

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 31ST MARCH 2015, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

1 **MINUTES OF MEETING TUESDAY, 10 MARCH 2015 OF DEVELOPMENT CONTROL COMMITTEE**

(Pages 3 - 8)

2 **DECLARATIONS OF ANY INTERESTS**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3 **PLANNING APPLICATIONS TO BE DETERMINED**

The Director of Public Protection, Streetscene and Community has submitted 7 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 **14/01297/OUT - ST PETER'S VICARAGE, HARPERS LANE, CHORLEY**

(Pages 9 - 20)

3B **14/01316/FUL - WINTER VIEW FARM, PARR LANE, ECCLESTON**

(Pages 21 - 30)

3C **15/00100/FUL - 2 THIRLMERE ROAD, CHORLEY, PR7 2JH**

(Pages 31 - 42)

3D **14/00791/FUL - LAND 60M WEST OF NO. 3, CASTLE WALKS, CROSTON**

(Pages 43 - 58)

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| 3E | 14/01087/FUL - THE QUEENS, 52 CHAPEL STREET, CHORLEY | (Pages 59 - 70) |
| 3F | 15/00058/FUL - THE BARN, DEAN HALL LANE, EUXTON, CHORLEY, PR7 6ER | (Pages 71 - 84) |
| 3G | 14/01237/FUL - ASTLEY PARK HEALTH AND FITNESS CLUB, 1-3 PARK ROAD, CHORLEY | (Pages 85 - 92) |
| 4 | TREE PRESERVATION ORDER NO.10 (WHITTLE-LE-WOODS) 2014 Report of the Director Public Protection, Streetscene and Community (enclosed). | (Pages 93 - 94) |
| 5 | APPEALS AND OTHER DECISIONS There are no appeals or other decisions to report. | |
| 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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MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE Tuesday, 10 March 2015

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

RESERVES: Councillors John Dalton and Mike Handley

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

APOLOGIES: Councillors Henry Caunce, David Dickinson, Keith Iddon and Richard Toon

OTHER MEMBERS: Councillors Margaret France, Marion Lowe and Paul Leadbetter

15.DC.111 Minutes of meeting Tuesday, 10 February 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.112 Declarations of Any Interests

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

15.DC.113 Planning applications to be determined

The Director of Public Protection, Streetscene and Community submitted 15 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.

15.DC.113a 14/00975/FUL - Brinscall Hall Farm, Dick Lane, Brinscall, PR6 8QL

(Councillor Danny Gee joined the meeting)

Registered speakers: Parish Councillor Chris Howard, Ward Councillor Margaret France and David Bailey (the applicant's agent)

RESOLVED (9:2:2) – That planning permission be granted subject to the conditions detailed within the report in the agenda and an additional condition to be delegated to officers to negotiate with the applicant requiring the facing of the building to be of stone or alternatively a mixture of stone and render and that the draft condition to be reported back to Chair and Vice-Chair of Development Control Committee for approval. 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 s106 legal agreement to secure payments in respect of deficits in the following typologies:

- **Amenity Greenspace**
- **Playing Pitches**

15.DC.113b 14/00376/OUT - Oak Drive, Chorley

Registered speakers: Ward Councillor Marion Lowe and Rodney Fulwood (applicant)

RESOLVED (9:3:1) – That the application for outline planning permission be refused on the following grounds:

- **Proximity of access to junction,**
- **Speed of traffic,**
- **In consideration of the NPPF's test of severity, it was felt that the impact on the highway would be severe.**

15.DC.113c 14/01279/FULMAJ - Land 200m south east of 132 Chorley Lane, Charnock Richard

Registered speakers: Ward Councillor Paul Leadbetter and Bill Fulster (applicant's agent)

RESOLVED (unanimously) – That full planning permission be refused for the following reason:

1. **The proposal was contrary to Policy 1 criterion (f) of the Core Strategy as it was not considered it would meet local need. It would have been inappropriate development in the Green Belt as it did not meet any of the exceptions set out in Paragraph 89 of the Framework and further harm would be caused to the openness of the Green Belt. It was not considered there were very special circumstances that would outweigh the harm. At a local policy level the proposal was contrary to Policy HS8 of the emerging Local Plan 2012-2026.**

15.DC.113d 14/01157/FULMAJ - Land west of 77 Doctors Lane, Eccleston

Registered speaker: Geoff Bury (objector)

(Councillor Charlie Bromilow left the meeting at the beginning of this item briefly and returned to the meeting in time to hear the objector speak.)

RESOLVED (unanimously) – That members of the Development Control Committee were minded to refuse the application for full planning permission for the following reasons:

- 1. Non-compliance with Policy HS8 and that the scheme represents inappropriate development in the greenbelt.**
- 2. The evidence presented by the applicant on the lack of viability for the scheme does not justify the schemes non-compliance with Policy HS8.**

15.DC.113e 14/01332/FUL - 1 Lancaster Avenue, Clayton-le-Woods, Leyland, PR25 5TD

Registered speakers: Celine Stanfield (objector), Amy Duerden (supporter) and Victoria Adams (applicant)

RESOLVED (8:4:1) – That full planning permission be approved subject to the conditions detailed within the addendum.

(At this point the Chair announced a short adjournment.)

15.DC.113f 15/00028/FUL - Initial Textile Services, Botany Brow, Chorley

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

15.DC.113g 14/01316/FUL - Winter View Farm, Parr Lane, Eccleston, Chorley, PR7 5RP

Registered speakers: Mike Taylor (objector) and Peter Benson (applicant)

RESOLVED (unanimously) – That the decision be deferred to allow members of the Development Control Committee time to visit the site of the proposals.

(Councillor June Molyneaux left the meeting.)

15.DC.113h 14/01336/FULMAJ - Nook Farm, Holker Lane, Ulnes Walton, Leyland, PR26 8LL

Registered speaker: Sophie Marshall (applicant's agent)

RESOLVED (unanimously) – That full planning permission be approved subject to the conditions detailed in the addendum.

15.DC.113i 14/01168/FUL - Oak Tree Hotel, 130 Preston Road, Coppull, Chorley, PR7 5ED

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

15.DC.113j 15/00058/FUL - The Barn, Dean Hall Lane, Euxton, Chorley - report deferred

The report was deferred to a future meeting of the Development Control Committee.

The Chair announced that the following two items which related to Morris Farm, Hollins Lane, White Coppice, Heapey would be taken as one item.

15.DC.113k 14/01303/FUL - Morris Farm, Hollins Lane, White Coppice, Heapey

RESOLVED (unanimously) - Full 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:

- **Equipped Play Space**
- **Playing Pitches**

15.DC.113l 14/01304/LBC - Morris Farm, Hollins Lane, White Coppice, Heapey

RESOLVED (unanimously) – That listed building consent be approved subject to conditions detailed within the report in the agenda.

15.DC.113m 14/01297/OUT - St Peter's Vicarage, Harpers Lane, Chorley

Registered speaker: Joyce Nelson (objector)

RESOLVED (unanimously) – That the decision be deferred to allow members of the Development Control Committee time to visit the site of the proposals.

15.DC.113n 15/00039/FUL - Land and garages adjacent 26 Pear Tree Road, Croston

Registered speakers: Duncan Nicholson (objector), Ozma Khan (applicant's agent)

RESOLVED (10:2:0) – That full planning permission be approved subject to conditions detailed in the addendum.

15.DC.113o 15/00040/FUL - Garages, at Longfield Avenue, Coppull

Registered speaker: Ozma Khan (applicant's agent)

RESOLVED (11:0:1) – That full planning permission be approved subject to conditions detailed in the addendum.

15.DC.113p 15/00031/CB3 - Land north of 61 Chapel Street, Chorley

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

15.DC.114 Tree Preservation Orders**15.DC.114a Tree Preservation Order No.9 (Coppull) 2014**

Members of the Committee considered a report from the Director of Public Protection, Streetscene and Community which sought confirmation of Tree Preservation Order No. 9 (Coppull) 2014 in light of objections received.

RESOLVED (unanimously) – That formal confirmation, without modification, of Tree Preservation Order No. 9 (Coppull) be approved.

15.DC.114b Tree Preservation Order Number 1 (Eccleston) 2015

Members of the Committee considered a report of the Chief Executive which sought formal confirmation of Tree Preservation Order Number 1 (Eccleston) 2015 without modification.

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

RESOLVED (unanimously) – That the formal confirmation, without modification, of Tree Preservation Order No. 1 (Eccleston) 2015 be approved.

15.DC.114c Tree Preservation Order Number 14 (Chorley) 2014

Members of the Committee considered a report of the Chief Executive which sought formal confirmation of Tree Preservation Order No. 14 (Chorley) 2014 without modification.

No objections were received in response to the making of the order.

RESOLVED (unanimously) – That formal confirmation, without modification, of Tree Preservation Order No. 14 (Chorley) be approved.

15.DC.115 Appeals and other decisions

The Director of Public Protection, Streetscene and Community submitted a report which informed members of the Committee of three planning appeals lodged with the Planning Inspectorate and details of a decision granted by Lancashire County Council.

RESOLVED (unanimously) – That the report be noted.

Chair

Date

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| Item 3A | 14/01297/OUT |
| Case Officer | Helen Lowe |
| Ward | Chorley North East |
| Proposal | Outline application for the erection of up to three dwellings, including details of the means of access |
| Location | St Peters Vicarage, Harpers Lane, Chorley, R6 0HT |
| Applicant | Blackburn Diocese Board of Finance |
| Consultation expiry: | Insert date |
| Decision due by: | 31 March 2015 |
| Recommendation | Approve outline consent subject to conditions |
| Executive Summary | This is an outline application for the erection of up to three dwellings, with all matters reserved except for access. The application site forms an area of vacant land adjacent to St Peters Vicarage. 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 10th of March Development Control Committee meeting.

The report has been updated to reflect additional neighbour comments that have been received and consultation comments from Greater Manchester Ecology Unit that were previously reported on the addendum. Additional conditions have been added.

Representations

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| <p>Cllrs Adrian and Marion Lowe have made the following comments on the application: They have concerns over the impact of the development on: access to the proposed site; impact on Harpers Lane; neighbour amenity as the footpath leading to Vicarage Street could be unduly affected; threat to trees and access to Harpers Lane recreation ground</p> |
| <p>In total four representations have been received which are summarised below</p> |
| <p>Objection</p> |
| <p>Total No. received: four</p> |
| <ul style="list-style-type: none"> • There is more than enough housing in this small area; • The area does not need any further development, parking and traffic congestion have noticeably increased due to the new estate on Railway Road; • There should be no removal of TPO'd trees; • Removal of trees will reduce wildlife and reduce privacy; • Planning permission has been previously refused on this site and nothing has changed in the intervening period; • The proposed entrance is through parking spaces previously allocated to residents of Vicarage Street, how would proposed new residents access their homes when residents of Vicarage Street are parked; • The proposal would overlook their back garden and lose privacy; • It would be impossible to carry out construction works safely with large plant and vehicles having to access across the frontage of properties occupied by small children. The noise impact alone of the construction work would mean the disturbance of several other forms of wildlife; • They feel very disappointed that the applicants have not had the courtesy to speak to us as directly affected residents; • The scale of development on such a restricted site with extremely limited access is out of proportion; • The number of car movements adjacent to the access to the recreation ground would increase causing risks to children and a loss of amenity; • There is not enough space for vehicles to pass between cars to go into the rear of the Vicarage grounds; • Emergency services would be unable to gain entry; • Refuse collection would have to taken off site, potentially more litter, possible damage to parked cars having been pulled through a narrow gap. |
| <p>Additional comments have been received from a previous respondent, these are detailed below:</p> <ol style="list-style-type: none"> 1. That the parking configuration in the area is considered, especially as day time pressure varies with residents away at work etc. It gives a false impression of space available when cars are not in situ. 2. That any ground works disturbance of the trees covered by the preservation orders be carefully checked. Even if the applicant has said that they would |

work to use a different surfacing type, any damage to the root system under the tree crown would be of harm. To be able to work in a road access and housing arrangement around this looks impossible.

3. The footpath entry to the recreation ground and Vicarage Street is for a single car entry only. No space for emergency access.

4. The safety of residents using the lower gate to the Rec is of concern, would site traffic be able to guarantee perfect vision of children etc when entering or reversing in the area.

5. Building works would cause major problems for traffic flow, destruction of the road, pavement surface, drains in the area would also be affected. Water from the rec, does, at times flow onto the Vicarage Street area.

6. That, as so much building has gone on in the area recently, Railway Road, Baggenly Mill, with others to be started, i.e Hygienic Laundry site, this development is not appropriate and would reduce the quality of life for residents of East Ward.

Consultees

| Consultee | Summary of Comments received |
|-------------------------------------|--|
| Lancashire County Council Highways | The existing access is wide enough to safely accommodate the passage of vehicles and the proposal is acceptable in principle from a highways perspective. It is recommended that a number of conditions are attached. |
| Chorley Council Tree Officer | Recommend that trees T10 and T14 (as numbered in the submitted Tree survey) are retained. |
| Waste and Contaminated Land Officer | Recommend an informative is attached to the decision |
| Environmental Health | State that they have no comments to make upon the proposals |
| GMEU | The site has low potential to support any protected species, with the likely exception of foraging bats. The loss of several trees to the development will reduce the amount of foraging habitat available to foraging bats or nesting birds but it is not considered that these losses will significantly affect the long-term population status of birds and |

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| | <p>bats because there is sufficient alternative habitat available, including trees, remaining on and adjacent to the application site and in nearby parkland. Any local bat 'commuting routes' in the area will not be compromised by the development. Conditions are recommended.</p> |
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AssessmentPrinciple of the Development

1. This is an outline application for the erection of three dwellings, with all matters reserved except for access. The application site is vacant land, located to the side of St Peters Vicarage which is located within the settlement boundary of Chorley. It is located to the east of the vicarage and to the south of the Church and Church Hall. The land is physically separated from the garden of the vicarage and overgrown, although it is possible that this once formed land associated with the vicarage. It is proposed to access the site from Vicarage Street to the south. In accordance with the Framework the site is therefore considered to be previously undeveloped land.
2. 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 and amenities such as shops, a school, church and public house nearby. The Framework also states that development in sustainable locations should be approved without delay.
3. The Inspector has issued her Partial Report on her findings into the soundness of the emerging Chorley Local Plan which is a material consideration in the assessment of any planning application. 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.
4. 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."
5. The Council accepted the Inspectors modifications for Development Control purposes at its Executive Committee on 21st November 2013 and as such the Policies can be afforded significant weight subject to the main modifications.
6. Policy V2 of the emerging Local Plan states that within settlement areas, there is a presumption in favour of sustainable development.

Highway Safety

7. The outline application includes consideration of the access arrangement and the application details access to the site from Vicarage Street to the south. The LCC Highways Engineer has advised that they have no objections to the proposed development and do not require any alterations to the junction of Vicarage Street and Corporation Street.

Neighbour Amenity

8. 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. Although the application is in outline only, an indicative site layout has been provided, to demonstrate how three, two storey dwellings may be accommodated within the site.
9. The indicative plan provided shows that the rear elevation of one of the proposed dwellings would be approximately 11.2 m from the north facing side elevation of no. 7 Vicarage Street. However, there are no windows in this facing elevation and as such this relationship accords with the Council's interface standards. Oblique views of the rear garden area of no. 7 Vicarage Street would be afforded if a dwelling was located within this position. The indicative plan submitted shows a minimum distance of 12m between the rear elevation of the proposed dwelling and the boundary with no. 7 Vicarage Street.

This is in excess of the Council's Guideline of a minimum of 10m between the windows to habitable rooms at first floor level and the boundaries they face. It is also proposed to retain the protected mature Sycamore (T11 in the accompanying tree survey, T2 on the TPO Schedule) along this boundary. This would provide some screening.

10. The other dwelling adjacent to the application site is the Vicarage of St Peters Church. The proposed development would cause a degree of overlooking for the occupants of this property, however it is considered that it would be possible to comply with the Council's interface standards and this property is owned by the applicant.
11. Subject to the imposition of suitable conditions to ensure appropriate boundary treatments are implemented and tree protection methods are put in place during construction it is considered that the proposed development could be accommodated in accordance with the Council's interface standards and there would not be an undue loss of privacy for neighbouring residents. No details of ground levels have been provided with the application therefore it is also considered appropriate to attach a condition requiring these details to be provided.

Design and appearance/Impact on the character of the area

12. As the application is in outline only no details of design have been provided, although the planning, design and access statement submitted with the application indicates that the properties are likely to be two storey in scale, with an eaves height of 6m and a ridge height of 9m. The surrounding area is characterised by largely two storey terraced housing, with some more recent developments of semi detached properties such as those on St Joseph's Place. It is considered that an appropriate design could be achieved.
13. The loss of the trees within the site would alter the character of the application site, however the majority of these are smaller trees, such as fruit trees and hawthorn. The majority of trees along the boundaries would be retained. The principle impact will arise from the loss of the protected Sycamore in the south east corner of the site. The impact of the loss of this tree is discussed below.

Trees

14. The proposed development would necessitate the removal of a number of trees within the site (13), one of which is protected by a Tree Preservation Order. The protected tree that is proposed to be felled is a mature sycamore located in the south east corner of the application site, adjacent to the boundary with the recreation ground to the east. The tree is identified as being in good condition in the tree survey submitted with the application by the applicants.
15. The Council's Tree Officer has advised that this tree and T10 in the submitted survey (a sycamore located adjacent to the western boundary of the site with the garden of St Peters Vicarage) should be retained. The applicant has put forward the following in response:
 - The removal of the two trees is necessary to enable the development;
 - They are retaining as many trees as reasonably possible;
 - Both trees are sycamores, a common variety with limited local interest;
 - The site and it's boundaries are reasonably wooded, such that the loss of the two trees is unlikely to have a significant impact on the overall
 - They would offer appropriate compensatory planting for their loss if required.
16. Whilst it is acknowledged that the trees in question are in good condition, only one is protected by a TPO and it is this tree that provides a degree of public amenity value. All other trees to be felled, including T10, are located within the site and provide little public amenity value. Policy BNE10 of the emerging Local Plan states that proposals that would result in the loss of trees which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. It is considered that the loss of the non-protected trees could not be reasonably resisted.

17. The Government's Planning Practice Guidance states that in considering an application for tree works to a protected tree, the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it.
18. Policy BNE10 of the emerging Local Plan states that replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows. Tree planting will be required as part of new development proposals.
19. With regard to the protected tree it is acknowledged that the loss would be regrettable, however, the tree is viewed as part of a wider group of trees along the rear of Corporation Street and compensatory planting could be sought. The degree of public amenity provided by this tree is considered to be limited and appropriate mitigative planting can be secured by condition.

Ecology

20. A number of residents have raised concerns regarding the impact of the loss of trees on local wildlife. It is considered that the loss of habitat would be limited and the proposals would not be contrary to policy BNE11 of the emerging Local Plan. According to standing advice previously issued by LCC Ecology a bat survey would not be required in this instance. However, Greater Manchester Ecology Unit have been consulted on the proposals. Their comments will be reported on the addendum

CIL

21. 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. The amount of levy cannot be confirmed at this stage as this is an outline application. However, as an estimate for a 90 sq m house the levy from this development would be £17, 550.

S. 106

22. 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.
23. This development is for three dwellings which is below the 10 unit threshold and also has a gross floorspace of less than 1000m². In the case of this development there is no evidence at this time, which is directly related to the development, to seek a contribution towards public open space contrary to the national guidance.

Other Matters

24. A reserved matters application for the site was refused in 2006 (ref. 05/01205/REM). This application was for a greater number of houses and was refused on the basis that the application could be fully assessed due to a lack of required information, the design of the properties did not reflect the character or appearance of the surrounding residential properties, the proposals resulted in the loss of a number of protected trees which had high amenity value and the proposed highway layout was not acceptable. As the current application is in outline only a number of these matters would be addressed at the reserved matters stage. The current proposal now only proposes the removal of one tree and the highway matters have been resolved.

Overall Conclusion

25. 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 policies within the Framework and Local Plan that seek to achieve sustainable development. 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.
26. Subject to the receipt of satisfactory comments from the Greater Manchester Ecological Unit the application is accordingly recommended for approval.

Planning Policies

27. 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.

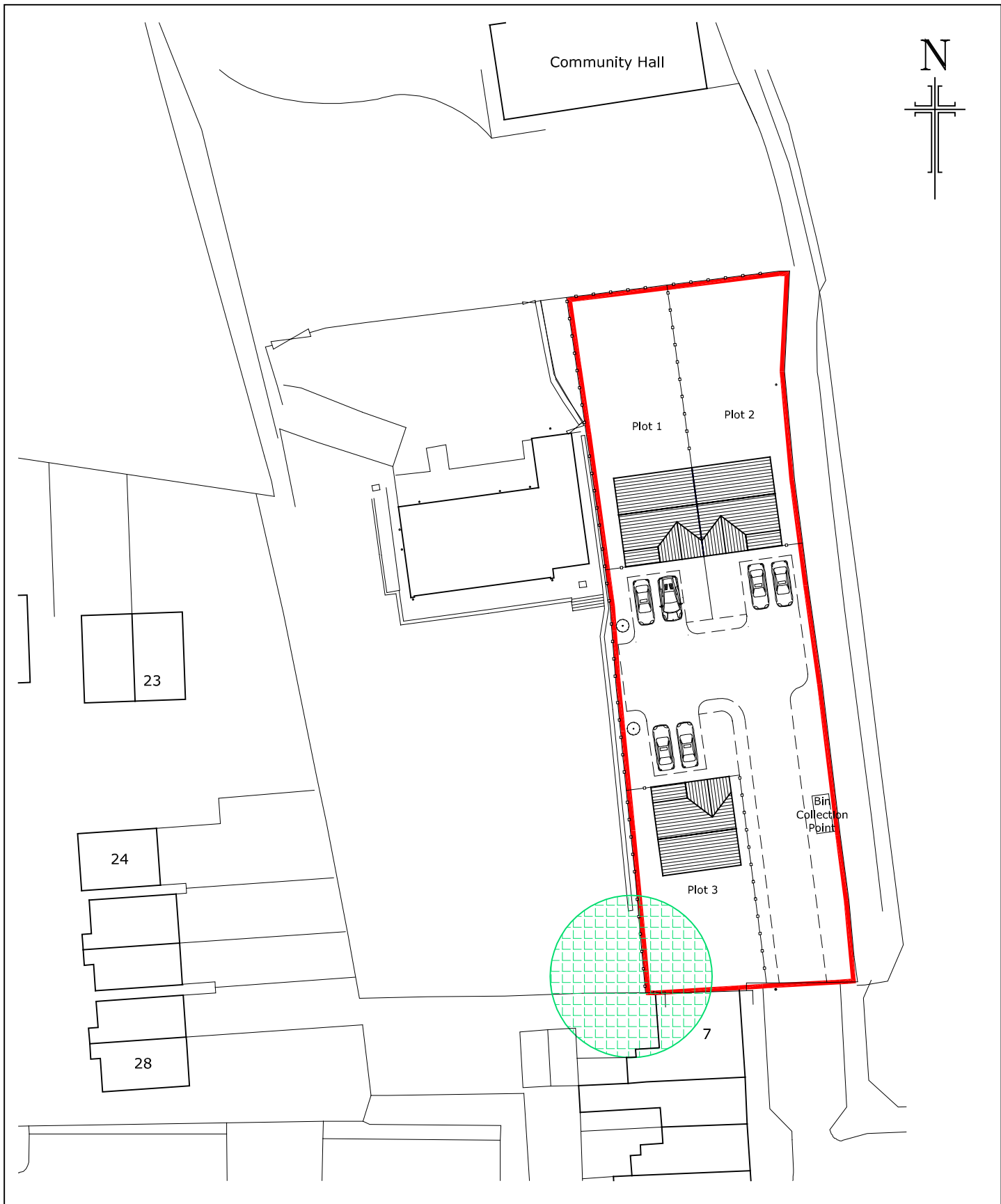
Planning History

| Reference | Description | Decision | Date |
|------------------|--|-----------------|--------------------------------|
| 01/00667/OUT | Outline application for erection of seven dwellings | Withdrawn | 7 th March 2002 |
| 02/00398/OUT | Erection of three mews dwellings and one pair of semi detached dwellings | Approved | 18 th December 2002 |
| 05/01205/REM | Erection of 3 mews dwellings and 1 pair semi-detached dwellings. | Refused | 8 th February 2006 |

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 construction of the proposed driveway located within the root protection area of trees T14 (detailed on the Arboricultural Development Report date June 2013, received 11 December 2014) shall be undertaken using a 'no-dig' cellular confinement system method of construction full details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The driveway construction method shall thereafter be implemented in accordance with the approved details.</p> <p><i>Reason: To ensure the continued protection of the trees</i></p> | | | | | | | | | |
| 3. | <p>Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p> | | | | | | | | | |
| 4. | <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 1155 1289 1346"> <thead> <tr> <th data-bbox="327 1155 644 1218">Title</th> <th data-bbox="644 1155 968 1218">Drawing Reference</th> <th data-bbox="968 1155 1289 1218">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="327 1218 644 1281">Location plan</td> <td data-bbox="644 1218 968 1281"></td> <td data-bbox="968 1218 1289 1281">11 December 2014</td> </tr> <tr> <td data-bbox="327 1281 644 1346">Indicative site layout</td> <td data-bbox="644 1281 968 1346"></td> <td data-bbox="968 1281 1289 1346">11 December 2014</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p> | Title | Drawing Reference | Received date | Location plan | | 11 December 2014 | Indicative site layout | | 11 December 2014 |
| Title | Drawing Reference | Received date | | | | | | | | |
| Location plan | | 11 December 2014 | | | | | | | | |
| Indicative site layout | | 11 December 2014 | | | | | | | | |
| 5. | <p>Prior to the commencement of any development, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.</i></p> | | | | | | | | | |
| 6. | <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> | | | | | | | | | |
| 7. | <p>Prior to the commencement of the development, a 'Design Stage' assessment and</p> | | | | | | | | | |

| | |
|-----|--|
| | <p>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> |
| 8. | <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> |
| 9. | <p>Prior to the removal of any trees, the trees that are to be felled as set out in detailed on the Arboricultural Development Report date June 2013, received 11 December 2014, (with the exception of T14 which is to be retained) shall be inspected for the possible presence of bats by a suitably qualified person. If bats are found by inspection then a Method Statement must be prepared giving details of measures to be taken to avoid any possible disturbance to bats and submitted to and approved in writing by the Local Planning Authority. Once approved this Method Statement must be implemented in full.</p> <p><i>Reason: in the interests of conserving protected species.</i></p> |
| 10. | <p>No tree felling or vegetation clearance required by the scheme should take place during the optimum period for bird nesting (March to July inclusive). All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).</p> <p><i>Reason: protection of nesting birds.</i></p> |
| 11. | <p>To replace potential bat roosting and bird nesting opportunities 6 no. bat boxes and 6 no. bird nesting boxes should be erected on suitable remaining trees on or close to the application site.</p> <p><i>Reason: in the interests of conserving protected species.</i></p> |



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PLAN REFERRED TO:

St Peter's Vicarage, Harper Lane,
Chorley, PR6 0HT.

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| Item 3b | 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 | That 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. This application was deferred for a site visit at the previous Development Control Committee on 10th March 2015. 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 was not implemented and has now expired. 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

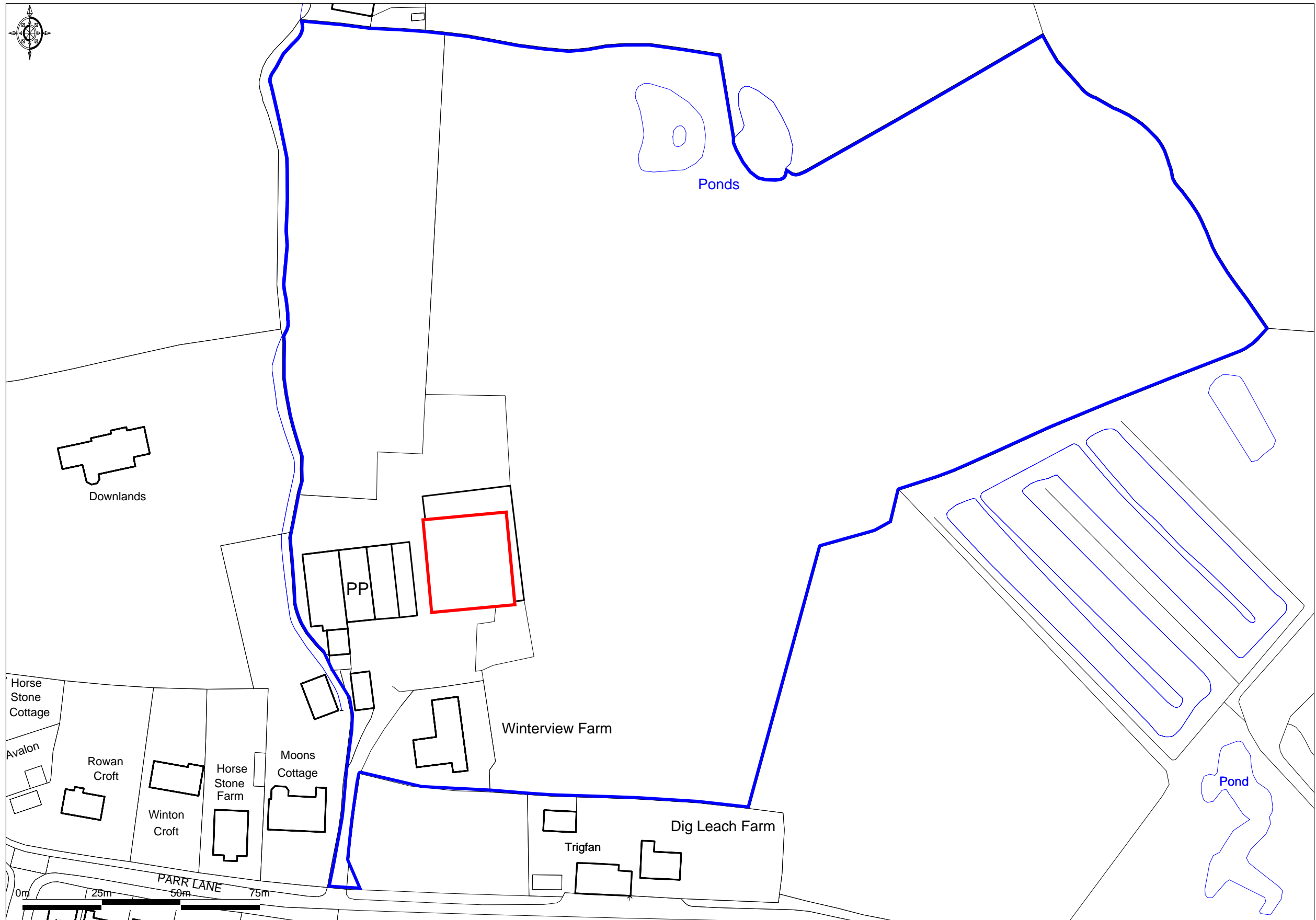
- 45. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material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

Location Plan - Winterview Farm, Eccleston



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p wilson & company
chartered surveyors

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| Item 3c | 15/00100/FUL |
| Case Officer | Iain Crossland |
| Ward | Chorley South West Ward |
| Proposal | Construction of 3 no. 2 bedroom bungalows with associated landscaping and car parking |
| Location | 2 Thirlmere Road Chorley PR7 2JH |
| Applicant | Chorley Community Housing |
| Consultation expiry: | 19 March 2015 |
| Decision due by: | 09 April 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 highway safety.

Representations

In total 0 representations have been received

Consultees

| Consultee | Summary of Comments received |
|---------------------------|--|
| United Utilities | United Utilities have no objection to the proposal and therefore request no conditions are attached to any approval. |
| LCC Highways | No objections to the proposal |
| Contaminated Land Officer | Satisfied with the ground investigation work and conclusions |

AssessmentThe Site

1. The application site is vacant following the clearance of a vacant building and is located within the core settlement area of Chorley. The site is bound by residential properties to the north and west and by the highway to the south and east.
2. The site is vacant and open following the demolition and clearance of the previous building. It is reasonably level and measures approximately 0.06ha in area.
3. The site is located on a corner plot within a residential area characterised by two storey dwellings and bungalows of traditional design. There are a range of amenities within close proximity associated with an urban area.

The Proposal

4. The proposed development is for the erection of 3 No. 2 bedroom bungalows, one of which would be detached and the remaining two attached. These would provide affordable housing with associated curtilage and a car parking.
5. The proposed detached bungalow would face Thirlmere Road. It would have a width of approximately 17.4m and a depth of approximately 8.4m. There would be dual pitched roofing with a ridge and eaves height of approximately 4.4m and 2.5m respectively. The properties would be of a traditional design and faced in red brick, render and cladding with roofing laid in grey concrete tiles.
6. The proposed attached bungalows would face Haweswater Avenue. They would have a combined width of approximately 8.4m and a depth of approximately 8.4m. There would be dual pitched roofing with a ridge and eaves height of approximately 4.4m and 2.7m respectively. The properties would be of a traditional design and faced in red brick, render and cladding with roofing laid in grey concrete tiles.
7. There would be enclosed gardens to the rear of the properties, with parking spaces to the front of plot 3, rear of plot 2 and side of plot 1.
8. The site would be defined by 2.1m high timber fencing to the north and west boundaries and by 1.1m high railings to the south and east boundaries fronting Thirlmere Road and Haweswater Avenue.

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 – Public Open Space (POS)
- Issue 5 – CIL

Principle of the Development

9. 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.
10. There is particular support for the provision of affordable housing in the Framework and through Policy 6 of the Central Lancashire Core Strategy.
11. 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.
12. 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.

13. 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.
14. 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.
15. The application site is located in the core settlement area of Chorley. 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.
16. The application site is currently vacant following the clearance of a vacant building. 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

17. The proposal is for the erection of three two bedroom bungalows. The proposed dwellings would be of a fairly traditional design of a similar scale to other bungalows that already exist on Haweswater Avenue. There is a range of property types and styles in the area resulting in a mix of designs across the locality with both two storey dwellings and bungalows in close proximity. The bungalows on Haweswater Avenue to the north of the site provide a context in which the proposed bungalows would appear harmonious. As such, the proposed development would be compatible with the existing urban form.
18. The scheme has been designed so that the detached bungalow would front Thirlmere Road and the two attached bungalows would front Haweswater Avenue. This would reflect the predominant form of development with the area and would provide an active street frontage that would contribute positively to the character and appearance of the area.
19. The site is currently vacant with a poor quality appearance that 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 proposed development would result in an overall improvement in the appearance of the site and would subsequently enhance the character of the area.
20. The development is therefore considered to be in accordance with Policy BNE1 of the emerging Chorley Local Plan 2012 – 2026.

Impact on neighbour amenity

21. The application site is bounded by a residential dwelling to the west of the site at 4 Thirlmere Road. Plot 3 would be located approximately 1m from the boundary with this property and approximately 4m from the property itself. 4 Thirlmere Road is positioned at an angle relative to the highway and the proposed bungalow at Plot 3. As such the side elevation of the bungalow would be partially visible from windows to habitable rooms in the front elevation of 4 Thirlmere Road. The full gable would only be visible from an oblique angle, although the front corner of the property would be more visible at a distance of approximately 6.8m. Due to the scale of the proposed bungalow and its relative positioning there would be no unacceptable impact on outlook in relation to 4 Thirlmere Road.

22. The positioning of Plot 3 to the east of 4 Thirlmere Road and its scale are such that there would be some loss of light to the front of this neighbouring property in the early mornings, however, this would not be to a harmful extent.
23. There would be no windows in the side elevation of Plot 3. There would be windows in the rear elevation, however, these would not provide any views of 4 Thirlmere Road. There would be a 2.1m high fence on the boundary that would provide a good level of screening and privacy to both the existing occupiers of 4 Thirlmere Road and future occupiers of the proposed properties.
24. The application site is bounded by a residential dwelling to the north of the site at 9 Haweswater Avenue. Plot 1 would be located approximately 3.3m from the boundary with this property and approximately 13.5m from the property itself. There is a window to a habitable room in the side elevation of 9 Haweswater Avenue facing the application site. The proposed bungalow at Plot 1 would be located to the south east of this property and there would be no windows in the side elevation. The scale of development and degree of separation are such that there would not be any unacceptable impact on light or outlook in relation to 9 Haweswater Avenue.
25. Plot 3 would also share a boundary with 9 Haweswater Avenue. It would be located approximately 9m from the boundary and 14m from the dwelling at 9 Haweswater Avenue. There would no unacceptable impact on light or outlook as a result of the scale of development and degree of separation. There would be windows in the rear elevation of Plot 3 facing 9 Haweswater Avenue, however, there would be a 2.1m high fence on the boundary between 9 Haweswater Avenue and Plots 1 and 3 that would provide a good level of screening and privacy to both the existing occupiers of 9 Haweswater Avenue and future occupiers of the proposed properties.
26. Plot 3 would be located approximately 18m from the opposite facing dwelling at 1 Thirlmere Road. As the proposed dwellings are bungalows there are no first floor windows and the degree of separation is considered acceptable. It is also noted that this level of separation is an established relationship on Thirlmere Road.
27. Plots 1 and 2 would be located approximately 16m from the opposite facing dwellings at 12 and 14 Haweswater Avenue. As the proposed dwellings are bungalows there are no first floor windows and the degree of separation is considered acceptable. It is also noted that this level of separation is an established relationship on Haweswater Avenue.
28. Although the proposed properties are located close together their siting and scale and proposed boundary treatments are such that the form of development would result in an acceptable level of amenity in relation to light, outlook and privacy of future occupiers.

Impact on highways/access

29. The proposed development would result in three two bedroom dwellings. Off street car parking has been identified on the proposed site plan for six vehicles (two at each property) provided by designated parking spaces within the curtilage of each dwelling. This meets with the adopted parking standards set out in relation to policy ST4 of the emerging Chorley Local Plan 2012 – 2026.
30. The car parking spaces would be accessed directly from Thirlmere Road and Haweswater Avenue, both of which are unclassified roads.
31. In considering the wider access arrangements it is noted that there are a number of bus services available from Moor Road approximately 330m from the site and a range of amenities within in the local area particularly on Pall Mall approximately 350m away. This provides the benefit of realistic sustainable transport alternatives local services.

32. It is noted that there are no objections to the proposal from LCC Highways and 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.

Public Open Space (POS)

33. 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.

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

35. 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.

36. In any event it is also important to note that the viability of this scheme is an important consideration. The supporting information includes a Viability Appraisal in respect of this site which states that if the Policy requirements were applied in respect of POS this would render the scheme unviable.

37. Policy 7 acknowledges that site considerations such as this should be taken into account and;

.....not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

38. The submitted Viability Appraisal has been passed to the Council's Property Services section to assess.

39. In terms of public open space the current deficits in respect of this area of the Borough are as follows:

Provision for children/young people: £134 per dwelling

Allotments: £15 per dwelling.

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

40. TOTAL for 3 dwellings:

| | |
|--------------------------------------|---------|
| Provision for children/young people: | = £4797 |
| Allotments | = £45 |
| Playing Pitches | = £402 |
| TOTAL | = £5244 |

CIL

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

Overall Conclusion

42. 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

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

Planning History

Ref: 14/00916/DEMCON Decision: PERDEM Decision Date: 17
September 2014

Description: Application for prior determination of the proposed demolition of 2 Thirlmere Road

Ref: 87/00306/FUL Decision: PERFPP Decision Date: 14 July 1987

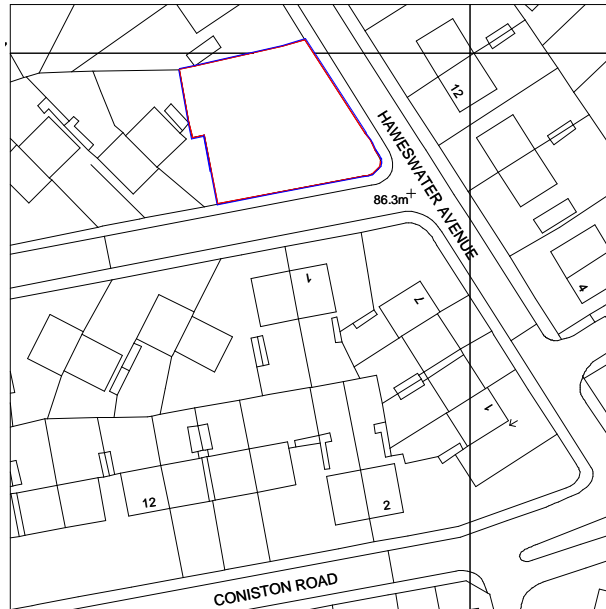
Description: New vehicular access and provision of parking

Suggested Conditions

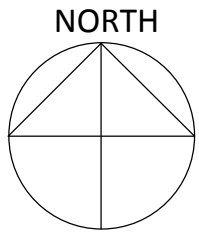
| No. | Condition |
|-----|--|
| 1. | The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i> |
| 2. | Each dwelling hereby permitted shall not be occupied until their corresponding car parking spaces identified on drawing number P105 Rev. H have been provided. <i>Reason: To ensure adequate off street parking provision is made/maintained and thereby avoiding hazards caused by on-street parking</i> |
| 3. | The off-road parking spaces as shown on drawing number P105 Rev. H shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995. <i>Reason: To ensure adequate off street parking provision is made/maintained and thereby avoiding hazards caused by on-street parking</i> |
| 4. | Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. The surface water must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority and no surface water shall discharge to the public sewerage system either directly or indirectly. <i>Reason: To secure proper drainage of the site.</i> |
| 5. | No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development. <i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i> |
| 6. | The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced. <i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i> |
| 7. | All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. <i>Reason: In the interest of the appearance of the locality</i> |
| 8. | Notwithstanding the details shown on the submitted plans, the proposed car parking areas shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority. <i>Reason: In the interests of highway safety and to prevent flooding</i> |
| 9. | The development shall be carried out in accordance with the sustainability methods and Code for Sustainable Homes Level as set out on page 8 of the |

| | <p>Design and Access Statement submitted with the application. <i>Reason: In the interest of minimising the environmental impact of the development and taking into account the circumstances put forward by the applicant.</i></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--------------|---|-----------------------------------|--------------|--------|------|------------------|---------------|------|------------------|----------------------------------|--------------|------------------|----------------------|--------------|------------------|-------------------|------|------------------|-----------------------------|--------------|------------------|-----------------------------------|------|------------------|------------------|--------------|------------------|-----------------|
| <p>10.</p> | <p>The development shall be carried out in accordance with the following plans:</p> <table border="0"> <thead> <tr> <th>Plan Ref.</th> <th>Received On:</th> <th>Title:</th> </tr> </thead> <tbody> <tr> <td>P100</td> <td>12 February 2015</td> <td>Location Plan</td> </tr> <tr> <td>P101</td> <td>02 February 2015</td> <td>Existing Topographical Site Plan</td> </tr> <tr> <td>P105 (Rev H)</td> <td>02 February 2015</td> <td>Proposed Site Layout</td> </tr> <tr> <td>P115 (Rev B)</td> <td>02 February 2015</td> <td>Street Elevations</td> </tr> <tr> <td>P107</td> <td>02 February 2015</td> <td>Plot 3 Plans and Elevations</td> </tr> <tr> <td>P106 (Rev C)</td> <td>02 February 2015</td> <td>Plot 1 and 2 Plans and Elevations</td> </tr> <tr> <td>P116</td> <td>02 February 2015</td> <td>Boundary Details</td> </tr> <tr> <td>15.B10421/20</td> <td>02 February 2015</td> <td>Drainage Layout</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p> | Plan Ref. | Received On: | Title: | P100 | 12 February 2015 | Location Plan | P101 | 02 February 2015 | Existing Topographical Site Plan | P105 (Rev H) | 02 February 2015 | Proposed Site Layout | P115 (Rev B) | 02 February 2015 | Street Elevations | P107 | 02 February 2015 | Plot 3 Plans and Elevations | P106 (Rev C) | 02 February 2015 | Plot 1 and 2 Plans and Elevations | P116 | 02 February 2015 | Boundary Details | 15.B10421/20 | 02 February 2015 | Drainage Layout |
| Plan Ref. | Received On: | Title: | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P100 | 12 February 2015 | Location Plan | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P101 | 02 February 2015 | Existing Topographical Site Plan | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P105 (Rev H) | 02 February 2015 | Proposed Site Layout | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P115 (Rev B) | 02 February 2015 | Street Elevations | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P107 | 02 February 2015 | Plot 3 Plans and Elevations | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P106 (Rev C) | 02 February 2015 | Plot 1 and 2 Plans and Elevations | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P116 | 02 February 2015 | Boundary Details | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15.B10421/20 | 02 February 2015 | Drainage Layout | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>11.</p> | <p>All the dwellings hereby permitted shall be provided as affordable dwellings (as defined in the Central Lancashire Affordable Housing Supplementary Planning Document) to be managed by a Registered Provider. <i>Reason: Weight has been given to the case put forward by the applicant as a Registered Provider in relation to the sustainability requirements/Code for Sustainable Homes level requirement of the site.</i></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | |

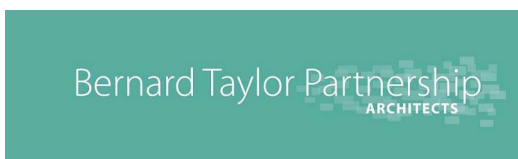
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1 **05 Location Plan**
1 : 1250



| A | 12.02.15 | MA | Scale changed to 1:1250 |
|-----|----------|-----|-------------------------|
| Rev | Date | Int | Description |



Description:
Location Plan

Client: **Adactus Housing** Job No: **2715** Scale @ A4: 1 : 1250
Project: **Thirlmere Road**

Drawn By: MA Checked By: MA Date: 07/30/14 Drawing No: **P100** Rev: **A**

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|-----------------------------|--|
| Item 3d | 14/00791/FUL |
| Case Officer | David Stirzaker |
| Ward | Lostock |
| Proposal | Construction of six detached two bedroom bungalows and formation of access road |
| Location | Land 60M West Of No. 3, Castle Walks, Croston |
| Applicant | Mrs Angela Dalton |
| Consultation expiry: | 23rd December 2014 |
| Decision due by: | 23rd December 2014 |

Recommendation
Refuse Planning Permission

Executive Summary

The main issues to consider are whether the erection of 6 no. bungalows on the site is acceptable in principle, whether or not neighbour amenity will be harmed, if the character and appearance of the locality and Croston Conservation Area will be maintained and enhanced, if the level of parking provision and highway safety is acceptable and if there are any flooding issues. For the reasons set out below, it is not considered that the proposed development is consistent with the aims of the Framework and in accordance with the provisions of the development plan.

Representations

Croston Parish Council

The Parish Council objects to the above application on the following grounds:

- The land is currently designated as Existing Open Space (HW2) in the Chorley Local Plan 2012-2026. The Design and Access and Planning Statements do not appear to address any of the requirements under HW2
- The application fails to meet the criteria of Policy HS7: Rural Infilling, notably b) and the description of infill specifically refers to "one or possibly two houses"
- Several of the proposed plots fail to provide the requisite off road parking spaces

To date, 23 no. representations have been received:

Objection

Total No. received: 17

- Loss of views
- Impact on amenity through overlooking
- Entrance runs across a public footpath which is used by school children going to and from school
- The footpath is also part of the heritage trail
- Traffic congestion would increase
- Site is in a flood risk area
- Croston on the verge of being ruined by over development
- Noise and disturbance from construction works and traffic
- Impact on wildlife
- The view that these homes are needed by the village is rejected
- Impact on Croston Conservation Area
- There are bungalows on the market in Croston which have failed to see
- Current infrastructure cannot support extra housing
- Concerns regarding drainage
- Local schools cannot cope with additional pupils
- The development would exacerbate flooding problems
- The increase in population has resulted in a significant increase in the cases of criminal damage, robbery and general crime in the village
- Previous applications on this site have been refused

Support

Total No. received: 6

- Proposal is well designed and located
- No impact on local residents
- Will help people wishing to live in the village
- Minimal disruption to local area
- Development in keeping with local area
- The properties have been designed for accessibility and are ideal for the elderly or mobility impaired
- Land is redundant and cannot be farmed
- This should have no effect on local services such as school places or great increase in traffic
- The site is central for people to be able to walk easily to the local shop or doctor's surgery.
- Decent modern bungalows are required in the village and this has been requested in the past by members of the Parish Council
- The retention of the hedge will benefit wildlife
- Site is well screened from Yarrow Close
- The bungalows are energy saving and accessible for elderly and mobility impaired people, giving lower energy bills and practical living space

Consultees

| Consultee | Summary of Comments received |
|----------------------|--|
| LCC (Highways) | No objections to original scheme. Comments awaited on amended layout which will be reported in the addendum. |
| Conservation Officer | No objections in terms of impact on the Conservation Area from a visual perspective but advises that there is potential for harm to the significance of a designated heritage asset (Croston Castle and moat), which in the absence of information to the contrary, must be considered to be substantial. |
| Environment Agency | Initially objected to the application based on the location of the bungalows backing onto the flood bank which would have prevented emergency access and the proposed levels across the site. These objections have been withdrawn based on amended layout and levels details. |
| United Utilities | No objections subject to conditions requiring details of surface and foul water drainage. |
| LCC (Archaeology) | Initially did not suggest any conditions but following comments from the Council's Conservation Officer, updated comments still raising no objections but recommending a condition to secure a programme of archaeological work in relation to the site once being occupied by Croston Castle and its associated moat. |
| British Waterways | No comments as this application falls outside the notified area for its application scale. |

| | |
|-------------------------------------|--|
| Architectural Liaison Officer | No objections but recommends development is built to Secured by Design standard. |
| LCC (Ecology) | No objections subject to conditions to secure habitat enhancement and creation measures, controlling the timing of tree felling, protection of trees and hedgerows, protection of water voles, controlling external lighting and requiring measures to protect reptiles and hedgehogs during the course of construction works. |
| Strategic Housing | The Chorley Rural Housing Needs Study suggests that there is need and demand for bungalows for older people in rural parishes, and this need is cross tenure although whether or not market bungalows actually meet local housing need depends on who they are sold to. |
| Waste and Contaminated Land Officer | Recommends a condition to require submission of a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with the Council and thereafter undertaken and shall include details of the necessary remediation measures. |
| LCC Public Rights of Way Officer | Comments awaited on the latest plans so these will be reported in the addendum. |

Proposed Development

1. The development proposed comprises 6 no. bungalows. Each of the properties will have 2 no. bedrooms and will be constructed using pre-fabricated SIPS (Structurally Insulated Panels). Each property will also have an open car port to the side at the rear of its driveway.
2. Access to the site will be via a continuation of Yarrow Close using a 5.5m wide access road with a footpath on one side and a turning head at its eastern end.
3. The site is located in the settlement of Croston and also in the Conservation Area. The site is bounded to the north and west by a public footpath then the back garden boundaries of the residential properties on Yarrow Close, by the applicant's property to the east and the River Yarrow to the south. The southern end of the site includes a flood bank adjacent to the River Yarrow and this is to be retained as part of this application.

Assessment

4. The main issues are as follows:-
 - Issue 1 – Principle of Development*
 - Issue 2 – Design & Scale*
 - Issue 3 - Impact on Locality*
 - Issue 4 - Impact on the Conservation Area*
 - Issue 5 – Impact on neighbours*
 - Issue 6 - Traffic & Transport*
 - Issue 7 - Ecological Impact*
 - Issue 8 - Flooding*
 - Issue 9 - S106 & CIL*

Principle of the Development

5. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of a presumption in favour of sustainable development. This means that development proposals that accord with the development plan, which comprises the Core Strategy and the adopted Chorley Local Plan Review and should be approved without delay.
6. The Inspector has issued her Partial Report on her findings into the soundness of the Chorley Local Plan, which is a material consideration in the consideration of any planning application.
7. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers.
8. Paragraph 18 of the Partial Report states: "For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers." The Council accepted the Inspectors modifications for Development Management purposes at its Executive Committee on 21st November 2013.
9. It is therefore considered that significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications. The application site is located in the settlement 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.

10. The most pertinent policies which the application falls to be considered against are Policy 1 of the Core Strategy and Policy HW2 of the emerging Chorley Local Plan.
11. Policy 1 of the Core Strategy seeks to focus growth and investment on well located brownfield sites and the strategic location of central Preston, the key service centres of Chorley and Leyland and the other main urban areas in South Ribble whilst protecting the character of suburban and rural areas although it does allow some greenfield development on the fringes of the main urban areas. Under Policy 1, Croston is not specifically identified as an area identified for growth and the only development permissible is small scale and limited to appropriate infilling, conversion of buildings and proposals to meet a local need, unless there are exception reasons for larger scale development schemes. The proposed development is not considered to be infilling as defined by Policy HS7 of the emerging Chorley Local Plan so the consideration is whether or not it meets a local need.
12. The applicant has suggested that if planning permission is granted, covenants will be imposed to limit what is built on the site to that approved by this application. However, this does not mean that the proposal would meet a particular local need and there are no mechanisms in place or suggested to restrict the buyers. As such the proposed properties would create properties for sale on the open market.
13. Moreover, the applicants do not provide evidence that there is a local need for these properties and whilst there is reference to comments made previously by members of Croston Parish Council, no evidence of these comments has been provided and the formal comments made by the Parish Council on the application actually raise objections to the application. the Parish Council do not make any comments which suggest that there is a need for bungalows, or that they would support such a proposal.
14. The published Chorley Rural Housing Need study (2011) indicates a need and demand for a variety of house types in rural areas, including bungalows, but does not break this down into individual parishes, such as Croston. It shows that the majority of moving households (54.6%) would prefer detached houses, although a far lower percentage (35.5%) expect to move into such accommodation. It also suggests that 26% of moving households would prefer bungalows and that 22.3% of moving households would expect to move into such accommodation. Therefore, the study suggests a need and demand for bungalows in rural areas, but it also suggests a need and demand for detached houses and for other house types as well.
15. Whilst there may be a need and demand for properties of all types (including bungalows) in rural areas this needs to be balanced against ensuring that development takes place in locations that are suitable for growth in line with Core Strategy Policy 1. As stated, Croston is not a location where growth should be focussed and there is not sufficient evidence to demonstrate that there is a particular local need for market bungalows in Croston, to justify approval of this application, which in any case will be for properties that will be sold without restriction on the open market, rather than addressing any specific local need based on robust evidence. It is therefore considered that the proposed development would be contrary to Policy 1 of the Core Strategy and in particular criteria (f) of the policy.
16. Notwithstanding the above issue, the site is also allocated as amenity open space in the emerging Local Plan under Policy HW2: Protection of Existing Open Space, Sport and Recreational Facilities. An assessment of the proposal therefore needs to be undertaken against the criteria of this policy.
17. Policy HW2 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:
 - a) *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 currently a significant deficit of amenity greenspace in Croston so the loss of this site would make this deficit even worse.

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

The site was assessed as being of high quality and high value in the Open Space Study.

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

The site is currently not accessible to the public so does not serve any recreational need at the present time.

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

It is considered that the site contributes significantly to the character of the area due to its location adjacent to the River Yarrow and an area of housing.

18. The proposal fails most of the criteria therefore it is not considered to be appropriate without alternative provision to satisfy criterion a). Whilst the site is currently not accessible to the public, it is still considered that it contributes significantly to the character of the area and provides a high level of visual amenity hence the preference would be to maintain this open space rather than for it to be developed and open space to be provided elsewhere.
19. It is noted that the applicant is proposing to retain part of the site as open space which will be made accessible to the public. However the amount of open space to be retained is small relative to the size of the site and it also includes the flood bank so whilst in principle, it is considered acceptable to allow some development of the site in order to open it up to the public and provide them with recreational use of the site, based on the amount of development proposed, it is not considered that the amount of retained amenity open space is sufficient to outweigh the loss of the rest of the site to the residential development proposed.
20. In accordance with Policy HW2, any part of the open space lost to development would have to be replaced elsewhere and this could be by way of a financial contribution. However, as detailed, the amount of built development would render only a small proportion of the site available to be used as amenity open space by the community so when balancing the benefit of opening up the site against the amount which is being retained, it is not considered that the scheme is acceptable as has been submitted.

Design and Scale

21. The bungalows are of a modest scale incorporating two bedrooms with an open plan kitchen, living and dining area. Each bungalow also incorporates an open car port. The elevations are to be finished with render with feature larch boarding above the rear bi-fold doors, master bedroom window and above the roof junction to the side.
22. To the north of the site is a modern housing estate comprising a mix of detached and semi-detached two storey dwellings and bungalows. To the east of the site, the nearest property (the applicants) comprises a traditional bungalow as do the others on Castle Walks. The southern site boundary comprises the River Yarrow beyond which is a further area of open space with more traditional properties to the east and west. The site is also demarcated to the north and west by a Hawthorn hedge.

23. The boundary conditions of the site mean it is relatively self-contained and there are as stated modern two storey and bungalow properties to the north and a bungalow bounding the site to the east on Castle Walks. Therefore, in this context, it is not considered that the design and scale of the bungalows is unacceptable so they would not be contrary to the objectives of Policy BNE1 of the emerging Chorley Local Plan.

Impact on locality

24. It is considered that the existing site contributes significantly to the character of the area providing an attractive area of open green space. The sites attributes are its openness, location adjacent to the River Yarrow and its proximity to nearby residential properties to the north, east and west.
25. This being the case, it is considered that the amount of development proposed on the site, as assessed in the '*Principle of Development*' section would have a harmful impact on its character and appearance by significantly reducing its open character leaving only a small proportion of the site retained as amenity open space. It follows that the number of bungalows proposed on the site would therefore cause harm to the character and appearance of the locality so the proposed development would be contrary to Policy BNE1 of the emerging Chorley Local Plan.

Impact on the Conservation Area

26. The application site is within Croston Conservation Area, a designated heritage asset as defined by the Annex to the Framework and includes the site of Croston Castle and its associated moat. As such the site is of historic and archaeological interest.
27. Paragraphs 129, 132, 133, 134 and 136 of the Framework are pertinent as are policy 16 of the Adopted Central Lancashire Core Strategy (2012) and policy BNE8 of the emerging Chorley Local Plan 2012 – 2026.
28. 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.'
29. 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.'
30. Paragraph 133 states, 'Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- The nature of the heritage asset prevents all reasonable uses of the site; and
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.'

31. Paragraph 134 states, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'
32. Paragraph 136 continues by stating that, 'Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'
33. 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:
Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'
34. 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.'
35. The submitted Heritage Statement incorrectly states that the site is 'well away from the conservation area'. This is factually incorrect as the whole of the site is within the conservation area boundary. Furthermore it fails to recognise the potential for the site to be archaeologically sensitive, as it includes the site of Croston Castle and moat. The site could be amongst the most historically sensitive in Croston. In view of this the Council's Conservation Officer has recommended that the applicant at the very least commissions an archaeological desk-top study of the area to establish the significance of this site more fully. Depending on the outcome of that survey, it may thereafter be necessary to impose an archaeological watching brief condition to any permission that may subsequently be granted. In the absence of information concerns have been raised that the proposed development could lead to substantial harm being caused to an historically significant site within a designated heritage asset. No justification has been provided in respect of paragraph 133 of the Framework to demonstrate any public benefits for the proposed development. Nor does the application address the issues raised in the subsequent bullet points to paragraph 133. The site is designated as open space and clearly therefore has a present, viable use.
36. It is not considered properties in the immediate area of Yarrow Close are of any particular architectural interest or merit, or historic interest which is why this area was excluded from the conservation area at the time of designation, 1969, or in the subsequent review in 2001. As such, in design terms, there is no particular precedent set and the site could, subject to overcoming concerns for the loss of historic significance, provide an opportunity to enhance the quality of design in this area.
37. This notwithstanding however, the critical issue is the potential for harm to the significance of a designated heritage asset, which in the absence of information to the contrary, must be considered to be substantial.
38. On the issue of Croston Castle and its associated moat, LCC (Archaeology) advise that the site is on the 1st Edition Ordnance Survey 1:10560 (Lancashire Sheet 76, surveyed 1845-46) as the site of a moat, and castle at Croston (Lancashire Historic Environment Record, PRN 949), although there are no visible remains of either on the site. The Victoria County History: A History of the County of Lancashire (Farrer & Brownhill eds., 1911) refers to the place-names Castle Place, Castle Hill & Castle Yard in Croston in the mid to late 16th century, and these may be an indication that a castle, possibly just a timber structure, did indeed exist in the medieval period.

39. An archaeological watching brief by Oxford Archaeology North in 2003 as part of flood alleviation works on the site failed to encounter any evidence for medieval occupation of the site, but this was due to the shallow nature of the topsoil stripping of the site, > 0.2m. As a result a depth of undisturbed topsoil remained and the work was not considered deep enough to reach any surviving archaeological levels that might survive on site.
40. Consequently there is a potential that the site may still contain archaeological deposits associated with a fortified medieval site which may be disturbed by the proposed development, should proposed groundworks be to a depth greater than 0.2m. Lancashire County Archaeology Service would therefore recommend that should the local planning authority be minded to grant planning permission to this, or any similar scheme, that the applicant be required to undertake a programme of archaeological work, and that such work is secured through a suitable worded condition.
41. Whilst there are some concerns regarding the potential impact of the development on the former site of Croston Castle and its moat from the Council's Conservation Officer, in light of the comments of LCC (Archaeology) recommending a condition to requiring a scheme of archaeology work, there are no objections to the application in terms of the impact of the development on the Conservation Area or the former site of Croston Castle and its moat.

Impact on neighbours

42. The floor levels of the bungalows are to be set at 7.7m AOD and the maximum difference between the existing ground levels and floor levels is approximately 0.7m at the eastern end of the site. However, the properties are bungalows and the Hawthorn hedge is to be retained along the northern boundary after which there is a public footpath and then the garden boundaries of the properties on Yarrow Close so this set of circumstances means that the occupiers of the properties on Yarrow Close will not be overlooked from the properties nor will their outlook be affected nor will the bungalows lead to a detrimental loss of light or outlook. Also, the bungalows will not cause detrimental overshadowing due to their single storey scale
43. Amendments to the site layout has also addressed a previous concern about the sizes of the gardens associated with the bungalows and the fact that the rear gardens would have backed onto the flood bank thus preventing access in an emergency.

Traffic & Transport

44. Access to the site would be via a continuation of Yarrow Close which at the present time terminates at the north western corner of the site. The access road incorporates a footpath on its northern site and is proposed to be 5.5m wide. A turning head is provided at the end of the access road which also provides access to plot 5 and plot 6. Access to the river is shown retained on the plans. Each property will have adequate off road parking and the turning head will enable refuse vehicles to turn around on collection days.
45. LCC (Highways) did not raise any objections to the original scheme and their comments are awaited on the latest layout. These will be reported in the addendum.

Ecological Impacts

46. The applicant has submitted an Ecological Survey and Assessment. LCC (Ecology) have considered the content and conclusions of this report and do not raise any objections to the application on this basis subject to conditions to secure habitat enhancement and creation measures, controlling the timing of tree felling, protection of trees and hedgerows, protection of water voles, controlling external lighting and requiring measures to protect reptiles and hedgehogs during the course of construction works. Accordingly, if the application was the subject of a favourable recommendation, these would be secured through conditions. The proposed development therefore complies with the objectives of Policy BNE10 of the emerging Chorley Local Plan.

Flood Risk

47. The application site is within Flood Zones 2 and 3 and the Environment Agency initially objected to the application based on the location of the bungalows backing onto the flood bank which would have prevented emergency access and the proposed levels across the site.
48. These objections have now been addressed through amendments to the layout of the development in that the road has been moved next to the flood bank whilst the floor levels of the bungalows are to be set at 7.7m AOD (Above Ordnance Datum) with finished ground levels set no higher than 7.4m AOD. The Environment Agency advises that these levels should be the subject of a condition.

S106 and CIL

49. 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.
50. This development results in the creation of 6 no. units, which is below the 10 unit threshold and also has a combined gross floorspace of less than 1000m².
51. In the case of this development there is no evidence at this time, which is directly related to the development, to justify seeking a contribution towards public open space contrary to the national guidance.
52. The proposed bungalows attract a charge under the Council's CIL charging schedule which totals £43680.

Other Matters

Sustainability

53. In line with Policy 27 of the Core Strategy, the bungalows will be required to be constructed to meet the relevant level of the Code for Sustainable Homes which is Level 4 until 2016 and level 6 thereafter and the applicant has indicated that the bungalows would meet level 4 of the Code for Sustainable Homes. The standard conditions would therefore be imposed to secure this if the application was being recommended for approval.

Waste Collection and Storage

54. There is sufficient space within the curtilage of each bungalow for waste bins to be stored and on collection days, bins can be placed kerbside collection.

Public Footpath

55. Footpath no. 5 crosses the proposed entrance point into the site and this has been the subject of numerous objections from local residents. The views of LCC's Public Rights of Way Officer have been sought and will be reported in the addendum.

Overall Conclusion

56. It is considered that the design and scale, access, parking provision and impact on neighbours is acceptable. Likewise, the initial objection from the Environment Agency has been addressed and it is not considered that the development will harm the character and appearance of the Conservation Area.
57. However, the 'principle' of the proposed development is not considered to be acceptable as it would be contrary to criteria (f) of Policy 1 of the Core Strategy in that the development is not a proposal to meet local need (i.e. affordable housing).

58. In terms of the designation of the site as amenity open space in the emerging Chorley Local Plan, whilst the layout proposes the retention of some of the site and its opening up to the public, the proportion of the site retained is not considered sufficient to justify the loss of the rest of the site to residential development. The proposed development would therefore be contrary to Policy HW2 of the emerging Chorley Local Plan. The amount of development proposed on the site would also have a harmful impact on the character and appearance of the locality contrary to Policy BNE1 of the emerging Chorley Local Plan.

Planning Policies

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

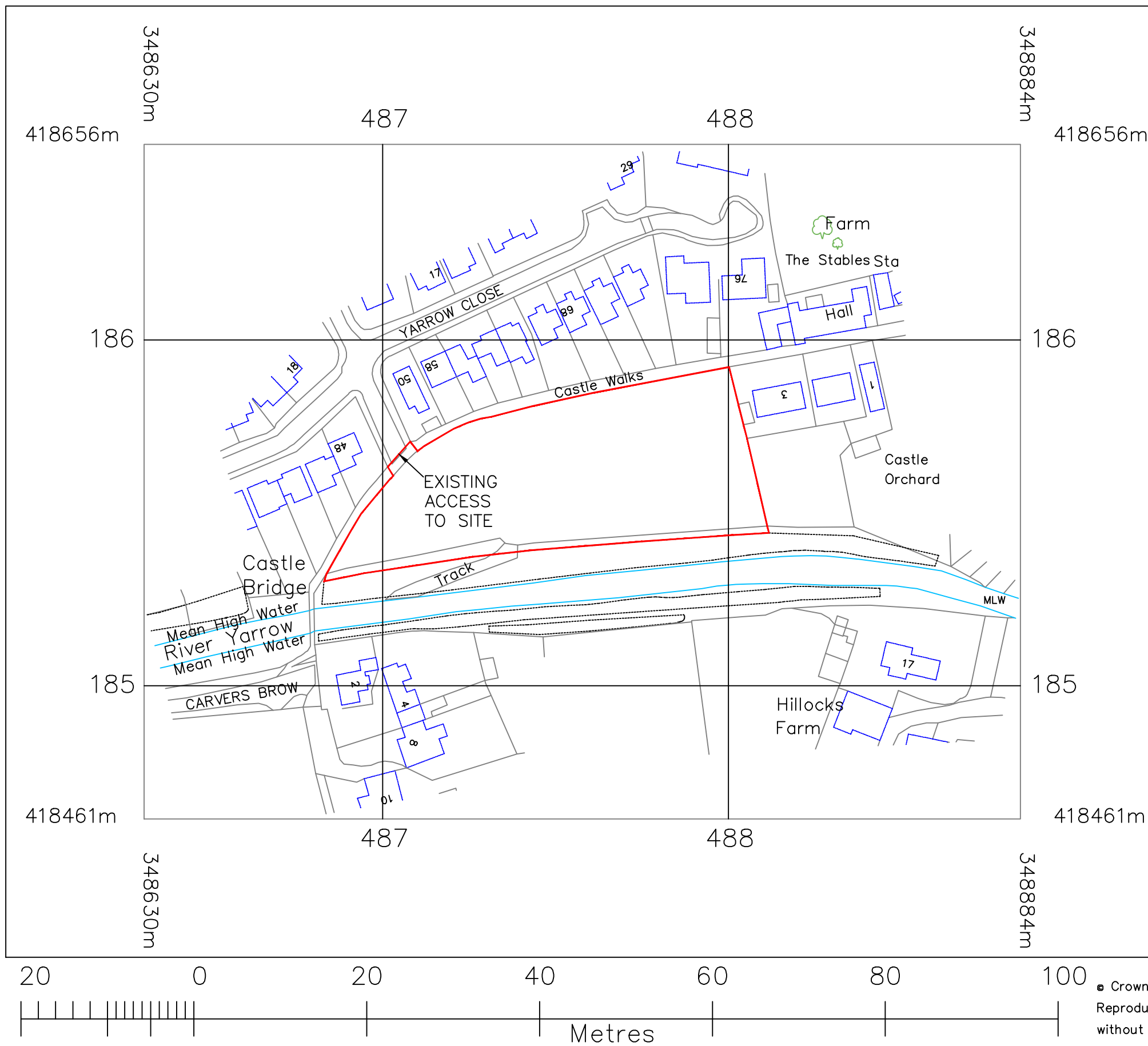
Planning History

| Reference | Description | Decision | Date |
|------------------|---|-----------------|-------------|
| 81/01031/OUT | Outline application for 7 houses and 1 bungalow | Refused | 28.09.1982 |
| 84/00046/FUL | Erection of one detached bungalow | Refused | 17.04.1984 |
| 89/00221/OUT | Outline application for residential development on 0.8 hectares of land | Refused | 22.08.1989 |
| 92/00074/OUT | Outline application for residential development | Withdrawn | 09.05.1992 |

Suggested Reasons for Refusal

| No. | Reason |
|------------|---|
| 1. | Criteria (f) of Policy 1 of the Central Lancashire Core Strategy states that in smaller villages, development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale development schemes. The development does not meet a specific local need and there are no exceptional reasons overriding these matters which justify granting it planning permission. The proposed development is therefore contrary to criteria (f) of Policy 1 of the Central Lancashire Core Strategy. |
| 2. | There is a deficit of amenity open space in Croston and the site is identified as open space under Policy HW2 of the emerging Chorley Local Plan. Development resulting in the loss of such sites is only acceptable when alternative provision is provided. Whilst the development incorporates the retention of some of the site as open space and will open it up to the public, the amount of retained open space constitutes only a small proportion of the site so opening up this land to the public is not sufficient to outweigh the harm caused by the loss of the majority of the site. The proposed development is therefore contrary to Policy HW2 of the emerging Chorley Local Plan. |
| 3. | The proposed development would lead to the loss of a large proportion of open space which makes a significant contribution to the character of the area. The reduction in the open character of the site would be contrary to criteria a) of Policy BNE1 of the emerging Chorley Local Plan which seeks to ensure development does not have a significantly detrimental impact on the local area. |

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|---|-------------------------------|----------------------|----------------------|
| Title: LAND TO THE SOUTH OF YARROW CLOSE, CROSTON~ | | | |
| Dwg. No. 14/1040/100 - LOCATION PLAN | Client: GL CONSULTANCY | | |
| Date: 18.06.2014 | Scale: A3@1:1250 | Drawn by: JPE | Status: ISSUE |

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| Amendments |
|-------------------|

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|-----------------------------|---|
| Item 3e | 14/01087/FUL |
| Case Officer | David Stirzaker |
| Ward | Chorley South East |
| Proposal | Refurbishment and change of use of existing public house to form 7 no. apartments and caretakers accommodation |
| Location | The Queens, 52 Chapel Street, Chorley, PR7 1BS |
| Applicant | Mr Nick Burton |
| Consultation expiry: | 20th March 2015 |
| Decision due by: | 19th January 2015 |

Recommendation
Permit Planning Permission

Executive Summary

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

Representations

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

Consultees

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

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

Background Information

1. Members will recall that this application was reported to Development Control Committee on 20th January 2015 wherein it was approved subject to the signing of a S106 agreement. The application is being reported again as the plans have been amended. This comprises the removal of the two storey rear extension and changes to the internal layout. There will still be 7 no. apartments in the building but they have been made smaller and accommodation for a caretaker is also to be provided. The use of the apartments will still be C3 residential but they are to be occupied by vulnerable adults who are living independently. The layout also includes accommodation which will enable a manager to be in place on a 24/7 basis to provide support for occupiers of the apartments.

Proposed Development

2. The public house is located in the settlement of Chorley and fronts onto Chapel Street and also has a side elevation facing onto Victoria Street. The building is in the Conservation Area although this excludes the car park at the rear. The proposals also include the laying out of the existing car park to form 6 no. spaces and the provision of a bin storage area.
3. The applicant states that the pub closed in 2009 and has remained unoccupied since despite being marketed for both sale and lease.

Principle of the Development

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

a Restaurant/Casino in an effort to make the facility financially viable was submitted to the Council but the enquiry was not considered favourably.

8. In terms of criteria d), the applicant states that the facility is located immediately opposite the town centre bus terminus and not far from Chorley train station, the facility cannot be considered remote from public transport routes and in relation to criteria e), the applicant states that in terms of a pure amenity use it has previously been demonstrated that the facility is no longer acceptable due lack of demand, fabric/aesthetic deterioration and competition from similar facilities close by.
9. The applicant concludes by stating that it should be considered The Queens, as a community facility, is surplus to requirements due to lack of demand, changes in recreational trends and competition from the thirteen similar facilities within the immediate vicinity.
10. The submitted evidence has been considered by Planning Policy and has been deemed to suitably address the requirements of Policy HW6 of the emerging Chorley Local Plan. This being the case, the 'principle' of converting the building to 7 no. apartments is considered to be an acceptable one.

Design and Scale

11. The main envelope of the building, which has been designated by the Council as a Locally Important Building, will remain unchanged in terms of its frontage onto Chapel Street and Victoria Street and will be restored as part of the conversion scheme. The originally proposed two storey extension in place of a fire escape on the rear elevation has now been removed from the plans. The rear elevation incorporates some rebuilding and the formation of new windows but these will be consistent with the rest of the windows in the building and will actually improve the appearance of the rear elevation given a dilapidated fire escape is to be removed. Given the façade of the building will be restored and improved; it is considered that the conversion scheme will enhance this Locally Important Building hence there are no objections to the application.

Impact on character and appearance of Conservation Area

12. The application includes a Heritage Statement which states that the facades to Chapel Street and Victoria Street will be retained as will the original roof scape. It is also stated that doors and windows will be replaced with units to match the existing ones. The statement makes the point that converting the building will prevent further deterioration of a prominent building which is important in the locality. In the rear elevation, new window openings will be formed which are more akin to those in the rest of the building in terms of scale and the windows themselves are more sympathetic in terms of detail.
13. The existing building is in the St Georges Conservation Area and consideration of the application has to made in relation to paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the '*Special considerations affecting planning functions*'.
14. Section 66 states: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*
15. *Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.*
16. Section 72 states: *In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection*

(2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

17. The provisions referred to in subsection (1) are the planning acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953. Annex 2 to the Framework defines a number of terms including 'designated heritage assets' which includes listed buildings, conservation areas and registered parks and gardens. Paragraphs 128, 129, 130, 131, 132, 133, 134, 135, 136, 137 and 138 of the Framework (the National Planning Policy Framework, March 2012) are relevant. Policy 16 of the Core Strategy mirrors guidance in the Framework.
18. In considering the application with regards to the above legislation and guidance in the Framework, the Conservation Officer considered that the development is acceptable and advises as follows: -
 - The site is comprised of a former public house that is identified as a 'locally important building' within the Chorley Council approved List of Locally Important Buildings that was approved by the Council's Executive Cabinet on 29 March 2001. The building is thus defined as a Heritage asset by Annex 2 to the Framework.
 - The building is located within the St George's Street Conservation Area for which an appraisal and management proposals document was adopted by the Chorley Council Executive Cabinet as part of the evidence base for the emerging local development Framework on 12 February 2009. The St Georges Street Conservation Area was first designated by Chorley Council on December 19 1985.
 - The building is currently vacant and in a deteriorating condition and is desperately seeking a new, sustainable use. At present the condition of the building is causing harm to the significance of both the building itself and the St George's Street Conservation Area.
 - The proposed use retains the essential character and the embodied significance of the heritage asset. That significance and that which is imbued by it within the St George's Street Conservation area will be sustained and probably enhanced as a result of the proposed development.
19. Conditions are recommended by the Conservation Officer pertaining to facing and roofing materials, rainwater goods and soil pipes wherein repairs should match the existing elements and any new areas/sections should be agreed in writing with the Council. A condition requiring window details is also recommended.
20. The application includes a Heritage Statement which states that the facades to Chapel Street and Victoria Street will be retained as will the original roof scape. It is also stated that doors and windows will be replaced with units to match the existing ones. The statement makes the point that converting the building will prevent further deterioration of a prominent building which is important in the locality.
21. The Council's Conservation Officer has considered the application and accompanying Heritage Statement and on the basis of this, does not raise any objections to the application. This being the case, it is considered that the proposal will safeguard the designated heritage asset on the site and enhance the Conservation Area.

Impact on neighbours

22. The conversion no longer includes the construction of a two storey rear extension so this has reduced the impact of the conversion scheme on the nearest neighbours.
23. With regards to the two storey property adjoining the building, this is split into a ground and first floor apartment.
24. In terms of the comments regarding noise and disturbance raised by the occupier of 2 Victoria Street, these are understandable given the pub has been closed for over 5 years

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

25. In terms of the issue of overlooking, again raised by the occupier of 2 Victoria Street, the first and second floors of the existing building in the elevation facing this property contains three windows at first floor level and a single window at second floor level. The proposed layout at first floor level incorporates 3 no. windows to habitable rooms and at second floor level, there will be a single window to a habitable room. However, these windows are no closer to this property than the existing windows so it is not considered that the additional windows will lead to detrimental levels of overlooking.

Traffic & Transport

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

S106 and CIL

28. The 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.
29. This development results in the creation of 7 no. units, which is below the 10 unit threshold and also has a combined gross floorspace of less than 1000m².
30. In the case of this development there is no evidence at this time, which is directly related to the development, to justify seeking a contribution towards public open space contrary to the national guidance.
31. The proposed apartments do not attract a charge under the Council's CIL charging schedule.

Overall Conclusion

32. The 'principle' of the proposed development is considered to be acceptable given the applicant has demonstrated compliance with Policy HW6. It is also considered that bringing the building back into use will enhance the character and appearance of the Conservation Area and safeguard the buildings local importance. Likewise, the re-use of the public house will also enhance the character and appearance of the streetscene. The changes to the building will not harm its character and appearance and removal of the dilapidated fire escape to the rear and the new well proportioned window openings will improve the overall appearance of the building.
33. It is not considered that the development will have a harmful impact on the living conditions of adjacent residents and the level of car parking proposed is also deemed to be acceptable given the sustainable location of the property.

Planning Policies

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

Planning History

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

Suggested Conditions

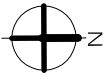
| No. | Condition | | | | | | | | | | | | | | | |
|----------------------------------|---|--------------------------------|-------------------|---------------|---------------|-------|-------------------------------|----------------------------------|----|-------------------------------|------------------|----|--------------------------------|------------------------|----|--------------------------------|
| 1. | <p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i></p> | | | | | | | | | | | | | | | |
| 2. | <p>The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the first occupation of any of the apartments hereby permitted and such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995).</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site</i></p> | | | | | | | | | | | | | | | |
| 3. | <p>Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p> | | | | | | | | | | | | | | | |
| 4. | <p>No development shall commence until details of covered and secured cycle storage has been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the Chorley Council Parking Standard. The scheme shall be implemented in accordance with the approved details before the first occupation of any of the apartments hereby permitted. The cycle storage shall be retained at all times thereafter.</p> <p><i>Reason: To encourage sustainable transport modes.</i></p> | | | | | | | | | | | | | | | |
| 5. | <p>Before the commencement of any works, full details of the proposed rainwater goods to be used on the building shall have been submitted to and been approved in writing by the Local Planning Authority. All works undertaken on site should be strictly in accordance with the approved details.</p> <p><i>Reason: In the interests of the character and appearance of the building</i></p> | | | | | | | | | | | | | | | |
| 6. | <p>Prior to any works commencing details of the proposed fenestration (windows, doors and other joinery), to include full details at a scale of not less than 1:10 shall be submitted to and agreed in writing by the Local Planning Authority. All works shall then be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To maintain the integrity of the historic building.</i></p> | | | | | | | | | | | | | | | |
| 7. | <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="368 1787 1340 2009"> <thead> <tr> <th data-bbox="368 1787 746 1854">Title</th> <th data-bbox="746 1787 1002 1854">Drawing Reference</th> <th data-bbox="1002 1787 1340 1854">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 1854 746 1883">Location Plan</td> <td data-bbox="746 1854 1002 1883">-----</td> <td data-bbox="1002 1854 1340 1883">13th October 2014</td> </tr> <tr> <td data-bbox="368 1883 746 1944">Existing & Proposed Site Layouts</td> <td data-bbox="746 1883 1002 1944">03</td> <td data-bbox="1002 1883 1340 1944">13th October 2014</td> </tr> <tr> <td data-bbox="368 1944 746 1973">Existing Layouts</td> <td data-bbox="746 1944 1002 1973">01</td> <td data-bbox="1002 1944 1340 1973">24th February 2015</td> </tr> <tr> <td data-bbox="368 1973 746 2009">Proposed Floor Layouts</td> <td data-bbox="746 1973 1002 2009">04</td> <td data-bbox="1002 1973 1340 2009">27th February 2015</td> </tr> </tbody> </table> | Title | Drawing Reference | Received date | Location Plan | ----- | 13 th October 2014 | Existing & Proposed Site Layouts | 03 | 13 th October 2014 | Existing Layouts | 01 | 24 th February 2015 | Proposed Floor Layouts | 04 | 27 th February 2015 |
| Title | Drawing Reference | Received date | | | | | | | | | | | | | | |
| Location Plan | ----- | 13 th October 2014 | | | | | | | | | | | | | | |
| Existing & Proposed Site Layouts | 03 | 13 th October 2014 | | | | | | | | | | | | | | |
| Existing Layouts | 01 | 24 th February 2015 | | | | | | | | | | | | | | |
| Proposed Floor Layouts | 04 | 27 th February 2015 | | | | | | | | | | | | | | |

| | | | |
|---|----------------------------------|----|--------------------------------|
| | Existing and Proposed Elevations | 05 | 24 th February 2015 |
| <i>Reason: For the avoidance of doubt and in the interests of proper planning</i> | | | |

THE QUEENS, CHAPEL STREET, CHORLEY



SITE LOCATION PLAN 1:1250



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| | |
|-----------------------------|---|
| Item 3f | 15/00058/FUL |
| Case Officer | Iain Crossland |
| Ward | Euxton South Ward |
| Proposal | Change of use of 1 no. barn (Microprocessor Offices) to 1 no. dwelling including single storey extension |
| Location | The Barn Dean Hall Lane Euxton Chorley PR7 6ER |
| Applicant | Mr John Ashcroft |
| Consultation expiry: | 27 February 2015 |
| Decision due by: | 24 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 harm to the openness of the Green Belt and the impact on neighbour amenity.

Representations

| |
|--|
| Euxton Parish Council: No comments have been received |
| In total 3 representations have been received from 2 addresses, which are summarised below |
| Objection |
| Total No. received: |
| <ul style="list-style-type: none">• The development of the boundary wall would encroach onto the public highway and would be inappropriate to the character of the barn and locality• The application form states that the existing roof is slate but it is asbestos as should be disposed of in accordance with existing laws• The barn is in business use, with vans making regular visits, and is not unused and deteriorating• The proposal would result in a materially larger building• The enlargements would be visible from the lane• Large vehicles will continue to access the lane despite the change of use as the owner has an HGV licence and owns a large vehicle and farm machinery• The building is capable of continued use for commercial purposes.• Who will live in the barn and the main house?• Why is disabled accommodation being included?• The dwelling at Rose Hill House is not identified on the Location Plan or Site Plan nor is the applicants current dwelling• The inaccuracies within the proposal present an incorrect representation of the situation |

Consultees

| Consultee | Summary of Comments received |
|------------------|--|
| LCC Highways | Have no objections to the proposal in principle, however, unless the proposed single storey extension can be set back away from the footpath and the submitted plans amended to show the applicant's true site boundary, it is recommend that the application is not approved at this stage. |

AssessmentThe Site

1. The application site forms part of an active farm holding, located at the eastern end of Dean Hall Lane in a rural part of Euxton that is washed over by Green Belt. The site comprises a former barn building that has most recently been in use as a light industrial and office building, and some surrounding land that is used for access and parking.
2. The building is of a traditional design and has been altered in the past through the addition of window and door openings in association with the commercial use. The building is faced in red brick and natural stone. It has a dual pitched roof laid in manmade roof panels and there are timber framed window frames and door openings. There is a yard and turning area to the side and rear of the building.
3. The character of the area is predominantly open agricultural land with agricultural buildings and small clusters of dwellings in a variety of designs and types.

The Proposal

4. The proposed development is the change of use of an existing building from a light industrial and office unit (Class B1c) to a residential dwellinghouse. This would incorporate a single storey addition projecting approximately 3.75m south east elevation. It would be approximately 10.8m in width and would have a mono pitched roof with a ridge and eaves height of approximately 3.7m and 2.4m respectively. There would also be a parking and turning area with garden curtilage.

Assessment

The main issues are as follows:-

Issue 1 – Impact on the Green Belt

Issue 2 – Neighbour amenity

Issue 3 – Impact on character and appearance

Issue 4 – Impact on highways/access

Issue 5 – Public Open Space (POS)

Principle of the Development

5. The Central Lancashire Core Strategy Policy 1: Locating Growth, criteria f) states that development 'in other places' – will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need.
6. Paragraph 55 of the Framework states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. This includes where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. In this respect the proposal is in accordance with the Framework.
7. Paragraph 90 states that certain forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This includes the re-use of buildings provided that they are of permanence and substantial construction.
8. Paragraph 89 confirms that the construction of new buildings is inappropriate in the Green Belt. An exception to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. In this respect the proposal is in accordance with the Framework.
9. 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.

10. 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.
11. 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.
12. It is therefore considered significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
13. Emerging Local Plan Policy HS9 covers the Conversion of Rural Buildings in the Green Belt. Although the proposal is not an agricultural building Policy HS9 is relevant and states that proposals for the re-use of buildings in the Green Belt will be allowed provided that all of the following criteria are met:
 - 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 drawn tightly around the building footprint and the requirement for outbuildings, which should be minimal;
 - g) The building must already have, or there exists the capability of creating, a reasonable vehicular access to a public highway that is available for use without creating traffic hazards and without the need for road improvements which would have an undue environmental impact;
 - h) The development would not result in the loss of or damage to any important wildlife habitat or protected species.
14. The Central Lancashire Rural Development SPD (Oct 2012) provides additional information regarding the re-use of existing buildings in the Green Belt for residential use. It says that re-use for business, community or tourism purposes will usually be preferable to residential use because they typically require less alteration. Where business, community or tourism uses are not feasible, residential conversions may be more appropriate in some locations and for some types of building. In these instances, the Councils will require the submission of a report demonstrating that it is not practical or financially viable to use the building for business, community or tourism purposes or where there is an amenity or environmental reason why these uses are not acceptable.
15. Policy 10: Employment Premises and Sites, deals specifically with buildings that have most recently been used for a B use class stating that there will be a presumption of them being retained for a B class use. A number of criteria are set out under which proposals for redevelopment for other uses will be considered. These are considered below.
16. a) *There would not be an unacceptable adverse impact on the type, quality and quantity of employment land supply:*

The original planning approval for the use of the building as a light industrial and office unit included a condition restricting the use light industrial with ancillary office

accommodation only. This restriction was imposed to retain control of the development in order to protect the amenity of nearby residential dwellings. This impacts on the marketability of the site through such a specific restriction. The unit is contained within a confined site close to a dwellinghouse and within the ownership of the dwellinghouse and farm. As such the unit would not realistically become available on the open market and in reality does not contribute to the employment land supply.

17. *b) The provision and need for the proposed use:*

It is not considered that there is any specific need for the proposed use or lack of provision.

18. *c) The relative suitability of the site for employment and for alternative use:*

The site is located in a rural area and is accessed via a narrow country lane from the A581. The site is not accessible by public transport and is close to residential properties. As such it is not a sustainable location for an employment use. Although the Framework states that Local Authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas, the building is tied to the neighbouring dwelling and farm, and as the occupiers of the dwelling have no intention of allowing the building to be used for employment purposes there is no realistic prospect of the site being made available for employment use. On this basis a domestic use is more suitable for this specific site.

19. *d) The location of the site and its relationship to other uses*

The proximity of the unit to a residential dwellinghouse is a key factor as a commercial use other than one that is in connection with the dwelling itself is likely to impact negatively on the amenity of the occupiers of Rose Hill Farm and other residential properties along Dean Hall Lane. In this instance a domestic use as proposed would have a lower impact and would be more appropriate to the location than an employment use.

20. *e) Whether the ability to accommodate smaller scale requirements would be compromised*

The unit can only be used as a light industrial unit with ancillary office use and is already limited in scale, which restricts its potential and flexibility as a viable employment unit. It is notable that the unit is contained within a confined site close to a dwellinghouse and within the ownership of the dwellinghouse. As such the unit would not realistically become available on the open market and in reality does not contribute to the employment land supply. As such the ability to accommodate smaller scale requirements would not be compromised.

21. *f) There would be a net improvement in amenity.*

The proposal would make use of an existing building that is currently vacant and in a state of disrepair. As such, it would result in an improvement to the amenity in the area through an improvement in the appearance of the site. In addition disturbance through noise and the coming and going of delivery vehicles along the lane would be removed.

22. *g) convincing evidence of lack of demand through a rigorous and active 12 month marketing period for employment re-use and employment redevelopment;*

The unit has been vacant for some time and has not been marketed for employment use due to its condition and proximity to the dwellinghouse also within the ownership of the applicant. As such the unit would not realistically become available on the open market as it is effectively controlled by the owners of the adjacent dwellinghouse and farm.

23. *h) an assessment of the viability of employment development including employment re-use and employment redevelopment.*

The unit is poorly located to serve as an employment unit for a business other than that carried out by the occupiers of Rose Hill Farm, due to its isolated location, poor transport links and proximity to residential uses. The building is not viable as an employment use or redevelopment in its own right as it is effectively controlled by the owners of the adjacent dwellinghouse and farm, who own the unit.

Impact on the Green Belt

24. The conversion scheme incorporates a single storey extension to the south east side of the building comprising a side extension to provide additional living accommodation. The originally submitted plans included a wrap-around extension to the south east and south west elevations but the section to the south west elevation has been omitted from the plans as it would have resulted in an unacceptable volume increase and character change to the original building.
25. The Framework allows extensions to existing buildings as long as they do not result in disproportionate additions over and above the size of the original building. However, Policy HS9 of the emerging Chorley Local Plan and specifically criteria (a) requires the re-use of buildings not to have a materially greater impact on the openness of the Green Belt whilst criteria (f) requires a scheme not to change the existing form and character of the building. The revised scheme and extension to the south east elevation would be subservient to the scale of the existing building and would result in the original volume of the building being increased by approximately 24%, which would not have a materially greater impact on the openness of the Green Belt and would not compromise the form and character of the building.
26. It is considered that the additional volume created by the extension would not lead to the resultant dwelling having a materially greater impact on the openness of the Green Belt than the existing building.
27. The curtilage boundary would be drawn tightly around the property allowing for a reasonable degree of amenity space without impacting on the Green Belt and the building itself is of permanent and substantial construction.
28. On the basis of the above it is considered that the proposal would not result in any inappropriate development in the Green Belt.

Impact on Neighbour Amenity

29. The application building is located approximately 7m from the dwellinghouse at Rose Hill Farm, which is within the ownership of the applicant. The application property would have windows to habitable rooms at first floor and ground floor in the south west elevation. It is noted that there are windows to habitable rooms in the first floor and ground floor elevations of the eastern elevation of Rose Hill Farm. Although the application property would be visible from these windows the windows of the two properties would not be parallel and would not result in any direct views or subsequent loss of privacy.
30. The windows in the first floor and ground floor south west elevation of the application property would provide views across the farm yard area of Rose Hill Farm. As such they would not result in any loss of privacy to the occupiers of Rose Hill Farm.
31. The physical alterations to the application property would incorporate a single storey rear extension to the south east elevation. This would be located approximately 12m to the east of Rose Hill Farm and would have a negligible impact on light or outlook in relation to this property.
32. The application property would be located approximately 8.5m from the boundary with Rosehill House to the north west and approximately 9.5m from the property itself. There would be a window to a habitable room in the north west elevation of the application property at first floor. This would face the side elevation of an attached garage with habitable accommodation in the roof space at Rosehill House. Although there would be a window to the habitable room in the roof space this is obscure glazed and not parallel therefore no loss of privacy would occur.
33. It is noted that the window in the north west elevation of the application property would be less than 10m from the boundary with Rosehill House, however, it would not provide any

views over the private intimate amenity space at Rosehill House and would not result in any unacceptable impact on privacy.

34. The extended part of the application property would not be visible from Rosehill House. There would be no detrimental impact on light privacy or outlook as a result.
35. The impact on general neighbour amenity would improve as a result of the change in use as there would be no commercial operation from the building with the potential for noise generation from within the building and the need of deliveries and vehicle movements related to commercial activity would be removed.

Impact on character and appearance

36. The proposed development would involve alterations to convert the existing building (currently used as workshops, offices and storage) into a four bedroom dwelling. A single storey extension would be added to the south east side of the building projecting approximately 3.75m from that elevation covering the entire width.
37. The existing building retains the appearance of an agricultural barn, despite the more recent addition of window and door openings that are more domestic in nature. The form of the building has been retained as have certain features such as the ventilation spaces and stone skirting. The roofing has at some point been replaced with manmade panels. Overall the appearance of the building has been compromised by previous alterations and the building appears neither domestic nor agricultural. Its lack of recent use has led to a sense of disrepair and the building does not contribute positively to the character of the area.
38. The proposed development would bring the building back into use and would retain the features of interest that still remain. The replacement of the roof panels with natural slates would contribute towards the property regaining some of its original character. The extension to the south east elevation would be modest in scale, commensurate with the original building and would not be prominent in the street scene despite being visible from the south east of the lane. As such the physical alterations would not alter the existing form and character to an unacceptable extent.
39. The curtilage would be tightly defined around the property with a vehicular access, driveway and parking to the north west side, hardstanding to the south west side and a lawn and garden to the south east side, with a hedge to the boundary. Details for the remaining boundary treatments are recommended to be required by condition. A better defined boundary would improve the appearance of the site as it exists currently.
40. The overall changes to the building are likely to improve the appearance of the property and would contribute positively to the character of the area. The development is therefore considered to be in accordance with Policy BNE1 of the emerging Chorley Local Plan 2012 – 2026.

Impact on highways/access

41. The proposed development would result in a four bedroom dwelling. There would be a driveway and off street car parking available for at least three vehicles. This meets with the adopted parking standards set out in relation to policy ST4 of the emerging Chorley Local Plan 2012 – 2026.
42. Vehicular access would be created between the application building and Rosehill House. The property is located at the end of the lane and as a result the impact on highway safety through the creation of such an access would be limited.
43. The Lancashire County Council highway's officer has no objections to the proposal in principle, however, it was stated that the land immediately adjacent to the north east side of the site is in the ownership of LCC. This would result in encroachment. Although this is not a planning matter the scheme was amended to remove the proposed boundary wall.

Further evidence from the Land Registry demonstrates that the proposed extension can be accommodated entirely within land under the ownership of the applicant.

Public Open Space

44. 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.
45. This development is for a single dwelling, which has a gross floorspace of less than 1000m².
46. 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.

Other matters

47. It was observed from the officer's site visit that the roof is laid in manmade panels and not slate as stated on the application form. The removal and disposal of the asbestos panels is not a planning matter and is governed by separate Health and Safety Executive legislation through the Control of Asbestos Regulations 2012.
48. It is known that the lawful use of the barn is for light industrial business (B1c) and it was noted from the officer's site visit that the unit was not occupied at the time of the visit.
49. Who will live in the barn is not a material planning consideration.
50. The provision of accommodation for disabled people has no bearing on the assessment of the application and is not a material planning matter.
51. The officer's site visit established the relationship with surrounding properties. An independent assessment of the application has been made with the aid of desk based research using previous planning records and through an officer's site visit to establish the situation on site. The assessment is described above.

Overall Conclusion

52. The proposed development would have no unacceptable detrimental impact on the amenity of neighbouring occupiers and would result in an overall improvement in the appearance of the site and character of the area. There would be no unacceptable impact on the Green Belt and the loss of the employment use is considered acceptable. In addition it is considered that safe access and adequate parking would be provided. On the basis of the above, it is recommended that planning permission be granted.

Planning Policies

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

Planning History

Ref: 00/00972/COU Decision: WDN Decision Date: 28 February 2001
Description: Change of use of barn to dwelling,

Ref: 01/00444/COU Decision: PERFPP Decision Date: 1 August 2001
Description: Change of use of barn to dwelling including single storey rear and side extensions,

Ref: 13/00182/FUL Decision: WDN Decision Date: 30 April 2013
Description: Change of use of barn from microprocessor manufacturing/office to dwelling including single storey extension

Ref: 13/00960/FUL Decision: WDN Decision Date: 2 July 2014
Description: Change of use of 1 no. barn (Microprocessor Offices) to 1 no. dwelling including single storey extension

Ref: 82/00806/FUL Decision: PERFPP Decision Date: 3 May 1983
Description: Use of barn as offices for microprocessor development and production

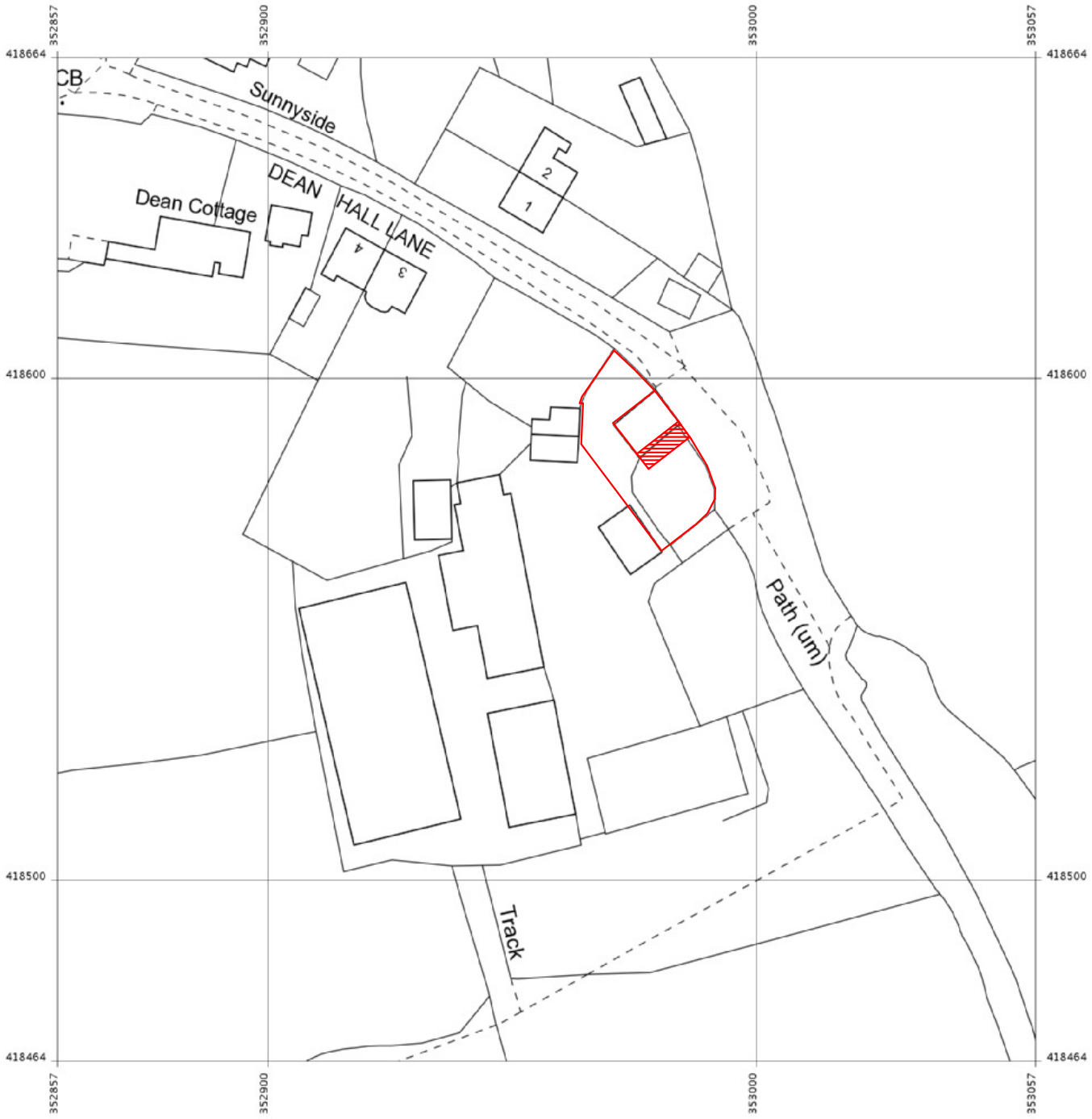
Ref: 79/01386/FUL Decision: PERFPP Decision Date: 17 March 1980
Description: Retention of existing and proposed additional Riding Stables

Suggested Conditions

| No. | Condition | | | | | | | | | |
|-------------|---|---|--------------|--------|--|---------------|---------------|-------------|---------------|---|
| 1. | <p>The proposed development must be begun not later than three years from the date of this permission. Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> | | | | | | | | | |
| 2. | <p>Notwithstanding the details shown on the submitted plans, the proposed car parking and driveway to the side of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority. Reason: In the interests of highway safety and to prevent flooding</p> | | | | | | | | | |
| 3. | <p>Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding any such detail shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents</p> | | | | | | | | | |
| 4. | <p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures.</p> <p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</p> | | | | | | | | | |
| 5. | <p>The external facing materials, detailed on the approved plans and application form, shall be used and no others substituted. Reason: To ensure that the materials used are visually appropriate to the locality.</p> | | | | | | | | | |
| 6. | <p>The development shall be carried out in accordance with the following plans:</p> <table border="0" data-bbox="319 1765 1308 1883"> <tr> <td data-bbox="319 1765 598 1796">Plan Ref.</td> <td data-bbox="598 1765 885 1796">Received On:</td> <td data-bbox="885 1765 1308 1796">Title:</td> </tr> <tr> <td data-bbox="319 1796 598 1827"></td> <td data-bbox="598 1796 885 1827">19 March 2015</td> <td data-bbox="885 1796 1308 1827">Location Plan</td> </tr> <tr> <td data-bbox="319 1827 598 1859">LF/JA/2918a</td> <td data-bbox="598 1827 885 1859">19 March 2015</td> <td data-bbox="885 1827 1308 1859">Existing and Proposed Plans, Elevations and Site Plan</td> </tr> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p> | Plan Ref. | Received On: | Title: | | 19 March 2015 | Location Plan | LF/JA/2918a | 19 March 2015 | Existing and Proposed Plans, Elevations and Site Plan |
| Plan Ref. | Received On: | Title: | | | | | | | | |
| | 19 March 2015 | Location Plan | | | | | | | | |
| LF/JA/2918a | 19 March 2015 | Existing and Proposed Plans, Elevations and Site Plan | | | | | | | | |
| 7. | <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D) or any subsequent re-enactment thereof no extension or alteration to</p> | | | | | | | | | |

| | |
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| | <p>the dwelling shall be erected carried out other than those expressly authorised by this permission.</p> <p>Reason: In the interests of neighbour amenity and the character and appearance of the property.</p> |
|--|---|

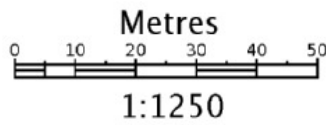
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|-----------------------------|--|
| Item 3g | 14/01237/FUL |
| Case Officer | David Stirzaker |
| Ward | Chorley North West |
| Proposal | Proposed change of use of part of ground floor gymnasium to one bedroom apartment |
| Location | Astley Park Health And Fitness Club, 1 - 3 Park Road, Chorley, PR7 1QS |
| Applicant | Mr Shaun Ginger |
| Consultation expiry: | 1st January 2015 |
| Decision due by: | 3rd February 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 change of use is consistent with the aims of the Framework and in accordance with the provisions of the development plan.

Representations

| |
|--|
| To date, 1 no. representation has been received: |
| Objection |
| Total No. received: 1 |
| <ul style="list-style-type: none">• Objection based on rubbish bins associated with the existing flats being stored on Queens Road |

Proposed development

1. This application seeks planning permission for the change of use of part of a gymnasium on the ground floor of Astley Park Health and Fitness Club which is located in the settlement of Chorley adjoining the town centre. The apartment proposed will have a frontage onto Queens Road from where it will be accessed. No changes are proposed to the exterior of the property.
2. The existing building contains a gymnasium and apartments over the first and second floors and has a frontage onto Queens Road, Park Road and Back Mount.

Assessment

3. 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 neighbours</i> |
| <i>Issue 4</i> | - | <i>Highways matters</i> |
| <i>Issue 5</i> | - | <i>S106 & CIL</i> |

Principle of development

4. 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.
5. 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.
6. 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.
7. 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 Chorley. 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.
8. The application site is just outside of the town centre and is in the main Chorley settlement as well as the St Laurence’s Conservation Area. There are no policies in the emerging local plan which seek to protect private gym facilities so converting part of the gym to an apartment is considered to be acceptable ‘in principle’.

Design & Scale

9. No external changes are proposed to the elevation facing Queens Road as a result of the formation of the apartment so the apartment will not result in any changes to the character and appearance of the Queens Road streetscene or the St Laurence’s Conservation Area.

Impact on neighbours

10. The apartment will be formed by converting part of the existing ground floor gym. The residential use of this part of the building is therefore likely to generate less noise than the gym does and moreover, there are no residential properties directly bounding the part of the gym which is to be converted to a dwelling.

11. In terms of the amenities of the occupiers of the apartment, the main issue will be noise arising from the gym but this will be dealt with under the Building Regulations.

Highways matters

12. The proposal does not include a car parking space to serve the apartment. However, the site is just outside of the town centre boundary so is in a sustainable location with easy access to the main bus station and train station. There are also numerous car parks within a short walk of the site. LCC (Highways) have not raised any objections to the application on this basis.

S106 & CIL

13. 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.
14. This development results in the creation of one additional dwelling, which is obviously below the 10 unit threshold and also has a combined gross floorspace of less than 1000m².
15. 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.
16. The proposed apartment does not attract a charge under the Council's CIL charging schedule.

Other Matters

17. With regards to the issue raised by a local resident about the bins being stored on Queens Road, the Council's Waste and Contaminated Land Officer advises that the bin storage area within the existing building is of a sufficient size to accommodate 2 no. 1100 litre bins and indeed these bins would be sufficient to also serve this apartment as well as the existing ones in the building. Ensuring the bins are stored in the bin storage area is not something that can be secured through this application but the applicant has been asked to look at providing a coded lock to improve its security and allow access for residents wishing to deposit waste in the bins. Any comments on this issue from the applicant will be reported in the addendum.

Planning Policies

18. 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

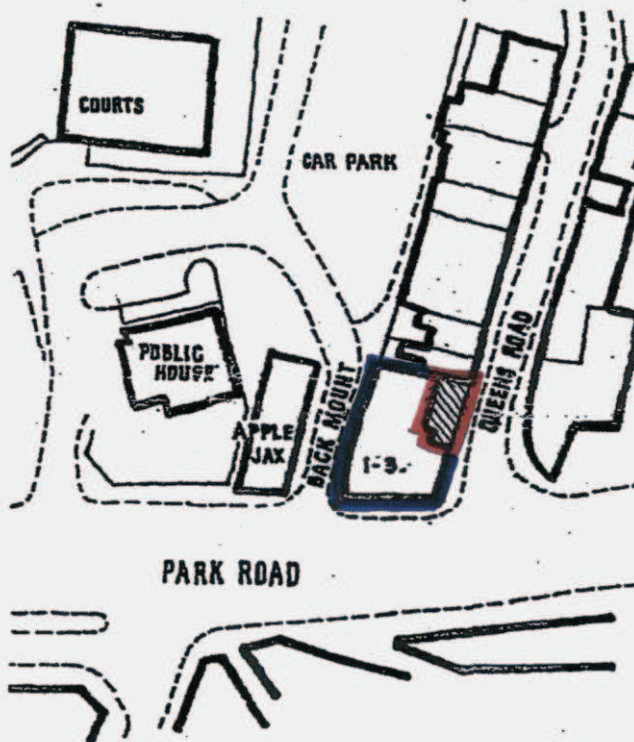
19. The 'principle' of development is considered to be an acceptable one and given no changes are proposed to the exterior of the building, there are no objections to this element of the development. Also, it is not considered that the development would harm the living conditions of local residents and given the sustainable location of the site in the town centre, the lack of a car parking space is not an issue either.

Planning History

| Reference | Description | Decision | Date |
|------------------|---|-----------------------|-------------|
| 03/00450/FUL | Two storey side extension to Fitness Centre | Permitted | 24.10.2003 |
| 07/01045/FUL | Proposed three storey side extension to form an extension to existing gym at ground level and 4No 1 bedroomed flats on 2nd and 3rd floors | Permitted | 13.12.207 |
| 10/00255/FUL | Change of use of first and second floor of gymnasium to 4 no. one bedroom residential units with access from existing side door and internal alterations to existing gymnasium | Permitted | 25.06.2010 |
| 13/00491/FUL | Section 73 application to vary condition no. 6 of planning permission no. 10/00255/FUL (which permitted the change of use of first and second floor of gymnasium to 4 no. one bedroom apartments) to enable 2 no. obscurely glazed windows to be fitted with top hung openers in the first and second floors of the west facing elevation | Refused | 25.07.2013 |
| 14/00808/FUL | Application (under Section 73 of the Town and Country Planning Act 1990) for the variation of condition no. 6 (non-opening obscure glazed windows) to allow the obscurely glazed windows to have an opening set 1.7m above floor level of planning permission no. 10/00255/FUL | Pending Consideration | N/A |

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 development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="368 562 1345 689"> <thead> <tr> <th data-bbox="368 562 746 591">Title</th> <th data-bbox="746 562 1066 591">Drawing Reference</th> <th data-bbox="1066 562 1345 591">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 591 746 620">Location Plan</td> <td data-bbox="746 591 1066 620">-----</td> <td data-bbox="1066 591 1345 620">9th December 2014</td> </tr> <tr> <td data-bbox="368 620 746 689">Existing and Proposed Floor Layouts</td> <td data-bbox="746 620 1066 689">APF/PL/14/001</td> <td data-bbox="1066 620 1345 689">27th 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 | Location Plan | ----- | 9 th December 2014 | Existing and Proposed Floor Layouts | APF/PL/14/001 | 27 th November 2014 |
| Title | Drawing Reference | Received date | | | | | | | | |
| Location Plan | ----- | 9 th December 2014 | | | | | | | | |
| Existing and Proposed Floor Layouts | APF/PL/14/001 | 27 th November 2014 | | | | | | | | |



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| CHORLEY COUNCIL | |
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LOCATION PLAN.
 1-3 PARK ROAD, CHORLEY
 SCALE 1:1250 @ A4

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| Report of | Meeting | Date |
|--|-------------------------------|---------------|
| Director Public Protection, Streetscene and Community | Development Control Committee | 31 March 2015 |

Tree Preservation Order No.10 (Whittle-le-Woods) 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.10 (Whittle-le-Woods) 2014 is confirmed with modification.

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 approved to develop land at Land 150M West Leatherlands Farm, Moss Lane, Whittle-Le-Woods at Development Control Committee in October 2014 and was subsequently issued followed the signing of a Section 106 legal agreement in February 2015.
6. 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.

7. Talbot Estates have objected to the proposed TPO on the following grounds:
 - Tree T6 is not within land owned by the Talbot Estate [the applicant's land] and is not therefore affected by the proposal.
8. To respond to this it is accepted that this tree is on land outside the red edge of the application to a sufficient degree that it will not be affected by the development.
9. It is therefore recommended that the TPO is confirmed with an amendment removing T6 from the Order.

IMPLICATIONS OF REPORT

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

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

Jamie Carson
 Director Public Protection, Streetscene and Community

| Background Papers | | | |
|---|-------------|---|-----------------------------|
| Document | Date | File | Place of Inspection |
| Tree Preservation Order No.10 (Whittle-le-Woods) 2014 | | Tree Preservation Order No.10 (Whittle-le-Woods) 2014 | Civic Offices, Union Street |

| Report Author | Ext | Date | Doc ID |
|----------------------|------------|---------------|---------------|
| C Taylor | 5222 | 16 March 2015 | *** |