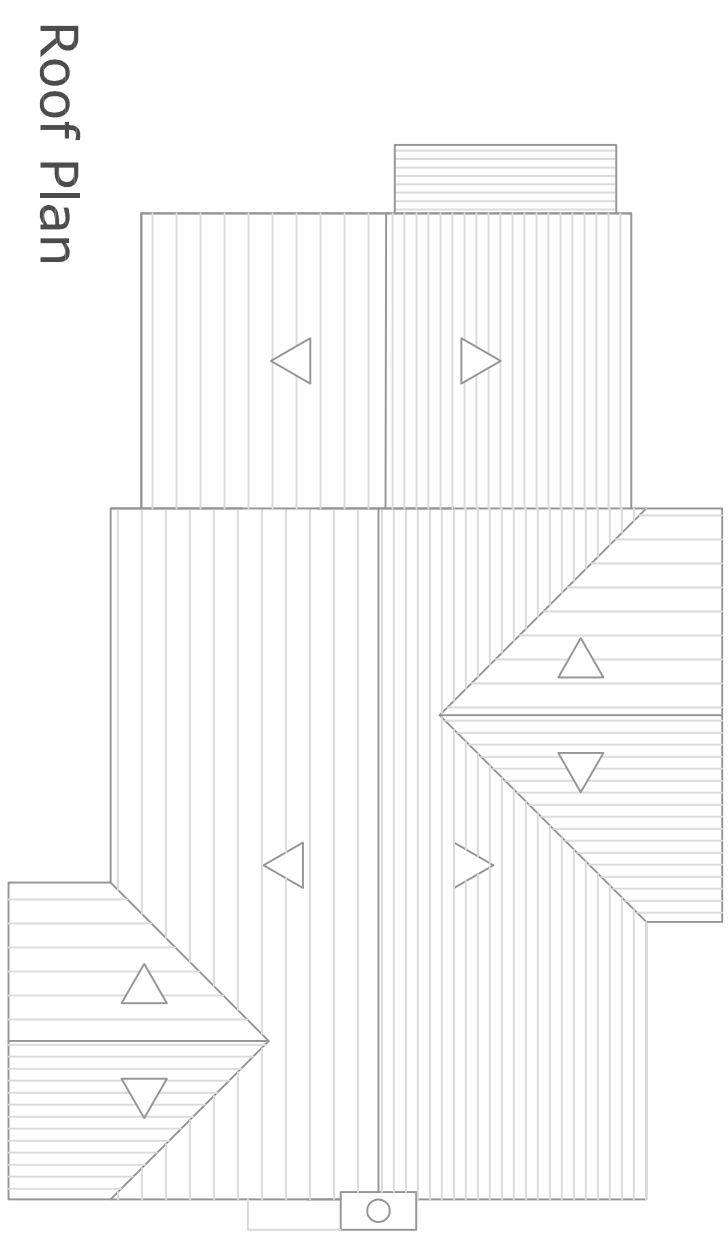
	<p>certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>
10.	<p>Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>
11.	<p>No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code Level, has been issued by a Code for Sustainable Homes Assessor and submitted to the Local Planning Authority.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>

Proposed Informatives:

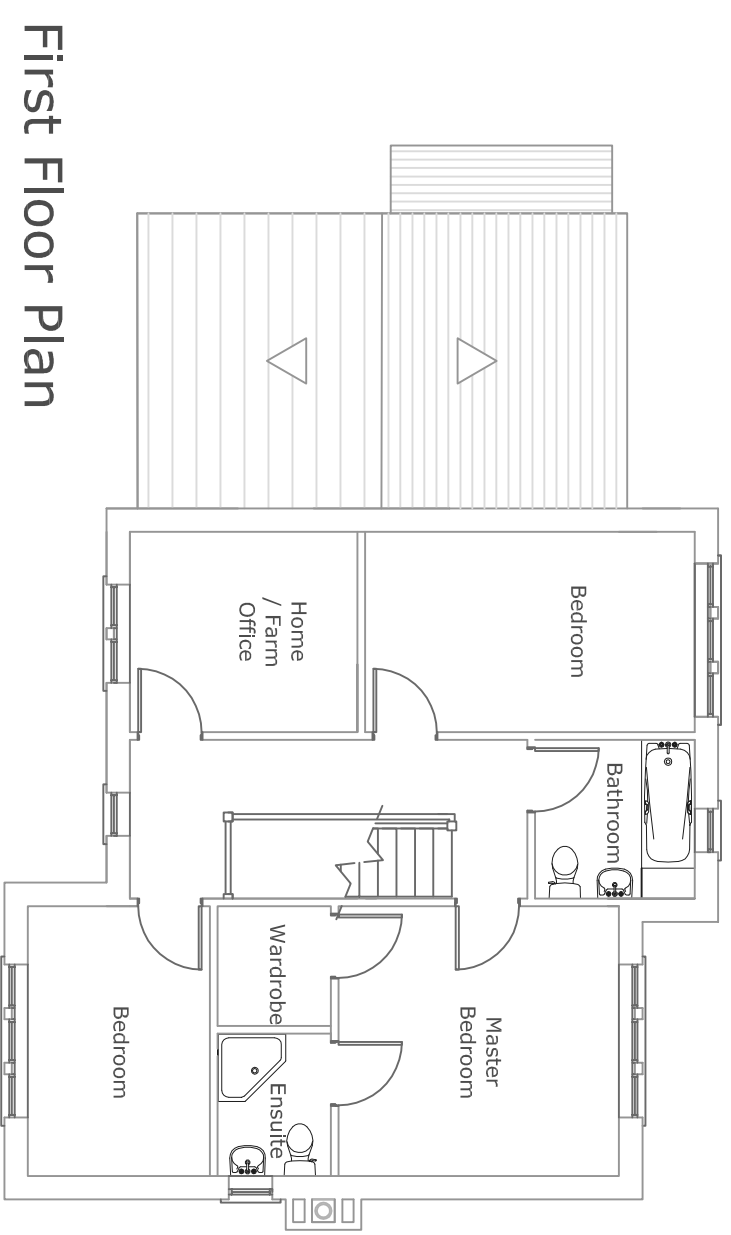
Please Note: The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local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

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

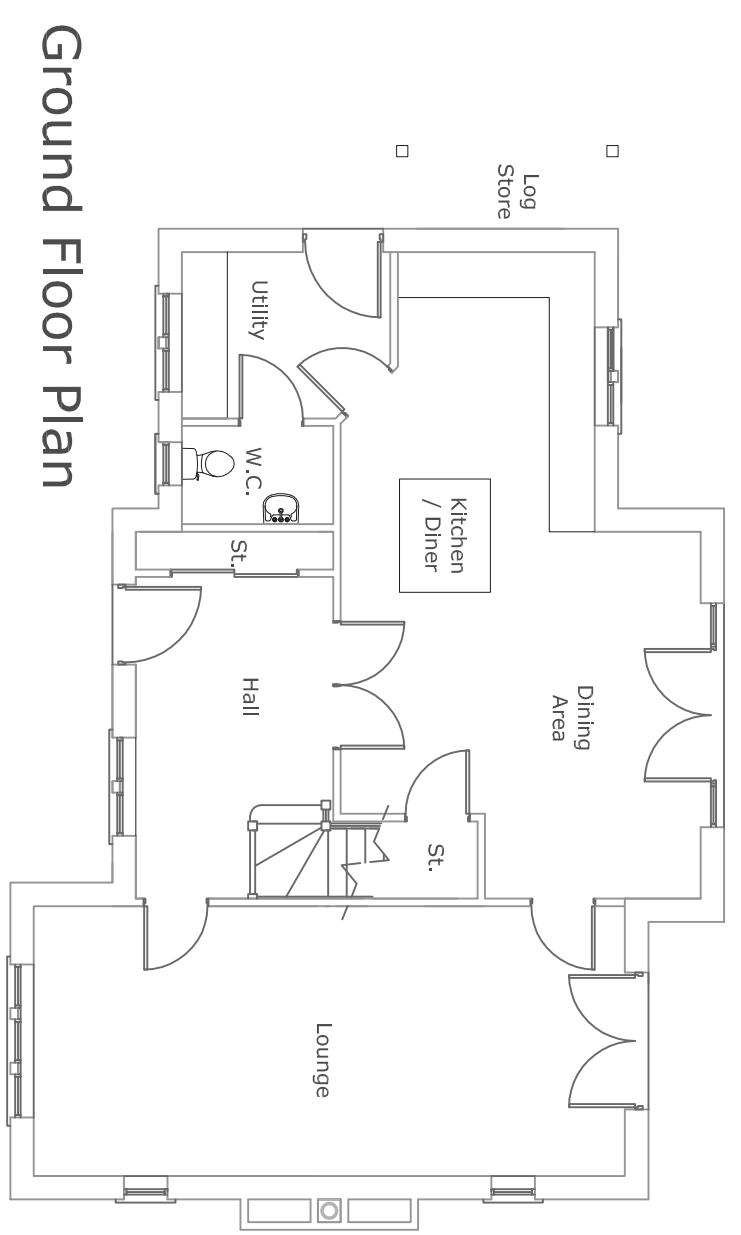
Diversion of any footpath requires the consent of Lancashire County Council to whom a separate application must be made.



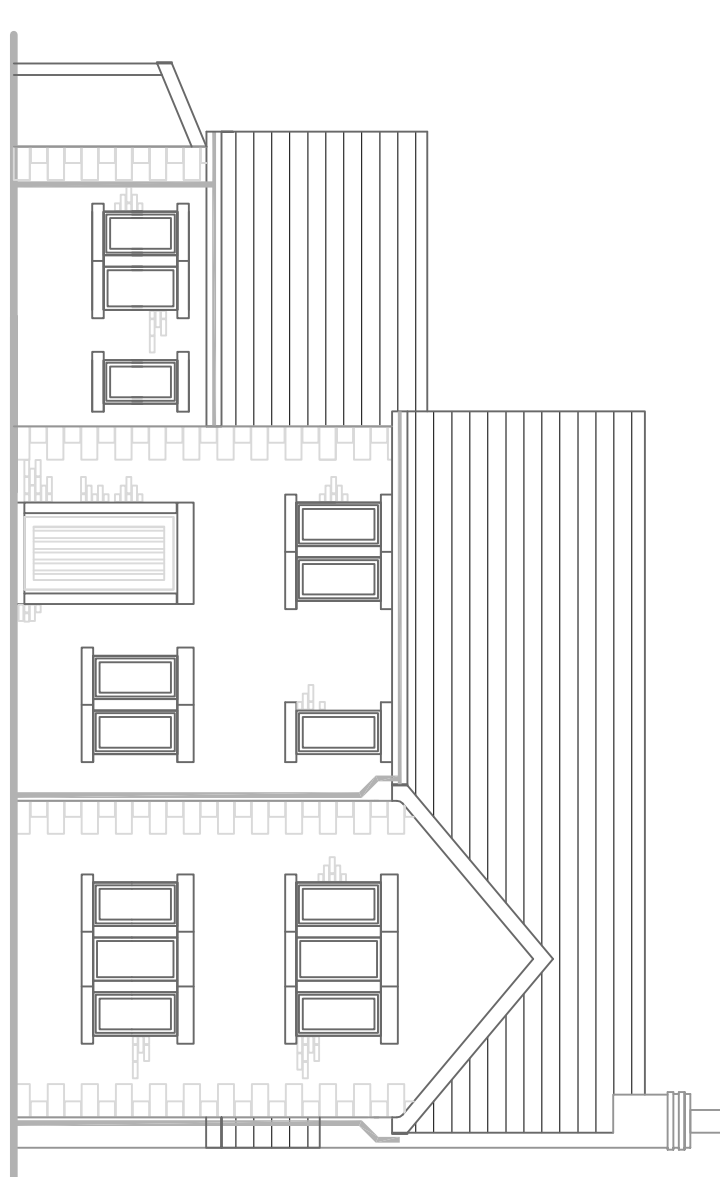
Roof Plan



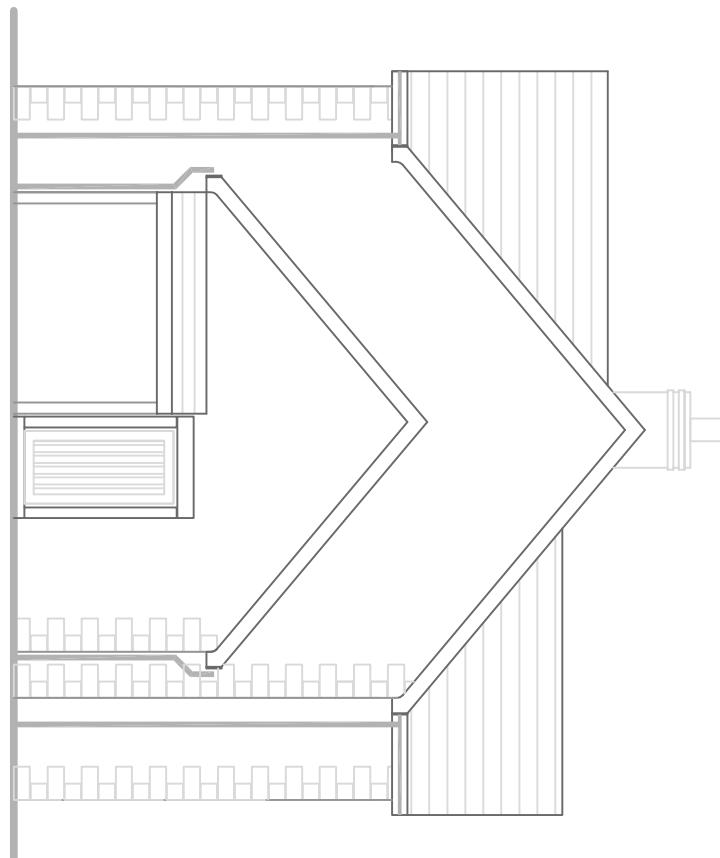
First Floor Plan



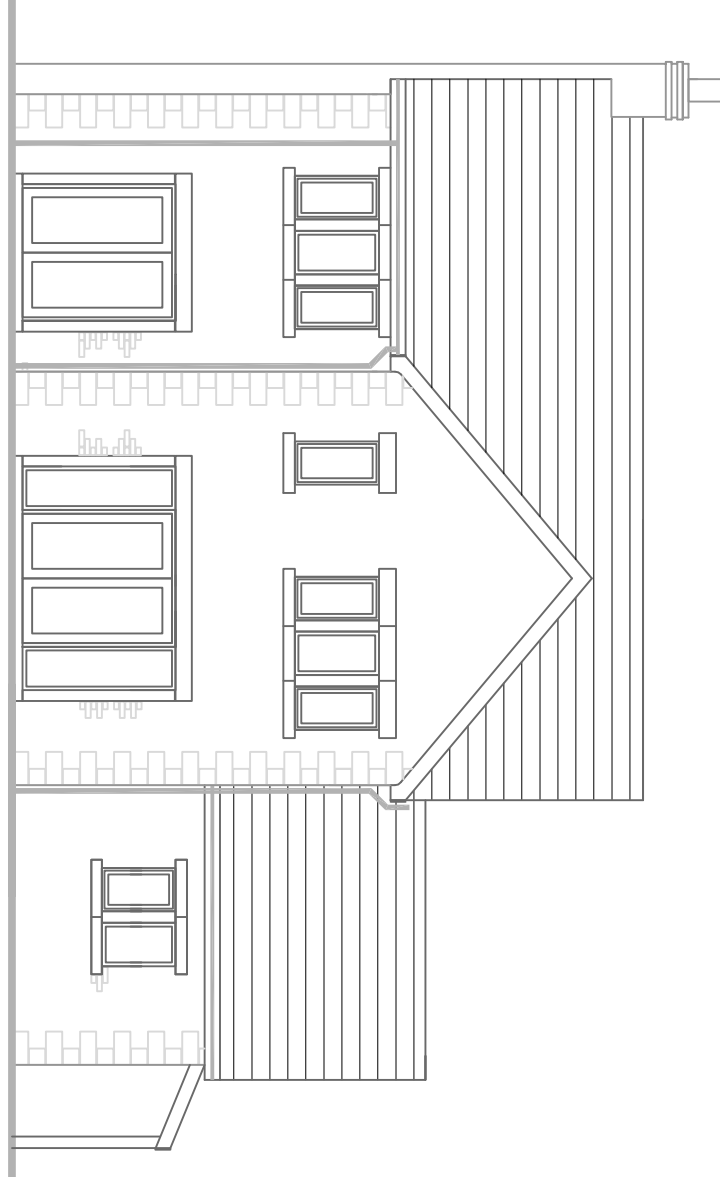
Ground Floor Plan



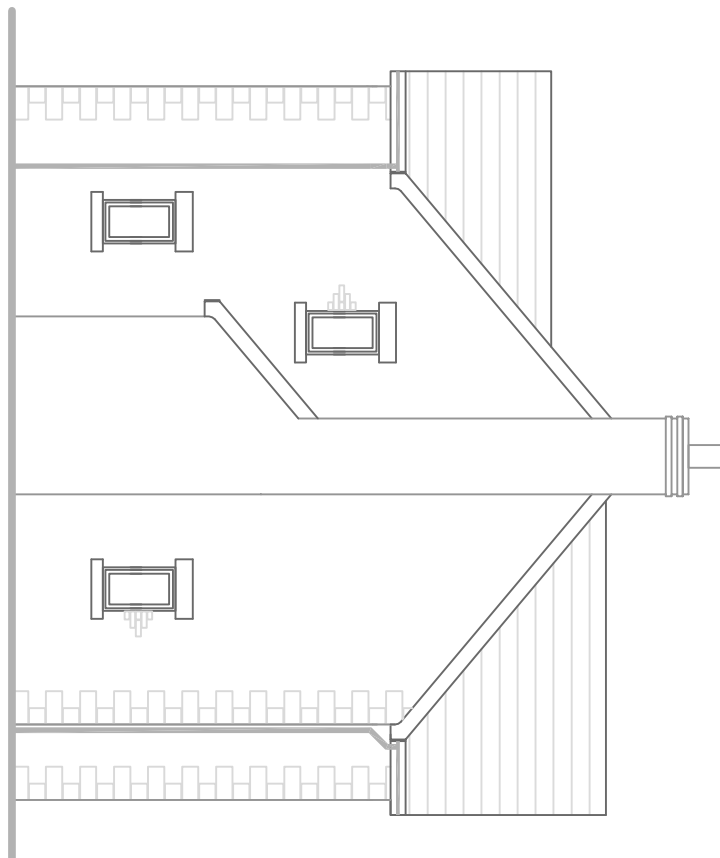
Front (North East) Elevation



Side (South East) Elevation

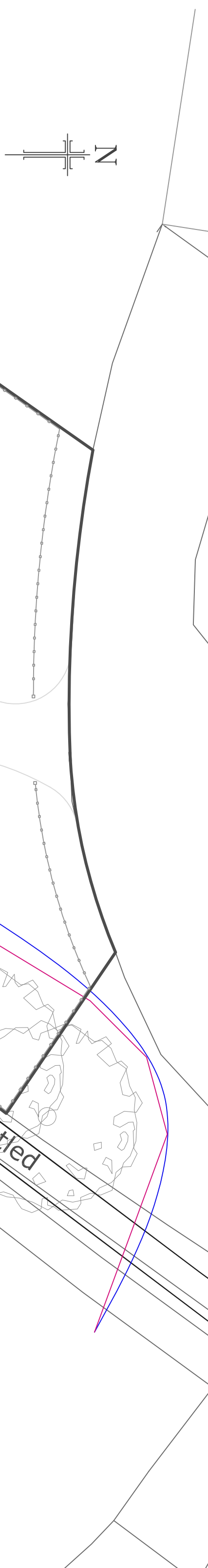


Front (South West) Elevation



Side (North West) Elevation

Note: materials to be compromised of stone, render or brick and approved in writing by the Council prior to construction.



Site Plan (Scale 1:200)
(Site area 0.129 Hectares)

NOTES:
The copyright of this drawing is held by Lea Hough & Co Chartered Surveyors LLP.
Do not scale from this drawing. All dimensions are approximate and must be checked and verified by the contractor prior to works commencing on site.

REV	DESCRIPTION	DATE	AMENDED
A	Issue for consultation as per local authority planning officers comments.	20/07/14	RJ
B	Note added to drawing regarding materials	08/12/14	RJ
C	Drawing amended in line with local authority planning officers comments.	22/12/14	RJ
D	Minor Alterations undertaken at Clients request.	08/01/15	RJ
E	Minor Alterations undertaken at Clients request.	12/01/15	RJ
F	Revised to Revision C Design	08/02/15	RJ

LeaHough
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Survey Valuation Design Planning Sales

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

8 Eaton Avenue
Matrix Office Park
Buckshaw Village
Preston
Lancashire
PR7 7NA
Tel: 01772 458866
Email: info@leahough.co.uk

CLIENT:
Mr J Drinkall
Manor House,
Angleszarke,
Chorley,
PR6 9DQ.

PROJECT ADDRESS:
Brinscall Hall Farm,
Off Dick Lane,
Brinscall,
Chorley,
Lancashire

PROJECT TITLE:
Proposed Farm Workers Dwelling

DRAWING TITLE:
Proposed Plans & Elevations

PAPER SIZE:	DRAWING NUMBER:	REV
A1	BS 14:024/03	F
SCALE:	DATE:	DRAWN BY
1/100	9th February 2015	RJ

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Item 3B	14/00376/OUT
Case Officer	Helen Lowe
Ward	Chorley North East
Proposal	Outline application for the erection of a new dwelling (all matters reserved save for access)
Location	3 Oak Drive, Chorley
Applicant	Mr Rodney Fullwood
Consultation expiry:	1st July 2014
Decision due by:	1st August 2014
Recommendation	Approve outline consent
Executive Summary	This is an outline application with all matters reserved except access. The application site is located within the private garden area of no. 3 Oak Drive. The proposal would not have a harmful impact on the character of the area and is considered to represent sustainable development as set out in the Framework. The proposal would not give rise to undue harm to the amenities of neighbouring residents or highway safety and is accordingly recommended for approval.

This application was deferred for a site visit at the February Development Control Committee meeting.

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 the original 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 27th 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 into 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:

The obligations are as follows (sites as identified in the Central Lancashire Open Space Study, Final Open Space Audit Report, May 2012):

Amenity Greenspace

A contribution of £140 towards new provision in the Chorley North East, Chorley.

Provision for children/young people

A contribution of £134 towards new provision in the Chorley North East, Chorley.

Allotments

A contribution of £15 towards improving the quality/value of the following sites as identified in the Central Lancashire Open Space Study, Final Open Space Audit Report, May 2012:

Site 1644 – Whittam Street/Moor Road,

Site 1646 – Allotments rear of Worthy Street,

Site 1648 – Allotments rear of Bay Horse Hotel, Preston Road

Policy HW5.2 proposed new allotment site at Sylvesters Farm, Euxton

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.

Representations

In total 4 representations have been received which are summarised below

Objection

Total No. received: four

- A building on the proposed site would allow their own house and garden to be overlooked with a resulting loss of privacy;
- There would be a loss of light to their property;
- Parking for three vehicles would cause noise, disturbance and pollution;
- An entrance/exit to Millenium Way or Hazel Grove would cause a significant hazard to traffic;
- There would be an adverse impact on the character of the area given that the proposed building plot is a long established residential garden, and would disrupt the wildlife inhabiting the plot and adjacent areas;
- Only a single storey building should be allowed to prevent visual intrusion;
- Noise and disturbance from the use of the property and increased road noise due to the removal of trees from the boundary;
- Additional traffic on Oak Drive would be hazardous to traffic

Consultees

Consultee	Summary of Comments received
LCC Highways	No objections to access from Hazel Grove

AssessmentPrinciple of the Development

1. This is an outline application for the erection of one dwelling, with all matters reserved except for access. The application site forms part of the garden area of no. 3 Oak Drive, which is located within the settlement boundary of Chorley. It is located to the west of the existing dwelling. In accordance with the Framework the site is therefore considered to be previously undeveloped land.
2. Policy HS3 of the emerging Local Plan deals with private residential garden development. It states that within settlements, applications for development within private residential gardens will only be permitted for replacement dwellings, conversion of domestic buildings and infill development. Infill development is the filling of a small gap in an otherwise built up street frontage. The Council will also have regard to the sustainability of the site and proposals which significantly undermine the distinctive character of an area will be refused.
3. The application site is a corner plot, located at the junction of Hazel Grove and Millennium Way. At present the site is accessed via Oak Drive, a private road off Maple Grove to the east. As such the application site does not form an infill plot in the traditional sense, however, the site is surrounded by dwellings to the south and east, and there are other dwellings to the west, separated by the road. The application site, does infill a gap, with dwellings on either side, all be them not within a built up frontage.
4. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location with easy access to public transport, amenities such as a hospital, church and public house nearby and the means to access other amenities easily. The Framework also states that development in sustainable locations should be approved without delay.
5. On balance it is considered that although the application site does not strictly form an infill plot as defined in policy HS3, it accords with the thrust of these policies that seeks to prevent development that would be out of keeping with the character of the existing area and encroach into otherwise open and undeveloped areas. The proposal would represent an efficient use of space within a sustainable location.

Neighbour Amenity

6. BNE1 of the emerging Local Plan states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
7. No. 1 Hazel Grove to the south is a two storey property, with a single storey element to the north side, facing the application site. There are a number of mature trees and shrubs along the southern boundary, with no. 1 Hazel Grove. A number of these are within the control of the neighbouring property, rather than the applicant. The dwelling at no. 1 has a number of ground floor windows in the single storey element to the side facing the boundary; these serve a garage and a kitchen. These windows are approximately 14m from the boundary. There is also a first floor window in the north facing side elevation of the main part of dwelling, overlooking the application site. This is to a non-habitable room. Taking into consideration the distance of the neighbouring property from the application site it is considered that a dwelling could be designed at reserved matters stage that would maintain a suitable level of privacy for the occupants of no. 1 Hazel Grove.
8. No. 9 Rowan Drive is located to the south east; although the application site does not directly adjoin this property, there would be oblique views towards the application site from this property. It is considered that with careful design a property could be accommodated on the application site that would comply with the Council's interface standards and not cause an unacceptable degree of overlooking or loss of privacy for the occupants of no. 9 Rowan Drive.
9. The only other property to be affected by the proposal is the applicant's own property.

Highways

10. The outline application includes consideration of the access arrangement and the application details access to the site from Hazel Grove, immediately adjacent to the southern boundary of the site with no. 1 Hazel Grove. The LCC Highways Engineer has advised that locating the access in this location would be acceptable and is not considered to cause undue harm to highway safety.
11. It is considered that there would be sufficient space within the application site to accommodate a suitable level of off street parking in accordance with policy ST4 of the emerging local plan. It is not considered that the level of increased vehicle movement from one modestly sized dwelling would be so detrimental as to warrant refusal of the proposals.

Design and appearance

12. As the application is in outline only no details of design have been provided, although the indicative site layout provided states that a bungalow is proposed. Existing dwellings in the surrounding area are varied, with different styles and materials and scales. It is considered that an appropriate design could be achieved.
13. The removal of the large mature conifers on the west facing site boundary (onto Hazel Grove) to necessitate the new access to the site would represent a significant change in the appearance of the immediate area. However, due to the nature and character of these trees it is not considered that it would be appropriate to require their retention.

Section 106 agreement

14. There is a requirement for a financial contribution towards equipped play space, casual/informal play space and playing fields for all new housing planning permissions in the Borough irrespective of size. This is set out in policies HS4A and HS4B of the Emerging Local Plan.
15. In September 2013 the Council adopted The Open Space and Playing Pitch Supplementary Planning Document. The Council's requests for financial contributions towards the provision and improvement of public open space within the Borough are therefore now based on comments are based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD. The Council has also produced an Open Space Study and Playing Pitch Strategy which provides detailed information on local needs, deficits and surpluses, therefore such requests for contributions are based on a robust and up to date assessment on the level of need and existing provision in the local area.
16. The Council's Planning Policy Section have advised that a figure of £1888 is required in this instance. The applicant has been made aware of this.

CIL

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

Overall Conclusion

18. The application site does not fall within the definition of an infill plot as set out in local plan policy HS3, however, due to its relationship with other adjacent properties it is considered that the proposal would have a very limited impact on the character of the area and would accord with the aims of these policies.
19. It is also considered that the proposal would not give rise to undue harm to the amenities of neighbouring residents or highway safety and is accordingly recommended for approval.

Planning Policies

20. 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
85/00585/FUL	Erection of two detached bungalows	Approved	21 st February 1984

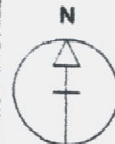
Suggested Conditions

No.	Condition									
1.	<p>An application for approval of the reserved matters (namely the 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>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 734 1289 846"> <thead> <tr> <th data-bbox="327 743 639 775">Title</th> <th data-bbox="639 743 968 775">Drawing Reference</th> <th data-bbox="968 743 1283 775">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="327 775 639 806">Location plan</td> <td data-bbox="639 775 968 806"></td> <td data-bbox="968 775 1283 806">5 June 2014</td> </tr> <tr> <td data-bbox="327 806 639 837">Site plan</td> <td data-bbox="639 806 968 837"></td> <td data-bbox="968 806 1283 837">1 April 2015</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		5 June 2014	Site plan		1 April 2015
Title	Drawing Reference	Received date								
Location plan		5 June 2014								
Site plan		1 April 2015								
3.	<p>No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code Level, has been issued by a Code for Sustainable Homes Assessor and submitted to the Local Planning Authority.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development</i></p>									
4.	<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>									
5.	<p>All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development</i></p>									

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TITLE NUMBER
LA898089



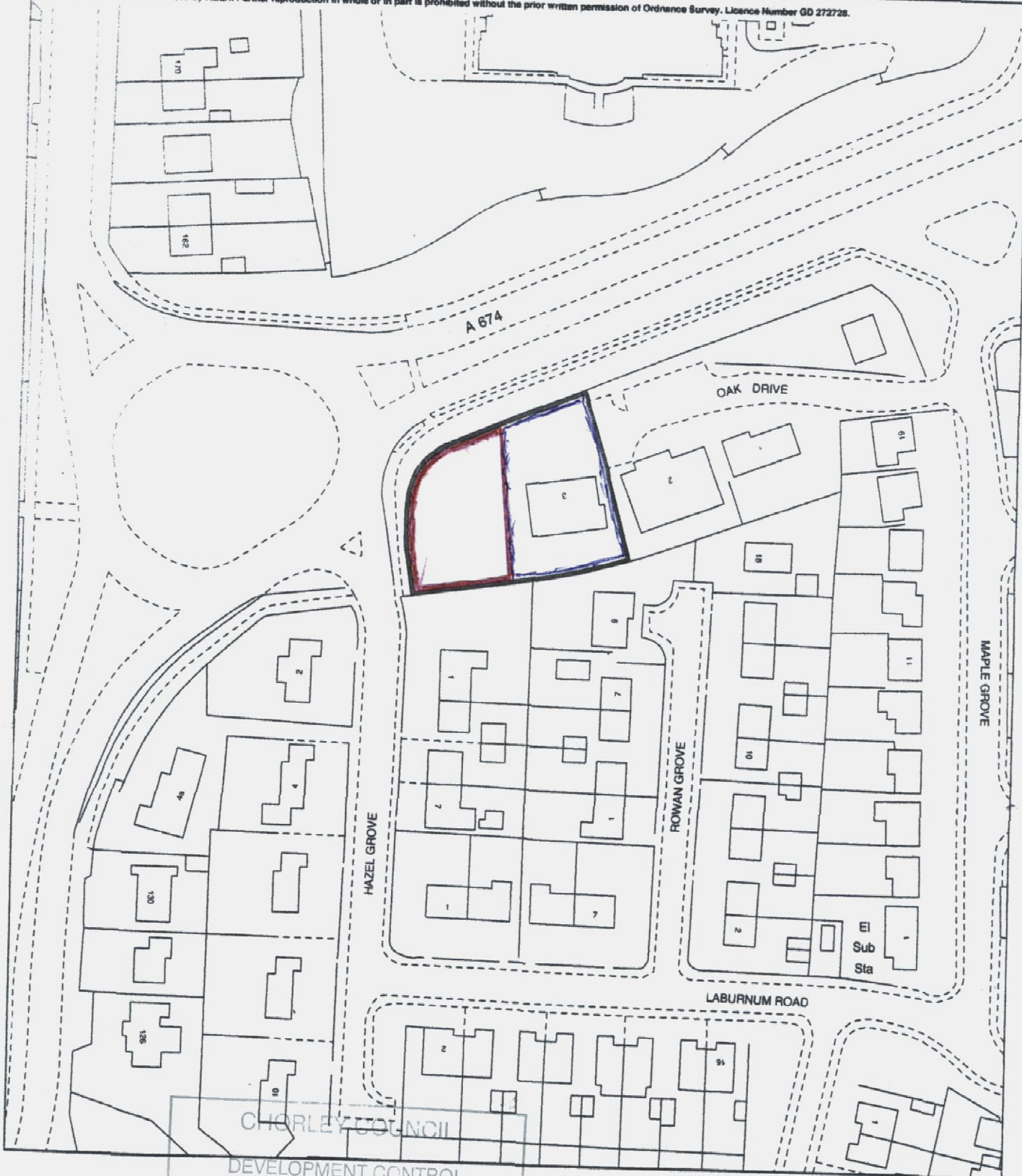
LANCASHIRE : CHORLEY

ORDNANCE SURVEY MAP REFERENCE:

SD5819SW

SCALE 1:1250 Enlarged from 1/2500

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CHORLEY COUNCIL

DEVELOPMENT CONTROL

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<p>front of the property will not be in keeping with the area;</p> <ul style="list-style-type: none"> • Traffic congestion could restrict access for emergency vehicles; • There are nearby nurseries with vacancies so there is no need for it; • The parking layout does not allow for entering and exiting the spaces; • Runoff from the carpark will put waste from cars e.g. petrol oil into land drains; • It would destroy the character of the area; • When empty at night would it be secure or could it be a target for youths to congregate?; • If lighting is proposed this will impact on the amenity of nearby residents 	<ul style="list-style-type: none"> • It would create employment opportunities; • They understand concerns regarding noise and parking but feel they will not impact on the majority of people in the area - the sound of children playing does not compare to, for example, a barking dog; • It is not like a school where there are children that need collecting all at the same time; • They consider the increased parking will be adequate for the proposal. 	
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Consultees

Consultee	Summary of Comments received
<p>Lancashire County Council Highways</p>	<p>The applicant indicated that the nursery will have a population of 30 children and 9 staff. For this number of staff, off-street parking is required in respect of each staff in addition to children's drop off and pick up area. Provision is also required for secure and covered storage area for 3 cycles and an area for parking 1 motorcycle.</p> <p>The applicant's car parking provision is less by one space and no provision has been made for cycle storage and parking of a motorcycle. While Highways would not insist on the single parking space being provided due to the sustainability of the area, it appears adjustments could be made on site to enable cycles and a motorcycle to be accommodated. With regard to space for drop off and pick up of children, the applicant indicated that this would take place on-street on Lancaster Avenue.</p> <p>The site location is predominantly residential with no Traffic Regulation Orders restricting on-street waiting of vehicles. Lancaster Avenue has no recorded history of vehicular accidents; it has low vehicle speeds due to being within a 20mph zone and seems to have low vehicular movements. Therefore, dropping off and picking up children on-street on Lancaster Avenue should raise no highway safety concerns.</p> <p>No capacity or safety issues are identified at Lancaster</p>

	<p>Lane/Lancaster Avenue and the junction of Wigan Road/Lancaster Lane; and Lancaster Lane/Spring Meadow roundabout have adequate capacities to sustain any traffic that might be associated with the nursery run by parents.</p> <p>The site is located in a residential area where majority of houses have curtilage parking with driveways. As is often the case in residential areas where schools and nurseries are located, the tendency for parents to park as closely as possible to the school/nursery might result in some of these driveways being blocked as children are dropped off and picked up by parents. The impact on residential amenity will however be minimal as such obstructions, if they occur, will be brief.</p> <p>Motorist should not park on driveways and I would expect the nursery staff to take measures to educate parents on the need to keep driveways clear.</p> <p>They have considered all aspects of the proposal and can confirm that it is acceptable from highways perspective. I would however suggest that you attach the following conditions and an advice note to the approval.</p>
<p>Council's Tree Officer</p>	<p>The front garden area is proposed car parking. There is a conifer hedge along property front garden and the highway and there is a Eucalyptus tree and Leyland Cypress along with mixed shrubs bordering planned car parking and adjacent to the property north boundary. The Eucalyptus tree is twin stemmed with contacting stems. The tree is of moderate quality. The Leyland Cypress has no visual defects and is of moderate quality.</p> <p>Trees and shrubs along northern boundary form a screen from the proposed car parking area, but do not warrant protection.</p>
<p>Council's Environmental Health Officer</p>	<p>See body of report.</p>

Assessment

Background information

1. The application property is a detached two-storey house with front and rear garden on Lancaster Avenue, Clayton-le-Woods. The proposal is to convert the house into a children's day nursery. This will also involve conversion of the attached garage and the creation of car parking on what is currently the existing front garden including moving of the access point to it is in the centre of the front garden.

Principle of the Development

2. The emerging Chorley Local Plan 2012 – 2026 is at an advanced stage in its preparation. The Inspector's Partial Report found that the plan was sound with the exception of matters relating to Gypsies and Travellers and indicated that subject to the modifications set out in the report, significant weight could be given to policies that are amended accordingly. In the light of this, it is consider it appropriate to give significant weight to policies of the emerging Local Plan because they are likely to be adopted in their current form and these carry more weight than the polices of the Adopted Chorley Local Plan 2003.
3. The property is within the settlement of Clayton-le-Woods, therefore in accordance with Policy V2 of the emerging Local Plan 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, subject to material planning considerations and the other Policies and Proposals within this Plan.

4. The proposal is therefore considered acceptable in principle subject to the acceptability of the details of the proposal.

Impact on the neighbours

5. One of the potential issues is any noise from the proposed use as a nursery. The applicant advises that the nursery opening hours would be 8am to 6pm Monday to Friday and it would not be open on weekends or Bank Holidays. The rear garden of the property would be used as a play area for the nursery. The applicant advises that on average the children would be outside for at least 3 hours per day, subject to weather conditions.
6. No. 3 Lancaster Avenue is the next door residential property to the south and would share a side garden boundary with the play area. There is a close boarded fence on the boundary with trellis above as well as some planting on this boundary.
7. The adjacent property to the north is Willow Bank Residential Care Home, which is on the corner of Lancaster Lane and Lancaster Avenue. The part of the care home nearest to the application property is a single storey extension, which is the main lounge for the home and has windows in its front side and rear elevations. It is separated from the application property by a conifer hedge.
8. The rear garden boundary of no. 42a Lancaster Lane would also bound with the proposed play area as would the side boundary of no. 44 Lancaster Lane, the garden of which runs along the rear boundary of the application property.
9. The application is accompanied by a noise impact assessment. This has been reviewed by the Council's Environmental Health Officers and further discussions and clarifications have been sought between the applicant's acoustic consultant and the Council's Officers.
10. The report suggests by the introduction of a 1.8m close boarded fence that a level of 54dB would be achieved at the nearest noise sensitive dwelling. The report also suggests that other fence heights would reduce noise levels by 2dB (2m fence), 3dB (2.1m fence), 5dB (2.4m fence).
11. They suggest that the figure used as the background level at the application site should be $47 L_{Aeq,T}$ [which is an approximate 'mean' or average of the noise level]. As well as the overall impact of a development, the potential for 'statutory nuisance' to arise is always considered. They advise there is no 'test of nuisance' and there are no decibel limits that determine statutory nuisance, however experience of dealing with noise complaints made by the general public is that :
 - i. If a noise source exceeds the background noise level by 1dB – 5dB/6dB that it is usually unlikely that the environmental health department would receive complaints about statutory nuisance;
 - ii. If a noise source exceeds the background noise level by 6dB – 10dB then some customers may complain but some may not but the likelihood of receiving complaints increases with the increases over the range;
 - iii. If a noise source exceeds the background level by 10dB or more then it is likely that a member of the public would complain. (* for information if a person is subjected to an increase in noise level in the region of 10-12dB they would perceive this as a noise being double the original or background level).
12. Whilst they advise this in no way a test of statutory nuisance it provides some guidance based on the experience of Environmental Health Officers working with noise complaints when comparing submitted decibel readings to background readings to determine the effect /likely impact.

Fence Height (m)	Achieved reduction (dB)	Application site background (dB)	Contribution to existing background levels (dB)
1.8	54	47	7
2.0	52	47	5
2.1*	51	47	4
2.4*	49	47	2

*[*note that fence heights above 2m would require planning permission and would not necessarily be acceptable in planning terms in relation to the impact such a height of fence would have on neighbouring properties].*

13. Looking at the different fence heights and expected noise levels, if there is a maximum of 24 children the nearest noise sensitive dwelling would be exposed to 7dB above the background level with a 1.8metre fence and in summary they would suggest that with 24 children and a 1.8 metre fence that there is a potential to receive complaints and statutory nuisance could exist. However, they would suggest that the provision of a 2.0 metre fence should give a better chance that complaints would not be received.
14. In response to the comments from Environmental Health it is considered that a 2m fence would be needed in the rear garden of the property rather than 1.8m as proposed by the application. It is considered that a 2m fence could be controlled by condition – this is also the height of fence that could be erected by the applicant without planning permission. Although higher fences would reduce levels slightly further it is considered these may have detrimental impact on the neighbouring properties in terms of impact on their gardens. Subject to a 2m fence it is considered that the noise would be acceptable with no more than 24 children playing in the rear garden.
15. The application proposes that the nursery will have up to 30 children on role at any one time. The applicant advises that they would not be able to accept a condition restricting the number of children on role to 24 as this would mean the business would not be viable. Although it is unlikely that all 30 children would be outside at any one time due to their different ages, it is not considered that a condition controlling the number of children that may be playing out in the rear garden at any one time would meet the necessary tests for conditions, particularly that of being enforceable.
16. In line with the National Planning Practice Guidance, when used properly conditions can enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.
17. Discussions have taken place between the agent and the Council's Environmental Health Officers regarding conditions. It is considered that the contribution to the overall outside noise environment of very small children (babies 0-2 years) and would be minimal and as the applicant has to registered the ages of children attending the nursery with OFSTED a condition worded around this would be enforceable by the Council.
18. It is therefore proposed that a condition be applied that no more than 30 children shall be enrolled at the nursery hereby permitted at any one time, and of these no more than 24 children shall be over the age of two years.
19. There is also a potential noise form the general comings and goings of the nursery staff and parents dropping off children. The nursery is proposed to operate between 8am and 6pm in the evening and this could be controlled by a condition. These are not unsociable hours and unlike a school the children are not likely to be dropped off or picked up all at the same time, but rather it will be staggered. It is not therefore considered that this would be so detrimental that the application could be refused on these grounds.

Traffic and Transport

20. In terms of parking the Council's parking standards are set out in Policy ST4 of the emerging Local Plan 2012-2026 and its associated appendix. This requires one parking space per member of staff.
21. The application form states that there would be a maximum of 9 staff if 30 children were enrolled. It has been clarified during the application process that not all the staff would work full-time and that the likely full-time equivalent would be 6 staff.
22. The proposed site layout plan shows that the existing front garden of the property would be hard surfaced to provide 8 off-road parking spaces. In addition Policy ST4 states that local circumstances will be taken into account, this includes the sustainability of the site and evidence of local parking congestion.
23. LCC Highways state that they would accept 8 parking spaces being provided due to the sustainability of the area. The site is considered to be in a sustainable location, however it has also been clarified that not all staff will work full time and therefore it is unlikely that all the staff would be present at the nursery at the same time. 8 parking spaces are therefore considered acceptable for the proposed use. It is accepted that parents who bring their children by car are likely to park on the street, however Lancaster Avenue is approximately 6m wide and it is not considered that on-street parking would impede the flow of traffic unacceptably.
24. It is considered that parking for cycles could adequately be provided on site and this could be controlled by a condition.

Design and Appearance

25. The proposal would involve the conversion of the existing garage and therefore the existing garage door would be replaced by two windows. This is considered acceptable in design terms as it is not unusual to see similar properties that have converted their existing garage.
26. The only other elevation alteration would be the addition of a small window on the rear elevation serving a proposed bathroom which is considered acceptable.
27. The proposal would also involve the hard surfacing of the existing front garden of the property and repositioning the access point to the centre at the front to create 8 off-road parking spaces.
28. The front of the property is currently bounded by planting, mainly in the form of conifers, some of which are quite substantial. The proposal would remove this and new reduced planting (approximately 0.8m wide) would be created along the frontage, either side of the new access point and along the southern boundary with no. 3 Lancaster Avenue. It is considered this is necessary to soften the boundary of the car parking area with the front garden of no. 3 Lancaster Avenue.
29. It is not considered that the proposed hard surfacing of the front garden of the property would be unacceptable as the existing care home immediately adjacent to the north has a hard surfacing parking area accessed off Lancaster Avenue and which would share a boundary with the parking area of the proposed nursery. There are some bushes/hedging separating them which would provide some screening of the proposed parking in the street, however at times of year when the bushes would provide less screening the proposed parking would be viewed in the context of the existing car home car park. The parking area is therefore considered acceptable.

Overall Conclusion

30. The application is considered acceptable and recommended for approval.

Planning Policies

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

Planning History

There is no planning history at the property relevant to the current application.

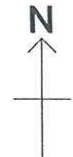


1 LANCASTER AVENUE
PR25 5TD

OS MasterMap 1250/2500/10000 scale
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Item 3f	15/00028/FUL
Case Officer	Nicola Hopkins
Ward	Chorley North East
Proposal	<p>Amendments to previously approved planning applications on this site (ref: 13/00993/FULMAJ relating to the approved residential development and 14/00717/FUL relating to the employment/ commercial building) which will result in 43 dwellings on the site and a larger employment/ commercial area as follows:</p> <ol style="list-style-type: none">1. The erection of 2 semi-detached dwellings fronting Willow Road to replace one of the approved vehicular access junctions onto Willow Road2. The erection of 1 detached dwelling on an approved area of open space fronting the approved (to be retained) vehicular access junction into the site from Willow Road3. The erection of 2 semi-detached dwellings within the residential site adjacent to plot 104. Creation of parking to the front of plots 10, 11, 38 and 395. Alterations to the road layout to the front of plots 38 and 39 including the deletion of the approved access road through from the residential development to the employment site6. Retention of more of the existing employment building than originally envisaged incorporating replacement of external wall cladding, windows and doors to the existing industrial unit (which has an existing B2 use)7. Extension of the commercial land to provide additional parking provision
Location	Initial Textile Services, Botany Brow, Chorley
Applicant	Elmwood Construction LLP
Consultation expiry:	17th March 2015
Decision due by:	18th March 2015
Recommendation	Approve full planning permission

Consultees

Consultee	Summary of Comments received
Council's Waste and Contaminated Land Officer	No objections to the proposed amendments to the site layout although conditions are required in respect of remediation and verification
Environment Agency	No objection subject to contamination conditions
LCC Highways	No objection to the proposed amendments

AssessmentPrinciple of the development

1. The principle of developing the site was established with the grant of full planning permission at this site for the erection of 41 new dwellings. A subsequent planning application was also approved on part of the site for 14 new dwellings (12/01015/FULMAJ). In 2014 a Section 73 application was approved (13/00993/FULMAJ) to vary the approved plans. The most recent consent relates to the erection of 41 dwellings on the site.
2. Additionally consent was granted in 2014 to replace the external wall cladding, windows and doors to the existing industrial unit which has a lawful B2 use.
3. Part of the site is proposed to be allocated (HS1.16) for residential development within the emerging Local Plan. As such the principle of developing this site for housing and enabling the B2 unit to be brought back into use has been established.

The erection of 2 semi-detached dwellings fronting Willow Road to replace one of the approved vehicular access junctions onto Willow Road

4. The approved scheme at this site had two vehicular access/ exit junctions off Willow Road. To reduce the extent of road infrastructure required to reduce the associated costs it is proposed to delete the junction opposite 5 and 7 Willow Road and replace it with a pair of semi-detached dwellings.
5. In respect of the loss of one of the vehicular junctions the Highway Engineer at LCC has assessed the proposals and confirmed that no objections are raised to the proposed amendments.

The erection of 1 detached dwelling on an approved area of open space fronting the approved (to be retained) vehicular access junction into the site from Willow Road

6. An additional detached dwellinghouse (plot 44- there are no plots 7, 8 and 9 detailed on the proposed layout plan as these have been deleted which is why 46 plots are indicated but only 43 dwellings are proposed in total) is proposed adjacent to the vehicular junction to the site on an area of the site which, on the approved scheme, forms a small area of amenity greenspace. Due to the size and siting of the area of land it is not considered that the loss of amenity greenspace will adversely impact on the character or appearance of the site as a whole.
7. The proposed dwelling is a 4 bedroom detached dwelling which, in accordance with Policy ST4 of the emerging Local Plan, requires three off road parking space. The originally submitted scheme only detailed 2 off road parking spaces however the plans have been amended to incorporate 2 parking spaces on the opposite side of the road. Provision and retention of these spaces will be secured by condition.
8. The area where the additional parking is proposed incorporated a small area of grass adjacent to one of the retained trees on the site. The loss of such a small area will not adversely impact on the visual amenities of the scheme. Due to the proximity of the retained tree a 'no-dig' treatment will be secured by condition in respect of these parking spaces.

The erection of 2 semi-detached dwellings within the residential site adjacent to plot 10

9. Two additional dwellings are proposed between approved plot 10 and the boundary with the industrial unit.
10. The proposed dwellings are in line with approved plots 10-19 and incorporate parking to the front with a garden area to the rear which will back onto the accessway to the rear of the terraced dwellings on Botany Brow.
11. The proposed siting ensures that there is no loss of amenity to the future neighbouring residents and in terms of the existing residents on Botany Brow the siting of the proposed

dwelling reflects the approved dwellings on this part of the site and as such there will be no greater loss of amenity.

12. In terms of the relationship with the proposed car park this is addressed within the noise section of this report.

Creation of parking to the front of plots 10, 11, 38 and 39

13. Due to the changes proposed the parking arrangements associated with plots 10, 11, 38 and 39 have been rearranged. Two parking spaces, in accordance with Policy ST4 of the emerging Local Plan for 3 bedroom dwellings, are proposed to the front of each dwelling which reflects the character of the whole development and is considered to be acceptable.
14. The Highway Engineer has raised concerns that the residential development seems to lack turning areas for large service vehicles, such as refuse vehicles and fire tenders and it is noted that the changes to the road layout in this part of the site do not incorporate a turning head. This was queried with the agent who confirmed that this situation is repeated on the existing residential planning approval at the opposite end of the spur road.
15. In terms of access and manoeuvrability to the Council's Waste and Contaminated Land Officer has confirmed that the layout seems acceptable from a refuse collection vehicle perspective and as such it is considered that the layout as proposed is acceptable.

Alterations to the road layout to the front of plots 38 and 39 including the deletion of the approved access road through from the residential development to the employment site

16. This change has resulted from the changes to the whole scheme and results in the creation of a cul de sac. There will be no vehicular access from the residential part of the site to the commercial part of the site. The Highway Engineer at LCC has reviewed the proposed new highway layout and confirmed that he has no objection to the proposed amendments.

Retention of more of the existing employment building than originally envisaged incorporating replacement of external wall cladding, windows and doors to the existing industrial unit (which has an existing B2 use)

17. The former use of the site was as an industrial laundry which falls within Use Class B2. The proposals involve replacement of external wall cladding, windows and doors to the existing building. This will enable the building to be utilised for its authorised B2 use. As such in principle the proposals are considered to be acceptable. Planning permission has already been approved for these works which included a small reduction in the footprint of the building (the approved scheme detailed a building with a floor area of 815m², the amended scheme no longer proposes a reduction in the footprint and will result in a footprint of 936m²).
18. The site is not allocated for a specific use however it does fall within the identified settlement area. Part of the existing building encroaches into the adjacent housing allocation (Policy HS1.16 of the emerging Local Plan).
19. Due to the authorised B2 use of this building Policy 10 of the Adopted Core Strategy is relevant. Policy 10 seeks to protect existing employment sites for employment use and states:

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

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

- (b) the provision and need for the proposed use;
 - (c) the relative suitability of the site for employment and for the alternative use;
 - (d) the location of the site and its relationship to other uses;
 - (e) whether the ability to accommodate smaller scale requirements would be compromised;
 - (f) there would be a net improvement in amenity.
20. As the proposals will enable the re-use of this employment unit the proposals are considered to be in accordance with Policy 10.
21. At a national level The Framework states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development.
22. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit and; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.
23. Policy 17 of the Central Lancashire Core Strategy states that the design of new buildings will be expected to take account of the character and appearance of the local area, including (amongst other things) the siting, layout, massing, scale, design, materials and landscaping. Development should also safeguard and enhance the built environment.
24. 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. Applicants are expected to demonstrate that they have followed a methodology which sets out the design principles adopted, and have carried out a full survey of the site and its surroundings. Applicants should propose a design which is specific to the site including (amongst other things) the height, bulk and roof shape; external facing materials; layout and levels.
25. Policy BNE1 of the Emerging Local Plan (2012-2026) outlines the design criteria for new development, stating that a proposal should not have a significant detrimental impact on the streetscene by virtue of its density, siting, layout, building plot ratio, height, scale and massing, design, materials orientation, use of materials.
26. The application is submitted speculatively with no end occupier identified however it is intended that the building could be let either as a single B2 unit or subdivided to suit a number of tenants.
27. The façade has been designed to be flexible and accommodate a variety of options. As the end number of occupiers is unknown at this time alternative options for the entrance panels have been proposed which would enable the future tenants to choose the relevant entrance panels to suit their requirements.
28. The supporting information confirms that the existing frame, floor and roof are in a good state of repair and require minimum work to utilise them. The following works to the building are proposed:
- 1. Refurbishment of roof with new plastisol coated gutters and rainwater pipes.
 - 2. New external elevation treatment, comprising facing brickwork with anodised aluminium entrance or glazed panels.
 - 3. Optional infill panels comprising either:-
 - a. Fully glazed
 - b. Glazed with glass entrance personnel door
 - c. Glazed with roller shutter door
 - d. Glazed with cladding panels
 - e. Cladding panels with roller shutter doors.

4. New car parking and landscaping.
5. Existing vehicular access points to be repaired.
29. The submitted plans show all of the possible options a-e which are considered to be appropriate treatments for this type of building. Full details of the final infill panels will be required by condition which will enable an end occupier(s) to be identified and for their operational requirements to be adequately incorporated.
30. From a design perspective the proposals incorporate red brickwork and dark grey window frames and cladding panels which are appropriate materials for this type of building. As such from a design perspective the proposals are considered to be acceptable.

Extension of the commercial land to provide additional parking provision

31. Policy ST4 of the emerging Local Plan sets out the parking requirements for B2 uses which includes one space for every 45m² of floor area. The building is 936m² which equates to 21 car parking spaces.
32. 60 parking spaces was originally proposed which far exceeded the parking requirement for a unit of this size. *The supporting information states that currently on the approved employment site there is potential for 18 car parking spaces with limited site movement and manoeuvrability and due to the lack of car parking the potential use of the building will be restricted to B2 however an increased in the number of parking spaces introduces the potential for a wider variety of uses (subject to planning).*
33. However the parking provision can only be based upon the authorised use of the building which in this case is B2. The Highway Engineer also raised concerns about the need for the additional car parking spaces as providing so much 'extra' parking spaces on site will not contribute to the achievement of sustainable development and seems contrary to a key aim of the County Council, which is to tackle climate change and help and encourage people to choose more sustainable ways of travelling.
34. Following receipt of these concerns the car parking has been reduced to 23 parking spaces which only slightly exceeds the requirements of Policy ST4 and is considered to be acceptable.
35. Additionally the retention of all of the building, as proposed, encroaches into the housing allocation within the emerging Local Plan. Policy HS1 of the emerging Local Plan confirms that all allocated sites will be protected for housing development for the period up until 2026. As such part of the proposed development is contrary to Policy HS1 of the emerging Local Plan, this concern was forwarded to the agent for the application.
36. In response to the above concern the agent has provided the following comments:
We appreciate that under the Local Plan the Initial site was divided into residential and commercial use and that on the previous approvals the boundary between the two sites was identified. However, it is still proving difficult to arrive at an overall scheme which gives the financial viability the robustness required to commence. As advised in the Design and Access statement the primary objective of this planning submission is to arrive at a compromise between the housing and commercial sites which will allow both to be financially viable. You are well aware of the history and together with CBC, Elmwood have strived to get to a position where they can commence the development. The changes proposed in this planning application enable the viability of both the scheme to be improved and at the same time delivering additional benefits to both the commercial and residential developments.
 - a. *Set down in the design and access statement are two financial appraisals which demonstrate that it is in the interest of the overall scheme to make the minor change to the Local Plan boundary being proposed.*
 - b. *The majority of the site area proposed to be changed from residential to commercial results from removing the road and footpaths from the residential scheme and not from a reduction in building plot numbers or houses. It has therefore been possible to increase the number of residential units despite the residential site area being reduced.*

- c. *The proposed larger commercial site allows a much larger landscaped buffer zone between the residential and commercial unit, this is a benefit to both the commercial and residential schemes and delivers a much improved relationship with denser and wider segregation.*
- d. *The existing commercial unit can be more easily refurbished providing slightly more floor area to the commercial unit and enabling a more regular shaped building.*
- e. *The commercial site external area is increased to provide a more open development and to also improve the vehicular on site access.*

- 37. Although the retention of the entire building does encroach into the housing allocation it is important to note that the existing structure already in situ and was in situ when the housing allocation was set. Additionally the amended housing layout ensures that in excess of the envisaged housing numbers on this site can be achieved and as such the loss of a small section of the housing allocation will not adversely impact on the housing supply within the Borough. The amended layout creates an improved layout between the commercial and residential elements by creating a larger separation distance and ensures that the structure can be brought back into use. As such in this case it is considered that the small loss of housing land is justified and acceptable.
- 38. There are 2 access points to the site. One from Botany Brow, which will serve 16 of the proposed parking spaces, this access is within the applicant's ownership and one from Harpers Lane which will serve the remaining 7 parking spaces. The access from Harpers Lane is not within the applicant's ownership however documentation has been provided which details a right of access from Harpers Lane to the application site. This documentation has been reviewed by the Council's legal team who have confirmed that on the basis of what the solicitor has said it would appear that the applicants have an existing right of way. Without checking the actual conveyance/lease this cannot be confirmed categorically however the Council's legal team don't question that the solicitor would be advising wrongly and therefore it is concluded that they do have an existing right of access.
- 39. The alterations to the car park serving the commercial unit also enable the inclusion of a loading area and space for larger vehicles to manoeuvre in the site which will assist in the use of the site by future occupants.

Noise

- 40. Policy EP4 of the emerging Local Plan relates to employment development in residential areas as it is recognised that certain employment development can make a valuable contribution however this recognition has to be balanced against protecting existing uses and amenity, especially in residential areas. The Policy confirms that small scale employment development will be permitted in areas where housing is the principal land use provided there would be no detriment to the amenity of the area in terms of scale, character, noise, nuisance, disturbance, environment and car parking.
- 41. The nearest neighbours to the commercial elements of the site are 155 Harpers Lane, 1 Botany Brow and the approved dwellings adjacent to the car park. All of the elevations are proposed to incorporate windows/ openings apart from the rear elevation which is close to the new approved dwellings not yet constructed. Although B2 activities can adversely impact on neighbour amenities through noise creation due to the nature of B2 general industrial uses it is important to note that this application does not propose B2 uses on this site as use of the building for B2 purposes is already established on this site. The proposals purely relate to façade improvements to enable the existing building to be reused.
- 42. The proposals also include the provision of a buffer zone consisting of a 2m fence and a 2m landscaping strip of evergreen shrubs (*Prunus Laurocerasus*) along the boundary of the proposed car park and the residential dwellings.
- 43. One of the Council's Environmental Health Officer's has assessed the proposals and confirmed that if an acoustic fence (i.e. a close boarded fence) of sufficient mass is

proposed then this should afford nearby residents some protection from noise, this can be controlled by condition.

44. The Officer has raised concerns that use of the car park at night may have the potential to affect the residents of nearby dwellings whose bedroom windows overlook the top of any proposed fence line however at this stage it is difficult to assess the impact and as the classification has not changed for the commercial part of the site control of any noise which may arise from the site, would be dealt with through other legislation (i.e. Environmental Protection Act 1990).
45. No details of lights have been submitted with the application however this can be addressed by condition.

Sustainability, Open Space and Affordable Housing

46. Policy 27 of the Adopted Central Lancashire Core Strategy states that all dwellings will be required to meet Level 4 of the Code for Sustainable Homes from January 2013 which increases to Level 6 in 2016. The Policy also requires schemes of more than 5 new dwellings to reduce carbon emissions over and above the required code level.
47. The preamble to Policy 27 does confirm that the requirement to meet the higher than national minimum Code Level and all other provisions of Policy 27 will apply unless the applicant can demonstrate, including through the use of open book accounting, that an individual site's circumstances are such that development would not be economically viable if the policy were to be implemented.
48. In terms of affordable housing Policy 7 of the Adopted Central Lancashire Core Strategy requires 30% on site affordable housing which for a scheme of a total of 43 houses (which this scheme would result in) equates to 13 affordable units.
49. Policy 7 of the Core Strategy does however confirm that the specified percentage is subject to site and development considerations such as financial viability.
50. In terms of open space the Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013 and as such the proposals would now be required to meet the standards within emerging Local Plan Policies HS4A and HS4B and the accompanying SPD.
51. It is noted that when the S73 application was considered at this site in 2014 the application was supported by a financial viability assessment which concluded that the scheme was financially unviable with affordable housing, Code Level 4 and open space obligations. As such, in order to secure the development of this allocated brownfield site within a sustainable location, these requirements were removed from the scheme.
52. The information submitted in support of this application states that although the S73 planning approval vastly improved the viability of the scheme the proposals still only resulted in a potential profit of 1%. The reasons for this submission are to improve the profitability further and the submitted information states that the new scheme would generate a profit of £244,900.
53. The approved scheme at this site would generate a profit of £53,600 (1% on revenue). The amendments proposed as part of this application generate a greater profit however the increase (of approximately £190,000) and it appears from the submission information that even with additional profit there is still no ability for this scheme to provide affordable housing, off site POS or Code Level 4 particularly when the CIL levy, addressed below, resulting from this development is taken into account. This is being assessed by the Council's Property Services Section and their comments will be reported on the addendum however the current recommendation is in accordance with the previous approval at this site.

Community Infrastructure Levy

54. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sq m. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013.
55. The original planning approval for housing at this site pre-dates the levy and as such was not subject to CIL. However this full application proposes new residential development after the levy is applied and as such could be liable for CIL.
56. The CIL regulations only specify that the fall-back position of approved schemes can only be taken into account in respect of CIL when a S73 application is submitted. This is a full planning application however in the case of sites within Chorley it is considered that a pragmatic approach is appropriate given that the intention of CIL was never to retrospectively impose CIL charging on approved schemes. As such the extent of approved development is subtracted from the extent of proposed development and CIL is only charged on the uplift created by virtue of the proposed amendments.
57. The floorspace approved across the whole of this site equates to approximately 3,078.71m² whereas the proposed housing layout equates to approximately 3,262.15m². As such an additional 183.44m² floorspace is proposed which equates to a CIL levy of £11,923.60. The CIL form provided with the application states that there is a net additional floorspace of 165m² which is similar to the figure calculated as part of the assessment of the approved and proposed house types.

Overall Conclusion

The proposed amendments to the layout are considered to be acceptable and in accordance with the previous approvals for this site. The proposed scheme should enable the development of this brownfield site within a sustainable location to be delivered within an appropriate form of development.

Planning Policies

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

Planning History

Reference	Description	Decision	Date
09/00635/DEMCON	Application for prior determination in respect of the proposed demolition of the former 'Initial Washroom Solutions' site.	Approved	4th September 2009
10/00834/FULMAJ	Proposed residential development for 50 two storey houses (20% affordable houses)	Withdrawn	2nd December 2010
11/00892/FUL	Proposal to utilise existing former Initial Laundry site entrance and apply for adaptation, to become LCC (Highways) compliant residential access to redevelopment of site.	Approved	January 2012
11/00871/FULMAJ	Proposed residential development of 41 no. 2 storey dwellings (Resubmission of	Approved	July 2013

	application no. 10/00834/FULMAJ).		
12/01015/FULMAJ	Proposed residential development for 14No 2 storey dwellings	Approved	August 2013
13/00993/FULMAJ	Section 73 application to vary conditions 1 (approved plans), 13 (Code for Sustainable Homes) and 17 (approved plans) attached to planning approval 11/00871/FULMAJ.	Approved	January 2014
14/00643/DIS	Application to discharge conditions 14 (Design Stage Assessment), 16 (contamination), 19 (Carbon Reduction Statement) and 21 (Construction Method Statement) attached to planning approval 13/00993/FULMAJ.	Conditions discharged	
14/00717/FUL	Replacement of external wall cladding, windows and doors to the existing industrial unit (which has an existing B2 use) incorporating a reduction in its footprint and formation of 2 no. car parking areas.	Approved	September 2014
14/01225/MNMA	Minor non-material amendment to planning approval 13/00993/FULMAJ to relocate the approved parking and reposition the dwellings (slightly) within the site in respect of plots 1-6	Approved	December 2014

Suggested Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this planning approval Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>The driveways to the dwellings hereby permitted shall be constructed using TarmacDry Porous Paving System which shall be retained and maintained as such at all times thereafter. Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off.</p>
3.	<p>The development shall be carried out in conformity with the approved finished floor levels detailed on the approved plans. Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</p>
4.	<p>No dwelling shall be occupied until all fences and walls to bound its plot have been erected in conformity with the approved details which are as follows:</p> <ul style="list-style-type: none"> • A 1.8 metre high timber fence (detailed on plan reference 0913-013 Rev B) to delineate the rear garden areas for all of the dwellings hereby approved • 1.2m high metal railings (detailed on plan reference 0913-013 Rev B) to delineate the front garden areas along Willow Road. • A 1.8m high brickwork wall (detailed on plan reference 0913-013 Rev B) is to be used where the existing brickwork boundary wall cannot be repaired. <p>Other fences, walls and railings shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents</p>
5.	<p>During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards. Reason: To safeguard the trees to be retained</p>
6.	<p>All planting, replacement tree planting, seeding or turfing comprised in the approved details of landscaping (including the 2m landscaping strip of evergreen shrubs (<i>Prunus Laurocerasus</i>) along the boundary of the proposed car park and the residential dwellings) 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.</p>
7.	<p>The development hereby approved shall only be carried out using the approved external facing materials, namely Weinerberger Brighton Multi bricks and Marley Modern Dark Grey roofing tiles. Reason: To ensure that the materials used are visually appropriate to the locality.</p>
8.	<p>The development shall only be carried out in conformity with the approved hard ground-surfacing details, namely grey concrete paving to the buildings perimeter and permeable driveways (details of which to be provided under separate cover). Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</p>

9.	<p>Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. If surface water is to discharge to the public surface water sewerage system, details of attenuation measures shall first be submitted to and approved in writing by the Local Planning Authority (in liaison with United Utilities) as United Utilities may require the flow rate to be attenuated to a maximum discharge rate. The attenuation measures (if required by United Utilities) shall be implemented in full accordance with the approved details and retained and maintained as such at all times thereafter. Reason: To secure proper drainage of the site</p>									
10.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E) (as amended) or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission). Reason: To protect the appearance of the locality, the amenities of adjacent residents and the amenities of the occupiers of the new dwellings.</p>									
11.	<p>All dwellings are required to be constructed to meet Code Level 3 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority. Reason: In the interests of minimising the environmental impact of the development</p>									
12.	<p>Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification. Reason: In the interests of minimising the environmental impact of the development</p>									
13.	<p>No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and submitted to the Local Planning Authority. Reason: In the interests of minimising the environmental impact of the development.</p>									
14.	<p>Prior to the occupation of any part of the development hereby permitted a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved. Reason: To ensure the development does not pose a risk of pollution to controlled waters.</p>									
15.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 1854 1198 2045"> <thead> <tr> <th data-bbox="320 1854 608 1917">Title</th> <th data-bbox="608 1854 839 1917">Drawing Reference</th> <th data-bbox="839 1854 1198 1917">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 1917 608 2011">Proposed Employment Site Plans and Elevations</td> <td data-bbox="608 1917 839 2011">1408/25 006</td> <td data-bbox="839 1917 1198 2011">13th January 2015</td> </tr> <tr> <td data-bbox="320 2011 608 2045">Proposed Site Plan</td> <td data-bbox="608 2011 839 2045">1408/25 004</td> <td data-bbox="839 2011 1198 2045">24th February 2015</td> </tr> </tbody> </table>	Title	Drawing Reference	Received date	Proposed Employment Site Plans and Elevations	1408/25 006	13 th January 2015	Proposed Site Plan	1408/25 004	24 th February 2015
Title	Drawing Reference	Received date								
Proposed Employment Site Plans and Elevations	1408/25 006	13 th January 2015								
Proposed Site Plan	1408/25 004	24 th February 2015								

		Rev A	
	House Type Plans and Elevations (A and B)	1408/25 005	13 th January 2015
	Location Plan		24 th February 2015
	Walls/ Fencing Types	0913-013 Rev B	25 th February 2015
	<i>Reason: For the avoidance of doubt and in the interests of proper planning</i>		
16.	<p>If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and the development thereafter shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure the suitable redevelopment of the site.</p>		
17.	<p>Prior to the commencement of the residential development a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant Code Level rating. The development shall only be carried out in accordance with the approved details contained within the Carbon Reduction Statement and the agreed measures retained in perpetuity.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>		
18.	<p>All windows in the first floor of the rear elevation of the outrigger hereby permitted on house type A 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>Reason: In the interests of the privacy of occupiers of neighbouring properties.</p>		
19.	<p>The development hereby approved shall be carried out in accordance with the approved Construction Method Statement (submitted as part of discharge application 14/00643/DIS) and this shall be adhered to throughout the construction period. In particular:</p> <ul style="list-style-type: none"> • an area of parking will be provided within the confines of the site at all times during the construction period for site operatives and visitors • the hours of operation (including deliveries) during construction shall be limited to: <ul style="list-style-type: none"> -Monday to Friday 8:00am to 6:00pm -Saturday 9:00am to 1:00pm • The loading and unloading of materials should only take place within the confines of the application site. • Storage of plant and materials shall be undertaken at all times within the confines of the application site. • wheel washing facility will be situated near the exit, prior to leaving site vehicles will be inspected and where necessary wheels will be washed so as to avoid the transfer of site debris to the public highway. In the event that dirt/debris are inadvertently deposited onto the public highway then remedial action will be taken immediately. <p>Reason: in the interests of highway safety, to protect the amenities of the nearby residents and in the interests of the visual amenities of the area.</p>		
20.	<p>Prior to the occupation of all of/ part of the industrial building subject to this planning application details of any subdivision of the building shall be submitted to</p>		

	<p>and approved in writing by the Local Planning Authority. The details shall include details of the specific proposed unit front for each individual unit/ for the building as a whole (if maintained as one large unit). The proposed unit frontages shall be chosen from the options detailed on approved plans as follows:</p> <ul style="list-style-type: none"> a. Fully glazed; or b. Glazed with glassed entrance personnel door; or c. Glazed with roller shutter door; or d. Glazed with cladding panels; or e. Cladding panels with roller shutter doors. <p>or an alternative which has been previously agreed in writing by the Local Planning Authority. The unit frontages thereafter shall be constructed and retained in accordance with the approved details</p> <p>Reason: To respect the visual amenities of the area and in the interests of the proper planning of the area</p>
21.	<p>The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the industrial building subject to this planning application; such parking facilities shall thereafter be permanently retained for that purpose.</p> <p>Reason: To ensure provision of adequate off-street parking facilities within the site</p>
22.	<p>The parking associated with plot 44 shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of the dwelling on plot 44; such parking facilities shall thereafter be permanently retained for that purpose.</p> <p>Reason: To ensure provision of adequate off-street parking facilities within the site</p>
23.	<p>The construction of the car parking for plot 44 located within the root protection area of adjacent tree shall be undertaken using a 'no-dig' cellular confinement system method of construction or alternative method of construction which has first been submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure the continued protection of the high quality tree on/ adjacent to the site.</p>
24.	<p>Prior to the commencement of the works to the industrial building full details, of the 2 metre high acoustic fence to be erected along the car park boundary in accordance with the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved plans.</p> <p><i>Reason: To protect the amenities of the neighbouring residents</i></p>
25.	<p>Notwithstanding the submitted details the permission hereby granted in respect of the industrial building does not permit the inclusion of external illumination</p> <p>Reason: No external lighting is detailed on the submission information and full consideration of any such lighting would be required to ensure there is no adverse impact on the neighbours' amenities.</p>
26.	<p>No goods, plant or material in respect of the industrial building shall be deposited or stored in the open on the site.</p> <p>Reason: In order to protect the amenities of the area, and to maintain adequate parking areas</p>



Existing Willow tree to be retained. This tree is to be protected during construction by means of tree protection fencing to BS5837:2012.

EXISTING BOUNDARY TO BE RETAINED AND REDUCED TO 1800MM (H) AND CAP & REPAIR. ALL BUILDERS DEBRIS WILL BE REMOVED AND POTHOLES AND INDENTATIONS MADE GOOD.

EXISTING BOUNDARY TO BE RETAINED AND REDUCED TO 1800MM (H) AND CAP & REPAIR

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Rev	Date	Revision

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project:
 Former Initial Laundry Site, Botany Brow,
 Harpers Lane, Willow Road, Chorley.
**COMBINED PLANNING
 SUBMISSION**

client:
 Elmwood Construction LLP.

drawing title:
Proposed Site Plan.

scale: 1:250 at A1	checked: JCR
drawn: MS.	date: December 2014

project no. 1408 / 25	drg. no. 004	rev. A
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Item 3g	14/01316/FUL
Case Officer	Caron Taylor
Ward	Eccleston And Mawdesley
Proposal	Change of use from an agricultural building to the storage and blending of fertiliser and transfer into containers (including the addition of two roller shutter doors and an outer cladding of green box profile sheets).
Location	Winter View Farm Parr Lane Eccleston Chorley PR7 5RP
Applicant	Mr Paul Benson
Consultation expiry:	12th February 2015
Decision due by:	17th February 2015
Recommendation	The application is approved.

Representations

Eccleston Parish Council objects to this application on the grounds that the local lanes, providing the only means of access to the site, are unsuitable for the type of vehicle movements quoted.

As the proposed site is in close proximity to the settlement area the Council would also request a full Health and Safety investigation be commissioned to ascertain the potential risks to neighbouring properties from the products used in the process, in the event of an incident within the site, and airborne particulates.

In total 11 representations have been received which are summarised below.

Objections

Total No. received: 11

- Health and safety concerns regarding the products near houses including fire, explosions and spillages;
- Noise from the process and from machinery, fork lift trucks etc.
- Smells/vapours (potentially dangerous);
- Dust;
- Highways – increased traffic and large vehicles on rural lanes and damage to grass verges and mounting pavements;
- There is not enough parking or disabled parking proposed;
- Runoff to river;
- Harm to wildlife;
- Waste materials that may be generated;
- If permitted it could expand in the future;
- This type of industry is not suited to a rural/residential location.

One objector states although they presently oppose it they can see many positive aspects. The safety aspect hinges on frequency and size of vehicles.

Consultees

Consultee	Summary of Comments received
Police Architectural Liaison Officer	<p>Have visited the site and had a meeting with the applicant. The applicant was extremely helpful and explained in detail his intentions for the site, also the types of raw materials involved in manufacture.</p> <p>The entrance to the working area will be protected by a lockable steal barrier outside normal business hours, reducing the risk of vehicles entering the yard.</p> <p>It is the applicants' intention to live in the house at the side of the property; this will give the added benefit of good natural surveillance thus reducing the risk of crime.</p> <p>In respect of the barn that is to be used as business premises they are satisfied that the proposal to fit green box profile sheets to the side walls and the addition of two metal roller shutter doors are proportionate to the risk. They did discuss with the applicant additional security measures that could be undertaken to further reduce the risk of crime and they made recommendations regarding installing CCTV and an alarm system.</p>
LCC Highways	See body of report.

Assessment

Background information

1. The proposal is for a change of use from an agricultural building to the storage and blending of fertiliser and transfer into containers (including the addition of two roller shutter doors and an outer cladding of green box profile sheets).
2. The majority of the building will be used to store liquid and granular fertiliser, however part of the building will be used to blend liquid fertiliser in two 2000 litre tanks. Fertiliser will also be decanted into smaller bottles.
3. The applicant currently has a base of Leyland Business Park in South Ribble. They provide specialist commercial fertilisers to clients including golf courses, country estates, football pitches and farmers.

Principle of the Development

4. The building was granted planning permission in 2010 (ref: 10/00758/FUL) and is a former agricultural building that was used for housing beef cattle until spring 2014 when the owners retired. No condition was applied to the building when it was originally permitted requiring it to be removed if it was no longer used for livestock.
5. Since the late 1990s until early 2014 the rest of the site was also used by the owners as an agricultural contracting business. There is a bungalow on the site and the applicant proposes to live on site and run the business (there is a separate application currently under consideration ref: 14/01238/FUL for removal of an agricultural occupancy condition on the bungalow).
6. The site is in the Green Belt immediately adjacent to the settlement of Eccleson. Paragraph 90 of the National Planning Policy Framework (the Framework) states that the re-use of buildings is not inappropriate development in the Green Belt, provided that the buildings are of permanent and substantial construction. The building is a steel portal framed agricultural building with walls of reinforced concrete panels (up to approximately 2m above ground level) with Yorkshire boarding over with a box profile sheet roof. The plans show two roller shutter doors to be added and the outer will be clad in green box profile sheets added to the building. Very limited alterations will therefore be undertaken to allow for the proposed use and it is considered the proposal therefore complies with the Framework in principle.

7. Policy EP3 of the emerging Local Plan 2012-2026 covers Development Criteria for Business and Industrial Development and states:
Proposals for new business, industrial and storage and distribution uses, including extensions to existing premises, will be permitted if they satisfy the following criteria:
- a) they are of a scale and character that is commensurate with the size of the settlement;*
 - b) the site is planned and laid out on a comprehensive basis;*
 - c) the proposal will not prejudice future, or current economic activities within nearby areas;*
 - d) the proposal will not cause unacceptable harm e.g. noise, smells to surrounding uses;*
 - e) the site has an adequate access that would not create a traffic hazard or have an undue environmental impact;*
 - f) the proposal will be served by public transport and provide pedestrian and cycle links to adjacent areas;*
 - g) open storage areas should be designed to minimise visual intrusion;*
 - h) adequate screening is provided where necessary to any unsightly feature of the development and security fencing is located to the internal edge of any perimeter landscaping;*
 - i) on the edges of industrial areas, where sites adjoin residential areas or open countryside, developers will be required to provide substantial peripheral landscaping;*
 - j) the development makes safe and convenient access provision for people with disabilities;*
 - k) the buildings are designed, laid out and landscaped to maximise the energy conservation potential of any development, and to minimise the risk of crime;*
 - l) the proposal will not result in surface water, drainage or sewerage related pollution problems; and*
 - m) the proposal incorporates measures which help to prevent crime and promote community safety.*
8. These aspects will be considered in the sections below.

Impact on the neighbours

9. The building itself is in a rural area designated as Green Belt, however it is immediately adjacent to a residential area in the form of properties to the south and west on Parr Lane, Ecclestone.
10. Policy EP4: Employment Development in Residential Areas states:
New small scale employment development (Use Classes B1, B2, B8, A1, A2), will be permitted in areas where housing is the principal land use provided there would be no detriment to the amenity of the area in terms of scale, character, noise, nuisance, disturbance, environment and car parking.
11. The case officer has visited the applicant's current site in Leyland and viewed the operations there. Bottling is undertaken using a gravity fed filler which is not noisy. The blending of liquid fertiliser is done within two 2000 litre tanks using a small electrically powered pump inside the two tanks, this is not used all the time (approximately 3 hours a day) and was hardly audible from just outside the building with the large doors fully open. The vast majority of the building will be used for storage of fertiliser with the blending and bottling taking up only small space within the building.
12. There is no perceptible smell from the products and there will be no dangerous airborne particulates. The workers are not required to wear protective masks or similar and no extraction equipment is needed.
13. No storage or work will take place outside the building and there is an existing large yard area immediately in front of the building for parking and deliveries. The busiest period of delivery and distribution will be from February to July, the busiest period for the company. An indication of the type of traffic that will visit the site has been given by the applicant based on their current site at Leyland. This includes a FedEx van once a day, larger vans and a HGV picking up or delivering supplies to the site, likely to be one or

two a day. Deliveries to the site will take place between 8am and 5pm and not at weekends and this can be controlled by a condition.

14. The nearest property to the building is Moon Cottage, a bungalow on Parr Lane. The building the subject of this application is approximately 40m from the boundary with this property and approximately 65m from the property itself. The access point serving the site is however down the side of this property and it has two windows in its side (east elevation).
15. The whole site (apart from the application building itself that was used to house beef cattle) was previously operated as an agricultural contractors business with large agricultural machinery entering and exiting the site multiple times per day during their busy times of year including late into the evening. This use was subject to conditions restricting the movement of agricultural vehicles, machinery or equipment to or from the land excluding between the hours of 10.30pm and 7.00am and that repair and maintenance work could only be carried out between 8.00am and 6.30pm on Monday to Saturday and not on Sundays or Public Holidays (Enforcement Notice ref: EN530).
16. In relation to the neighbouring properties it is considered that the proposal will have less impact on neighbour amenity than the existing lawful use as an agricultural contractors business in terms of numbers of vehicle movements and the hours of operation.
17. A fork lift truck will be used to move stored materials around in the building and to load/unload deliveries. Fork lift trucks have audible reversing beeps and therefore it is considered necessary to restrict their use outside the building to the same as the delivery hours to ensure these are not used at unneighbourly times of day.

Traffic and Transport

18. The proposed use would use the existing access to the site on Parr Lane. Lancashire County Council Highways have reviewed the application and give the following advice:
19. *The site is located on Parr Lane, a single, 2-way secondary distributor road extending from Towngate/The Green to Red Lane/Bradley Lane. From its junction with Towngate/The Green, Parr Lane has footways on both sides up to a point approximately 50m east of Windsor Road where the footway on one side terminates, but continues on the southern side up to a point opposite the site access.*
20. *They state they would expect vehicles associated with the proposed change of use to enter and exit Parr Lane from Towngate/The Green. They can confirm that this junction has adequate capacity to sustain traffic to be generated by the site. From Towngate/The Green up to the site access, they note several sections of Parr Lane are curvilinear in nature and encouraged speeds well below the prevailing speed limit of 20mph. The section of Parr Lane from Towngate/The Green up to the site access is within a 20mph zone and has centre line carriageway markings to separate the two lanes.*
21. *They state that the proposal will not result in heightened vehicular speeds on Parr Lane. For its entire length, Parr Lane currently has no history of recorded vehicular accidents, this notwithstanding the previous use of the site involving agricultural machinery and vehicles.*
22. *In terms of the proposed use the delivery/distribution of the product will peak between February and July during which an unspecified number of vans and HGVs will access and egress the site 5 times a week. In addition, 4 vehicles belonging to employees and a transit van will also be on site and there would be no vehicular movements in and out of site before 8am and after 4pm weekdays with no deliveries/collections taking place on weekends.*
23. *The Highways Engineer asks for further information on the proposed number of vehicles that will visit the site, whether there will be any direct sales to customers from the site*

and the number of vehicles currently used on the existing wider site and how frequent they access and exit the site.

24. *The site has an existing access which seems wide enough to cater for most sizes of HGVs. The site was served by the same access during the previous use. The access is directly opposite an entrance to a residential dwelling, 'Scalewood' where in and out movement of vehicles appear infrequent. They therefore do not anticipate any adverse impact on the residential access due to the proposed change of use.*
25. *As explained above, the majority of vehicles heading for the site will travel from the direction of Towngate/The Green. It therefore means that at the access, vehicles will turn left into the site. The corner radius of the access is sufficiently wide to accommodate the swept path of HGVs to enable left turn manoeuvres to be safely undertaken. It should also be noted that at accesses and side streets where the corner radii is small, it is not a motoring offence for large vehicles or HGVs to use the full carriageway width to turn. They appreciate the section of Parr Lane outside the site is narrow, however, with the full carriageway width available to large vehicles, they do not envisage a situation where vehicles would require additional road width by treading onto the driveway of 'Scalewood' to be able to turn.*
26. *Vehicles leaving the site are likely to turn right towards Towngate/The Green. There is adequate visibility at the access to enable the junction to be negotiated with ease. The fact that the entrance gate to the site is adequately offset from the road provides the space for large vehicles to undertake any necessary back and fore manoeuvre at the entrance to turn within the highway without treading on the driveway of 'Scalewood'. However, for improved visibility at the access, the applicant should reduce and permanently maintain the heights of hedgerow/shrubbery within the limits of the site boundary to not more than 1m.*
27. The applicant has states that typically the following vehicles will visit the site Monday - Thursday, with Fridays being a quieter day:
 - Typically one 30ft truck will enter and leave site once a day for delivery and pick up;
 - One FedEx van a day will enter and leave site to see if there are any pickups or deliveries (large transit van);
 - Three vehicles for staff (family members make up the staff and will car share);
 - Two vehicles will be on site all the time as they belong to the applicant and partner who will be residing in the bungalow and working on site;
 - Potentially one other third party customer will pick up but this is unlikely to be one a day and more like one a week in peak times at the most;
 - The applicants do have their own transit van but this is rarely used. It will just be used to pick up bits and pieces occasionally
28. The applicant has also provided a plan showing the hedgerow/shrubbery within their boundary to not be more than 1m.
29. The lawful use of the site as an agricultural contracting business must be taken into account when considering the current application in highway terms. The former use would have resulted in large agricultural vehicles entering and exiting the site and using the surrounding road network. This would have included tractors, trailers, combine harvesters and other large agricultural machinery. It is considered that although the proposal will involve some large vehicles in the form of HGVs visiting the site, and even if this is at a number greater than currently envisaged by the applicant, overall the traffic is likely to be less to the site than the current lawful use and is therefore considered acceptable, especially weighing this against the current lawful hours of operation and those proposed in terms of impact on the neighbours.

30. In terms of parking, there is a large area of hard standing in front of the building. There is also parking in front of the bungalow on site which the applicant intends to live in. All these areas are within the 'blue edge' of the application site. LCC Highways have asked for details of vehicle parking and HGV turning areas. In response to this is considered there is more than enough space within the site and controlled by the applicant for vehicle parking and the turning of large vehicles including HGVs given the size of the hard standing and size of vehicles that previously operated from the site.

Design

31. The proposal will involve putting roller shutter doors on the existing two openings in the gable ends of the building and cladding the building in green box profile sheeting. This not and unusual finish for agricultural buildings in the countryside and is considered acceptable.

Drainage

32. The applicant advises that there are no waste materials produced from the blending of products. No W.C. is proposed in the building, the applicant advises workers will use the toilet in the house.
33. All surface water from the yards will flow into the existing yard drainage system that overflows into a pond on the property the same as it does at present and is considered acceptable.

Coal Mines

34. The site is in a low risk mining area as identified by The Coal Authority. This requires an informative note to be placed on any permission.

Other Issues

35. The applicant advises there will be no open storage associated with the use and this can be controlled by condition.
36. It is not considered screening is required as part of the proposals the use will take place inside an existing building on the site, it is not a new building.
37. The Police Architectural Liaison Officer has visited the site and is satisfied with the security measures proposed.
38. With regard to the nature of the substances to be stored on the site, the applicant advises that the substances are registered under REACH. REACH is a European Union regulation concerning the Registration, Evaluation, Authorisation and restriction of Chemicals.
39. In terms of possible danger to surrounding residents, the Control of Major Accident Hazards Regulations 1999 (COMAH) aim to prevent and mitigate the effects of major accidents involving dangerous substances that can cause serious damage/harm to people and/or the environment. They are enforced by the Health and Safety Executive and the Environment Agency. They apply to establishments where a dangerous substance is present above certain quantities and impose duties to take measures to prevent major accidents and limit their consequences to people and the environment. The regulations have two tiers, a lower tier and a top tier (the latter applying to sites where larger quantities of dangerous substance(s) are held). Only if the amount of substance stored is above certain amounts do they fall under the regulations. The applicant advises that the only product they store that falls under the regulations is Ammonium Nitrate, however the maximum amount the business stores at any one time is 2 tonnes, which is below the threshold to fall within the lower tier of the regulations.
40. The proposal will not therefore involve storing large quantities of hazardous substances on the site. This is an area that is controlled by other regulations.

41. There is an existing permission ref: 13/00421/FUL for one of the other building on the site (to the west of the current application building) to be used for caravan storage which was granted in July 2013 when the previous owners still owned the site. If the building was used for the permitted purposes it is still considered that the two uses operating from the site would be acceptable.
42. Permission was also granted on 22nd March 2012 (ref: 11/01091/FUL) for a new agricultural livestock building applied for by the previous owners of the site, which has not been implemented. This expires on 22nd March this year. It had a number of pre-commencement conditions on it that have not been discharged to date and it was permitted subject to a condition that it can only to be used to keep livestock in.

Overall Conclusion

43. The proposal is considered acceptable in principle in terms of a re-use of an existing building in the Green Belt.
44. It is considered acceptable in relation to policies EP3 and EP4 of the emerging Local Plan 2012-2026 considering the lawful use of the site.

Planning Policies

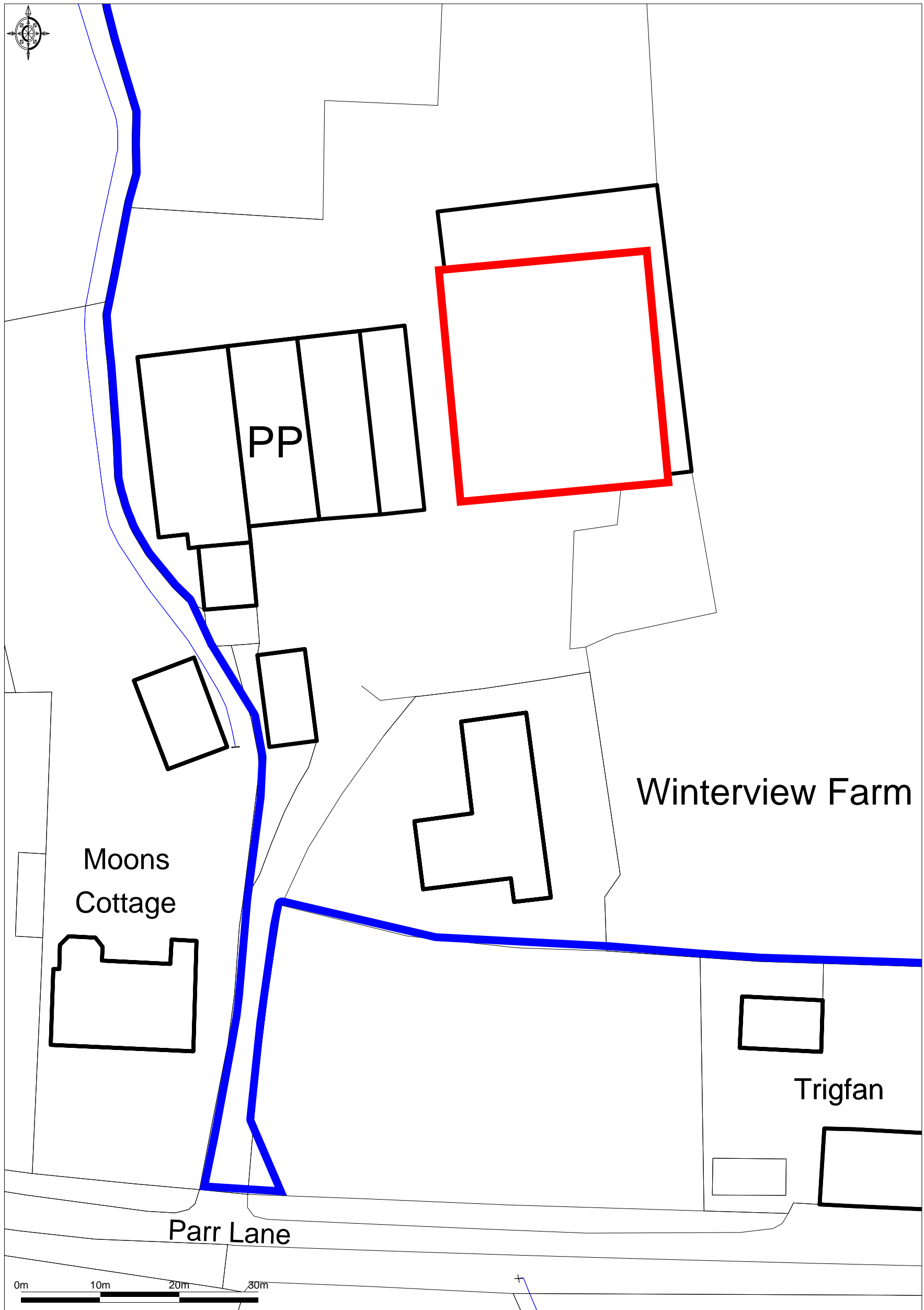
45. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material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

Planning History

The most recent planning history is as follows:

Reference	Description	Decision	Date
13/00421/FUL	Change of Use of Agricultural Building to B8 Caravan Storage	Permitted	July 2013
11/01091/FUL	New agricultural livestock building	Permitted	March 2012
10/00758/FUL	Erection of agricultural livestock building	Permitted	November 2010
Enforcement Notice ref: EN530	Without planning permission, the unauthorised change of use of the land from agricultural and residential use only to a mixed use for agricultural and residential use and use for the storage of agricultural vehicles, machinery and equipment for use in connection with an agricultural contracting enterprise.		January 2000

Site Plan - Winterview Farm, Eccleston



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	<p>they are often used as a dormitory with the occupants working miles away;</p> <ul style="list-style-type: none"> • It is good the tradition of living and working at Nook Farm will continue as this is the tried and tested method of keeping the countryside in good and productive order; • The applicant is willing to make a heavy investment in the future of Nook Farm as a business and make it their home as well this should give confidence to surrounding farms and the village that their own future should be safer as well; • None of the agricultural land will be lost and it will provide rural employment; • The site will be tidied up. 	
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Consultees

Consultee	Summary of Comments received
Environmental Health	<p>The agent has confirmed that the greenhouses will not be lit inside or out and they will be using the current security light. The agent has also confirmed that there will be no heating of the glasshouses so no generator is proposed therefore they do not anticipate that the proposed construction will cause a statutory nuisance in terms of light or noise.</p> <p>If the application is approved and complaints are received, an investigation can be carried out to determine whether a statutory nuisance exists. Where a statutory nuisance is identified, action can be taken to abate the nuisance.</p>
LCC Highways	<p>The site is on Holker Lane, located approximately 300m west of its junction with Leyland Lane. Holker Lane is a single 2- way local access road, subject to the national speed limit. Heavy commercial vehicles above 7.5 tons are prohibited from using the lane as a through road, unless it is for access. The carriageway seems narrow, but have grass verge on both sides, which, given the presence of vehicle tyre impressions at various locations suggests inappropriate use of the verges by drivers to give way to oncoming traffic. However, there is an existing passing place</p>

	<p>on Holker Lane, centrally located between the site and Leyland Lane. This should provide the required waiting area for vehicles when faced with oncoming traffic. Notwithstanding the weight restriction on the lane, the applicant proposes use of 17.5 and 7.5 ton vehicles for deliveries. While this is in excess of the allowable weight, it is acceptable as the delivery vehicles are only being used for access purposes only. The applicant should however be aware that it is not permissible for vehicles in excess of 7.5 ton weight to enter Holker Lane from one end and exit from the other.</p> <p>It is indicated that 10 employees will be engaged on site during the period of March and July, possibly the busiest period of the year for growing and dispatching of plants on site. The employees will car share, thereby reducing the rate of vehicular trips to the site. There will be deliveries to the site on a weekly basis, while crops will be dispatched from site 3 days a week between March and July, using heavy commercial vehicles. On each delivery/dispatch day, the applicant estimates that vehicles will on average enter and leave the site 3 times, similar to the movement generated by the site when it previously operated as a dairy farm, involving milk tankers, tractors, trailers, and other farm vehicles/machinery going in and out of the site daily.</p> <p>Additional information included in the application submission shows that there may be slightly more vehicle movements in and out of the site during certain periods than indicated above. However, considering the proposal in the round and taking the proposed number of vehicles into account, and how frequent the site will be accessed and egressed during the busy periods of March and July, they do not envisage any adverse impacts on the smooth operation of Holker Lane, Leyland Lane, and the wider highway network.</p> <p>There is adequate visibility at the existing access that would serve the proposal and the applicant's tracking information shows that heavy commercial vehicles can enter and leave the site without any safety implications. There are therefore no highway objections to the proposal, however, as no proposal is submitted for parking, it is suggested that a condition is applied requiring details of parking to be provided.</p>
<p>Council's Ecology Advisor</p>	<p>The existing 'semi-natural' character of the pond should be retained to maintain and where possible enhance biodiversity value.</p> <p>The proposed new pond is described as an 'attenuation pond'. They are unclear whether this pond will receive just surface water drainage or will be used as part of the water supply system for the glasshouses, although the application does state that "surface water stored in the irrigation reservoirs will be recycled by using it for irrigation as and when conditions permit". There is therefore a possibility that the pond(s) will be subject to eutrophication. Details of the management of inflows and outflows from the pond(s), and the drainage / irrigation system in general, are therefore important.</p> <p>They are unclear as to the proposals for lighting the glasshouses. Artificial lighting of the glasshouses may impact on nocturnal</p>

	<p>wildlife (particularly bats) and may have landscape impact implications. The applicant should be asked to provide details of lighting proposals for the scheme. Emphasis should be placed on the design of any lighting scheme to minimise impacts on nocturnal wildlife and to minimise potential landscape impacts.</p> <p>Will there be composting / waste facilities supporting the operation? If so where will these be located and how will they be managed?</p> <p>They would advise that a Method Statement be prepared giving details of Reasonable Avoidance Measures to be taken during any construction period to avoid any possible harm to amphibians. Once approved the Method Statement must be implemented in full.</p>
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Assessment

Background information

1. Nook Farm is a former dairy farm however this use has now ceased. It has been bought by the applicant, Lovinia Nurseries Ltd.
2. Lovania Nurseries Ltd. principally focus on the production of high quality ornamental plants which are grown on contract for high street multiples (such as Aldi) and garden centres. They currently operate from 11 nursery sites, all of which are within 7 miles of the main Blackgate Lane premises in Tarleton. The total area currently in production amounts to 30 acres. All packaging, labelling and distribution of grown plants takes place at the Blackgate Lane premises. The company employs over 70 staff over all the sites.
3. The expansion of the business in recent years has necessitated both the erection of new glasshouse blocks at their other nurseries and the renting of existing glasshouses from other growers in the area. However, no reliance can be placed on the latter source, other than in the short term. The applicant has lost the use of a glasshouse at Brookfield Farm, Guide Road, Hesketh Bank, which has previously been rented. Longer term supply contracts with the national multiples, upon which the business depends, require security of tenure and that the glasshouses themselves are of an age, design and condition to meet the strict quality control requirements of the customers.
4. The applicant is therefore proposing to construct 2 no. glasshouses to meet growing demand. A crop of bedding plants will be grown on the land in the proposed glasshouses.
5. There is an associated farmhouse next to the site that is also owned by the applicant and will be lived in as part of the proposals. It is unaffected by the application proposal so is in the 'blue edge'.

Principle of the Development

6. The site is in the Green Belt. The National Planning Policy Framework (the Framework) sets out what is inappropriate development in the Green Belt. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include buildings for agriculture (which includes horticulture) and forestry. The proposal is therefore acceptable in principle.
7. Policy 13 of the adopted Core Strategy covers the Rural Economy and aims to achieve economic and social improvement for rural areas by sustaining and encouraging appropriate growth or rural businesses.

Design, Appearance, Visual Impact of the Proposal and Impact on Nearby Properties

8. There is an associated Supplementary Planning Document covering Rural Development. In terms of farm buildings it states that new agricultural buildings will be required to meet

operational agricultural needs and protect the visual character of the landscape. This will include a consideration of the siting, design, choice of colour materials and any additional planting sympathetic to the surroundings of the development.

9. There are two substantial glasshouses proposed of the following sizes. :
 - Northern glasshouse – 89.6m (w) x 117.0m (l) x 5.5m (height to ridge);
 - Southern glasshouse – 105.6m (max) 38.4m (min) (w) x 157.5m (max) 117.0m (min) (l) x 5.5m (height to ridge), the southern gable end of which is set back approximately 25m from Holker Lane.
10. Both glasshouses would be functional in their design consisting of a steel frame structure on concrete strip foundation with steel mullions attached to the structure to support the glass panels. The roof would consist of a sequence of small roof pitches and valley gutters. Gutters would be installed at eaves level to collect rainwater and the attenuation ponds proposed would store rainwater run-off from the glasshouses.
11. The proposed position of the glasshouses maintains the existing field boundaries with hedgerows and trees also retained.
12. The application has been accompanied by a Landscape and Visual Impact Assessment. This has been reviewed by the Council's Parks and Open Space Officer (a qualified landscape architect). They advise that the methodology that has been used is appropriate to the scale and nature of the application proposals and have provided the advice below.

Effects of the proposal on landscape Character

13. In terms of the effects of the proposal on landscape character, the assessment describes the potential effects as being minor adverse. Having visited the site, they advise it is clear that the landscape character of the site itself will change noticeably with the introduction of the proposed development. However, the landscape character of the wider area, influenced as it is by the built / agricultural context to the site, and the presence of other glasshouse developments within the local area, would not be greatly reduced in its quality. In this context, it is their opinion that the landscape and visual assessment presents a good summary of the effects on landscape character and they are generally in agreement with the findings.

Effects on visual amenity

14. In relation to the effects on visual amenity the assessment identifies residual visual effects of moderate significance for the following visual receptors:
 - The public right of way located along the western boundary of the application site.
 - The Bungalow on Holker Lane, Nook Farm Farmhouse (the house associated with the application site) and Holker Cottage.
15. The visual effects for all other visual receptors are described as being low to negligible. Having visited the site to review the publicly accessible viewpoints, they are in general agreement with the findings of the landscape and visual assessment with the receptors identified above as having the most significant changes to their views. Whilst those receptors located further afield to the west and north west may still be able to view the proposed development, it is not considered that it would appear incongruous in the agricultural and built context to the site and would be only a small component part of these wider views.

Effect on the openness of the green belt

16. The landscape and visual assessment concludes that the proposed development would have a small adverse effect on the openness of the green belt. The introduction of structures on the application site would reduce the openness of the greenbelt, however given the agricultural / built context to the site, the 5m height of the proposed structures and the transparent qualities of glasshouses, it is considered that the potential harm to the openness of green belt would be very limited. In this context they are in general

agreement with the findings of the landscape and visual assessment with regard to any potential harm to the openness of the greenbelt.

Mitigation Proposals

17. Mitigation planning has been proposed as part of the application. They consider the mitigation planting is appropriate in term of the size and spacing of plants proposed. However, they advise that the planting of further standard hedgerow trees, at 10-12cm girth, within the southern section of new hedgerow along the public right of way running adjacent to the site would assist with the integration of the development into its context. They also advise that the proposed ponds should be reviewed to create a more naturalistic form, enhanced by native marginal planting and associated wetland trees/shrubs would further reduce the visual effects for users of the adjacent public rights of way.
18. These matters were put to the applicant and the ponds have been remodelled to take on a more natural form. They have also agreed that the proposed landscape design will be amended accordingly in line with the above comments. This will be updated on the addendum.
19. Therefore, considering the comments of the Parks and Open Spaces Officer it is considered acceptable subject to amendments to the proposed planting scheme.
20. The proposal will include the demolition of approximately 1131m² of existing agricultural buildings to the south of the site, close to Holker Lane and their replacement with hard standing. Those to be demolished are steel portal framed buildings. As part of the proposals the majority of the existing hard standing on the site will be retained, some will be removed and a new section created immediately adjacent to Holker Lane.
21. It should be noted that the existing barn immediately adjacent to the access point has planning permission to be converted to a dwelling (ref: 13/01124/FUL granted 12th March 2014). It has not been implemented. This would be one of the main properties affected by the proposal, it is however within the blue edge of the application and is there in the ownership of the applicant and if it is converted is likely to be associated with the site.

Ecology

22. The Council's ecology adviser recommended that the existing 'semi-natural' character of the pond should be retained to maintain and where possible enhance biodiversity value. The ponds have been amended as part of the application process so they have a more natural form (something that was also requested on landscape grounds in relation to views from the adjacent public right of way).
23. It has been established as part of the application process that there will be no artificial lighting of the glasshouses inside or outside, so it is not considered that the proposal will impact on nocturnal wildlife (particularly bats). It is also considered this may have been unacceptable in the landscape. The only lighting will be the existing security lights that are on motion sensors. The applicant has also confirmed that the glasshouses will not be heated nor will hydroponics be used. The plants will be watered, but that is all. The Council's ecologist states their concerns on these matters have therefore been addressed.
24. The one outstanding issue is the management of inflows and outflows from the ponds/drainage system. No mechanisms have been put forward for managing water inflows / outflows, however they advise this matter of detail could be the subject of a condition. The applicant advises they are in the process of drawing the plans to show how this will work and this will be updated on the addendum if they are received prior to the committee meeting. If not it will be covered by a condition.
25. In relation to waste and composting the applicant advises that the proposal will generate little or no waste because the applicants have a composting plant on another of their sites so nothing goes to waste. Soil is also recycled contributing to sustainability.

26. A condition is also proposed in relation to securing a Method Statement giving details of Reasonable Avoidance Measures to be taken during any construction period to avoid any possible harm to amphibians and requiring it to be implemented in full as recommended in the applicant's ecology survey and by the Council's ecology adviser.

Levels

27. The applicant advises the glasshouses would be built onto the existing landform of the site without the need to remove large areas of earth to level it. A condition is proposed requiring the finished floor levels of the greenhouses to be submitted.

Traffic and Transport

28. There are currently two access points into the site. An access between the farmhouse and barn (outside the red edge for this application) and a gate further to the west between the brick barn and existing steel portal framed building (the latter to be demolished) fronting Holker Lane. The proposal will use the access where the gate currently is. A section of grass verge will be removed and hard surfacing put in to facilitate this. The application is accompanied by vehicles swept path analysis plans showing that large vehicles can manoeuvre and turn round within the site.
29. LCC Highways advise there are adequate visibility splays at the existing gate that will be used to access to the site. Although they ask for details of parking on the site, there will be extensive hard standing on the site sufficient for many cars as well as large vehicles. It is not considered necessary for the Council to control exactly where this is on the site and it will be down to the operators of the site to dictate where staff park (which may change between seasons depending on if large vehicles will be visiting the site or not).
30. The proposal will involve heavy good vehicles (HGVs) visiting the site, however the previous use of the site as a dairy farm would also have involved large vehicles coming and going. Holker Lane is narrow but is in an agricultural area with other farms (and an agricultural contractor) also using the lane. It is not considered that the proposal could be refused on the grounds that large vehicles would be accessing the site, in terms of neighbour amenity or highways, given its current lawful use as a dairy farm.
31. The proposal is therefore considered acceptable in highway terms.

Public Right of Way

32. There is a Public Right of Way (no. 10 Ulnes Walton) that runs up the western edge of the site from Holker Lane towards Hollins Brook. This is within the application site for a length of approximately 225m (southern section) before it swaps to the other side of the hedge line adjacent to the site as it continues to Hollins Brook (northern section).
33. The above Public Right of Way will be the main public view of the site that will be affected by the proposal as members of the public will have close up views almost next to the proposed glasshouses, particularly from the southern section of the Public Right of Way. From the northern section views of the glasshouses will have views filtered by a tall hedgerow with hedgerow trees. The Visual Impact Assessment measures the impact as moderate adverse significant on this footpath. A new hedgerow would be planted along the east side of the footpath to help filter views of the green houses and the existing hedgerow providing some screening of the glasshouses from the northern section of the path would be strengthened with the addition of new hedgerow trees.

Coal Mines

34. The site is not in a high or low risk coal mining area as identified by The Coal Authority.

Drainage and Flooding

35. The glasshouses will have gutters on to catch the rainwater falling on the roof. This will be collected and piped to two irrigation ponds. One of these ponds will be to the west of the northern most glasshouse and is an existing pond that will be re-modelled to increase capacity. The second pond will be a new pond to the north the northern most

glasshouse. If the water is not used to irrigate the plant the ponds will overflow into the existing ditch system and to Hollins Brook to the north. It is not therefore considered that the proposal will result in a greater risk of flooding as the rainwater falling on the site will be held in the ponds and used for irrigation of the plants, unless the fill up when the outflow will be to Hollings Brook.

Overall Conclusion

36. The application is acceptable in principle in the green belt and details of the proposal have also been found to be acceptable.

Planning Policies

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

Planning History

Reference	Description	Decision	Date
13/01124/FUL	Conversion of existing barn in to a dwelling	Permitted	12 th March 2014

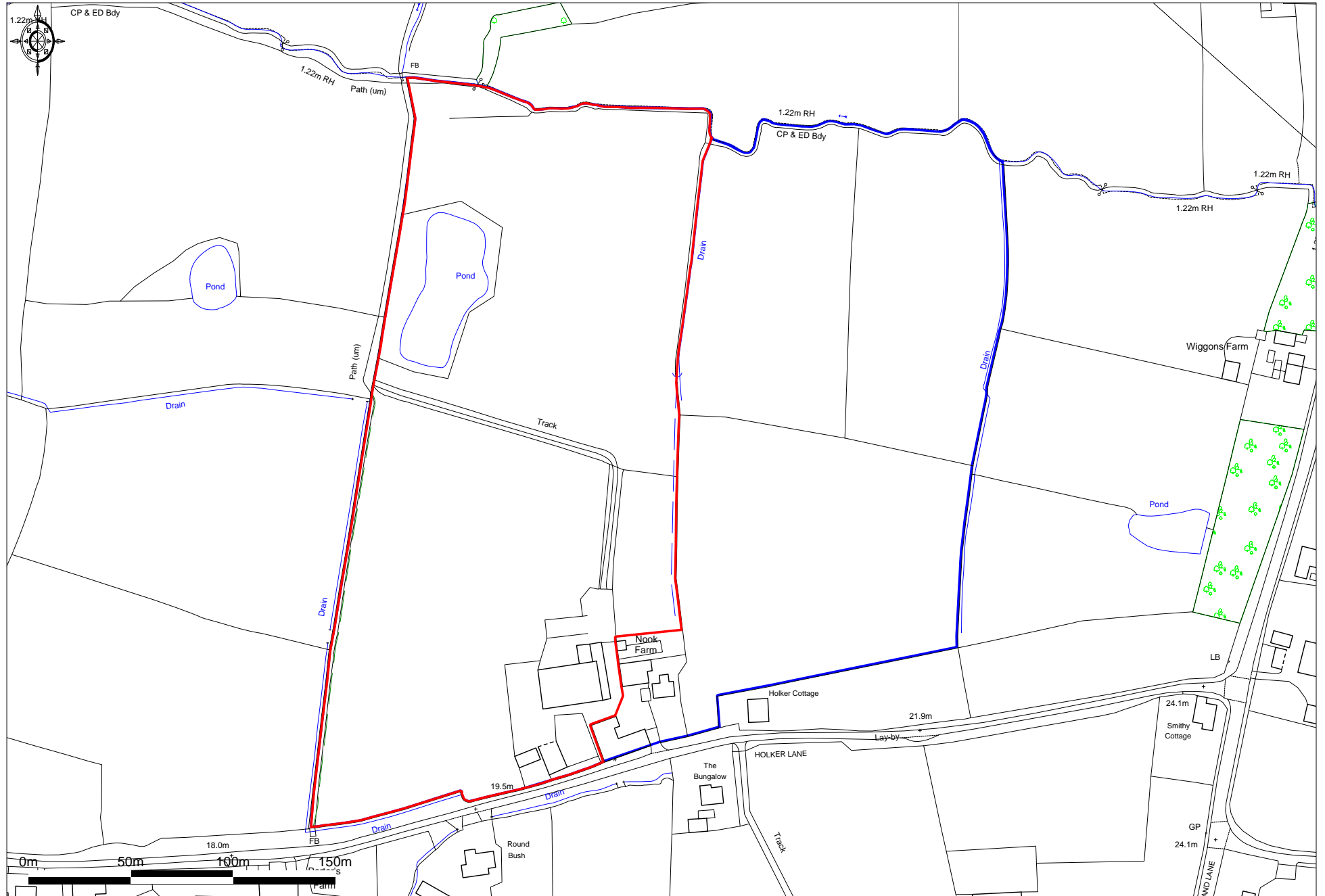
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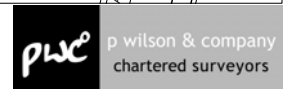


Name: Lovania Nurseries				Scale: 1:750
Address: -				Drawn by: F. de Klerk
Place: -				Status: Quotation
Country: UK				Date: 19-02-2015
Changes	Date	Drawn by	Comments	
1	26-02-15	N HORNER	ROUNDED PONDS	
2	-	-	-	
3	-	-	-	
4	-	-	-	
DIMENSIONS IN MILLIMETERS				Situation A1

Site Location Plan
Nook Farm, Holker Lane, Leyland



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Item 3i	14/01168/FUL
Case Officer	David Stirzaker
Ward	Chisnall
Proposal	Change of use (ground floor) from Public House (A4) to part business (B1) and part shops (A1) including associated works and residential parking. Conversion of existing first floor residential accommodation to 2 No. residential apartments and erection of gates across access to rear of pub building and railings across frontage of car sales business
Location	Oak Tree Hotel, 130 Preston Road, Coppull, Chorley, PR7 5ED
Applicant	Coppull Motor Car Sales
Consultation expiry:	27th February 2015
Decision due by:	11th February 2015 (Extension of time agreed to 13th March 2015)

Recommendation

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

Executive Summary

The main issues to consider are whether the proposed development is acceptable principle, the impact of the development on the locality, on the amenities of neighbours and highway safety. For the reasons set out below, it is considered that the replacement mast is consistent with the aims of the Framework and in accordance with the provisions of the development plan.

Representations

Coppull Parish Council has raised an objection to the railings detailed on the amended plans as the Parish Council consider that that the railings are too high and not in keeping with the area.

No representations have been received from local residents.

Proposed development

1. This application seeks planning permission for the change of use of a former public house which is located in the settlement of Coppull with a small part of the rear of the site located in the Green Belt. The site is on Preston Road and comprises the former Oak Tree public house. The applicant owns the adjoining site (Coppull Motors) so this application will facilitate an expansion of the applicants business onto part of the site and into part of the building.
2. At ground floor this comprises the formation of a retail unit to the northern side of the building and to the southern side; it is proposed to form a valeting bay, sales reception area and a general admin office all of which are associated with the applicants business on the adjoining site (Coppull Motors).
3. To the first floor of the building, the existing residential accommodation above the public house will be subdivided to form to 2 no. apartments each of which will have 2 no. bedrooms.
4. Externally, 4 no. car parking spaces are to be provided to serve the apartments to the rear of the building and these will have a separate access running from Preston Road between the building and 128 Preston Road. These parking spaces will also be fenced off from the southern part of the site and an area of open space will be provided for occupiers of the apartments.
5. The other part of the site will be used to provide 4 no. spaces for the retail unit and 3 no. spaces for the offices with the rest of the site given over to customer parking (4 no. spaces) associated with Coppull Motors.

Assessment

6. The main issues are as follows:-

<i>Issue 1</i>	–	<i>Principle of development</i>
<i>Issue 2</i>	–	<i>Design & Scale</i>
<i>Issue 3</i>	-	<i>Impact on Green Belt</i>
<i>Issue 4</i>	–	<i>Impact on neighbours</i>
<i>Issue 5</i>	-	<i>Highways matters</i>
<i>Issue 6</i>	-	<i>S106 & CIL</i>

Principle of development

7. The Inspector has issued her Partial Report on her findings into the soundness of the Chorley Local Plan, which is a material consideration in the consideration of any planning application.
8. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers.
9. Paragraph 18 of the Partial Report states: “For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.” The Council accepted the Inspectors modifications for Development Management purposes at its Executive Committee on 21st November 2013.
10. It is therefore considered that significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications. The application site is located in the core settlement area of Coppull. The emerging Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the Green

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

11. Most of the application site is located in the settlement of Coppull with part of the site at the rear of the pub being located in the Green Belt. However, the public house itself is in the settlement and given this constitutes a community facility; its loss has to be assessed against the provisions of Policy HW6 of the emerging Chorley Local Plan which seeks to protect such facilities, which states the following: -

Development proposing the change of use or loss of any premises or land currently or last used as a community facility (including community centres, village and church halls, places of worship, public houses, children's centres, libraries, cultural facilities and health facilities) will be permitted where it can be demonstrated that:

- a) The facility no longer serves the local needs of the community in which it is located; and*
 - b) Adequate alternative provision has been made, or is already available, in the settlement or local area; and*
 - c) The use is no longer financially viable; and*
 - d) The facility is in an isolated location remote from public transport routes; or*
 - e) There is an amenity or environmental reason why the facility is no longer acceptable.*
12. With regards to criteria a), the applicant asserts that it is of material consideration that the majority of the proposals can be done under permitted development rights; as the site has a lawful A4 use. Permitted change to A1, A2 and A3 are all lawful, as well as 2no. flats above. As part of the ground floor area is to be used for car valeting, in conjunction with the adjoining car sales use, the development is mixed-use. Policy HW6 allows for the loss of a public house if the facility no longer serves the local needs of the community in which it is located. The building has been vacant for a considerable period of time and serves as an eyesore. It is an unfortunate sign of modern times as more and more public houses become unviable due to the recession, cheap supermarket alcohol, heavy duty on beer and the smoking ban. Public houses, due to the above, no longer serve the needs of a community as they once did. Any need for an A4 use is clearly met by the existence of other public houses, the nearest being located within 0.4 miles of the site
 13. The nearest public house is the Alison Arms which is only 0.4 miles away and within walking distance of the application site. It is clear therefore that alternative A4 provision is already available within the local area. The proposals therefore comply with part (b) of policy HW6.
 14. In terms of criteria c), the applicant asserts that the use of the building as a public house is clearly no longer financially viable and that the site has been vacant since 2011, when CAMRA lists the public house as closing, and despite being marketed it has attracted no interest from purchasers looking to continue to run the building as a public house. The pubs closure is due to a number of factors but mainly due to the recession, a shift in drinking trends and the smoking ban. These factors continue to make an A4 business use for the site unviable. The proposal is clearly compliant with part (c) of policy HW6.
 15. With regards to criteria e), the applicant asserts that public houses/A4 uses can cause environmental/amenity issues locally due to both the sale and consumption of alcohol and typically late hours of opening. The immediate and wider area consists of predominantly residential properties and by replacing the A4 use the proposals will remove a use that is incompatible with adjacent residential properties. The building is currently vacant and detracting from the character and appearance of the local area. By bringing the site back in to active use, the appearance/amenity of the site, as well as the local environment, will be significantly improved, compliant with part (e) of policy HW6.
 16. In terms of the retail use proposed, the section 2 of the Framework (NPPF) covers ensuring the vitality of town centres and para 24 refers to local planning authorities applying a sequential test to planning applications to main town centre uses (including A1

use) that are not in an existing centre and are not in accordance with an up to date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Para 245 advocates refusal of an application which fails to satisfy the sequential test.

17. The definition of edge of centre for retail purposes is a location that is well connected and up to 300 metres from the primary shopping area. The Central Lancashire Core Strategy Policy 11 (Retail and Town Centre Uses and Business Based Tourism) says retail and town centre uses will be delivered by way of a hierarchy. Criterion e) says maintaining, improving and controlling the mix of uses in the existing district and local centres so as to appropriately serve local needs.
18. The Chorley Local Plan 2012 -2026 has set the boundary of the Coppull Local Centre and the proposal is outside the boundary but within the settlement of Coppull. In relation to the Local Centre, the Council requires applications to be accompanied by a sequential test to show there are no available units within this local centre for use. This approach is intended to sustain and focus growth and investment in the local centre and to show that the proposal does not detract from the function, vitality and viability of the borough's hierarchy of centres.
19. Policy EP9 (Development in Edge of Centre and Out of Centre Locations) indicates there will be instances where small shops and other town centre uses will be desirable outside the borough's identified centres and retail hierarchy. Such proposals will be necessary to meet a local need which cannot be provided in Coppull Local centre and generally be accessible to local communities by walking, cycling or public transport. Policy EP9 states the following: -

Outside the town, district and local centres, change of use and development for small scale local shopping and town centre uses (either as part of mixed use developments or in isolation) will be permitted where:

- a) The proposal meets a local need and can be accessed in its catchment by walking, cycling and public transport; and*
 - b) Does not harm the amenity of an adjacent area; and*
 - c) The Sequential Test and Impact Assessment are satisfied setting out how proposals do not detract from the function, vitality and viability of the borough's hierarchy of centres.*
20. The applicant has accordingly submitted a Sequential Test in support of the application. In terms of criteria a), the applicant asserts that the site is evidently located in a sustainable location and due to its small scale size; it will evidently serve local need. It is also reasonable to assume that the majority of customers who visit the retail unit will do so by foot and will originate from housing in the local area.
 21. With regards to criteria b), the applicant asserts that the reinstatement of the lawful A4 use (Public House) would lead to an increase in the potential for noise and disturbance and that the potential for disturbance from the proposed uses is much lower. The applicant also asserts that the A1 use could be implemented under permitted development rights wherein the Council would not be able to control opening hours for example. The applicant also asserts that the building is vacant and therefore has an adverse impact on the visual amenity of the local area. The applicant therefore asserts that the rather than harm local amenity, the proposals will actually improve local amenity.
 22. In terms of criteria c), the report identifies 3 no. premises which are vacant in the centre and advises that the footprints of these buildings, which are 79sqm, 70sqm and 56sqm respectively, are not capable of accommodating the proposed uses within one single building which would cover a floorspace of approximately 160sqm.

23. Planning Policy has considered the applicants submissions and accepts the findings of the statement addressing Policy HW6 and the Sequential Assessment addressing Policy EP9. On the basis of the above, it is considered that the 'principle' of the development is an acceptable one, subject to the material considerations set out in the remainder of this report.

Design & Scale

24. The actual public house building will not be subjected to significant changes externally and the only changes to the front elevation will be the enlargement of two of the ground floor windows with the one on the right hand side incorporating a doorway to facilitate access to the retail unit. These changes will not have a detrimental impact on the overall character and appearance of the property. At the side of the property, an external fire escape staircase is to be removed and the doorway leading to it closed. No changes are proposed to the rear and to the side (south facing elevation); two windows are being replaced with a full height window incorporating a doorway and external access ramp.
25. The existing access to the rear car park is to be gated with 1.8m high black gates and railings of the same height and design will be extended across the frontage of Coppull Motors. Coppull Parish Council has raised an objection to these railings and gates. However, they are of a simple design and given the site is in an urban area, it is not considered that the railings will have a harmful impact on the character and appearance of the locality.
26. It is therefore considered that the development accords with the objectives of Policy GN5 of the adopted Local Plan and Policy BNE1 of the emerging Chorley Local Plan.

Impact on Green Belt

27. As stated, only part of the site is in the Green Belt and this comprises part of the car park at the rear of public house. Given no changes are proposed to the car park, it is not considered that the development will have a harmful impact on the openness of the Green Belt.

Impact on neighbours

28. With regards to the proposed use, the retail unit is proposed on the northern side of the building so this will generate some noise and disturbance from customer visits. However, the main entrance is off Preston Road and 4 no. car parking spaces are to be provided using the original car park associated with the public house. The noise and disturbance associated with the proposed retail use is unlikely to exceed that which would have been generated by the public house when it was operated as a viable business.
29. With regards to the valeting bay, this is within the building itself and located to the southern side of the building away from the nearest residential property 128 Preston Road.
30. In terms of the apartments, a first floor fire escape door is to be closed although there will be a kitchen window in the first floor north facing elevation serving one of the apartments. However, this will look onto the gable end of 128 Preston Road and any views from it of the rear yard area of this property will be limited to such an extent that overlooking will not be detrimental.
31. In terms of the access to the apartments which will run between the northern elevation of the building and the gable end of 128 Preston Road, this is an existing access to a garage which previously stood on the site and given the gable end of 128 Preston Road does not contain any windows, it is not considered that access to the 4 no. car parking spaces would cause undue noise and disturbance to the occupiers of 128 Preston Road.
32. It is therefore considered that the development accords with the objectives of Policy BNE1 of the emerging Chorley Local Plan in that it will not cause detrimental harm to the amenities of neighbours.

Highways matters

33. Part of the ground floor of the public house will be changed to a sales reception office associated with Coppull Motors and a further office associated with this business will be provided at the front and a valeting bay provided at the rear accessed through a roller shutter door. A retail outlet is also to be provided on the right hand side ground floor.
34. LCC (Highways) have advised that 4 no. spaces should be provided to serve the retail outlet and 3 no. spaces provided to serve the offices. An amended plan has been submitted showing these parking spaces to the rear where there is sufficient space to provide them. The layout also includes the provision of 4 no. customer parking spaces associated with Coppull Motors. All of these spaces are accessed via the existing access to the pub car park from Preston Road.
35. A further 4 no. spaces are proposed to be provided to serve the 2 no. apartments and a separate access will be provided to these between the northern elevation of the public house and 128 Preston Road. A 1.8m high close boarded fence will be provided to separate these from the car park which will be associated with the offices and retail unit.
36. The level of car parking proposed is therefore in accordance with LCC (Highways) advice and no objections have been raised to the access to the parking spaces for the flats or the parking spaces associated with the retail unit and Coppull Motors on the retained part of the main car park.
37. It is therefore considered that the layout and car parking provision accords with Policy ST4 of the emerging Chorley Local Plan.

S106 & CIL

38. 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.
39. This development results in the creation of one additional dwelling, which is below the 10 unit threshold and also has a combined gross floorspace of less than 1000m².
40. 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.
41. The proposed apartments do not attract a charge under the Council's CIL charging schedule. The final use of the retail unit is not known at this juncture but if it is convenience retail, the charge will be £160 per square meter and if it is a neighbourhood convenience store, the charge will be £40 per square meter.

Planning Policies

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

Overall Conclusion

43. The 'principle' of development is considered to be an acceptable one and it is not considered that the changes to the public house or the proposed gates and railings will not have a harmful impact on the character and appearance of the locality.

44. Also, it is not considered that the development would not harm the living conditions of local residents and the site layout proposes an adequate level of car parking.

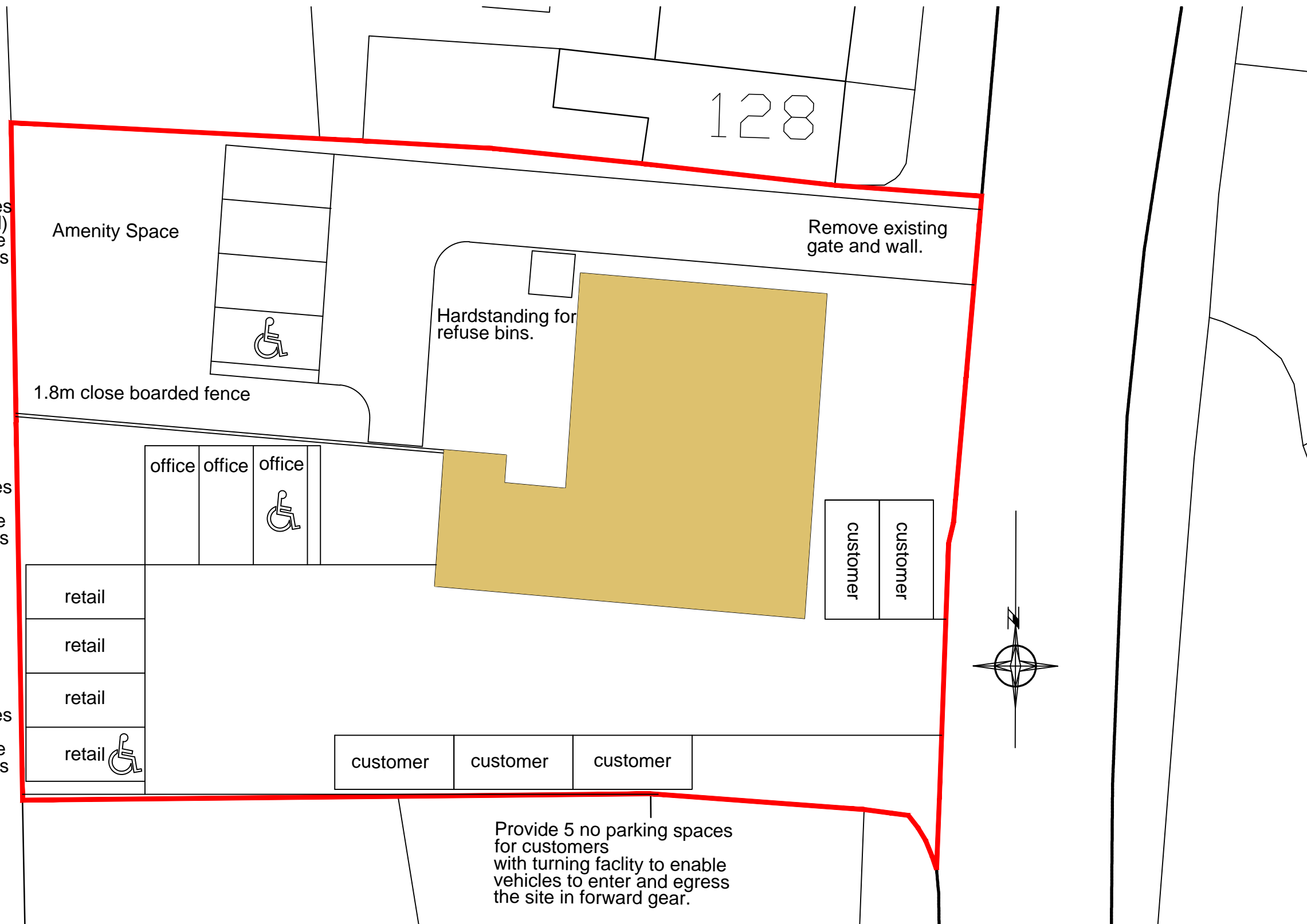
Planning History

Reference	Description	Decision	Date
81/00508/ADV	Non illuminated direction sign	Permitted	09.06.1981
82/00782/FUL	Extension to car park	Permitted	19.04.1983
91/00403/FUL	Conversion of first-floor concert room into three single bedrooms and one bathroom	Permitted	11.06.1991

Suggested Conditions

No.	Condition																														
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i></p>																														
2.	<p>The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the apartments, the first use of the retail unit or the first use of the offices and such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995).</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site</i></p>																														
3.	<p>No apartment shall be occupied until the 1.8m high close boarded fence shown on the approved plans have been erected in conformity with the approved details. The fences shall be retained and maintained as such at all times thereafter.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>																														
4.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="0" data-bbox="363 1115 1310 1480"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Proposed Elevations</td> <td>121.01.06 Rev A</td> <td>25th February 2015</td> </tr> <tr> <td>Proposed Site Plan</td> <td>121.01.08 Rev A</td> <td>25th February 2015</td> </tr> <tr> <td>Site Plan – Extent of Coppull Motors</td> <td>121.01.09 Rev A</td> <td>25th February 2015</td> </tr> <tr> <td>Existing Site Plan and Location Plan</td> <td>121.01.08 Rev A</td> <td>25th February 2015</td> </tr> <tr> <td>Proposed Fences and Gates</td> <td>121.01.10</td> <td>13th February 2015</td> </tr> <tr> <td>Proposed Elevations</td> <td>121.01.07</td> <td>5th November 2014</td> </tr> <tr> <td>Existing Elevations</td> <td>121.01.02</td> <td>5th November 2014</td> </tr> <tr> <td>Existing Ground and First Floor Plans</td> <td>121.01.01</td> <td>5th November 2014</td> </tr> <tr> <td>Existing Elevations</td> <td>121.01.03</td> <td>5th November 2014</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Proposed Elevations	121.01.06 Rev A	25th February 2015	Proposed Site Plan	121.01.08 Rev A	25th February 2015	Site Plan – Extent of Coppull Motors	121.01.09 Rev A	25th February 2015	Existing Site Plan and Location Plan	121.01.08 Rev A	25th February 2015	Proposed Fences and Gates	121.01.10	13th February 2015	Proposed Elevations	121.01.07	5th November 2014	Existing Elevations	121.01.02	5th November 2014	Existing Ground and First Floor Plans	121.01.01	5th November 2014	Existing Elevations	121.01.03	5th November 2014
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5.	<p>Prior to the first occupation of the apartments hereby permitted, the fire escape staircase shall be removed and the doorway leading onto it shall be closed in accordance with the approved plans.</p> <p><i>Reasons: In the interests of the neighbour amenity.</i></p>																														

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Project		Title		Scale	1:200
Change of Use and Alterations to 130 Preston Road Coppull PR7 5ED		Proposed Site Plan		Date	FEB 2015
				Ref	121
				Drg No	121.01.08
				Rev	A
Rev	Date	Revision			
A	25.02.15	Retail , Customer and Office parking zones designated.			

grosvenor
architectural design

Unit 3 Hearle House East Terrace Business Park
Euxton Lane Chorley PR7 6TB

Tel : 01257 208820
Web : www.GrosvenorArchitectural.co.uk
E.Mail : enquiries@GrosvenorArchitectural.co.uk

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Item 3K **14/01303/FUL**

Case Officer **Ian Heywood**

Ward **Pennine**

Proposal **Conversion of barn to residential use**

Location **Morris Farm**
 Hollin Lane
 Heapey
 PR6 9DH

Applicant **Mr Derek Smith**

Consultation expiry: **3 February 2015**

Decision due by: **11 March 2015**

Recommendation **Permit Full Planning Permission**

Executive Summary

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

Representations

No representations have been received.

Consultees

Consultee	Summary of Comments received
Lancashire County Council Highways	No objections to the proposed development
Greater Manchester Ecology Unit	Conditions proposed
Lancashire County Council Archaeology	Condition proposed

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

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

Description of the site

5. The site is located within the rural Parish of Heapey, in the ‘Area of Open Countryside’ as defined in the Adopted Chorley Borough Local Plan Review (2003). It is situated approximately 330 metres south west of the rural hamlet of White Coppice and the conservation area of the same name.
6. The nearest neighbouring properties, apart from Morris Farm farmhouse which is in the ownership of the applicant, are both approximately 360 metres from the site at Warth Farm, White Coppice to the north west and Rough Lee Farm to the south west of the site.
7. The topography is set on a generally falling grade in a roughly south west to north east direction.
8. The site is accessed from Hollin Lane, a rural lane that leads from Higher House Lane to White Coppice, via a short, approximately 75 metre long, single track drive. All the aforementioned routes are generally set within cuttings lined by raised banks, mature native hedges and trees.
9. It comprises a traditional vernacular historic barn and a more modern single storey storage building that approximates in size to a domestic double garage, that sit within the curtilage of a 17th Century grade II* listed farm house. The barn has been altered and extended throughout its life, with the majority constructed from local stone and later additions and repairs being constructed of brick. Other, more modern, agricultural style open fronted storage sheds are located to both the south and west of the site.
10. Farming operations continue on the site, essentially using the other more modern buildings as the subject of this application is no longer fit for purpose as it is not compatible with modern farming practices.
11. S.1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 defines that buildings that were part of the land prior to 1 July 1948 and which are located within the curtilage of a building included on the list of buildings of historic interest compiled under the authority of the Secretary of State (i.e. the list of listed buildings now maintained by English Heritage) are to be included as a part of the listed building even where they are not physically attached to that building.

Assessment

Principle of the Development

12. Pertinent Policies are: Adopted Chorley local Plan Review (2003), Policy DC1 and DC7B; Adopted Central Lancashire Rural Development SPD (2012); Emerging Chorley Local Plan 2012 – 2026, Policy HS9. Also of relevance is the Framework (National Planning Policy Framework) Section 9, paragraphs 87 – 92.

13. The site is within the Area of Open Countryside, which to all intents and purposes is treated in the same way as the Green Belt. Paragraphs 87 - 88 of the Framework state:
(para 87) *'As with previous Green Belt Policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'* (para 88) *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'*
14. The Adopted Central Lancashire Rural Development SPD (2012) mirrors paragraph 89 of the Framework. Policy DC1 of the Adopted Chorley Borough Local Plan Review (2003) and Policy HS9 of the emerging Chorley Local Plan 2012 – 2026 set out exceptions where development can be considered to be appropriate in the Green Belt and Other Designated Rural Areas:
 - a. The proposal does not have a materially greater impact on the openness of the Green Belt and the purposes of including land in it;
 - b. The proposal would not harm the character or quality of the countryside or landscape;
 - c. The re-use of the building must not be likely to result in additional farm buildings which would have a harmful effect on the openness of the Green Belt;
 - d. If an agricultural building, it is not one substantially completed within ten years of the date of the application;
 - e. The building is of permanent and substantial construction and capable of conversion without more than 30% reconstruction;
 - f. The building must be capable of conversion without the need for additions or alterations which would change its existing form and character. Particular attention will be given to curtilage formation which should be tightly drawn around the building footprint and the requirement for outbuildings, which should be minimal;
 - g. The building must already have, or there exists the capability of creating, a reasonable vehicular access to a public highway that is available for use without creating traffic hazards and without the need for road improvements which would have and undue environmental impact;
 - h. The development would not result in the loss or damage to any important wildlife habitat or protected species.
15. In this case:
 - a. Overall the amount of built development within the site will be the same as is currently the case. Consequently it is considered that there will be a lesser impact on the openness of the Green Belt.
 - b. The proposal seeks to re-use the existing building and to make alterations including the demolition of part of the milking shed, erection of an extension that is smaller than the part of the milking shed that is proposed to be demolished, the addition of a small porch and the replacement of the current storage building with a domestic double garage. These alterations have been designed to complement this rural setting. It is therefore considered to sustain the character and quality of the Green Belt.
 - c. Farming operations continue at this site, however not from this building and not of the type of agriculture for which it was originally intended, as it no longer meets the requirements of modern farming practices. Those needs are fulfilled by other buildings on the site. There will therefore be no requirement for additional farm buildings as a result of the proposed development.
 - d. The building probably dates from the late 17th/early 18th Century.
 - e. A structural survey report accompanies the application which confirms the structural integrity of the building and its capacity for conversion.
 - f. The building is readily capable of conversion and only requires a limited amount of alteration, principally involving partial removal of later additions and replacement of a later outbuilding with a domestic scaled garage. The extent of the proposed domestic curtilage closely follows the outline of the building and is considered to be both adequate for a property of this type and acceptable in terms of the relation with the open countryside beyond.
 - g. An existing access is already in place and the LCC Highways Engineer considers this and the parking provision proposed to be acceptable.
 - h. Suitably worded conditions will ensure that protected and endangered

species are safeguarded both during and post construction.

16. The proposal involves the removal of part of the current (now unused) milking shed, a form of development that is appropriate in the Green Belt, erection of an extension that is smaller than the part of the milking shed that is proposed to be demolished and the erection of a small porch extension and the replacement of a small storage building with a domestic double garage that falls to be considered as inappropriate development in the Green Belt. However the overall impact on the openness of the Green Belt is considered to acceptable as, with reference to the Framework, it will not result in a disproportionate additions over and above the size of the original building. The overall mass of built development will be unchanged at this point within the Green Belt.
17. In terms of alternative uses for the buildings they were originally taken out of agricultural use as being no longer fit for modern farming practices and are too small to accommodate modern farming machinery. Other industrial uses, even office accommodation is considered inappropriate in this quite remote location as it would result in even heavier vehicle movements along Hollin Lane than an additional single residential use would create. Clearly these buildings, as with any building, have to be sustainable and have an active, economic and sustainable use. It is considered that residential use in this case is the most appropriate.
18. On balance it is considered that very special circumstances have been demonstrated and that these overcome the inappropriateness of development and any other harm caused and that the end product will sustain the openness and the quality of the Green Belt at this point.

Design

19. Pertinent Policies are: Chorley Borough Householder Design Guidance SPD (2008); Adopted Central Lancashire Core Strategy (2012), Policy 17; Adopted Central Lancashire Design SPD (2012); Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. Also of relevance is the Framework paragraph 56, 57 and 60 – 65.
20. A key thrust of these policies is the desire to encourage high quality and innovative design. Paragraph 56 of the Framework states that, *'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 57 continues, It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider development schemes.'*
21. Paragraphs 60 – 65 not only reinforce the need for good design and design which responds to context, but also the benefits of using independent design review arrangements to ensure high standards of design. Paragraph 63 states that, *'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'* Paragraph 65 concludes that, *'Local planning authorities should not refuse planning permission for buildings or infrastructure which promotes high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.'*
22. The design suggests minimal new interventions, however these are only proposed where they are necessary and are considered to be of a high-quality, complimentary yet contemporary design that will enhance the appearance of the building. High quality complimentary materials are proposed to support the overall design ethos. Suitably worded conditions will secure these details.
23. It is therefore considered that the proposal represents good quality design and that consequently it accords with the aforementioned policies.

Impact on the significance of a designated heritage asset

24. Pertinent Policies are: Adopted Central Lancashire Core Strategy (2012), Policy 16; Emerging Chorley Local Plan 2012 – 2026, Policy BNE8. Also of relevance is the Framework, Section 12.

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

Impact on the amenity of neighbours

31. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy HS4; Chorley Borough Householder Design Guidance SPD (2008); Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. These policies/ guidance suggest that any proposed development should not have an unacceptable impact upon the amenity currently enjoyed by neighbouring properties.
32. The proposed development will have no material impact upon the amenity currently enjoyed by the neighbours to the site. At approximately 360 metres distance those neighbours are considered to be too far away from the proposed development for any impact to be material. It is considered that the relationship to Morris Farm farmhouse will be acceptable and that both properties, existing and proposed, will be able to enjoy their own, acceptable, amenity.
33. This being the case it is considered that the proposed development will not have an unacceptable material impact upon the amenity currently enjoyed by neighbouring properties.

Highway Safety and Parking

34. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy TR4; Emerging Chorley Local Plan 2012 – 2026, Policy ST4. The Lancashire County Council Highways Officer has commented that he has no objections to the proposed

development. The development will accord with the Council's parking standards as set out in Appendix A of the emerging Chorley Local Plan 2012 – 2026.

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

Ecology

36. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy EP4; Adopted Central Lancashire Core Strategy (2012), Policy 22; Emerging Chorley Local Plan 2012 – 2026, Policy BNE9. These policies, together with other legislation, seek to safeguard protected and endangered species and their habitats. The Greater Manchester Ecology Unit has suggested a number of suitably worded conditions that will secure and safeguard protected species and their habitats.

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

Overall Conclusion

38. It is considered that the proposed development will accord with local and national policy in terms of principle, designated heritage assets, highways, ecology and neighbour amenity. Consequently the application is recommended for approval.

Planning Policies

39. 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: 84/00161/LBC **Decision:** REFFPP **Decision Date:** 22 May 1984
Description: Application for listed building consent for conversion of barn to dwelling part demolition alterations extension to form porch and installation of septic tank

Ref: 84/00134/FUL **Decision:** REFFPP **Decision Date:** 22 May 1984
Description: Conversion of barn to dwelling extension to form porch and installation of septic tank

Proposed Conditions

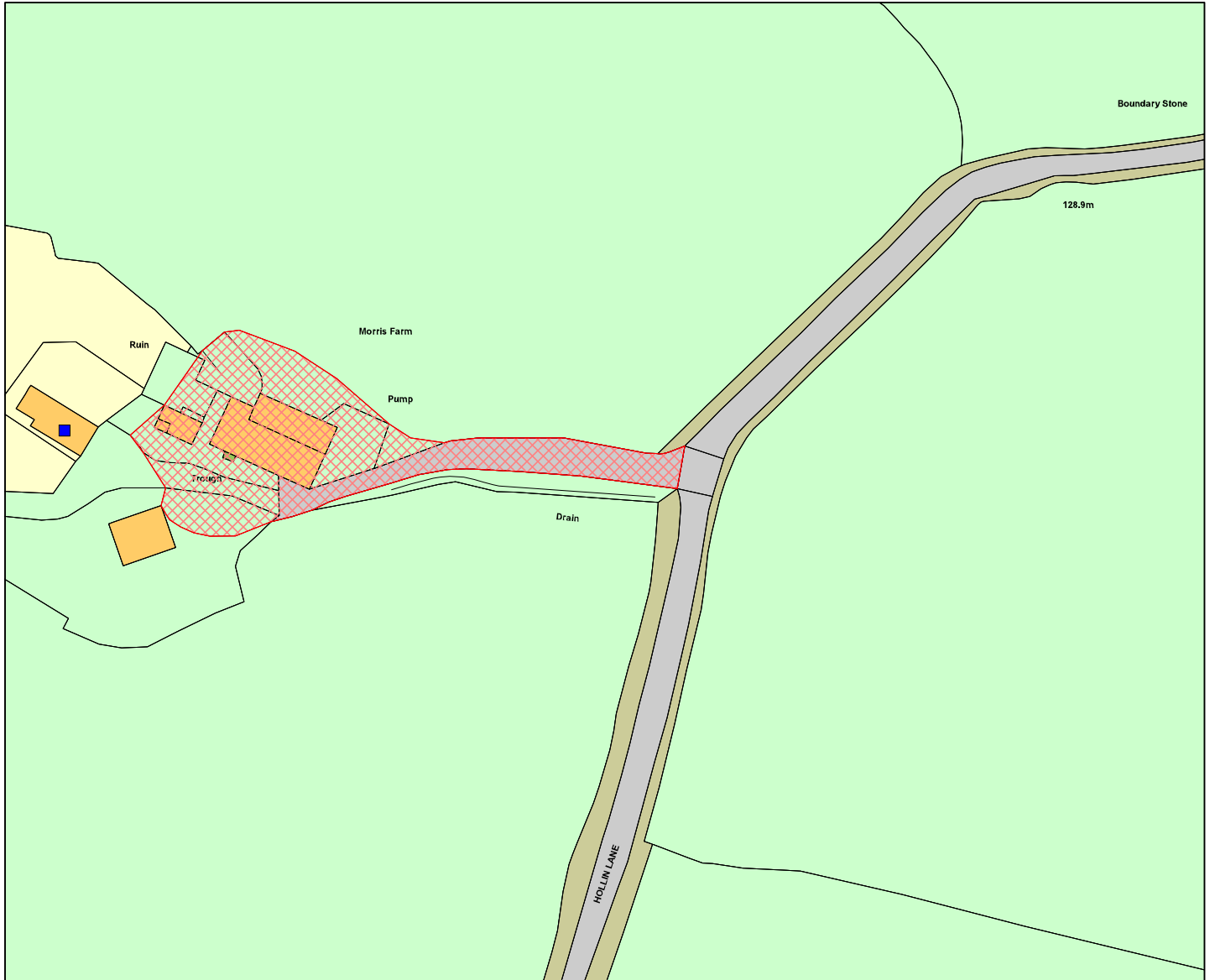
No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Drawing: SD/14/152 Rev W Proposed S & E Elevations Dated 11/01/2015 Drawing: SD/14/151 Rev W Proposed N & W Elevations Dated 11/01/2015 Drawing: SD/14/154 Rev W Proposed GF Plans Dated 11/01/2015 Drawing: SD/14/153 Rev Proposed FF Plans Dated 07/12/2014 Drawing: SD/14/150 Rev Proposed Garage</p> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>
3.	<p>The development hereby permitted shall not commence unless and until samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality</i></p>
4.	<p>The proposed exclusion of bats from the interior of the Barn is likely to cause harm to common pipistrelle bats as identified in the Bat, Barn Owl and Breed Bird Survey and Assessment, Aug- Oct 2014 by Ribble Ecology. Prior to the commencement of the development either of the following shall be submitted to and approved in writing by the Local Planning Authority:</p> <p>a) a license issued by Natural England pursuant to Regulation 53, of the Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development go ahead: or b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a license</p> <p>In the event that a license is required, the development shall thereafter be carried out in accordance with the agreed measures.</p> <p><i>Reason: To safeguard protected species.</i></p>
5.	<p>No conversion works or demolition shall commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to works and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To safeguard protected species.</i></p>
6.	<p>Plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) are known to occur on the site, including Himalayan balsam. These species shall be eradicated from the site and working methods shall be adopted to prevent their Spread in accordance with Environment Agency guidance and codes of practice.</p> <p><i>Reason: to ensure the eradication and control of any invasive species which are found on the site.</i></p>
7.	<p>An ecological mitigation plan shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of development. The content of the plan should include elements to mitigate for loss of bird nesting habitat, and measures to avoid harm to UK priority species such as hedgehog and common toad. The approved plan will be implemented in accordance with the approved details.</p>

8.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwelling, porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.</p> <p><i>Reason: In the interests of neighbour amenity.</i></p>
9.	<p>The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995).</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site.</i></p>
10.	<p>The garage hereby approved as part of the development shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation.</p> <p><i>Reason: To ensure adequate garaging/off street parking provision is maintained and thereby avoids hazards caused by on-street parking.</i></p>
11.	<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 plans) shall have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until all fences and walls shown in the approved details 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>
12.	<p>Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.</p> <p><i>Reason: To secure proper drainage</i></p>

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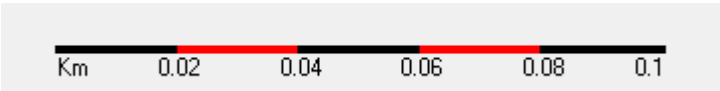
14/01304/LBC

Morris Farm Hollin Lane Heapey



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Organisation	Organisation
Department	Department
Comments	1:1250
Date	05 January 2015
SLA Number	SLA

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Item 3L **14/01304/LBC**

Case Officer **Ian Heywood**

Ward **Pennine**

Proposal **Conversion of barn to residential use**

Location **Morris Farm
Hollin Lane
Heapey
PR6 9DH**

Applicant **Mr Derek Smith**

Consultation expiry: **3 February 2015**

Decision due by: **11 March 2015**

Recommendation **Permit Listed Building Consent**

Executive Summary

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

Representations

No representations have been received.

Consultees

Consultee	Summary of Comments received
Lancashire County Council Highways	No objections to the proposed development
Greater Manchester Ecology Unit	Conditions proposed
Lancashire County Council Archaeology	Condition proposed

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

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

Description of the site

5. The site is located within the rural Parish of Heapey, in the ‘Area of Open Countryside’ as defined in the Adopted Chorley Borough Local Plan Review (2003). It is situated approximately 330 metres south west of the rural hamlet of White Coppice and the conservation area of the same name.
6. The nearest neighbouring properties, apart from Morris Farm farmhouse which is in the ownership of the applicant, are both approximately 360 metres from the site at Warth Farm, White Coppice to the north west and Rough Lee Farm to the south west of the site.
7. The topography is set on a generally falling grade in a roughly south west to north east direction.
8. The site is accessed from Hollin Lane, a rural lane that leads from Higher House Lane to White Coppice, via a short, approximately 75 metre long, single track drive. All the aforementioned routes are generally set within cuttings lined by raised banks, mature native hedges and trees.
9. It comprises a traditional vernacular historic barn and a more modern single storey storage building that approximates in size to a domestic double garage, that sit within the curtilage of a 17th Century grade II* listed farm house. The barn has been altered and extended throughout its life, with the majority constructed from local stone and later additions and repairs being constructed of brick. Other, more modern, agricultural style open fronted storage sheds are located to both the south and west of the site.
10. Farming operations continue on the site, essentially using the other more modern buildings as the subject of this application is no longer fit for purpose as it is not compatible with modern farming practices.
11. S.1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 defines that buildings that were part of the land prior to 1 July 1948 and which are located within the curtilage of a building included on the list of buildings of historic interest compiled under the authority of the Secretary of State (i.e. the list of listed buildings now maintained by English Heritage) are to be included as a part of the listed building even where they are not physically attached to that building.
12. Annex 2 to the Framework defines listed buildings as ‘designated heritage assets’.

Assessment

Impact on the significance of a designated heritage asset

13. The relevant legislation is the Planning (Listed Buildings and Conservation Areas) Act 1990 hereafter referred to as the P(LBCA).

14. Paragraphs 66 and 72 of the P(LBCA) are relevant to the '*Special considerations affecting planning functions*'.
Section 66 states:
In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.*
- Section 72 states:
In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
The provisions referred to in subsection(1) are the planning acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953.
15. Pertinent Policies are: Adopted Central Lancashire Core Strategy (2012), Policy 16; Emerging Chorley Local Plan 2012 – 2026, Policy BNE8. Also of relevance is the National Planning Policy Framework, hereafter referred to as the Framework, Section 12.
16. Within the Framework paragraph 129 states that, 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'
17. Paragraph 132 states, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'
18. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, 'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:
a. *Safeguarding heritage assets from inappropriate development that would cause harm to their significances.*'
19. The emerging Chorley Local Plan 2012 – 2026, Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, '*Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate. The enhancement of the setting of heritage assets.*'
20. The significance of the designated heritage asset, or the character and appearance of the listed building – the barn – is derived from its association to Morris Farm

farmhouse, i.e. the traditional farmstead layout, and the design and materials used in the principal elevations, i.e. those facing the access lane and which are seen in the same context as the farmhouse. It is also derived from the sylvan, rural, agrarian setting.

21. As such the removal of later additions and extensions is to be welcomed, particularly as they are to be replaced by structures and an extension of reduced scale that are of more sympathetic appearance and which use appropriate materials.
22. Consequently it is considered that the appearance of the barn building and the relationship to and setting of the listed farmhouse will be enhanced. It therefore follows that the proposed development achieves the aim of S.66 of the P(LBCA).
23. It is also considered that the significance of the designated heritage assets will be enhanced and that therefore the proposed development will accord with the Framework, Policy 16 of the Adopted Central Lancashire Core Strategy DPD (2012) and Policy BNE8 of the emerging Chorley Local plan 2012 – 2026.

Overall Conclusion

24. It is considered that the proposed development will accord with local and national policy in terms of heritage assets. Consequently the application is recommended for approval.

Planning Policies

25. 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: 84/00161/LBC **Decision:** REFFPP **Decision Date:** 22 May 1984
Description: Application for listed building consent for conversion of barn to dwelling part demolition alterations extension to form porch and installation of septic tank

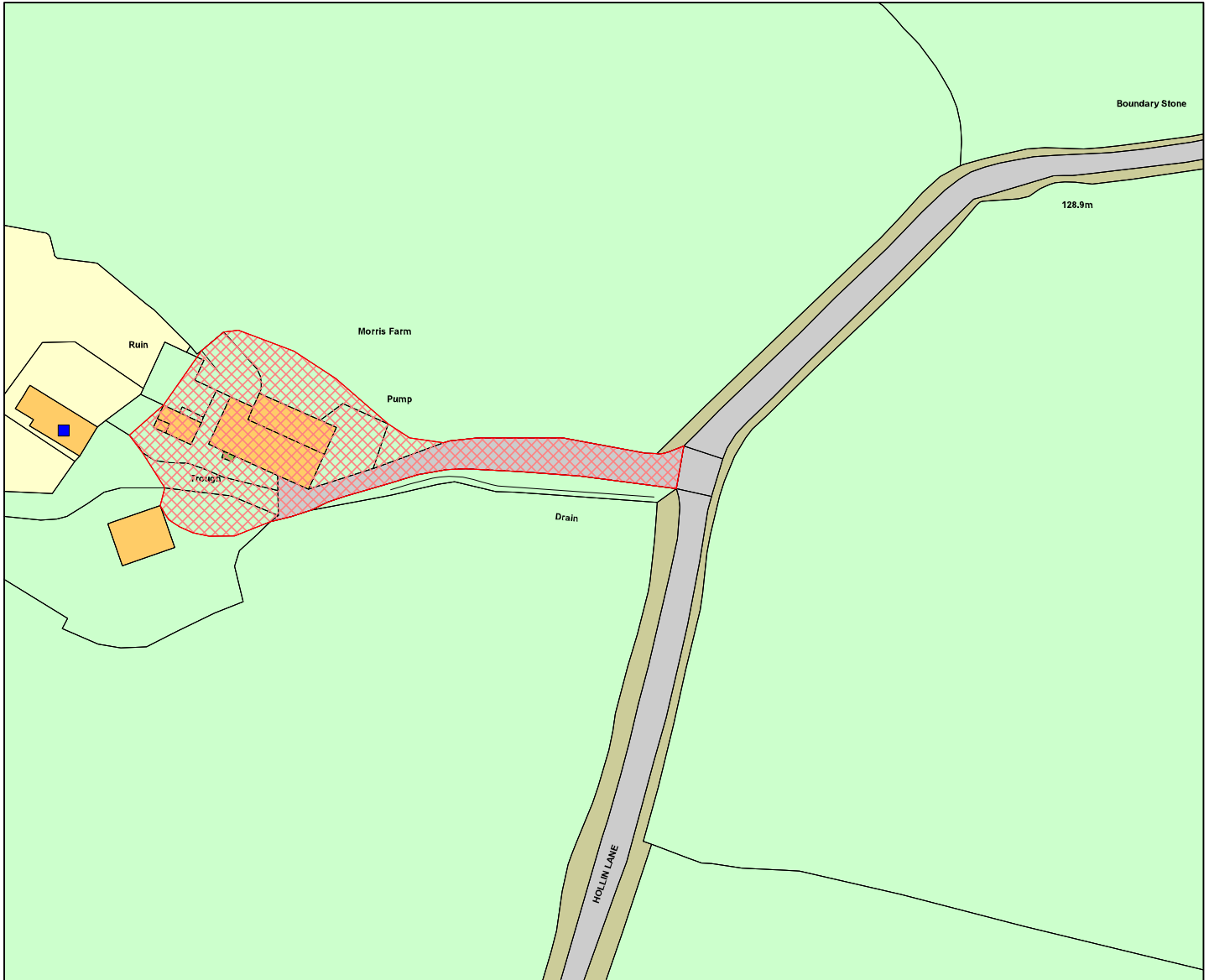
Ref: 84/00134/FUL **Decision:** REFFPP **Decision Date:** 22 May 1984
Description: Conversion of barn to dwelling extension to form porch and installation of septic tank

Proposed Conditions

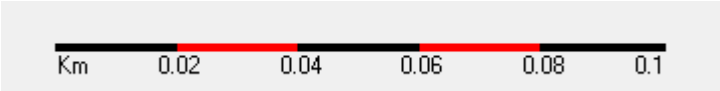
No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Drawing: SD/14/152 Rev W Proposed S & E Elevations Dated 11/01/2015 Drawing: SD/14/151 Rev W Proposed N & W Elevations Dated 11/01/2015 Drawing: SD/14/154 Rev W Proposed GF Plans Dated 11/01/2015 Drawing: SD/14/153 Rev Proposed FF Plans Dated 07/12/2014 Drawing: SD/14/150 Rev Proposed Garage</p> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>
3.	<p>The development hereby permitted shall not commence unless and until samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality</i></p>
4.	<p>Before the commencement of any works, full details of the proposed rainwater goods, including the eaves detail, to be used on the building shall have been submitted to and been approved in writing by the Local Planning Authority. All works undertaken on site should be strictly in accordance with the approved details.</p> <p><i>Reason: In the interests of the character and appearance of the building</i></p>
5.	<p>Prior to any works commencing details of the proposed fenestration (windows, doors and other joinery), to include full details at a scale of not less than 1:10 shall be submitted to and agreed in writing by the Local Planning Authority. All works shall then be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To maintain the integrity of the historic building</i></p>
6.	<p>No works shall take place until the applicant, or their agent or successors in title, have secured the implementation of a programme of building recording and analysis. This must be carried out by a professionally qualified archaeological/building recording consultant or organisation in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority (Chorley Council). Upon completion of the programme of building recording and analysis it shall be submitted to the Local Planning Authority.</p> <p><i>Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historic importance associated with the building</i></p>

14/01304/LBC

Morris Farm Hollin Lane Heapey



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Organisation	Organisation
Department	Department
Comments	1:1250
Date	05 January 2015
SLA Number	SLA

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Item 3n	15/00039/FUL
Case Officer	Iain Crossland
Ward	Lostock Ward
Proposal	Erection of 6no. affordable dwellings and associated landscaping, access and car parking
Location	Land And Garages Adjacent 26 Pear Tree Road Croston
Applicant	Adactus Housing Association
Consultation expiry:	23 February 2015
Decision due by:	20 March 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

<p>Croston Parish Council The Parish Council objects to the above application on the following grounds: 1. the 40 dwellings per hectare is in excess of the stipulations of Policy 5 (8.17) of the Central Lancashire Core Strategy. 2. the Parish Council has concerns regarding the suitability of the proposed single track access road.</p>
<p>In total 2 representations have been received which are summarised below</p>
<p>Objection Total No. received: 2</p> <ul style="list-style-type: none"> • Loss of privacy / overlooking • Loss of parking for local residents • Highway safety issues due to inadequate access • It is highly likely that a wheeled bins collection point on Peartree road will result in some bins being left abandoned and not collected for days creating a nuisance and compounding the parking/congestion on the kerbside. • The ecology assessment recognises the presence of Japanese Knotweed, however the mitigation specifies "Herbicidal treatment" only. • No details for either mitigation or compensation due to the loss of garages in private ownership

Consultees

Consultee	Summary of Comments received
<p>United Utilities</p>	<p>In accordance with the National Planning Policy Framework and Building Regulations, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.</p> <p>To reduce the volume of surface water draining from the site we would promote the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas.</p> <p>A public sewer crosses this site and we will not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.</p> <p>A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.</p>

Waste and contaminated land officer	<p>I have no objections to the proposed development.</p> <p>I have reviewed the Phase 1 desk study by Sutcliffes (ref: LG27529 January 2015) and agree with their recommendation for intrusive investigation to confirm the initial desk-based findings.</p>
LCC Highways	<p>There are no highway objections to the proposal in principle, however, the improvements highlighted above are essential to create an environment that is safe for all road users and in which people are encouraged to walk and cycle and feel safe doing so, therefore, if these measures cannot be provided for in an amended proposal, then, I would recommend that approval of the application be resisted.</p>

AssessmentThe Site

1. The application site is a garage colony site located within the settlement area of Croston. The site is irregular in shape, is reasonably level and measures around 0.15ha in area. There is an existing vehicular access to Pear Tree Road to the south east of the site.
2. The site comprises eight pre-fabricated garages some of which are in use and an area of hard standing providing access to the garages. There is a grassed area covering part of the site and some trees around the perimeter. The site is not an amenity area.
3. The site is located to the rear of dwellings fronting onto Pear Tree Road to the south and east, and at the rear of dwellings on Dalton Fold to the west. There are also dwellings to the north of the site and a commercial car sales garage fronting Moor Road (B5249). The area is characterised predominantly by residential dwellings in a variety of designs and styles, which result in a suburban character.

The Proposal

4. The proposed development is for the erection of 6 No. 2 bedroom, 3 person terraced dwellinghouses to provide affordable housing with associated curtilage, a car parking area and some small areas of landscaping.
5. The proposed dwellings would have a width of around 4.6m resulting in a total row width of around 27m and there would be a depth of around 8.7m. There would be dual pitched roofing with a ridge and eaves height of around 7.9m and 5m respectively. The properties would be of a traditional design and faced in red brick with roofing laid in grey concrete tiles.
6. There would be enclosed gardens to the rear of the properties, with a pedestrian access beyond them, and there would be small lawned gardens to the front.
7. The existing garages would be demolished to make way for the proposed development.
8. The site would be enclosed by 2.1m high timber fencing.
9. A series of improvements are also proposed to the existing vehicular access in order to facilitate the development.

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 – Ecology

Issue 6 – S106

Issue 7 – CIL

Issue 8 – Other matters

Principle of the Development

10. 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.
11. There is particular support for the provision of affordable housing in the Framework and through Policy 6 of the Central Lancashire Core Strategy.
12. 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.
13. 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.

14. 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.
15. 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.
16. The application site is located in the settlement area of Croston. 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.
17. The application site is a garage colony. There are no policy designations covering the site and therefore the principle of residential development for affordable housing on the site is acceptable, subject to other material planning considerations.

Design and impact on the character of the area

18. The proposal is for the erection of six two bedroom two storey terraced dwellings. The proposed dwellings would be of a fairly standard traditional design of a similar scale to other neighbouring properties that already exist. There are a range of properties types and styles in the area that have been developed over different periods of time resulting in mix of designs across the locality. The most consistent design feature is the scale of development with most properties being two storey terraced dwellings. As such, the proposed development would be compatible with the existing urban form.
19. It is noted that the density of the scheme would be around 40 dwellings per hectare. The preamble to Policy 6 in the Central Lancashire Core Strategy states that inner urban locations are typically built at 80-90 dwellings per hectare (dph), and suburban and rural locations at 25-35 dph and different densities are appropriate across different areas. The policy itself is more general in that it seeks to secure densities in keeping with local character, whilst also considering the efficient use of land. The 40 dph of the proposed development is not very much different from the 25 to 35 dph typically associated with suburban and rural locations. In addition to this the individual characteristics of the area must be considered. Croston itself is a village and the area of Croston in which the application site is located contains a significant number of terraced properties, which are typically high in density. On this basis the proposed development would not be out of keeping with the character and distinctiveness of the area in terms of its density and would balance with a relatively efficient use of land.
20. It is noted that the site is located to the rear of properties on Pear Tree Road, Dalton Fold and Moor Road. As such the proposed dwellings would not form a prominent feature of the area. The proposed development would, in any case, provide a physical improvement to the appearance of the site, which currently appears underused and rather dilapidated.
21. The garages located on the site appear to have been largely vacated resulting in a sense of abandonment, which detracts from the character of the area. It is acknowledged that an active use needs to be established on the site to address this. The proposal would result in the demolition and removal of the existing garages and miscellaneous detritus to make way for the proposed dwellings and associated garden curtilage, parking area and landscaping. The proposed development would therefore result in an overall improvement in the appearance of the site and would subsequently enhance the character of the area.
22. The development is therefore considered to be in accordance with Policy BNE1 of the emerging Chorley Local Plan 2012 - 2026 and has overcome the concerns regarding the impact on the street scene.

Impact on neighbour amenity

23. The application site is bounded by residential properties and a commercial car sales garage to north at Moor Road, and residential properties to the south and east on Pear Tree Road and to the west on Dalton Fold.
24. The proposed development is staggered in nature and results in plots 1 to 4 being located approximately 10m from the boundary with the residential properties to the rear at 32 and 34 Moor Road and around 35m from the properties themselves. This meets the Council's adopted interface distances and results in an acceptable relationship with no unacceptable impact on outlook, privacy or light. It is noted that there would be a 2.1m high fence on the boundary of the site, which would provide a good level of screening and privacy to both the existing occupiers of 32 and 34 Moor Road and future occupiers of the proposed properties.
25. Plots 5 and 6 would be located approximately 6.5m from the northern boundary, which at this point is shared with a commercial car sales garage. Although this is less than 10m there would be no loss of private residential amenity as the site is in commercial use.
26. Plot 1 would be located approximately 1m from the western boundary of the site. The side gable would be located at an angled position in relation to the boundary and rear elevations of the properties on Dalton Fold. The nearest property to the west at 7 Dalton Fold would be located approximately 10.6m from the front corner of the property at Plot 1. As the rear elevation of 7 Dalton Fold would face the corner and only part of the gable end at Plot 1 there would be no unacceptable impact on outlook or light in relation to this dwelling.
27. There would be no windows in the side elevation of Plot 1. There would be windows in the front elevation, however, there would be only obscure views of 7 Dalton Fold and indirect views of the property at 8 Dalton Fold, which would be around 15m away. As a result there would be no unacceptable impact on privacy in relation to properties on Dalton Fold. In addition a 2.1m high fence on the boundary of the site would provide a good level of screening and privacy to both the existing occupiers of Dalton Fold and future occupiers of the proposed properties.
28. The properties to the south at 28 and 30 Pear Tree Road would be located at least 25m away from the nearest facing windows to habitable rooms in the proposed dwellings and there would be a distance of at least 13m to the rear boundaries of these dwellings. This meets the Council's adopted interface distances and results in an acceptable relationship with no unacceptable impact on outlook, privacy or light. It is noted that there would be a 2.1m high fence on the boundary of the site, which would provide a good level of screening and privacy to both the existing occupiers of 28 and 30 Pear Tree Road and future occupiers of the proposed properties.
29. The property at 26 Pear Tree Road to the south east of the site would be located approximately 15m from the nearest proposed dwelling at Plot 6. There would be no parallel facing windows due to the relative positioning of the properties and no direct views over the rear garden at 26 Pear Tree Road due to the obscure angle between the windows in the front elevation of the proposed dwellings and the garden boundary to 26 Pear Tree Road. There would be no windows in the side elevation.
30. Due to the relative positioning of the proposed dwellings to the north west of 26 Pear Tree Road there would be no impact on light and along with the degree of separation there would be no unacceptable impact on outlook. In addition a 2.1m high fence on the boundary of the site would provide a good level of screening and privacy to both the existing occupiers of 26 Pear Tree Road and future occupiers of the proposed properties.

Impact on highways/access

31. The proposed development would result in six two bedroom dwellings. Off street car parking has been identified on the proposed site plan for twelve vehicles (two at each property) provided by designated parking spaces within the site. This meets with the adopted parking standards set out in relation to policy ST4 of the emerging Chorley Local Plan 2012 – 2026.

32. The development will be accessed via an existing vehicle access which extends approximately 45m from Pear Tree Road to the site. The existing access which seems particularly narrow at its junction with Pear Tree Road has no footways on either sides and therefore the carriageway will be shared by vehicles, cyclists and pedestrians. The ideal minimum width required for vehicles to overtake cyclists in comfort for cars passing at 20mph is 3.8m and it would appear that a large section of the access has met this requirement; It is noted that measures to control vehicle speeds to 20mph and below have been incorporated into the scheme in order to accommodate pedestrian/cyclist use.
33. The application submission includes a tracking model which shows that large vehicles cannot easily enter the access from Pear Tree Road in its existing layout. Therefore, the applicant proposes to alter the entrance of the access to include new kerb realignments. As part of the alteration, the applicant proposes a widening of the access on both sides of the entrance in a form of laybys where vehicles can safely pull-in to give way to oncoming traffic on one side and safely pull-out to exit the access on the other.
34. It is noted that 2.0m wide footways have been added along the widened access to link the footways of Pear Tree Road to the footpaths running in front of 26 and 28 Pear Tree Road. This will allow vulnerable pedestrians to identify the limits of safe spaces. The highways officer highlighted that there are risks posed to pedestrians and cyclists who may attempt to step on the carriageway from the rear of 28 Pear Tree Road as the rear fence is high and obscures visibility for drivers entering the car park and pedestrians and cyclists leaving the site. Appropriately positioned bollards have been incorporated into the proposal to ensure that vehicles entering the car park do not turn left immediately at the corner of the rear fence of 28 Pear Tree Road in order to avoid colliding with pedestrians/cyclists.
35. In considering the wider access arrangements it is noted that there are a number of bus services available from Moor Road within 300m of the site and a rail station on nearby Station Road providing direct rail access to Preston and Ormskirk. This provides the benefit of realistic sustainable transport alternatives.
36. It is noted that there are no objections to the proposal in principle from LCC Highways and that all recommendations have been accommodated with the scheme. It is therefore considered that there would be no harm to Highway Safety as a result of the proposed development, and that the site is in an accessible location.

Ecology

37. The site is predominantly made up of amenity grassland, buildings / hardstanding, and scattered trees. Areas of scrub and ruderal species, which are the first to colonise disturbed land, have developed along the site boundaries as a result of lack of management. The site as a whole is of low ecological value and is a typical previously developed, suburban site.
38. There are no tree species on site which are afforded statutory protection or are worthy of protection under a tree preservation order (TPO). Trees to be retained on site should be protected during any site clearance and construction works through the use of root protection areas.
39. The trees and scrub on site have potential to be used by foraging and breeding birds, however, the ecological survey states that the loss of these areas is unlikely to result in anything greater than a negligible impact on birds locally.
40. The application site is not of substantive ecological value. It is not designated for its nature conservation value and is considered to have only low potential to support any specially protected species or habitats.
41. A stand of Japanese knotweed was recorded on site through the ecology assessment. Site clearance and setting out, prior to treatment, could result in the disturbance and dispersal of invasive species throughout and off site and will therefore need to be eradicated prior to commencement of works on site in order to ensure that they do not spread across the site or onto

adjacent areas. It is recommended that a condition is attached to the grant of any planning permission requiring appropriate eradication in line with Environment Agency regulations.

Section 106 Agreement

42. 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.
43. This development is for six dwellings, which is below the 10 unit threshold and also has a combined gross floorspace of less than 1000m².
44. 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.
45. It is noted that even if a contribution towards the off-site provision of public open space were required it is likely that this would impact on the viability of the proposed development by virtue of the scheme providing social rented housing units. As such a case for the non-payment of the public open space contribution would be required to confirm this.

CIL

46. The proposed development is CIL chargeable, however, social housing relief has been sought on the basis that the development is for affordable rented housing.

Other matters

47. Loss of parking for local residents: Although it is accepted that some local residents use the existing garage area for car parking, and that this opportunity would be lost as a result of the proposed development, the retention of the garage area for car parking was not a condition of the original application for the development of the estate (ref. 5/5/04180).
48. It is highly likely that a wheeled bins collection point on Pear Tree Road will result in some bins being left abandoned and not collected for days creating a nuisance and compounding the parking/congestion on the kerbside: Wheeled bins from the new properties will be collected from within the site itself and not from Pear Tree Road. All properties have specific spaces designed for bin storage in the rear garden areas with passageways to enable their removal and collection.
49. No details for either mitigation or compensation due to the loss of garages in private ownership: This is not a material planning consideration and is a matter that would need to be resolved with the Council's Property Services Team.

Overall Conclusion

50. 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. On the basis of the above, it is recommended that planning permission be granted.

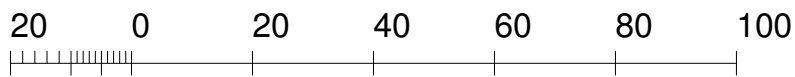
Planning Policies

51. 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.

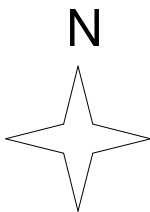
Planning History

Reference	Description	Decision	Date
5/5/00766	Erection of two garages	PERFPP	November 1952
5/5/04180	Erection of dwellings	PERFPP	June 1963

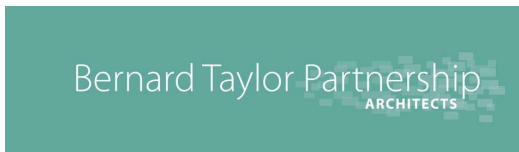
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Metres



Rev	Date	Int	Description
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Client:
CCH

Job No:
2824

Scale @ A4:
1 : 1250

Project:
Pear Tree

Description:
Location Plan

Drawn By:
BLB

Checked By:
OK

Date:
14/01/15

Status Code:
S0

Drawing No:
P100

Rev:

File Identifier:

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	<p>footway to facilitate walking to the bus stops.</p> <p>It is therefore considered that, for the proposal to be acceptable, a 2m wide footway is required from the end of the existing footway, south of 38 Longfield Avenue, in the southerly direction for the full length of the site boundary. As this is an essential requirement to ensure sustainable development, Highways may seek and objection to the proposal if the footway cannot be delivered.</p> <p>The plan submitted shows that the required number of parking spaces has been provided on site, however, the applicant proposes additional 4no spaces at the southern end of the site marked 'car parking for local residents'. They would question the need for the additional spaces given that the site seems to be in a sustainable location where people can walk, cycle, and use public transport. Providing more public car parking spaces in the area will make no positive contribution to the quality of life, but will only encourage people to rely on private cars leading to vehicle emissions. The additional spaces therefore seem contrary to the County Council's aim of tackling climate change and helping people to choose more sustainable ways of travelling. As such, this aspect of the proposal would be unacceptable.</p> <p>There are no highway objections to the proposal in principle; however, for highway safety and sustainability reasons stated above, unless the footway can be delivered, I would recommend that you resist approval of the application. They recommend conditions if it is approved.</p> <p>You will appreciate that the essential mitigation works include highway alterations remote from the application site. These may impact on people who aren't fully aware of the implications on their property of the proposed development. I strongly recommend that you extend your consultation for this application to affected properties so that these people have an opportunity to contribute to the planning processes.</p>
<p>Council's Ecology Advisor</p>	<p>The application site is not of substantive ecological value. It is not designated for its nature conservation value and is considered to have only low potential to support any specially protected species or habitats. The development will not cause significant harm to the 'wildlife corridor' function of the adjacent railway line. They therefore have no objections to the scheme on nature conservation grounds. They support the proposals put forward in Section 4 of the UES Ecology Assessment Report of January 2015 for enhancing the ecological value of the site</p>
<p>Council's Conservation Officer</p>	<p>Has no objection to the proposed development. They consider that the proposed development will preserve the setting of the listed building, Coppull Ring Mill (now known as Coppull Enterprise Centre) and sustain the significance of this designated heritage asset.</p> <p>In this case the proposed development site is situated approximately 30 metres, at the closest point, to the east of a grade II listed building, Coppull Enterprise Centre. This building is defined by Annex 2 of the National Planning Policy Framework (the Framework) as a designated heritage asset.</p>

	<p>The West Coast Main Line (WCML) railway and its associated infrastructure separate the site from the listed building. Two-storey residential development dating from the 19th and 20th Centuries occupies much of the area immediately to the south and east of the listed building.</p> <p>Whilst the separation distance between the proposed development site and the listed building is relatively small, the perceived separation is much greater as a result of the position of the WCML between them. Furthermore there is an established relationship between the listed building and neighbouring residential properties. Additional residential development would therefore, in my opinion, merely continue an existing theme, especially is the site is effectively a small gap in an area that has already been developed for housing.</p> <p>The design and scale of the proposed development continues the established format within the area and in their opinion maintains an acceptable relationship to both surrounding properties and the listed building.</p>
Council's Contaminated Land Officer	States the applicant has submitted a Phase 1 desk study report, by Sutcliffes (Ref LG27530), which they have reviewed. They are satisfied with this report in making an initial appraisal of the site and agree with the recommendation for a Phase 2 intrusive investigation (and any necessary remediation measures) to be carried out prior to any development.
Police Architectural Liaison Officer	Request the scheme is conditioned that the scheme is built to Secured by Design security standards. They also recommend security features be incorporated.
United Utilities	United Utilities have no objection to the proposed development provided that conditions are attached to any approval requiring foul water to be drained on a separate system and surface water restricted to existing runoff rates.
Network Rail	See body of report.

Assessment

Background information

1. The application site is a long triangular piece of land between Longfield Avenue, Coppull and the railway line. The northern section of the site is hardstanding with parking on having previously been garages, now demolished. To the south the site is laid to maintained grass. There are three trees on the site, two against the railway line and another on the grassed area.

Principle of the Development

2. The proposal is located on land allocated as amenity greenspace under emerging Local Plan Policy HW2: Protection of Existing Open Space, Sport and Recreational Facilities. The proposal therefore needs to be assessed against the criteria of this policy.
3. The policy requires alternative provision to be made under criterion a) unless the proposal meets all of criteria b) to e). The proposal is assessed against these criteria below:

b) It can be demonstrated that the loss of the site would not lead to a deficit of provision in the local area in terms of quantity and accessibility.

There is a deficit of amenity greenspace in Coppull. The loss of this site would therefore increase the deficit. The proposal is therefore contrary to this criterion.

c) The site is not identified as being of high quality and/or high value in the Open Space Study.

The site is assessed as being of high value, therefore the proposal is contrary to this criterion.

d) It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area.

The site is part of a larger area of amenity greenspace, the loss of this part of the site would have little impact on the recreational use of the site.

e) The site does not make a significant contribution to the character of an area in terms of visual amenity.

The site does provide some visual amenity to the properties facing it but as stated above it is part of a larger part of amenity greenspace which will be retained and therefore the loss of a small area will not impact on the visual amenity of the area unacceptably.

4. The proposal does not meet all of criteria b) to e) therefore alternative provision is required to satisfy criterion a), however the Council will accept a financial contribution for this rather than expecting the developer to find alternative open space. The site area is approximately 594m². The provision cost of amenity greenspace, as set out in the Open Space and Playing Pitch SPD, is £8 per m². The cost of providing amenity greenspace of an equivalent size would therefore be £4,752. The applicant has been advised of this and has agreed to pay it. This will be secured through a legal agreement.

Design, Layout and Appearance

5. The properties will be laid out so they front onto Longfield Avenue as do the existing properties to the north, with their rear elevations facing the railway line.
6. There are a range of properties in the immediate area of a 1960s/70s design. To the north are dormer bungalows, opposite the site are rear elevations and gardens of two-storey red brick terraced properties under a tiled roof with horizontally proportioned windows, some clad in wood with others having replaced this with uPVC.
7. The proposed properties, although two houses and six apartments will take the form of two-storey dwellings in three groups. Their height will match that of the two-storey properties opposite and they will be constructed of brick with the use of cladding boards as a feature material similar to those used in the houses opposite.
8. The design, layout and appear is therefore considered acceptable.

Impact on Nearby Properties

9. The nearest properties affected by the proposal are 38 Longfield Avenue to the north and numbers 51-61 opposite the site.
10. Number 39 is a semi-detached dormer bungalow which has a ground floor and first floor window in its side (south elevation) facing towards the application site serving habitable rooms. The ground floor window is separated from the site by a close-boarded fence on the boundary. There will be approximately 11.6m between the first floor window and the blank gable end of plots 1 and 2 (flats). The Council's interface distance guideline for this relationship is 12m, however this relationship is considered acceptable as the distance between the bungalows to the north of the site is characterised by a distance less than this and there is only an additional 0.4m required in respect of the spacing standards. The proposal is therefore seen as a compromise between safeguarding the amenity of this property as much as possible and ensuring the development is in keeping with the pattern of development in the immediate area.

11. The properties opposite have their rear elevations and gardens opposite the site. The proposal complies with the Council's interface distance of 10m between first floor windows and the garden boundary and 21m between first floor windows.
12. There are no properties immediately to the south and the railway line is to the west.
13. The proposal is considered acceptable in relation to neighbouring properties.
14. The site bounds with the West Coast Main Line (railway) and a noise assessment has therefore been submitted with the application. The report recommends mitigation measure to bedrooms that have a direct line of sight to the railway and also recommends upgraded glazing to certain rooms to achieve acceptable noise levels, this can be controlled by condition.
15. In terms of noise from the railway to the rear gardens the acoustic report states that the noise in the rear/side garden of the buildings will reach 62dB LAeq. The Council's Environmental Health Officer states that it is 'desirable' that the external noise levels do not exceed 50dB LAeq, with an upper guideline value of 55dB LAeq, so will exceed the guidelines, The guidance does however speak about compromise between elevated noise levels and other factors that determine if this development in such an area is warranted but in any case the development should be designed to achieve the lowest practicable noise levels in these amenity areas.
16. In relation to noise there are no European or national noise limits which have to be met. The National Planning Policy Framework states that planning decisions should aim to:
 - avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
 - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
17. No guidance is given on what a significant impact is. There is a British Standard (BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings) that states: It is desirable that external noise level does not exceed 50 decibels with an upper guidelines of 55 decibels in noisier environments. It goes onto say that:

It is also recognised that these guidelines values are not achievable in all circumstances where development might be desirable. In higher noise area, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors might be warranted. In such situations, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.
18. In this case the site is adjacent to the strategic transport network in the form of the West Coast Main Line and is therefore in a higher noise area. Therefore it is considered that the test for noise in this case is that the development is designed to achieve the lowest practicable noise levels. Mitigation measures have been proposed in respect of the dwellings themselves, the higher noise levels relate to the proposed external garden areas. To reduce noise to acceptable levels a 3.5m high acoustic fence would have to be erected against the railway boundary, however it is not considered this would be acceptable to the occupiers of the proposed properties in terms of the impact it would have to their outside space, but also how it would appear visually in the wider area.
19. A 2.1m acoustic fence would only provide mitigation in the garden area immediately behind the fence as the trains are elevated in relation to the site, however the garden areas are relatively small in size so it is considered reasonable to require this height of acoustic fence on the boundary to provide some noise mitigation. It has been confirmed by the applicant's acoustic consultant that a higher fence (lower than 3.5m) will not reduce noise levels beyond that achieved by a 2.1m fence due to the level of the railway

line in relation to the proposed properties. Taking into account that the site is immediately adjacent to the strategic transport network it is considered the proposal has been designed to achieve the lowest practicable levels as set out in the guidance and the implementation of the fence will be controlled by a condition.

Impact on a Listed Building

20. Coppull Enterprise Mill a grade II listed building is to the west of the site, however it is separate from the application site by the West Coast Mail Line (railway). Although the proposed properties will be visible from the building and indeed there are close views of the listed building from the application site, the relationship is considered acceptable as the proposal will be viewed in the context of existing residential properties to the north and east. The relationship with the listed building is therefore considered acceptable.

Traffic and Transport

21. The proposal complies with the Council's standards under ST4 of the emerging Local Plan 2012-2026 as it provides one parking space for properties with one bedroom and two spaces for those with two bedrooms.
22. Lancashire County Council Highways have asked for a 2m footway across the frontage of the site to encourage walking to public transport. This has been discussed with the applicant, however it is not possible to provide a full 2m footway due to the tightness of the site, a 1m wide footway has however been shown on the plans. There is no footway across the frontage of the site at present and while a 2m footway would be preferred it is considered the provision of a 1m footway is sufficient as there are 2m wide footways immediately to the north and opposite the site. In addition the proposed footway of 1m would not link into another footway to the south, it will only serve the proposed properties. This issue also has to be weighed against the material consideration that this is a scheme that will provide affordable housing in the area.
23. Part of the site is hardstanding where garages previously stood and is currently used as parking for the local residents. There are approximately 12 spaces. The proposal would result in the loss of these spaces. The applicant has proposed to incorporate 4 parking bays for existing residents in the southern part of the scheme. Although this will not replace all the parking bays to be lost, it is not considered that there is a parking problem in the area as the bungalows to the north benefit from driveways for off-road parking and parking for the properties opposite is provided in a turning head area near the front of the properties. There is also on-street parking available in lay-bys to the south on Longfield Avenue. The impact of the loss of the parking spaces is not therefore considered so severe that the application could be refused on these grounds.

Levels

24. The proposed levels have been provided and are considered acceptable. They can be secured by a condition.

Ecology

25. The Council's ecological advisor considers the site has low ecological value. An ecological report submitted with the application advises measures that can increase this as part of the development and these will be the subject of a condition.
26. There are trees on the site, two of which are within the application boundary that are to be felled as part of the proposal, however it is not considered they would warrant a Tree Preservation Order.

Contamination and Coal Mines

27. A Phase 1 desk study report has been submitted with which the Council's Contaminated Land Officer is satisfied, subject to a Phase 2 intrusive investigation (and any necessary remediation measures) to be carried out prior to any development. This can be conditioned.

Drainage and Sewers

28. United Utilities have no objection to the proposed development provided that conditions are attached to any approval requiring foul water to be drained on a separate system and surface water restricted to existing runoff rates. A drainage scheme has been submitted with the application showing foul water draining separate to surface. The matter of the surface runoff rate of the proposal compared to existing rates has been put to the applicant and will be updated on the addendum.

Other

29. The Police Architectural Liaison Officer has requested a condition that the scheme is conditioned to be built to Secured by Design standards. It is not considered that this can be conditioned as it is not a planning requirement, however the applicant advises that the properties will be built to this standards and they have already made an application.
30. Network Rail originally asked for the fence at the rear of the gardens to be set 1m off the boundary with the existing railway fence. This was not considered acceptable as it was considered it would have left a gap between the existing fences that would become a magnet for litter and a therefore a maintenance issue. Following discussions with Network Rail they have agreed that the proposed fence can be erected immediately adjacent to the existing fence which is considered acceptable. They also request conditions in relation to construction close to the railway.
31. Policy 27 of the Core Strategy requires schemes to be built to Level 4 of the Code for Sustainable Homes rising to Level 6 in January 2016 and also requires a 15% reduction in carbon emission through decentralised, renewable or low carbon energy sources or by adding additional building fabric insulation measures. The applicant is proposing to undertake a fabric first approach which will generate the same U-values for both Code 3 and Code 4 houses and helps to address fuel poverty by reducing energy consumption. However, they are not proposing to build the scheme so it achieves full Code 4 Level as this required renewables to be installed on the properties, they set out in the application submission why renewable technologies are not appropriate for the scheme as being provided by a Registered Provider (including maintenance issues and that because the scheme would be grant funded they cannot also get feed in tariff and it does not therefore benefit residents as they cannot sell back electricity to the grid). The reasons put forward by the Registered Provider in relation to the Code Level are accepted and a condition is proposed controlling this. A condition is proposed given the special circumstances put forward by the applicant relating to their circumstances as a Registered Provider that the properties are built and occupied as affordable units.

Section 106 Agreement

32. The National Planning Practice Guidance was updated by Government on 28th 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 floor space of no more than 1000m².
33. This development is for eight dwellings, which is below the 10 unit threshold and also has a combined gross floor space of less than 1000m².
34. 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.
35. It is noted that even if a contribution towards the off-site provision of public open space were required it is likely that this would impact on the viability of the proposed development by virtue of the scheme providing social rented housing units. As such a case for the non-payment of the public open space contribution would be required to confirm this.

Community Infrastructure Levy (CIL)

36. The proposed development is CIL chargeable, however, social housing relief has been sought on the basis that the development is for affordable housing.

Overall Conclusion

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

Planning History

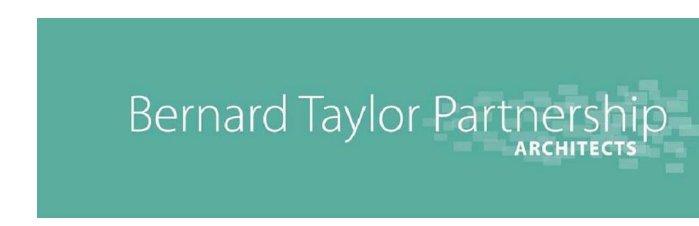
38. There is not planning history relevant to the above scheme.

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00 Option 1 CP Ground Floor
1 : 200

C	25.02.15	MA	Layout amended to include 1m wide footpath.
B	19.02.15	MA	Red outline amended.
A	31.10.2014	PC	2B4P Flats were replaced by 1B2P Flats as requested by the client
Rev	Date	Int	Description



Client:
CCH

Project:
Longfield Avenue

Description:
Site Plan with FFL

Drawn By:	Checked By:	Date:	Scale @ A1:
VJS	VJS	10/24/14	As indicated
Job No:	Drawing No:	Rev:	
2825	P103	C	

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Item 3p	15/00031/CB3
Case Officer	James Appleton
Ward	Chorley South East
Proposal	Erection of single storey pitched roof garage
Location	Land north of 61 Chapel Street Chorley
Applicant	Property Services, Chorley Borough Council
Consultation expiry:	Fri 27 Feb 2015
Decision due by:	Fri 20 Mar 2015

Recommendation **Permit Full Planning Permission**

Executive Summary

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

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.

Consultees

Consultee	Summary of Comments received
The Coal Authority	Standing Advice
The Woodland Trust	No comments received

The Site

1. The application site comprises a large Service Yard for the Market Walk shopping centre which consists of a loading and unloading area for the Market Walk retail establishments.
2. The site is located within a primary shopping area within the Chorley Town Centre boundary as defined on the Policies Map.
3. The site is bounded by the rear of the market walk shops to the north and west and to the south of the site is the rear of the properties on Chapel St.
4. The garage will be approximately 3m from the highway, however the highway is screened by a high brick wall at a height of approximately 1.8m.

The Proposal

5. The application relates to the erection of a detached garage to accommodate the Mayors vehicle. The garage is currently situated at Bengal Street and will be relocated as part of the proposal.
6. The detached outbuilding will have a dual pitched roof with a ridge and eaves height of approximately 2.6m and 1.8m respectively.
7. The detached garage will have a length and width of approximately 6.1m & 3.8m respectively.
8. Initially the address point was stated as Land North of 61 Clifford St however this was in fact incorrect; however this has been amended to Land North of 61 Chapel St. This notwithstanding the originally submitted plans are correct and shows the proposed garage site in relation to the site and location.

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 – Impact on the conservation area

Impact on character and appearance of locality

9. The application site is located within the settlement of Chorley Town Centre and at a local level, Policy GN1 of the Chorley Local Plan 2012-2026 states that *'Within Chorley in areas excluded from the Green Belt there is a presumption in favour of appropriate development, subject to normal planning considerations and other Policies and Proposals in the 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.*
11. The Householder Design Guidance SPD *requires extensions to be subservient to the existing dwelling. It states that garages should respect the scale, character, and materials of the original property. In addition, it states that the siting of such buildings should respect established building lines and should ideally be set back from the main building line, with space for car parking, and preferably turning, in front of the garage.*
12. The proposal will be very small in scale in relation to the overall plot and location. The development will not be visible within the street scene from Clifford Street due to its location and the proposal will enable safe storage for the Mayor's vehicle.
13. The proposed detached garage will not have a detrimental impact on the character and appearance of the locality given its location.

Impact on neighbours

14. Policy HS5 of the Chorley Local Plan 2012 – 2026 states that there should be no unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction of daylight.
15. The Chorley Borough Council Householder Design Guidance SPD asserts that outbuildings should not lead to an unacceptable level of overshadowing of neighbouring properties, disturbance or loss of privacy.
16. The proposed garage will be located approximately 1.4m from the rear of the nearest properties along Chapel St. There will be no windows within the structure facing the neighbouring properties therefore it is not considered the proposal will result in any loss of amenity to neighbouring properties. The proposed garage is only single storey in nature and as such will not appear overbearing to the neighbouring properties.
17. The detached garage will lead to additional vehicular movements into and out of the service yard and as stated, there are residential properties bounding the site. However, given there is already vehicular movement on the site, it is not considered that the addition of a single garage will result in a significant increase in vehicle movements to the detriment of the living conditions of local residents.
18. It is also worth noting that no neighbour objections have been received.
19. Having regard to the above, the proposed development will not have an unacceptable impact upon any neighbouring properties.

Impact on highways/access

20. There is adequate space to allow for turning of vehicles in order to drive out of the site. No additional parking would be created or lost as a result of the proposal. It is considered that the proposed development will not have an unacceptable impact on highway safety.

Impact on Conservation area

21. The proposed garage will overlap into the conservation area boundary of Chapel Street and the Conservation Officer has no objections to the proposed development.
22. It is considered that the development is small in scale and located within an area which in its own right is of no historic interest or significance.
23. The site is located on the northern side of the conservation area boundary, within a service yard area behind the rear boundary walls to the rear of properties on the northern side of Chapel Street. Given the proposed siting of the garage it is considered that the proposed development will sustain both the appearance and the significance of the Listed Buildings and the St George's Street Conservation Area.

Overall Conclusion

24. 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.
25. The 'principle' of the proposal is an acceptable one and it is not considered that this will have a harmful impact on the amenities of local residents.
26. From a design perspective, the proposal is considered to be acceptable with regards to the choice of materials and given the location of the site; it is not considered that the works will have a harmful impact on the character and appearance of the streetscene.
27. Providing the extra space will obviously relieve the pressure for the parking at Bengal Street. No changes are proposed to the existing access so the scheme is considered to be acceptable from a highways perspective.

Planning Policies

28. 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, the emerging Local Plan 2012-2026 and the Householder Design Guidance SPD. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
93/00231/FUL	Construction of new shops and stores with associated public areas servicing areas and car parking	PERFPP	25/05/93

Suggested Conditions

No.	Condition
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i>
2.	The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 23rd January 2015 Site Plan 14th January 2015 Proposed Floor and Elevation plans 14th January 2015 <i>Reason: For the avoidance of doubt and in the interests of proper planning</i>

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Chorley Council
 Property Services
 Town Hall
 Market Street
 Chorley
 PR7 1DP



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Scale: 1:500

Date: 13 January 2015

Description:
 Relocation of Mayor's Garage
 Clifford Street
 Chorley

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

Tree Preservation Order No.9 (Coppull) 2014

PURPOSE OF REPORT

1. The purpose of this report is to decide whether to confirm the above Tree Preservation Order (TPO) in light of the objections received.

RECOMMENDATION(S)

2. That Tree Preservation Order No.9 (Coppull) 2014 is confirmed.

EXECUTIVE SUMMARY OF REPORT

3. This reports sets out the purpose of protecting the trees and the site owners' objections to the suggested preservation order.

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

CORPORATE PRIORITIES

4. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		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

5. An application was received to the develop land at Coppull Enterprise Centre in 2014. A tree survey accompanied the planning application and in order to protect the trees which benefit the character and amenity of the area a Tree Preservation Order was placed on the trees.
6. Tatton Estates have objected to the proposed TPO on the following grounds:
 - Concerned that the TPO also includes groups of trees, labelled G1 & G2 on the plan that extends to cover the vast majority of the Southern and Western banks of the



pond. This restricts the future use of these areas and impinges on certain legal easements relating to combined sewers that cross the land for the benefit of Miller Homes and United Utilities.

- Tatton Estates are under a legal obligation to keep these easements clear to facilitate access for inspection and maintenance and Miller Homes will also need to construct a new drain to connect into the combined sewer as part of the proposed development.
- Object to the TPO extending to include the groups of trees marked G1 & G2 on the plan for those reasons outlined above.
- These trees are classed as "moderate quality (category B) in terms of their contribution as arboricultural and landscape features in the locality".
- The TPO is to provide visual screening along the Southern boundary-happy to accept a revised plan that included those trees within groups G1 & G2 that are located on or immediately adjacent to the Southern boundary only.

7. In response to these concerns it is important to note that the requirement for Miller Homes to construct a new drain was taken into account as part of the TPO and accordingly the TPO does not include Tree T14 or part of G4 where the new drain will be located. As such the protected trees will not be affected by the works to install the new drain.
8. It is considered appropriate to protect the trees identified as they are of high/ moderate quality and the type of trees which it is preferable to retain.
9. It is also important to note that although there may be a legal requirement to provide easements clear statutory undertakers also have certain rights to undertake works to protected trees in accordance with The Town and Country Planning (Tree Preservation)(England) Regulations 2012 without the need to apply to the local authority which include:
 by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary—
 (aa) in the interests of the safe operation of the undertaking;
 (bb) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker;
 (cc) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995(c);
10. Notwithstanding the above rights however it is not considered that the trees to be protected will hinder the operation of drains/ sewers within the area, the trees offer a valuable amenity resource in the area and act as an effective buffer to the adjacent neighbours. As such it is recommended that the TPO is confirmed.

IMPLICATIONS OF REPORT

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

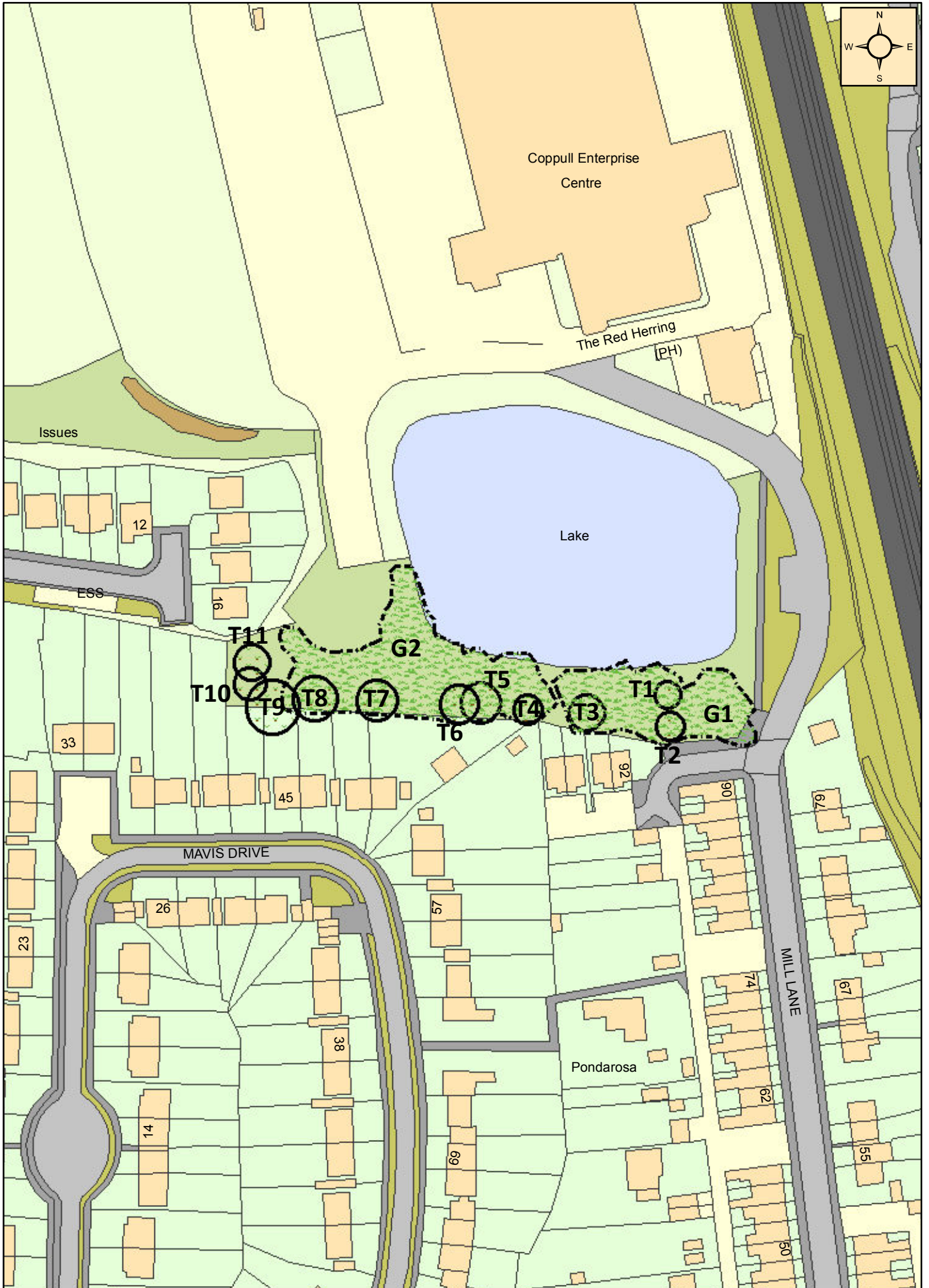
Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

Jamie Carson
 Director Public Protection, Streetscene and Community

Background Papers			
Document	Date	File	Place of Inspection
Tree Preservation Order No.9 (Coppull) 2014		Tree Preservation Order No.9 (Coppull) 2014	Civic Offices, Union Street

Report Author	Ext	Date	Doc ID
N Hopkins	5214	27 th February 2015	***

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

**PROPOSED CONFIRMATION CHORLEY BOROUGH COUNCIL
TREE PRESERVATION ORDER NO.1 (ECCLESTON) 2015
WITHOUT MODIFICATION**

PURPOSE OF REPORT

- To consider formal confirmation of the Chorley Borough Council Tree Preservation Order No.1 (Eccleston) 2015 without modification.

RECOMMENDATION(S)

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

EXECUTIVE SUMMARY OF REPORT

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

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

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

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

BACKGROUND

- The Order was made on the 26 January 2015. The Order was made and served along with the statutory notice prescribed in Regulations on all those with an interest in the land on which the trees are situated on the 26 January 2015. The same documents were also served on owners/occupiers of adjacent properties. The Order was made because on the assessment of the Council's Tree Officer the trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public.

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

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

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

COMMENTS OF THE MONITORING OFFICER

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

GARY HALL
CHIEF EXECUTIVE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Gary Hall	01257 515104	02 March 2015	076113

Tree Preservation Order

Town and Country Planning Act 1990

The Chorley Borough Council Tree Preservation Order No.1 (Eccleston) 2015

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

Citation

This Order may be cited as Chorley Borough Council Tree Preservation Order No.1 (Eccleston) 2015

Interpretation

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

Effect

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

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

Application to trees to be planted pursuant to a condition

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

Dated this 26th day of January 2015

The Common Seal of Chorley Borough Council

was affixed to this Order in the presence of:]



.....]
Authorised Signatory



CONFIRMATION OF ORDER

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

OR

This Order was confirmed by Chorley Borough Council, subject to the modifications indicated by [], on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

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

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

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

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

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

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Sycamore	To the south west of 309 The Green



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

PROPOSED CONFIRMATION CHORLEY BOROUGH COUNCIL TREE PRESERVATION ORDER NO 14 (CHORLEY) 2014 WITH MODIFICATION

PURPOSE OF REPORT

- To consider formal confirmation of the Chorley Borough Council Tree Preservation Order No 14 (Chorley) 2014 with modification.

RECOMMENDATION(S)

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

EXECUTIVE SUMMARY OF REPORT

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

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

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

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

BACKGROUND

- The Order was made on the 16 December 2014. The Order was made and served along with the statutory notice prescribed in Regulations on all those with an interest in the land on which the trees are situated on the 17 December 2014. The same documents were also served on owners/occupiers of adjacent properties. The Order was made because on the assessment of the Council's Tree Officer the trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public.

6. On 8 January 2015 the Planning Officer was informed that the situation of T19 should be 357863 419287 (easting then northings) and not 357863 419326. It is therefore requested that the above Order be confirmed with modification to amend the situation of T19.
7. No objection has been received in response to the making of the above Order. It is therefore, now open to the Council to confirm the above Order as unopposed. The effect of formally confirming the Order will be to give permanent legal force to the Order, as opposed to provisional force, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc, any of the trees covered by the Orders without first having obtained lawful permission.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

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

COMMENTS OF THE MONITORING OFFICER

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

GARY HALL
CHIEF EXECUTIVE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Gary Hall	01257 515104	2 March 2015	074678

Tree Preservation Order

Town and Country Planning Act 1990

The Chorley Borough Council Tree Preservation Order No 14 (Chorley) 2014

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

Citation

This Order may be cited as Chorley Borough Council Tree Preservation Order No 14 (Chorley) 2014

Interpretation

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

Effect

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

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

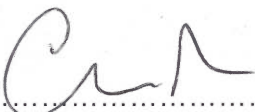
Application to trees to be planted pursuant to a condition

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

Dated this 16th day of December 2014

The Common Seal of Chorley Borough Council

was affixed to this Order in the presence of:]


]
 Authorised Signatory



CONFIRMATION OF ORDER

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

OR

This Order was confirmed by Chorley Borough Council, subject to the modifications indicated by [], on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

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

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

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

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

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

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

SCHEDULE

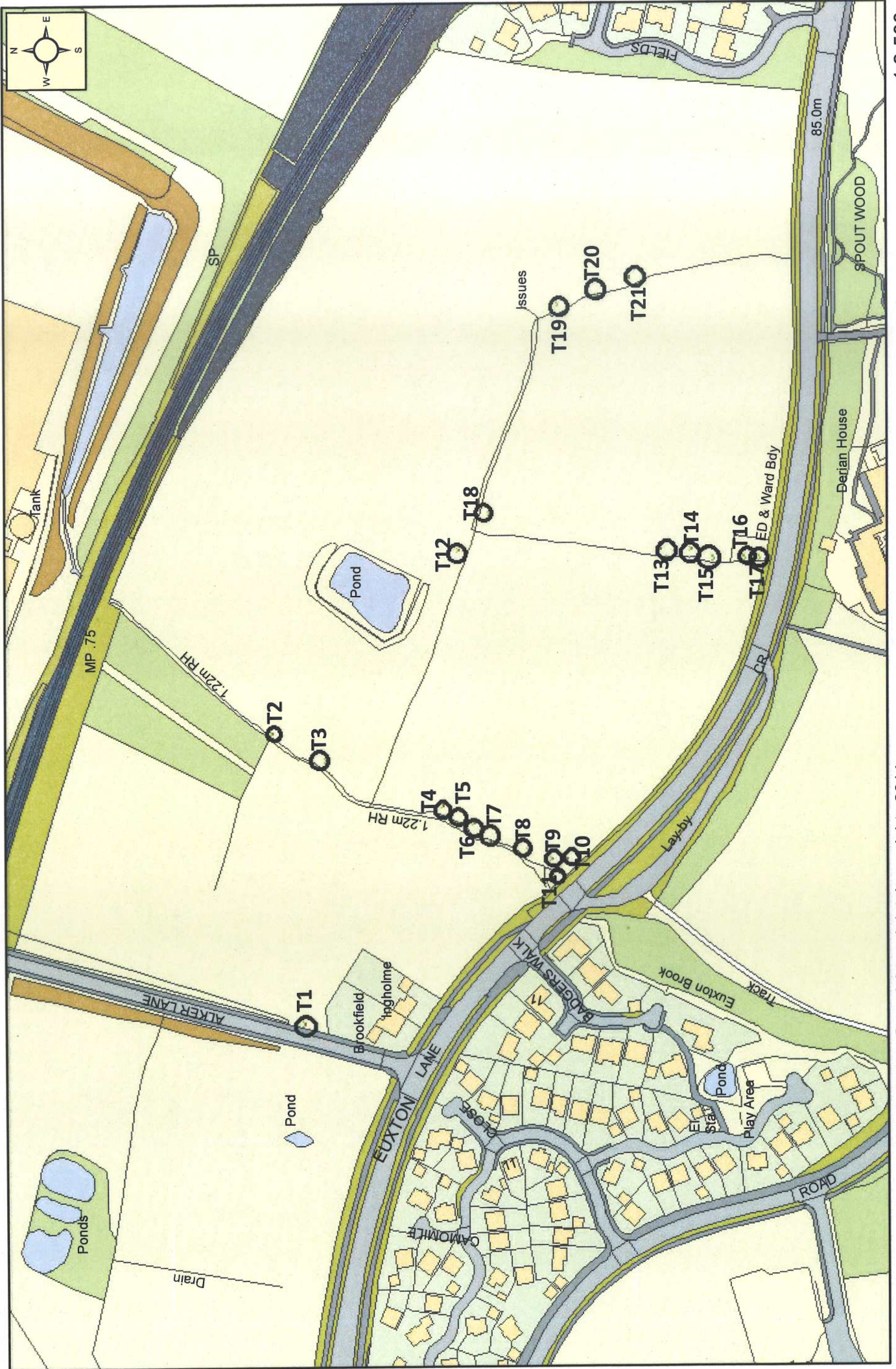
Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation (eastings then northings)</i>
T1	Oak	357498 419418
T2	Alder	357647 419434
T3	Oak	357633 419411
T4	Oak	357608 419348
T5	Oak	357604 419340
T6	Oak	357598 419332
T7	Oak	357591 419323
T8	Sycamore	357588 419307
T9	Oak	357582 419291
T10	Oak	357583 419282
T11	Oak	357573 419289
T12	Ash	357738 419340
T13	Oak	357739 419233
T14	Oak	357738 419221
T15	Sycamore	357735 419211
T16	Oak	357736 419192
T17	Sycamore	357735 419186
T18	Alder	357759 419326
T19	Oak	357863 419326
T20	Oak	357872 419269
T21	Oak	357878 419249

Chorley BC TPO 14 (Chorley) 2014





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

PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 29 JANUARY AND 26 FEBRUARY 2015

PLANNING APPEALS LODGED

1. Appeal by Mrs Susan Betts against the Development Control Committee decision to Refuse Full Planning Permission for Two new detached houses at Land 45m West of 31 Washington Lane, Euxton (Planning Application: 14/00819/FUL Inspectorate Reference: APP/D2320/W/15/3002477). Inspectorate letter received 5 February 2015.
2. Appeal by Mr Kevin Fayle against the delegated decision to Refuse Retrospective Permission for The creation of an area of hardstanding associated with the agricultural land holding on the opposite side of Dawbers Lane at Fayle Transport, Fir Tree Farm, Dawbers Lane, Euxton PR7 6EE (Planning Application: 14/01187/FUL Inspectorate Reference: APP/D2320/W/15/3003118) Inspectorate letter received 9 February 2015.
3. Appeal by Mr And Mrs A.F. Dovaston against the delegated decision to Refuse Outline Planning Permission for Construction of 1no. new dwelling following demolition of existing stable block (all matters reserved except access) at 25 Preston Road, Whittle-Le-Woods PR6 7PE (Planning Application: 14/00961/OUT Inspectorate Reference: APP/D2320/W/15/3003117). Inspectorate letter received 10 February 2015.

PLANNING APPEALS DISMISSED

4. None.

PLANNING APPEALS ALLOWED

5. None.

PLANNING APPEALS WITHDRAWN

6. None.

ENFORCEMENT APPEALS LODGED

7. None.

ENFORCEMENT APPEALS DISMISSED

8. None.

ENFORCEMENT APPEALS ALLOWED

9. None.

ENFORCEMENT APPEALS WITHDRAWN

10. None.

HIGH HEDGES APPEALS LODGED

11. None.

HIGH HEDGES APPEAL DECISIONS

12. None.

LANCASHIRE COUNTY COUNCIL DECISIONS

13. Lancashire County Council has granted Planning Permission for Construction and use of a new tank for storage of water for the fire-fighting, with association pump house and concrete foundation at Quercia, Clayton Hall Sand Quarry, Dawson Lane, Whittle-Le-Woods (LCC Ref: LCC/2015/0002 Chorley Planning Ref: 15/00027/CTY). Decision Notice received 20 February 2015.

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	26/02/15	***

Town and Country Planning Act 1990

Form P2

PLANNING PERMISSION

Name and address of Applicant

QUERCIA LTD
Head Office
Aspinall House
Walker Road
Walker Office Park
Guide BB1 2QE

Name and address of Agent (if any)

THE ARLEY CONSULTING
COMPANY LTD
Chorleian House
St Thomas Road
Chorley
PR7 1JE

Part I – Particulars of application

Date of application: **5 January 2015** Application No. **LCC/2015/0002**

Particulars and location of development:

Construction and use of a new tank for storage of water for fire fighting, with association pump house and concrete foundation Clayton Hall Landfill Site, Dawson Lane, Whittle-Le-Woods, Chorley

Part II – Particulars of Decision

The **Lancashire County Council** hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been granted for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

2. The development shall be removed from site and the land restored within six months of the cessation of landfilling operations in accordance with the conditions to this permission.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interest of local amenities, the visual amenity and to secure the proper restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy DC1 of the Chorley Borough Local Plan.

Working Programme

3. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

a) The Planning Application received by the County Planning Authority on 5 January 2015.

b) Submitted Plans:

Drawing no. 08469/55D - Location Plan

Drawing no. 08469/125 - Application Boundary

Drawing no. 11.171/11 - Site Layout - Sprinkler tank

Drawing no. 11.171/12 - Proposed Elevations - Sprinkler Tank

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policy 17 of the Central Lancashire Adopted Core Strategy and Policy DC1 of the Chorley Local Plan.

4. The external cladding or finish of the sprinkler tank and pump house shall be coloured moss green (RAL 6005) and maintained in the same colour throughout their presence on the site.

Reason: To protect the visual amenities of the area and to conform with Policy 17 of the Central Lancashire Adopted Core Strategy.

5. Restoration shall be carried out in accordance with the details set out in report no. 08469/123 entitled Planning Application LCC/ 2015/0002 - Proposed Water Tank, Pump House and Foundation Slab - Scheme and Programme for Restoration at Clayton Hall Landfill Site, Chorley, Lancashire.

The planting and seeding specified in the report shall be implemented in the first available planting season (the period between 1 October in any one year and 31 March in the following year) following the removal of the sprinkler tank, pump house and hard surfaces and shall thereafter be maintained for a period of five years.

Reason: To secure the proper restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Date: 19 February 2015

LANCASHIRE COUNTY COUNCIL



**STEVE BROWNE
INTERIM EXECUTIVE DIRECTOR
FOR THE ENVIRONMENT**

Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

NOTE:**1. Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities and Local Government and the Regions under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within 6 months of the date of this notice, using a form which you can get from the Planning Inspectorate, Registry/Scanning Room, 3/05 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

2. Purchase Notices

- If either the local planning authority or the Secretary of State for Communities and Local Government and the Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the District/Borough Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

- 3.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State for Communities and Local Government and the Regions on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.

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