

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 21ST APRIL 2015, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

- 1 **MINUTES OF MEETING TUESDAY, 31 MARCH 2015 OF DEVELOPMENT CONTROL COMMITTEE**

(Pages 3 - 6)

- 2 **DECLARATIONS OF ANY INTERESTS**

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

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

- 3 **PLANNING APPLICATIONS TO BE DETERMINED**

The Director of Public Protection, Streetscene and Community has submitted 9 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 **15/00087/FUL - 252 SPENDMORE LANE, COPPULL, CHORLEY, PR7 5DE**

(Pages 7 - 14)

- 3B **14/00324/FUL - YATES BARN, 20 ST THOMAS'S ROAD, CHORLEY**

(Pages 15 - 22)

- 3C **15/00186/FUL - LATTER-DAY BOOK STORE, 304 PRESTON ROAD, WHITTLE-LE-WOODS, CHORLEY, PR6 7HZ (REPORT TO FOLLOW)**

- 3D **14/01300/FUL - BARLOW FARM, WOOD LANE, HESKIN, CHORLEY**

(Pages 23 - 30)

3E	15/00159/FUL - THE SIRLOIN INN, STATION ROAD, HOGHTON, PRESTON, PR5 0DD	(Pages 31 - 38)
3F	14/01238/FUL - WINTER VIEW FARM, PARR LANE, ECCLESTON, CHORLEY	(Pages 39 - 46)
3G	14/01218/REMAJ - GOODYEAR BUSINESS PARK, GORSEY LANE, MAWDESLEY, ORMSKIRK (REPORT TO FOLLOW)	
3H	15/00141/FUL - WOODS FOLD SAW MILL, DOLE LANE, ABBEY VILLAGE (REPORT TO FOLLOW)	
3I	15/00144/S106 - PARCEL H1A GROUP 1 EUXTON LANE, EUXTON	(Pages 47 - 56)
4	ENFORCEMENT	(Pages 57 - 60)
	Report of the Director of Public, Streetscene and Community enclosed (plan to follow)	
5	APPEALS AND OTHER DECISIONS	
	Report of the Director of Public Protection, Streetscene and Community (to follow).	
6	ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR	

GARY HALL
CHIEF EXECUTIVE

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

Electronic agendas sent to Development Control Committee reserves for information.

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

To view the procedure for public questions/ speaking click here

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



MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE Tuesday, 31 March 2015

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

RESERVES: Councillors John Dalton

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

APOLOGIES: Councillors David Dickinson and Paul Walmsley

15.DC.116 Minutes of meeting Tuesday, 10 March 2015 of Development Control Committee

RESOLVED – That the minutes of the meeting of the Development Control Committee on 10 March 2015 be approved as a correct record for signature by the Chair.

15.DC.117 Declarations of Any Interests

Councillor John Dalton declared a non-pecuniary interest in item 3d 14/00791/FUL – Land 60m west of no. 3 Castle Walks, Croston and left the meeting for consideration of this item.

15.DC.118 Planning applications to be determined

The Director of Public Protection, Streetscene and Community submitted 7 reports for planning permission consideration.

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

The Head of Planning drew attention to addendum 2 which referred to a Ministerial Statement by the Secretary of State for Communities and Local Government made to

the House of Parliament on 25 March 2015 and including clarification to the recent Statement of 28 November 2014 which related to small scale developers, custom and selfbuilders.

The Chair asked members of the Committee to consider the content of this statement while making their decision.

15.DC.118a 14/01297/OUT - St Peter's Vicarage, Harpers Lane, Chorley

Registered speaker: Joyce Nelson (objector)

RESOLVED (unanimously) – That outline planning consent be approved subject to a condition requiring a suitable Construction Management Plan, the conditions detailed within the report in the agenda and delegated authority be given to officers, in consultation with the Chair and Vice Chair of the Committee, to either amend condition two in the report or apply an additional condition to protect the upper branches of trees T14 during construction.

15.DC.118b 14/01316/FUL - Winter View Farm, Parr Lane, Eccleston

Registered speaker: Sophie Marshall (applicant's agent)

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

In response to a request for clarification from the Chair, the Legal Services Team Leader advised that as a Non-Executive Director of Adactus the Chair did not have a pecuniary interest in the following application.

15.DC.118c 15/00100/FUL - 2 Thirlmere Road, Chorley, PR7 2JH

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

(At this point Councillor John Dalton left the meeting before the consideration of the following item.)

15.DC.118d 14/00791/FUL - Land 60m west of no. 3, Castle Walks, Croston

Registered speaker: Graeme Luxton (applicant's agent)

A motion was proposed and seconded for the decision to be deferred to allow time for members of the Committee to visit the site of the proposals. When put to the vote the motion was lost (5:8:0).

RESOLVED (8:0:5) – That planning permission be refused for the following reasons:

- 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.

15.DC.118e 14/01087/FUL - The Queens, 52 Chapel Street, Chorley

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

15.DC.118f 15/00058/FUL - The Barn, Dean Hall Lane, Euxton, Chorley, PR7 6ER

RESOLVED (13:0:1) – That planning permission be approved subject to conditions detailed within the report in the agenda.

15.DC.118g 14/01237/FUL - Astley Park Health and Fitness Club, 1-3 Park Road, Chorley

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

15.DC.119 Tree Preservation Order No.10 (Whittle-le-Woods) 2014

Members of the Committee received a report of the Director of Public Protection, Streetscene and Community which sought confirmation of Tree Preservation Order No. 10 (Whittle-le-Woods) 2014 in light of an objection received.

In response to the objection received, it was proposed that tree T6 be removed from the order as it was not within land owned by the objector and was therefore not affected by the approved planning proposals.

RESOLVED (unanimously) – That Tree Preservation Order No. 10 (Whittle-le-Woods) 2014 be confirmed with a modification removing T6 from the Order.

15.DC.120 Appeals and other decisions

There were no appeals or other decisions to report.

Chair

Date

Item 3a	15/00087/FUL
Case Officer	Iain Crossland
Ward	Coppull Ward
Proposal	Conversion of single dwellinghouse into 2 self-contained apartments.
Location	252 Spendmore Lane Coppull Chorley PR7 5DE
Applicant	Ms Hannah Urquhart
Consultation expiry:	27 February 2015
Decision due by:	30 March 2015

Recommendation

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

Executive Summary

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

Representations

Coppull Parish Council - No objection
In total 1 representation has been received which is summarised below
Objection
Total No. received: 1
<ul style="list-style-type: none">• If the dwelling is converted into two flats then the increase in cars will only add to the nuisance parking currently suffered• Wheelie bin storage

Assessment**The Site**

1. The application site comprises an end terraced dwellinghouse with rear yard occupying a corner position on Spendmore Lane and located within the settlement area of Coppull, outside of the Local Centre. The property is attached to a commercial property to the east side and a residential property to the rear.
2. The area is characterised by a mixture of residential and commercial properties of a variety of types in predominantly terraced units. The application building is a traditional two storey brick building opening immediately onto the highway with a small yard to the rear.

The Proposal

3. The proposed development is for the change of use from a dwellinghouse to 2 No. flats. No external physical changes are proposed at the site other than the addition of an entrance door onto Darlington Street and window in the first floor rear elevation.

Assessment

The main issues are as follows:-

- Issue 1 – Impact on neighbour amenity
- Issue 2 – Impact on character and appearance of the locality
- Issue 3 - Impact on highways/access
- Issue 4 – Public Open Space

Principle of the Development

4. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
5. The Inspector has issued her Partial Report on her findings into the soundness of the Chorley Local Plan, which is a material consideration in the consideration of any planning application.
6. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers.
7. Paragraph 18 of the Partial Report states: "For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers." The Council accepted the Inspectors modifications for Development Management purposes at its Executive Committee on 21st November 2013.
8. It is therefore considered that significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
9. The application site is located in the core settlement area of Coppull. The emerging Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
10. The application site is currently a three bedroomed dwellinghouse. There are no policy designations covering the site and therefore the principle of the proposed residential development on the site is acceptable, subject to other material planning considerations.

Impact on neighbour amenity / noise

11. The proposed development would be located immediately adjacent to a commercial property at 250 Spendmore Lane, to the east side. The application building is attached to a residential property to the rear at 2 Darlington Street. There would be windows to habitable rooms in the rear elevation of the application property. These would not provide any direct views of any windows or private intimate amenity space to the rear of 2 Darlington Street. The relationship of the windows at the application property reflects the long established relationship of the properties along on the terrace of which the application property forms part.

12. The nearest dwelling to the rear of the application site would be at 1 John Street. The windows to habitable rooms in the rear elevation of the application property would be located approximately 16m from the rear boundary of this property and approximately 21m from the property itself. This meets with the Council's interface standards and as such there would be no unacceptable impact on privacy as a result of the proposed development.

13. There are no dwellings directly opposite the site.

Impact on character and appearance of the locality

14. The proposed development would not include any external physical alterations other than including an entrance door to Darlington Street in the west side elevation and a window in the first floor rear elevation. Neither of these alterations would impact on the character of the building and locality. The site is located on a busy main road consisting of mainly dwellinghouses to the west with commercial premises to the east and examples of other flats in the locality. As such the proposed development would be consistent with the character of the area.

Impact on highways/access

15. No off street car parking would be provided as part of the application. However, the flats would be located on a high frequency bus corridor, with a range of amenities and services available within a short walk at the Local Centre. The application site is therefore considered to be in a highly sustainable and accessible location, and therefore the provision of parking to serve the two flats is not considered essential in this instance.

16. Furthermore, it is noted that the application property is a three bedroomed dwelling, which did not benefit from off street car parking. In this sense the impact on car parking in the local area would be similar to that generated by a three bedroomed dwelling, which this proposal would replace, and therefore the status quo would be retained.

17. It is therefore considered that there would be no severe harm to Highway Safety as a result of the proposed development, and that the site is in an accessible location. On the basis of the above it is not considered that the absence of off street car parking would constitute a reason for refusal.

Public Open Space

18. 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.

19. This development is for a two flats, which would replace a single dwelling and would therefore result in the addition of one new dwelling unit, which has a gross floorspace of less than 1000m².

20. 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.

21. It is noted that even if a contribution towards the off-site provision of public open space were required the applicant has indicated that this would impact on the viability of the proposed development thereby rendering the scheme unviable. As such a case for the non-payment of the public open space contribution would be required to confirm this.

Other matters

21. There is allocated space for the storage of waste bins in the rear yard.

Overall Conclusion

22. There would be no detrimental impact on the amenity of neighbouring occupiers or the appearance and character of the area. In addition the development is located in a sustainable location. On the basis of the above, it is recommended that planning permission be granted.

Planning Policies

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

Planning History

There is no recent planning history at the property.

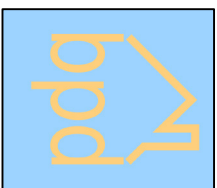
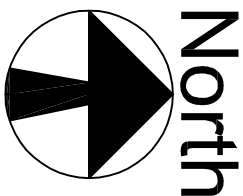
Suggested Conditions

No.	Condition									
1.	<p>The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>									
2.	<p>The development shall be carried out in accordance with the following plans:</p> <table border="0" data-bbox="320 472 1297 566"> <tr> <td>Title</td> <td>Plan Ref.</td> <td>Received On:</td> </tr> <tr> <td>Location Plan</td> <td>550/SLC/LP</td> <td>10 Jan 2015</td> </tr> <tr> <td>Existing and Proposed Plans and Elevations</td> <td>550/SLC/BR</td> <td>10 Jan 2015</td> </tr> </table> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>	Title	Plan Ref.	Received On:	Location Plan	550/SLC/LP	10 Jan 2015	Existing and Proposed Plans and Elevations	550/SLC/BR	10 Jan 2015
Title	Plan Ref.	Received On:								
Location Plan	550/SLC/LP	10 Jan 2015								
Existing and Proposed Plans and Elevations	550/SLC/BR	10 Jan 2015								

252 Spendmore Lane, Coppull



Site location plan - 1:1250



bpd Architecture
 chartered practice
 Suite 11, Hearle House, 5 East Terrace Bus Park, Euxton Lane
 Euxton, Chorley, Lancashire PR7 6TB
Tel: 01257 220510
 web: www.betterplan.co.uk
 email: info@betterplan.co.uk

Project
252 Spendmore Lane, Coppull,
CHORLEY PR7 5DE

Title
A4 Location Plan

Scale @ A4	Date	Ref	Drawn
1:1250	January 2015	Job 550	MDB
Dwg No	550/SLC/LP		Rev
			-

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Update: Members will recall that this application was considered at DC Committee on 10th February where it was resolved to approve full planning permission subject to a S106 Agreement to address identified open space deficits within this part of the Borough. Following this resolution the agent for the application has confirmed the following:

We have clear instructions that they [the applicant] will not agree to the imposition of a levy required as a contribution towards the provision of play space etc, especially bearing in mind the recent Directive from the Department for Communities and Local Government in 'Planning Contributions (Section 106 Planning Obligations)' published November 2014.

As such this application is brought back before Members to be determined as submitted without a contribution to open space.

Item 3B	14/00324/FUL
Case Officer	Helen Lowe
Ward	Chorley North West
Proposal	Proposed change of use from solicitors office (A2) to residential (C3)
Location	20 St Thomas's Road, Chorley
Applicant	Mrs Susan Barnes
Consultation expiry:	28th May 2014
Decision due by:	17th June 2014
Recommendation	Approve

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

The NPPG was updated by Government on 28 November 2014 in respect of contributions for affordable housing and tariff style planning obligations. These measures were introduced to support small scale developers by reducing what are in the Government's view disproportionate burdens on developer contributions. The updated guidance confirms that such contributions should not be sought from small scale and self-build development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m².

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

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

This application was taken to Chair's Brief on 20th January 2015 where it was considered that as there are identified open space/ play space deficits in this part of the Borough, and since the applicant has not agreed

to enter in a legal agreement to secure a commuted sum towards provision, the Development Control Committee should determine whether a contribution towards public open space is necessary. The identified deficits in respect of this part of the Borough are as follows:

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

Amenity Greenspace

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

Provision for children/young people

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

Allotments

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

Site 1644 – Whittam Street/Moor Road,

Site 1646 – Allotments rear of Worthy Street,

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

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

Playing Pitches

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

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

Recommendation Permit

14/00324/FUL

**DELEGATED
REPORT**

Target Date: 17 June 2014

RECOMMENDATION: LEGFUL

Signed:

Case Officer: Helen Lowe **Agreed:**

Date: 29th August 2014 **Date:**

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

Note on the Emerging Chorley Local Plan 2012-2026

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

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

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

HOW QUALITY OF SCHEME HAS BEEN IMPROVED: Further information regarding the proposed internal layout has been provided.

COUNCILLOR REQUEST TO REFER TO COMMITTEE: No

CONSULTEE COMMENTS: Lancashire County Council Highways - The latest plans sent by the applicant show that the proposal will be 3 bedrooms. This would require

two parking spaces. With the single space in front of the building and the cycle storage provision, the proposal is now considered acceptable.

The Coal Authority - low risk area, standing advice

Planning Policy - Open Space - The total financial contribution towards the provision/improvement in Public Open Space required as part of this development is £1888

Planning Policy - The existing A2 use is not a use subject to existing employment premises protection by Core Strategy Policy 10 – (Employment Premises and Sites) and its associated Central Lancashire SPD.

Within the emerging Chorley Local Plan 2012 – 2026 the site is not within the town centre boundary or subject to Policy EP6 (Chorley Town Primary Shopping Area, Primary and Secondary Frontages).

NEIGHBOUR COMMENTS: None received

OFFICERS REPORT:

Proposal

This application proposes the change of use from a Solicitors office (use class A2) to residential (C3)

Site Description

The application property is a two storey semi detached property, located just outside of the defined town centre boundary in the emerging local plan.

It is likely that the property was a dwelling at some point in the past; however there is no record of the original planning consent. The premises were in use as an insurance brokers and architects office at the time of an application submitted in 1976.

Constraints

Ancient Woodland Buffer
Coal consultation zone
Chorley Core Area
More than 1 Other
Wind turbine consultation zone

Site History

The site history of the property is as follows:

Ref:	77/00211/FUL	Decision:	PERFPP	Decision Date:	14 April
	1977				
Description:	Double garage				
Ref:	76/00337/FUL	Decision:	PERFPP	Decision Date:	15 June
	1976				
Description:	Change of use of 1st floor offices to Art Gallery with retail outlet				

Summary of Issues

The main issues to consider in determining the application are considered to be the principle of the development, impact on neighbour amenity and impact on highway safety.

Analysis of Issues*Principle of the development*

The application property is located within the settlement boundary of Chorley, outside of the defined town centre boundary. As the property falls within use class A2 it is not subject to existing employment premises protection by Core Strategy Policy 10 – (Employment Premises and Sites) and its associated Central Lancashire SPD. There is therefore no objection in principle to the conversion of the property to residential use.

Impact on neighbour amenity

Policy BNE1 of the emerging Local Plan states that new development, including conversions, should not cause any harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing. It also states that proposals should not cause an unacceptable degree of noise disturbance to surrounding land uses.

Both adjacent properties to either side are currently also in commercial use, although the property to the west has recently gained consent to convert to residential use (14/00389/PAJ). Properties to the rear on Woodville Road and Springfield Road are primarily residential. It is not considered that the change of use proposed is likely to give rise to a significant increase in overlooking or noise and disturbance.

Highway Safety

The application proposes the conversion of the existing offices into a three bedroom property. Initially the applicant had not provided any details of the proposed internal layout for the property, however, in order to fully assess the highway safety impacts of the proposals details were provided.

There is space to park one vehicle to the front of the application property. Policy ST4 of the emerging Local Plan requires that three bedroom dwellings should have two off road parking spaces. St Thomas's Road has a traffic regulation order extensively restricting waiting on-street. There is a large garage to the rear of the property, but to gain access to this by a vehicle you would need to pass through the rear of the adjacent property to the west (no. 22). This is now shown to provide cycle storage and can be accessed to the side of the property.

Although the proposals results in a short fall of off street parking it is considered that the proposals is acceptable for the following reasons:

- The property is located in very close proximity to the town centre;
- The off street parking requirement for an A2 office of this size (approximately 198 sq m excluding the garage) according to policy ST4 is 6.6 spaces, greater than that for a three bedroom dwelling;

Section 106 agreement

There is a requirement for a financial contribution towards equipped play space, casual/informal play space and playing fields for all new housing planning permissions in the Borough irrespective of size. This is set out in policies HS4A and HS4B of the Emerging Local Plan.

Also, in September 2013 the Council adopted The Open Space and Playing Pitch Supplementary Planning Document. The Council's requests for financial contributions towards the provision and improvement of public open space within the Borough are therefore now based on comments are based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD. The Council has also produced an Open Space Study and Playing Pitch Strategy which provides detailed information on local needs, , deficits and surpluses, therefore such requests for contributions are based on a robust and up to date assessment on the level of need and existing provision in the local area.

The Council's Planning Policy have advised that a figure of £1888 is required in this instance. The applicant has been made aware and a draft s106 agreement has been produced.

CIL

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, however, there may no liability if the building has been in use for at least 6 months continuously within the last three years.

Conclusion

Subject to the applicant entering into a legal agreement to provide the required contribution towards the provision/improvement of public open space

Site Visit Date:	7 May 2014	Site Notice Expiry Date:	28 May 2014
Nbr Letter Expiry Date:	13 May 2014	Press Notice Expiry Date:	N/A

RECOMMENDATION: Permit subject to s106

CODE: LEGFUL

CONDITIONS:

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

Title	Drawing Reference	Received date
Existing ground floor plan	Page 1	24th April 2014
Existing first floor plan	Page 2	24th April 2014
Proposed ground floor plan	Page 1	13th June 2014
Proposed first floor plan	Page 2	13th June 2014

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

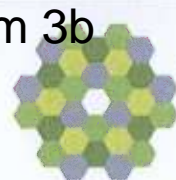
2. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004

Land Registry Official copy of title plan

Agenda Page 21
Title number LAN137890
Ordnance Survey map reference SD5817NW
Scale 1:1250
Administrative area Lancashire : Chorley

Agenda Item 3b



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REC'D 24 APR 2014

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Item 3d	14/01300/FUL
Case Officer	Adele Hayes
Ward	Chisnall
Proposal	Demolition of garage, stables and haulage workshop and replacement with two dwellings
Location	Barlow Farm Wood Lane Heskin Chorley PR7 5NP
Applicant	Mr & Mrs C E Thompson
Consultation expiry:	27 February 2015
Decision due by:	9 February 2015

Recommendation

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

Proposal

1. This application seeks full planning permission for the erection of two dwellings following the demolition of a garage, stables and haulage workshop.
2. The site is located in the Green Belt as defined by the Chorley Local Plan and is on the east side of Wood Lane, with direct vehicular access off Wood Lane. It is located to the east of a purpose built residential dwelling that serves the farming and haulage business.
3. The vehicular access is a tarmac road which serves a bungalow that is not part of the application site, the existing farmhouse and the haulage yard. There is a public footpath which runs along the northern side of the access road, which is not affected by this proposal.
4. Immediately beyond the access gate to the south side is a large workshop which is used in connection with the haulage business. It is constructed in breezeblock and profiled sheeting. Then there is the red brick farmhouse beyond which is a garage again built of brick, small stables and a oil/fuel tank used in connection with the haulage business. Beyond that is the main haulage yard and a number of buildings which serve both the haulage business and the farm. Materials from both uses are intermingled with storage for the haulage business being in the farm buildings and straw bales in the haulage yard. The haulage business is long established and is an authorised use.

Representations

5. The application has been publicised by way of individual letters and a site notice has been displayed. As a result of this publicity no representations have been received.

Consultations

6. Lancashire County Council Highways - no objection and recommend the imposition of a condition

7. Greater Manchester Ecology Unit - recommend conditions.
8. Heskin Parish Council - have expressed concern about the traffic during construction and the preservation of public rights of way that run through this site.

Assessment

Acceptability of the Principle of Development

9. The application proposes demolition of existing buildings on the site and the erection of 2 no. detached dwellings.
10. The site is wholly located in the Green Belt. Paragraph 89 of the Framework sets out the acceptable forms of development in such areas and one of these, which partly forms the basis of the applicant's case, is the limited infilling or the partial or complete redevelopment of previously developed sites (PDL) (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
11. Paragraph 87 of the Framework places great weight on the harmful nature of inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the Framework stipulates that any harm to the Green Belt should be afforded substantial weight by LPA's and very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. The applicant has not specifically set out any very special circumstances as part of the application for consideration.
12. The Planning Statement submitted indicates that the site is a hybrid site with intermingling uses, of agriculture and haulage. It states that it is one planning unit with no internal boundaries, no differences in the use of one part of the site compared to the other and with one access point. It states that it is impossible to say that the site is purely agricultural (non-previously developed land) or that it is entirely a haulage site (previously developed sui generis use). The Planning Statement indicates that the volume of the proposed dwellings is less than that of the existing buildings and that the new dwellings would be sited in the footprint location of the buildings to be demolished.
13. The proposed development does not affect any of the buildings or land used for agricultural purposes and these activities will continue.
14. It is accepted that the land that forms the application site is previously developed, and as such the proposal is, in principle, appropriate development, providing it does not have a greater impact on the openness of the Green Belt, or the purpose of including land within it than the existing development.
15. Policy BNE5 of the emerging Local Plan deals with the reuse, infilling or redevelopment of previously developed sites in the Green Belt. In the case of redevelopment it states that the appearance of the site as a whole should be maintained or enhanced and put forward in the context of a comprehensive plan for the site as a whole. Therefore, this proposal is required to maintain, or enhance the appearance of the site.
16. Balancing the size and scale of the existing buildings, together with the character of the site and existing and potential level of activity on the site; it is considered that the proposed dwellings (together with associated gardens, driveways and planting) would not have any significantly greater impact on the openness of the Green Belt. The proposal is therefore considered to be appropriate development within the Green Belt and in accordance with the Framework.
17. Haulage use is a sui generis use, so does not fall within a B use class, so Core Strategy Policy 10 on Employment Premises and Sites is not applicable to this application.

Design & Scale

18. In terms of scale, given the site is in the Green Belt, the starting point in this case is what exists on the site at the present time. The applicant has provided volumetric calculations of the existing buildings and it is accepted that the development would not have a greater impact on the openness of the Green Belt than what exists at the present.
19. The proposed dwellings would be similar in appearance to Morris Farm. The properties would not be visible from within the streetscene. Surrounding properties in this area of Wood Lane are constructed in a wide variety of styles and designs and from a variety of materials. It is considered that the proposed design, scale and materials are appropriate.

Neighbour Amenity

20. The nearest residential properties are located to the west (Lindee) and on Wood Lane. Neither of the proposed dwellings would directly face these dwellings and it is considered that the relationship between the proposed dwellings and existing ones in the immediate vicinity would be an acceptable.
21. The layout of the development would also provide each dwelling with satisfactorily sized garden.

Ecological Impact

22. The application submission includes a Bat, Barn Owl and Breeding Bird survey and Assessment (Ribble Ecology, Ref: RB-14-141, Aug-Sept 2014).
23. A day light survey was undertaken on 22nd August 2014 which comprised an internal and external inspection of the buildings. The buildings are numbered 1, 2, 3 and 4 for ease of reference in the report. Building 1 was found to have no potential to support roosting bats and is not part of the planning application so can be disregarded. Buildings 3 and 4 were also found to have no potential to support roosting bats and therefore there are no implications, concerns or constraints regarding the two buildings. Building 2 was found to have features which could support roosting bats and therefore this building was subject to an emergence survey on 26th August 2014. No bats or signs of bats were found during the daylight inspection and no bats were found to emerge from the building during the evening emergence survey. However given that the building has features which could support roosting bats and the bat activity which was recorded in the vicinity a number of recommendations have been made as a precautionary approach. The recommendations outlined in the report should be implemented in full and this can be secured through the imposition of a condition.
24. Evidence of previous nesting by swallow was found in building 3 and 4. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). A condition is therefore suggested to prevent works to these buildings in the main bird breeding season (March to July inclusive), unless birds are found to be absent, by a suitably qualified person.
25. Buildings 1, 2, and 3 were considered to have no potential to support barn owls. Building 4 was identified as having some potential to support barn owls, although no evidence of barn owl was found during survey. The recommendations outlined in the report should be implemented in full and again this can be secured through the imposition of a condition.

Highway safety

26. Access to the application site from Wood Lane is shared by the occupiers of an adjoining dwelling. Each dwelling would have four bedrooms. The Council's parking standards within policy ST4 require that four bedroom dwellings should have at least three of street parking spaces. The relevant parking standards would be met, and Lancashire County Council Highways have not objected to the proposals.

27. The applicant will be advised, through the imposition of an informative note, that Public Rights of Ways (FP10 &11) pass through the site and that the grant of planning permission does not entitle the developer to obstruct a Right of Way and any proposed stopping-up or diversion of a Right of Way should be the subject of an Order under the appropriate Act.

CIL

28. 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 created a CIL liability notice will be issued for the development.

Open Space

29. 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 selfbuild development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000m².
30. Members of the Committee will also be aware that a Ministerial Statement was made to parliament on 25 March 2015, which sought to update the house on various matters in relation to the planning system, including the following clarification to the recent statement of 28 November as detailed above,
31. The Statement relates to 'Support for small scale developers, custom and selfbuilders' - which set aside tariff style obligations for developments of less than 10 units and less than 1,000 sq m.' and was as follows;
- "We have previously revised national policy on Section 106 thresholds to help small builders and to encourage empty buildings to be brought back into use. Some councils have misinterpreted the written ministerial statement of 28 November 2014 - to clarify, this was a change in national policy and we will be updating the online planning guidance/policy website to make this crystal clear."
32. The proposed development is for two 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 planning policy.

Conclusion

33. It is recommended that the application is approved.

Planning Policies

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

Note on the Emerging Chorley Local Plan 2012-2026

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

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

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

Suggested Conditions

No.	Condition						
1.	<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 approved plans are:</p> <table border="0" data-bbox="279 1048 1037 1115"> <tr> <td>Plan Ref.</td> <td>Received On:</td> <td>Title:</td> </tr> <tr> <td>051/PL/01A</td> <td>13 December 2014</td> <td>2no. Proposed Dwellings</td> </tr> </table> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>	Plan Ref.	Received On:	Title:	051/PL/01A	13 December 2014	2no. Proposed Dwellings
Plan Ref.	Received On:	Title:					
051/PL/01A	13 December 2014	2no. Proposed Dwellings					
3.	<p>No part of the development shall be occupied or brought into use until details of the car parking provision has been submitted to and agreed in writing by the Local Planning Authority. The details shall accord with the Chorley Council Parking Standard. The approved car parking provision shall be retained at all times thereafter specifically for this purpose.</p> <p><i>Reason: To ensure the provision of adequate car parking on site and in the interests of highway safety.</i></p>						
4.	<p>Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>						
5.	<p>Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>						
6.	<p>No development approved by this permission shall commence until a scheme for the disposal of foul</p>						

	<p>and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.</p> <p><i>Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.</i></p>
7.	<p>The development shall not be carried out other than in complete accordance with all the recommendations for ecological mitigation and biodiversity enhancement contained within sections F and G of the Bat, Barn Owl and Breeding Bird Survey and Assessment submitted with this application, prepared by Ribble Ecology dated Aug-Sep 2014 (ref:RB-14-141).</p> <p><i>Reason: To provide long-term protection to natural habitats.</i></p>
8.	<p>Demolition work or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections. If the presence of nesting is suspected at any time, works that would disturb nesting must be delayed until such time as nesting is complete (the young have fledged and left the nest and surrounding area, and the nest has been abandoned).</p> <p><i>Reason: In the interests of species protection.</i></p>
9.	<p>All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>
10.	<p>Prior to the commencement of the development a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>
11.	<p>No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code Level, has been issued by a Code for Sustainable Homes Assessor and submitted to the Local Planning Authority.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>

Planning History

The site history of the property is as follows:

Ref: 86/00579/CLEUD **Decision:** PEREUD **Decision Date:** 7 April 1987
Description: Application for an established use certificate in respect of cattle rearing farm and haulage depot

Ref: 95/00166/AGR **Decision:** PAAGR **Decision Date:** 31 March 1995
Description: Agricultural Prior Notification for the erection of portal barn type building,

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- The decking is partially open and a child could fall through it onto the road;
- It encourages noise and disturbance at night affecting local residents.

Consultees

Consultee	Summary of Comments received
Lancashire County Council Highways	Have no objections to the application.
Chorley's Conservation Officer	See body of report.
Chorley's Environmental Services	<p>This department has received 4 separate noise nuisance complaints from residents and one from a Councillor on a resident's behalf between the period of July and September 2014. One further noise nuisance complaint has been received in March 2015 and is currently under investigation. The initial complaint pertained to noise from an event on the rear car park and the remainder from noise emitting from the premises, including the external rear patio and rear decking areas allegedly on a regular basis.</p> <p>All complaints were investigated under Statutory Noise Nuisance procedures. To date the Council has been unable to gather sufficient evidence to substantiate the existence of a statutory noise nuisance.</p> <p>In respect of this application, none of the complaints received have explicitly related to the front decking area and this area has not been identified as an area of concern during conversations with complainants. As such, there is no evidence to suggest that the use of this area by patrons will result in a statutory nuisance and therefore this department has no objection to the application.</p> <p>Furthermore, an application to vary the premises licence has been received and is currently in progress and as such the premises as a whole are being reviewed in relation to the licensing objectives including the prevention of public nuisance [this has now been determined – see body of report].</p>

Assessment

Principle of the Development

1. The emerging Chorley Local Plan 2012 – 2026 is at an advanced stage in its preparation. The Inspector's Partial Report found that the plan was sound with the exception of matters relating to Gypsies and Travellers and indicated that subject to the modifications set out in the report, significant weight could be given to policies that are amended accordingly. In the light of this, it is consider it appropriate to give significant weight to policies of the emerging Local Plan because they are likely to be adopted in their current form and these carry more weight than the polices of the Adopted Chorley Local Plan 2003.

2. The property is within the settlement of Hoghton as identified in the emerging Local Plan, therefore in accordance with Policy V2 of the emerging Local Plan within settlements areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material

planning considerations and the other Policies and Proposals within this Plan. The proposal is therefore acceptable in principle.

Design and Layout

3. Given the nature of the objections the Council's Conservation Officer has been consulted on the application. The application site is neither a listed building nor is it a 'Locally Important Building', however it is clearly a building of some historic interest and local significance. As such it is considered that this local significance is worthy of consideration within the planning process and building is considered to be a 'heritage asset' as defined by Annex 2 to the National Planning Policy Framework.
4. The National Planning Policy Framework (the Framework) at Paragraph 129 under Conserving and Enhancing the Historic Environment 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.'*
5. Paragraph 131 states that, *'in determining planning applications, local planning authorities should take account of:*
 - *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - *The desirability of new development making a positive contribution to local character and distinctiveness.'*
6. Paragraph 135 states that, *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*
7. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, *'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:*
 - a. *Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'*
8. 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.'*
9. Whilst it is accepted that the building in question is of relatively low significance, it is nonetheless of some local historic value. The building was previously known as the Railway Tavern, being in close proximity to Hoghton railway station on the Preston to Blackburn Branch of the Lancashire & Yorkshire Railway. It is, however, probably older than the railway, which was constructed in the 1840s, and could have been a coaching inn on the Blackburn turnpike road, which then took the route of the present day Station Road at this point. It is thought that the building could date to the latter part of the 18th Century.

10. It is constructed of local sandstone with a welsh slate roof and displays many typical vernacular details such as a projecting string course between ground and first floor, a dentil course just below the eaves and cut stone detailing for window and door surrounds, plus a simple 18th Century styled porch hood.
11. It is considered that the raised timber decking with close-boarded fencing, detracts from the attractive frontage to the building to such an extent that it causes substantial harm to the significance of the building. Whilst the colour at least tones with that of the stone, it is the feeling of being hemmed in that the screens create that causes the greatest visual blight to the building. The Conservation Officer also questions the necessity for the raised decking, which again obscures the building frontage. It is considered the fact that the building is clearly located on sloping ground all adds to its vernacular charm and character and this should be celebrated rather than being ignored or hidden.
12. The decking is therefore considered unacceptable on the basis of its materials and that it obscures the front façade of the building which is a heritage asset.

Impact on Neighbours

13. The decking is to the front of the public house which is situated in a largely residential area with a railway line to the northwest with a level crossing. The side/rear garden of number 42 Fowler Close is directly opposite the site, the property known as Neuadd Wen is next door to the southeast but set back from the road by approximately 40m. Next door to the northwest is no.1 The Crossings, which faces towards Station Road, set back by approximately 26m.
14. The decking to the front is not licenced for the sale of alcohol, but rather for the consumption of alcohol. It is covered by the premises licence as an outdoor area. A condition on the most recent premises licence prevents consumption of alcohol in the outdoor areas after 11pm. Although it is accepted that the decking is more likely to encourage people to sit at the front of the property, this area could be used anyway up until 11pm and chairs could be put outside for this purposes without planning permission. The properties immediately adjacent at either side are set back behind the frontage of the public house and therefore the impact of the front decking in neighbour amenity terms is considered acceptable.
15. No. 42 Fowler Close is opposite the site but is separated by Station Road. Although it is side onto the application site and has a window in its side elevation its main windows face northwest and southeast. Considering that the premises licence allows outside consumption until 11pm including on the area where the decking is, even if that had not been erected, it is considered an acceptable relationship with this property.

Highways

16. The decking is fronting Station Road, on an area of cobbles to the front of the public house. It does not however reduce visibility from The Crossings, the entrance to the public house car park, or the property called Ellisland, as the pavement either side of the decking projects beyond it.
17. Representations state that the decking is on an area of parking and therefore these spaces have been lost. Although cars may have parked on the cobbled area in the past, the public house as a car park to the rear. It is accepted that when a special event is on at The Sirloin and the car park is closed this does result in parking on Station Road. It is not considered however that the proposal could be refused on the grounds of parking given the size of the rear car park and the limited times this is closed for parking.

Overall Conclusion

18. The decking is considered unacceptable on the basis that its materials are not in keeping with the building and that it obscures the front façade of the building causing substantial harm to the significance of the building as a heritage asset. The proposal is therefore contrary to The Framework, Policy 16 of the Adopted Central Lancashire Core Strategy and Policy BNE8 of the emerging Chorley Local Plan 2012 – 2026.

Planning Policies

19. 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
04/01371/FUL	Retrospective application for the formation of a rear decking area	Permitted	14 th February 2005

Reason for Refusal

No.	Reason
1.	The decking is considered unacceptable on the basis that its materials are not in keeping with the building and that it obscures the front façade of the building causing substantial harm to the significance of the building as a heritage asset. The proposal is therefore contrary to The Framework, Policy 16 of the Adopted Central Lancashire Core Strategy and Policy BNE8 of the emerging Chorley Local Plan 2012 – 2026.

The Sirloin Inn, Station Road Hoghton



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Item 3F	14/01238/FUL
Case Officer	Helen Lowe
Ward	Eccleston and Mawdesley
Proposal	Removal of condition 2 (agricultural occupancy) on outline permission 87/00744/OUT
Location	Winter View farm, Parr Lane, Eccleston
Applicant	Mrs Wade
Consultation expiry:	2 January 2015
Decision due by:	22 January 2015
Recommendation	Approve

Executive Summary This application requests the removal of an agricultural occupancy condition attached to a bungalow within the Green Belt. The property has been marketed for sale since January 2014. No offers from a person eligible to occupy the building in accordance with the occupancy condition have been received. It is considered on balance that the marketing that has been undertaken meets the requirements of the Council's policies. Taking this into consideration, and the particular circumstances of the building and associated agricultural enterprise it is recommended that the condition be removed.

Representations

Eccleston Parish Council have not made any comments on the application.
In total one representation has been received which are summarised below
Not specified
Total No. received: One
The only concern would depend on what sort of business or development were to take over there. Frequent movement of lorries or caravans would seem inappropriate and intrusive and cause further damage to the grass verge

Consultees

Consultee	Summary of Comments received
LCC Property Group	<ul style="list-style-type: none"> • There is not an essential need for a dwelling on the farm unit. LCC Property group did not support the original application for a dwelling and no agricultural; operations are being carried out from the site; • The application was received by the local planning authority on the 27th of November, at which point the necessary; • The property was identified as being Sold Subject to Contract (to someone who does not comply with the condition) prior to this submission which would have further reduced the period of active marketing; • No advertisements were placed in the Farmers Guardian since February 2014, including after the price had been reduced. Therefore the marketing campaign may not have been satisfied this criterion of the policy; • From the inspections carried out as part of the site visit it may be possible that the extension is being used as a separate dwelling, meaning non-compliance of the condition; • The asking price is unrealistic. This opinion is supported by the fact that the property is under offer at a figure close to the asking price, but on the basis that the occupancy condition is removed. It is generally accepted that the presence of an agricultural occupancy condition generally reduces the open market value by 30%.
Property Services	<ul style="list-style-type: none"> • The property has been marketed on the agent’s own website, Rightmove and UK land and Farms websites. It has on occasion been advertised in the farmer’s Guardian. • The property is towards the top end of the selling market for the type of property, however the arguments that the applicant puts forward for the price reached are accepted and no objections raised. Similar properties in the northwest are found to have a similar sales price; • The report provided demonstrates a lack of interest or demand for the property.

Assessment

Background

1. This application seeks to remove an agricultural occupancy condition that is attached to planning consent 87/00744/OUT. The application property is located within the Green Belt, immediately adjacent to the settlement of Eccleston. The application property is a detached true bungalow, known as Winter View Farm. Since the late 1990s until early 2014 the site has been used as an agricultural contracting business. From 2010 a beef cattle rearing enterprise has also been run from the premises. This has now ceased. The building that was used for cattle rearing (granted consent by application 10/001238/FUL) is now the subject of an application to change its use to the storage and blending of fertiliser (ref. 14/01316/FUL). This application has been recently approved.

Principle of the Development

2. Policy HS10 of the emerging Local Plan sets out the criteria that must be satisfied before the Council will consider granting applications to remove such conditions. The policy states:

Where existing dwellings are subject to conditions restricting occupancy, applications to remove such conditions will not be permitted unless the applicant can demonstrate that there is no longer any realistic agricultural or forestry need both from the enterprise and the locality for the restriction to be maintained by meeting all the following criteria:

- i. The essential need which originally required the dwelling to be permitted no longer applies in relation to the farm unit and that the dwelling will not be required similarly in the longer term;*
- ii. The property has been actively marketed in specialist and local press and estate agents at least once a month for a minimum of 12 months; and*
- iii. The advertised selling price is realistic given the age, size, condition and location of the property; and*
- iv. Following marketing that meets criteria ii and iii above, no realistic offers have been made to the vendors from people eligible to occupy the dwelling meeting the terms of the planning condition concerned.*

The Framework does not contain any specific guidance with regard to the removal of agricultural occupancy conditions.

3. The applicant has provided a report with the application which outlines the efforts of the marketing exercise that has been undertaken. The findings of this report can be summarised as follows:
 - Given the nature of Winter View farm in its current form, it would not provide full time employment for even one agricultural worker. It has reduced in size since the original application by some 40.3 acres (to 12.67 acres) & the applicants were unable to provide enough land to support a profitable beef enterprise;
 - The results of a marketing exercise may not be a reliable indicator of continuing need for an agricultural workers dwelling;
 - P Wilson & Company LLP, a chartered surveyors with local and regional presence and reputation as rural; property consultants were appointed to market the property in January 2014.
 - Winterview Farm has been continuously marketed through Rightmove, UK Land & Farms and on pwcsurveyors.co.uk since January 2014. P Wilson & Company have advertised in the Farmers Guardian on separate occasions throughout this period in line with our standard marketing strategy for property of this type (whether they be subject to an agricultural occupancy condition or not);
 - A full market appraisal was carried out prior to the property being placed on the market which included method of sale, marketing strategy and guide price. This has been reviewed at regular intervals since the property was first marketed;
 - None of the future occupants or potential purchasers were/are able to comply with the agricultural occupancy condition. All serious offers were subject to the occupancy condition being removed. Ten parties have viewed the property and four offers have been received, all subject to the occupancy condition being removed.
 - The 'locality' for the purposes of the agricultural occupancy condition affecting Winterview farm can be considered to encompass part of Chorley Borough, south

Ribble and West Lancashire. Research has therefore been undertaken of all three local planning authority's planning registers to identify the number, frequency and outcome of planning application submitted for permanent Agricultural Workers Dwellings since 01 January 2004;

- This showed that need has only been proven on two occasions in the last 10 years and in none of these cases would the functional need have been met by the dwellinghouse at Winterview Farm. This clearly demonstrates that the need for agricultural workers dwellings in the locality of Winterview Farm is at such a low level that the retention of the agricultural occupancy condition cannot be justified.
4. The applicant's agent has also provided comments in response to the matters raised by the County Land Agent:
- The property details were amended to show sold subject to contract from the 18th of December 2014, and is still currently being marketed. The date of submission of the application is irrelevant as it is the assessment at the date of decision that is important;
 - The property has been marketed via specialist, local and estate agent marketing for over 12 months. The County Land Agent's only comments are on the paper version of the Farmer's Guardian. The majority of sales are agreed through online advertisements now. Chorley's policy does not specify that it has to be advertised in the Farmer's Guardian;
 - The offer of £500,000 was not formally made, progressed, nor was any indication given as to whether they could meet the terms of the occupancy condition;
 - The County Land Agent report suggests that the marketing was for two separate bungalows, however in the planning section of the sale particulars it clearly states that one of the bungalows is subject to a planning condition that it must be used in conjunction with the other bungalow and not to be used as a separate dwelling;
 - The County Land Agent does not comment on the difference between 'guide' and 'value', however, in this instance no firm offers progressed other than those subject to removing the occupancy condition.
5. Each of the criteria of policy HS10 shall be considered individually below.

Need

6. The first criterion requires that the essential need which originally required the building to be permitted should no longer exist in relation to the farm unit and that the dwelling will not be similarly required in the longer term. Farming operations have presently ceased at Winter View, and until recently the principal activity on site was an agricultural contracting business. Planning consent has been granted for the change of use of the two principal agricultural buildings on the site to non-agricultural uses (13/00421/FUL & 14/01316/FUL), however it is understood that neither of these have been implemented to date. The applicant for the most recent application proposes to live on site and run the business.
7. It also considered worth noting that at the time the original consent for the dwelling was granted (ref. 87/00744/OUT) the County Land Agent felt that there was insufficient agricultural justification for a dwelling. The farming activities at the time consisted primarily of a cattle rearing and fattening business, with 12.5 acres of land owned by the applicant and approximately a further 45 acres tenanted. The application was recommended for refusal and refused at a past Committee.
8. The County Land Agent has commented on the current application that they do not consider there to be an essential need for the dwelling on the farm unit. It is therefore considered that this criterion has been met.

Marketing

9. The applicant has provided evidence to show that the application property, together with the associated land and buildings, has been marketed in a variety of ways since January 2014:

- Advertisement on the following websites: UK Land and Farms; Farmers Guardian; Rightmove & P Wilson & Company (the agent, a chartered surveyor specialising in rural land and property);
 - Advertisement in the office window of P Wilson & Company;
 - Visible sign board on Parr Lane;
 - Three advertisements in the Farmers Guardian (in January and February 2014);
 - Sent out 340 sets of sale particulars to parties on their client database.
10. The County Land Agent has expressed some concerns regarding the extent of the marketing that has taken, in particular the frequency with which the property has been marketed within the Farmers Guardian. The Council's Policy does state that the property should be marketed in specialist and local press at least once a month for a minimum of 12 months. The property has not been advertised in the press with this frequency, however, it is acknowledged that the property has been marketed online in a number of appropriate places for over 12 months.
11. The sale particulars for the property describe the property as 'two bungalows'. This is incorrect. The extension that was granted consent in 2009 (ref. 08/01236/FUL) was intended to be used as an annex for the applicant's son and a condition was attached requiring that it should only be occupied and used in conjunction with the existing building. A link between the extension and the original bungalow was proposed.
12. The full sales particulars do include details of the condition attached to this consent. Whilst the initial description could be considered to be misleading there is no evidence to suggest that the dwelling is being occupied in breach of this condition. On balance it is considered that this would not be sufficient reason to conclude that the marketing exercise that has been undertaken is so fundamentally flawed that the application should be rejected.

Selling Price

13. The County Land agent has expressed some concerns that the selling price of the property is too high. However, advice from the Council's Property Services Section is that the advertised price is reasonable.

Offers

14. The applicant has stated that all offers received for the property (four) have been subject to the agricultural occupancy condition being removed. No evidence to the contrary has been received.

Overall Conclusion

15. It is clear that the agricultural enterprise associated with the application property has been at a minimal level for some time. It is also considered that the prospects of such a use resuming, with a need for an agricultural worker to be located on site, is unlikely.
16. Whilst the comments of the County Land Agent are noted, it is clear that the property has been marketed, in a variety of appropriate places, for over 12 months. Property Services have advised that the selling price is reasonable. It is therefore considered that the requirement of policy HS10 have been met.
17. Accordingly it is recommended that the condition be removed.

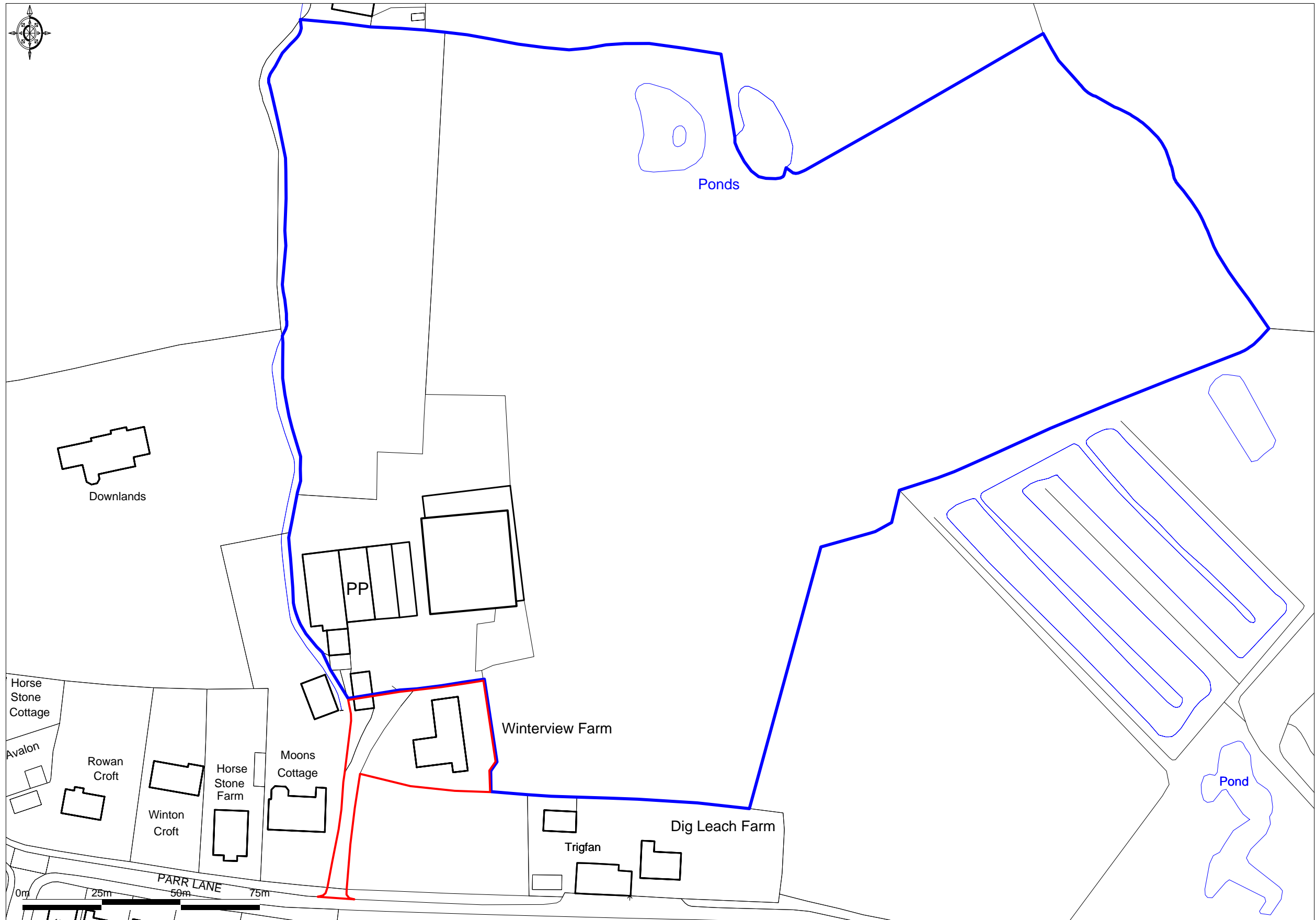
Planning Policies

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.

Planning History

Reference	Description	Decision	Date
87/00744/OUT	Outline application for erection of bungalow and garage	Approved	
88/00399/FUL	Erection of bungalow and garage	Approved	6 September 1986
06/00161/AGR	Erection of replacement agricultural building (for storage purposes).	Approved	7 March 2006
08/01236/FUL	Proposed single storey extension to side and rear	Approved	11 February 2009
10/00758/FUL	Erection of agricultural livestock building	Approved	3 November 2010
11/01091/FUL	New agricultural livestock building	Approved	22 March 2012 (not built)
13/00421/FUL	Change of Use of Agricultural Building to B8 Caravan Storage	Approved	29 July 2013
14/01316/FUL	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).	Approved	2 April 2015

Location Plan - Winterview Farm, Eccleston



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p wilson & company
chartered surveyors

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Item 3i	15/00144/S106
Case Officer	Adele Hayes
Ward	Astley And Buckshaw
Proposal	Application under Section 106 A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to modify a planning obligation dated 22nd December 2009
Location	Parcel H1A Group 1 Euxton Lane Euxton
Applicant	Redrow Homes Lancashire Division
Consultation expiry:	31 March 2015
Decision due by:	15 May 2015

Recommendation

Recommendation

It is recommended that this application is approved and the terms of the Section 106 Agreement be amended.

Proposal

1. The Group One site is located to the west of Central Avenue and covers an area of 54.34 hectares. It is located to the south west of Buckshaw Village and forms part of the former Royal Ordnance site. It is split between the administrative areas of South Ribble Borough Council and Chorley Borough Council with the larger part of the site within the boundary of Chorley.
2. Outline planning permission was granted in December 2009 for the redevelopment of the Group One site for mixed use development comprising housing and commercial uses and associated landscape treatment and highway works (08/00910/OUTMAJ). Permission was granted subject to a number of conditions and obligations contained within a Section 106 Agreement.
3. Three further Section 73 applications (11/00403/OUTMAJ, 13/00126/OUTMAJ and 14/00927/OUTMAJ) to vary condition 29 (access on the A49) of the outline planning permission, to remove the requirement for the dwellings to achieve Code Level 6 and to realign the main spine road through the site were approved on 27th July 2011, 17 July 2013 and 30 March 2015 respectively.
4. Infrastructure has been constructed to deliver serviced land and reserved matters approval has been given for several of the land parcels. Development is underway.

5. An application to vary the affordable housing obligations contained in the original Section 106 Agreement dated 22 December 2009 (in so far as they relate to the part of the Group 1 site within Chorley Borough Council's administrative area) was approved in September 2013.
6. The amendments involved a reduction in the affordable housing provision from 20 per cent to 15 per cent and for all of the affordable housing units provided to be in the form of social rented housing.
7. This is a further application submitted under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to modify the planning obligation again insofar as it relates to the delivery timeframe of the affordable units on Parcel H1A(ii).
8. The delivery of affordable housing is set out in the S106 Agreement signed 22nd December 2009 Second Schedule in the following clauses:

Clause 1.8 *That (subject to paragraph 1.13 of the Second Schedule) not more than 50% (fifty per cent) of the Market Dwellings within any Phase or Sub-Phase (as the case may be) shall be Practically Completed before 50% (fifty per cent) of the Affordable Housing Units within that Phase or Sub-Phase (as the case may be) have been Practically Completed in accordance with paragraph 1.7 of this Second Schedule and made ready for residential occupation and written notification of such has been received by the Council(s).*

Clause 1.9 *That (subject to paragraph 1.13 of this Second Schedule) not more than 75% (seventy five per cent) of the Market Dwellings within any Phase or Sub-Phase (as the case may be) shall be Practically Completed before:*

Clause 1.9.1 *100% (one hundred per cent) of the Affordable Housing Units within that Phase or Sub-Phase (as the case may be) have been Practically Completed in accordance with paragraph 1.7 of this Second Schedule and made ready for residential occupation;*

Clause 1.9.2 *written notification of such has been received by the Council(s) and*

Clause 1.9.3 *the Owner has offered to transfer all of the Affordable Housing Units within that Phase or Sub-Phase (as the case may be) to an RSL or RSLs (as the case may be) in accordance with the terms of this Deed such offer to transfer to be accompanied by a draft transfer and a draft contract.*

(please note that paragraph 1.13 relates to the provision of 20% affordable housing of which 70% shall be affordable rent and 30% shall be intermediate housing, this clause has now been superseded).

9. The developer has requested that the wording to clauses 1.8 and 1.9 of the original S106 be amended so as to reduce the amount of affordable housing that needs to have been practically completed, before 50% of the market dwellings have been built, to 35% (thirty five per cent). It is also requested that the developer be

allowed to practically complete the final market dwelling before 100% of the affordable housing units have been practically completed

10. All of the other obligations within the original Agreement are not affected by this application.

Assessment

11. The Town and Country Planning Act allows Local Authorities to determine:
(a) that the planning obligation shall continue to have effect without modification;
(b) if the obligation no longer serves a useful purpose, that it shall be discharged; or
(c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

12. Redrow Homes have applied to vary the wording of the clause 1.8 and 1.9 of the obligation as detailed above and as far as it relates to the development of parcel H1a(ii) which is currently under construction.

13. Redrow are currently implementing the planning approval and the affordable housing units are split across the site in three separate areas. The approved layout provides for affordable housing units at plots 31-35, 53-56 and 57-61. To deliver 50% of the affordable housing units by the time 50% of the market value properties are ready for practical completion creates a construction problem and a health and safety issue.

14. In order to comply with the current obligation Redrow would need to deliver a further two affordable units (at the far eastern side of the site) before 50% of the market value properties are ready.

15. The first five affordable units (plots 31-35) will be ready for practical completion by the time forty six market value properties are also ready (plots 1-30. noting that Redrow do not provide for a plot 13, plots 78-94). This would equate to delivering 35% of the affordable housing units by the time 58% of the market value properties are delivered. The remaining nine affordable units (plots 53 -56 and plots 57-61) are located at the end of the construction programme and as such Redrow have requested that the delivery be changed so that 100% of the affordable housing units be delivered by the time they deliver 100% of the market value properties.

Overall Conclusion

16. Given the location of the approved dwellings and the position of the affordable units within the scheme, it is considered that the request by Redrow to amend the delivery timeframe is a reasonable one. It is therefore recommended that the application is approved.

Planning History

The site history of the property is as follows:

Ref: 08/00645/FUL

Decision: PERFPP **Decision Date:** 21 July 2008

Description:

Erection of a bat house at Group One, Buckshaw Village.

Ref: 08/00910/OUTMAJ **Decision:** PERFPP **Decision Date:** 22 December 2009

Description: Outline planning application for the redevelopment of land at Group One (Site Area 54.34 Hectares), Royal Ordnance Site, Chorley for mixed use development comprising housing and commercial uses (including uses A1, A2, A3, B1, B2, C1, C2 and C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2006) and associated landscape treatment and highway works.

Ref: 08/01002/FUL **Decision:** PERFPP **Decision Date:** 7 November 2008
Description: Erection of a bat house at group one Buckshaw Village.

Ref: 09/00084/FUL **Decision:** PERFPP **Decision Date:** 9 April 2009
Description: Erection of a bat house at group one, Buckshaw Village.

Ref: 09/00095/FULMAJ **Decision:** PERFPP **Decision Date:** 22 December 2009
Description: Land reclamation and remediation earthworks to create a development platform at Group 1, Buckshaw Village (site area 54.34 hectares).

Ref: 10/00153/DIS **Decision:** PEDISZ **Decision Date:** 21 April 2010
Description: Application to discharge conditions 4, 9, 10, 11, 12, 14, 16, 17, & 18 attached to planning approval 09/00095/FULMAJ.

Ref: 10/00247/DIS **Decision:** PEDISZ **Decision Date:** 21 April 2010
Description: Application to discharge condition 32 of planning approval 08/00910/OUTMAJ.

Ref: 10/00309/DIS **Decision:** PEDISZ **Decision Date:** 16 July 2010
Description: Application to discharge condition 14 attached to planning approval 09/00095/FULMAJ (discharge of phase 1 only).

Ref: 10/00339/DIS **Decision:** PEDISZ **Decision Date:** 10 June 2010
Description: Application to discharge conditions 7, 8 and 23 of planning approval 09/00095/FUL.

Ref: 10/00693/DIS **Decision:** PEDISZ **Decision Date:** 24 September 2010
Description: Application to discharge condition 14 attached to planning approval 09/00095/FULMAJ (further phase relating to more information on tree removal/tree retention in the high and medium risk remediation zones).

Ref: 10/00940/DIS **Decision:** PEDISZ **Decision Date:** 14 December 2010
Description: Application to discharge conditions 7, 10, 12, 22 & 28 attached to planning approval 08/00910/OUTMAJ.

Ref: 10/01061/DIS **Decision:** PEDISZ **Decision Date:** 25 January 2011
Description: Application to discharge condition 47 attached to planning approval 08/00910/OUTMAJ.

Ref: 10/01062/DIS **Decision:** PEDISZ **Decision Date:** 25 January 2011
Description: Application to discharge condition 13 attached to planning approval 09/00095/FULMAJ.

Ref: 11/00080/DIS **Decision:** PEDISZ **Decision Date:** 15 March 2011
Description: Application to discharge conditions 5, 6, 8, 9, 11, 29, 30 and 46 attached to planning approval 08/00910/OUTMAJ.

Ref: 11/00099/DIS **Decision:** PEDISZ **Decision Date:** 25 February 2011
Description: Application to discharge condition 14 attached to planning approval 09/00095/FULMAJ. (phase 2 of the tree removal/tree retention and amendments to Phase 1 previously approved as part of 10/00309/DIS and 10/00693/DIS).

Ref: 11/00403/OUTMAJ **Decision:** PERFPP **Decision Date:** 27 July 2011
Description: Section 73 application to vary condition 29 (access on the A49) attached to outline planning approval 08/00910/OUTMAJ.

Ref: 11/00784/DIS **Decision:** PEDISZ **Decision Date:** 12 October 2011
Description: Application to discharge condition 45 attached to planning approval 11/00403/OUTMAJ.

Ref: 11/00897/DIS **Decision:** PEDISZ **Decision Date:** 17 October 2011
Description: Application to discharge condition 24 attached to planning approval 11/00403/OUTMAJ

Ref: 12/00007/FUL **Decision:** PERFPP **Decision Date:** 3 May 2012
Description: Construction of an access roads to serve parcels H3 and H4 of Group 1 and the erection of a foul pumping station.

Ref: 12/00265/MNMA **Decision:** PEMNMZ **Decision Date:** 5 April 2012
Description: Application for minor non-material amendment to planning application 11/00403/OUTMAJ to amend to the remediation phasing.

Ref: 12/00266/MNMA **Decision:** PEMNMZ **Decision Date:** 5 April 2012
Description: Application for minor non-material amendment to planning application 09/00095/FULMAJ to amend to the remediation phasing.

Ref: 12/00448/DIS **Decision:** PEDISZ **Decision Date:** 30 May 2012
Description: Application to discharge condition 17 attached to planning approval 09/00095/FULMAJ.

Ref: 12/00475/FULMAJ **Decision:** PERFPP **Decision Date:** 4 January 2013
Description: Section 73 application to vary condition 18 (southern boundary treatment) attached to planning approval 09/00095/FULMAJ.

Ref: 12/00688/FUL **Decision:** PERFPP **Decision Date:** 2 November 2012
Description: Construction of an access road leading from Central Avenue together with earthworks and landscape treatment associated with the realignment of watercourses.

Ref: 12/00791/MNMA **Decision:** PEMNMZ **Decision Date:** 10 January 2013
Description: Application for minor non material amendment to outline planning application 08/00910/OUTMAJ comprising changes to the approved phasing of the development.

Ref: 12/00801/DIS **Decision:** PEDISZ **Decision Date:** 17 December 2012
Description: Application to discharge conditions numbered 6 (exportation of material), 7 (cleaning of vehicle wheels), and 8 (routing of heavy goods vehicles) of planning approval 09/00095/FULMAJ.

Ref: 12/00835/DIS **Decision:** PEDISZ **Decision Date:** 28 September 2012
Description: Application to discharge condition 3 (requirement to agree the extent of the proposed sub-phase H3 for which a reserved matters application is to be submitted) of permission 08/00910/OUTMAJ (outline permission for the development of Group 1).

Ref: 12/00979/DIS **Decision:** PEDISZ **Decision Date:** 26 October 2012
Description: Application to discharge condition numbered 14 (tree survey) of planning approval 09/00095/FULMAJ.

Ref: 12/01205/DIS **Decision:** PEDISZ **Decision Date:** 17 December 2012
Description: Application to discharge conditions numbered 3 (phasing) and 24 (verification reports) of planning approval 11/00403/OUTMAJ.

Ref: 12/01237/DIS **Decision:** PEDISZ **Decision Date:** 6 February 2013
Description: Application to discharge condition numbered 14 (tree survey) of planning approval 09/00095/FULMAJ.

Ref: 13/00126/OUTMAJ **Decision:** PERFPP **Decision Date:** 17 July 2013
Description: Section 73 application to vary condition no. 17 (Code for Sustainable Homes) of planning permission no. 11/00403/OUTMAJ to remove the requirement for dwellings built post January 2016 to achieve Level 6.

Ref: 13/00310/FULMAJ **Decision:** PERFPP **Decision Date:** 6 June 2013
Description: Engineering works comprising the re-grading of land at the ordinary watercourse crossing the site on a north-south alignment (following the installation of a culvert) to create a level platform for the construction of a Neighbourhood Equipped Area for Play to serve the planned housing neighbourhood.

Ref: 13/00649/FUL **Decision:** PERFPP **Decision Date:** 20 September 2013
Description: Application under Section 106 BA of the Town and Country Planning Act 1990 (as amended) to modify a planning obligation dated 22 December 2009.

Ref: 13/00945/DIS **Decision:** PEDISZ **Decision Date:** 23 October 2013
Description: Application to discharge condition 3 (requirement to agree the extent of the proposed sub-phase H1a(ii) for which a reserved matters application is to be submitted) of permission 13/00126/OUTMAJ (outline permission for the development of Group 1).

Ref: 13/01014/DIS **Decision:** PEDISZ **Decision Date:** 8 November 2013
Description: Application to discharge of condition 22 (remediation strategy) and condition 24 (verification report) of planning permission of 13/00126/OUTMAJ

Ref: 13/01113/DIS **Decision:** PEDISZ **Decision Date:** 3 December 2013
Description: Application to discharge of condition 22 (remediation strategy) and condition 24 (verification report) of planning permission of 13/00126/OUTMAJ.

Ref: 13/01132/REMMAJ **Decision:** PERRES **Decision Date:** 26 March 2014
Description: Reserved matters application pursuant to outline planning permission 13/00126/OUTMAJ for the erection of 93 no. 2, 3 and 4 bedroom, 2 storey residential dwellings, together with associated access roads, driveways, garages, private garden areas and means of enclosure. Includes for the provision of 14 no. affordable dwellings within the above.

Ref: 14/00056/DIS **Decision:** PEDISZ **Decision Date:** 25 April 2014
Description: Application to discharge conditions numbered 11, 13, 14, 15, 16, 17, 18, 33, 36, and 37 attached to outline planning approval 13/00126/OUTMAJ in so far as they relate to development parcel H1a(ii).

Ref: 14/00177/FULMAJ **Decision:** WDN **Decision Date:** 8 May 2014
Description: Application to vary condition 7 of planning permission ref: 12/00945/REMMAJ (which was a Reserved Matters application for the erection of 32 no. dwellings) to allow the dwellings to be built to Code Level 3 (but Code 4 Energy) rather than Code Level 4 or 6.

Ref: 14/00179/DIS **Decision:** PCO **Decision Date:** Pending
Description: Application to discharge conditions 6 (carbon emissions statement) and 8 (Design Stage Assessment) of planning approval ref: 12/00945/REMMAJ (which was a Reserved Matters application for the erection of 32 no. residential dwellings).

Ref: 14/00265/REMMAJ **Decision:** PERFPP **Decision Date:** 19 May 2014
Description: Proposed erection of 20 no. dwellings and associated landscaping and highway works (further re-plan of part of site previously approved by permission ref: 13/01144/REMMAJ).

Ref: 14/00343/DIS **Decision:** PEDISZ **Decision Date:** 15 May 2014
Description: Application to discharge condition numbered 25 (site compound) attached to outline planning approval 13/00126/OUTMAJ in so far as it relates to development parcel H1a(ii).

Ref: 14/00549/DIS **Decision:** PEDISZ **Decision Date:** 2 July 2014
Description: Application to discharge condition 3 (requirement to agree the extent of the proposed sub-phase H2 for which a reserved matters application is to be submitted) of permission 13/00126/OUTMAJ (outline permission for the development of Group 1).

Ref: 14/00635/REMMAJ **Decision:** PERFPP **Decision Date:** 4 September 2014
Description: Reserved matters application for the erection of 64 no. residential dwellings and associated landscape and highway works (pursuant to outline permission ref: 13/00126/OUTMAJ).

Ref: 14/00659/DIS **Decision:** PEDISZ **Decision Date:** 1 April 2015
Description: Application to discharge condition 3 (requirement to agree the extent of the proposed sub-phase H1e for which a reserved matters application is to be submitted) of permission 13/00126/OUTMAJ (outline permission for the development of Group 1).

Ref: 14/00927/OUTMAJ **Decision:** PEROPP **Decision Date:** 30 March 2015
Description: Section 73 application to vary condition no. 30 (Construction of main access road) of planning permission no. 13/00126/OUTMAJ to enable re-positioning of the main access road through the site.

Ref: 14/00933/REMMAJ **Decision:** PERRES **Decision Date:** 17 December 2014
Description: Reserved matters application for the erection of 45no. residential dwellings (including 9no. affordable) and associated landscape and highway works (pursuant to outline permission ref: 13/00126/OUTMAJ).

Ref: 14/00990/ADV **Decision:** WDN **Decision Date:** 3 November 2014
Description: Erection of 12 no. directional yellow signs (1m x 36cm) fixed to lampposts on routes leading from Euxton, the M61 and the M6 pointing the way to Redrow housing development at Buckshaw Village (Group 1 part of site).

Ref: 14/01014/ADV **Decision:** WDN **Decision Date:** 16 January 2015
Description: 1000 x 360 mm Lampost mounted signs.

Ref: 14/01151/MNMA **Decision:** PEMNMZ **Decision Date:** 5 December 2014
Description: Minor non-material amendment to plots 1 - 4 (approved under 13/01132/REMMAJ) involving repositioning of previously approved house types.

Ref: 14/01152/REM **Decision:** PERRES **Decision Date:** 22 December 2014
Description: Reserved matters application pursuant to outline planning permission 13/00126/OUTMAJ for substitution of house type on Plot 5 approved under reserved matters approval 13/01132/REMMAJ.

Ref: 14/01231/REMMAJ **Decision:** PERRES **Decision Date:** 22 February 2015
Description: Reserved matters application pursuant to outline planning permission 13/00126/OUTMAJ for substitution of house type on Plots 64-68 and 70 approved under reserved matters approval 13/01132/REMMAJ.

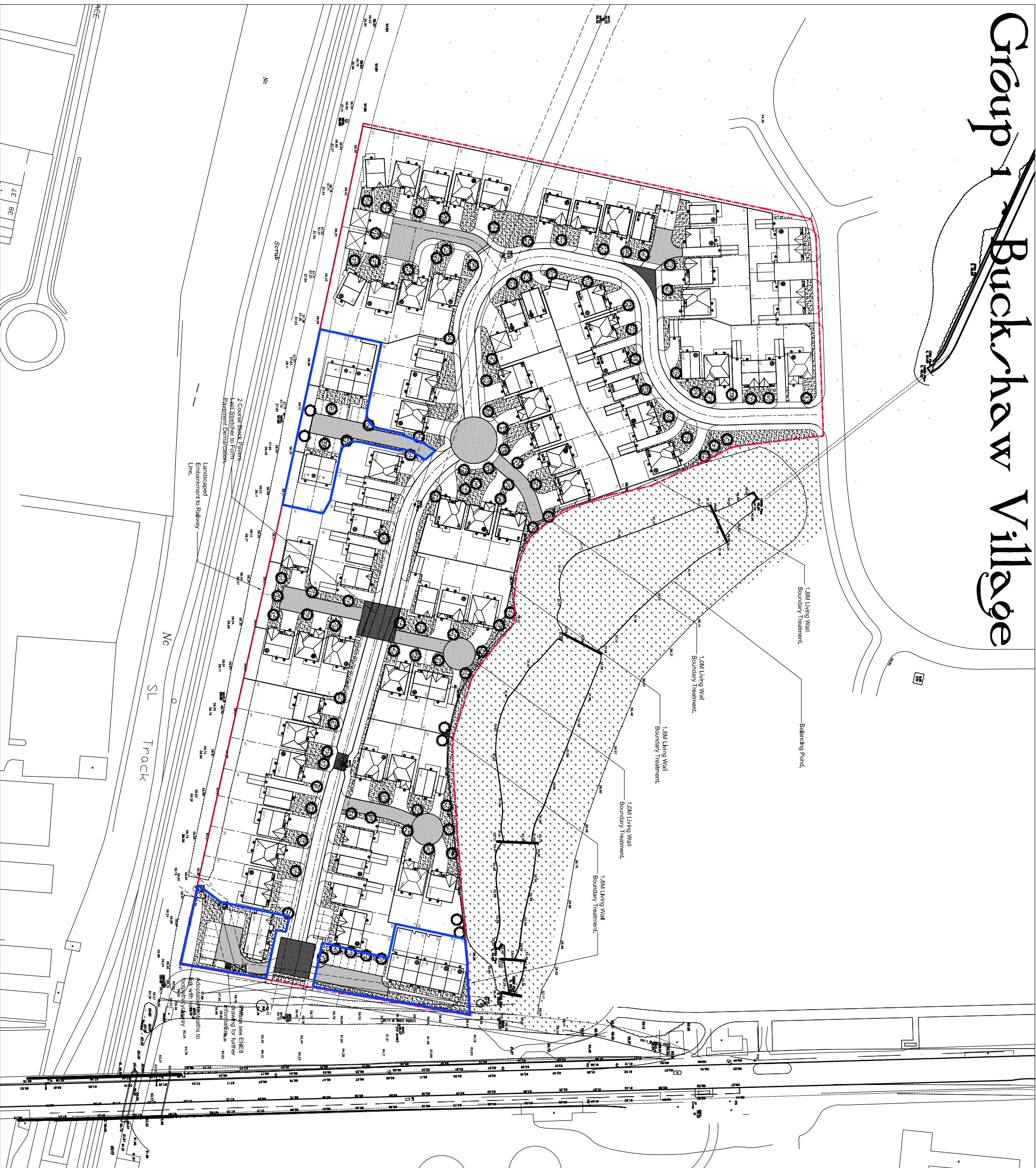
Ref: 14/01232/REMMAJ **Decision:** PERRES **Decision Date:** 21 January 2015
Description: Reserved matters application for 58no. dwellings and associated works (pursuant to outline permission ref: 13/00126/OUTMAJ). Variation of the plans approved by permission ref: 14/00635/REMMAJ to amend the layout and house types on the parcel, including a reduction overall of 6no. dwellings.

Ref: 15/00225/DIS **Decision:** PCO **Decision Date:** Pending
Description: Application to discharge condition 4 (foul and surface water drainage) for planning permission ref: 14/01232/REMMAJ (which was for 58 dwellings).

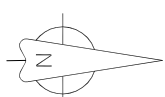
Ref: 15/00238/DIS **Decision:** PCO **Decision Date:** Pending
Description: Application to discharge condition 14 (materials) of outline planning permission ref: 14/00927/OUTMAJ (outline permission for the development of Group 1), in relation to Parcel H1e.

Ref: 15/00248/DIS **Decision:** PCO **Decision Date:** Pending
Description: Application to discharge condition 14 (materials) of outline planning permission ref: 14/00927/OUTMAJ (outline permission for the development of Group 1), in relation to Parcel H2.

Group 1 Buckshaw Village



Key



KEY

— Represents Affordable Housing Units

Revision	Date	Amendment	Initials

STAGevelopment

Location **Group 1, Buckshaw Village**

Marketing Name

Drawing Title **Section 106 A - Application Site - Redrow**

Drawing NumSTA **4312 S106A**

Revision

Scale @ A3 **1:1250**

Drawn By **MJC** Date Started **12.02.15**

Checked by _____ Date _____



REDROW HOMES

Redrow Homes Lancashire
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Legal Disclaimer TBC

This layout has been designed after due consideration of our Context & Constraints Plan

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Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Development Control Committee	21 April 2015

ENFORCEMENT ITEM : ERECTION OF BARBED WIRE FENCING, FORMER BUILDERS YARD, LICHFIELD ROAD, CHORLEY

PURPOSE OF REPORT

1. To seek authority to take enforcement action in respect of the erection of unauthorised barbed wire fencing.

RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control: Without planning permission the erection of barbed wire fencing.

Remedy For Breach

Reduce the height of the barbed wire fencing to 2 metres in height.

Period For Compliance

One Month.

Reason For Issue Of Notice

The barbed wire fencing by reason of its appearance and height has an harmful impact on the occupiers of 10 Lichfield Road leading to a loss of amenity for the occupiers, contrary to Policy BNE1 of the Adopted Chorley Local Plan Review which seeks to protect neighbouring property from overbearing development.

EXECUTIVE SUMMARY OF REPORT

3. There is no planning permission for the barb wire fencing and the landowner has not submitted a planning application. Numerous letters and telephone calls have been made to the owner of the property and despite verbal promises made by him to remove the barbed wire he has failed to do so, or to reduce the fencing to no more than 2 meters in height. The fencing has an overbearing impact leading to an unacceptable loss of amenity.

Confidential report Please bold as appropriate	Yes	No
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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. This case relates to the site of a former builders yard. The Council received complaints last year concerning activities at the site relating to the repair of motor caravans and motorcycles and investigations are still ongoing regarding those activities.
- 6. In addition to this a complaint was also made concerning the erection of barbed wire fence around the site boundary which borders onto a residential property located immediately adjacent to the site

ASSESSMENT

- 7. The barbed wire fence comprises of 3 strands of barbed wire stretched between wooden support posts and metal supports which are themselves in part fastened to an existing brick boundary wall and existing outbuilding
- 8. The fence varies in height with parts up to 3 meters in height and is 2.7 meters high directly behind a residential property which backs onto the site and requires planning permission because it exceeds a height of 2 meters.
- 9. The fence has a stark appearance particularly when viewed from the adjacent residential property at 10 Lichfield Road whose main lounge window is situated only 1.6 meters from the fence and adds to the already restricted outlook which the occupiers of the property have from the property. This has an overbearing impact on the occupiers of the property and leading to an unacceptable loss of amenity.

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	

COMMENTS OF THE STATUTORY FINANCE OFFICER

- 11. There will be no financial implications for the Council with regard to approving the recommendation above if the Enforcement Notice is adhered to. Should the Enforcement Notice not be adhered to, however, the Council is making a commitment to conclude the matter which may result in some costs being incurred.

COMMENTS OF THE MONITORING OFFICER

- 12. A fence has been erected in breach of planning control. The issue of an enforcement notice requiring a reduction in the height of the fence is a reasonable step. The Local Planning Authority must have regard to its Local Enforcement Plan. The recipient of the enforcement notice has the right to appeal the enforcement notice.

Jamie Carson
Director of Public Protection Streetscene and Community

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Peter Willacy	5226	April 2015	***

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