

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 26TH MAY 2015, 6.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

- 1 **MINUTES OF MEETING TUESDAY, 21 APRIL 2015 OF DEVELOPMENT CONTROL COMMITTEE**

(Pages 5 - 8)

- 2 **DECLARATIONS OF ANY INTERESTS**

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

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

- 3 **IMPLICATIONS OF THE DEREGULATION ACT 2015 ON CORE STRATEGY POLICY 27: SUSTAINABLE RESOURCES AND NEW DEVELOPMENTS**

(Pages 9 - 12)

Report of Director of Public Protection, Streetscene and Community.

- 4 **PLANNING APPLICATIONS TO BE DETERMINED**

The Director of Public Protection, Streetscene and Community has submitted twelve 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. <https://planning.chorley.gov.uk/online-applications/search.do?action=simple&searchType=Application>

- 4A **15/00141/FUL - WOODS FOLD SAW MILL, DOLE LANE, ABBEY VILLAGE, CHORLEY**

(Pages 13 - 22)

- 4B **15/00089/FULMAJ - LAND NORTH OF UNITS A1- A4 BUCKSHAW LINK ORDNANCE ROAD, BUCKSHAW VILLAGE (TO FOLLOW)**

- 4C 15/00294/FUL - LAND TO THE WEST OF 8 CHESTER PLACE, ADLINGTON (TO FOLLOW)
- 4D 14/00974/FUL - LAND NORTH OF THE WALLED ORCHARD, BERKELEY DRIVE, CUERDEN (TO FOLLOW)
- 4E 15/00152/OUTMAJ - GOODYEAR BUSINESS PARK, GORSEY LANE, MAWDESLEY (TO FOLLOW)
- 4F 15/00067/FUL - 1 VICTORIA TERRACE, VICTORIA STREET, WHEELTON, CHORLEY, PR6 8HE (Pages 23 - 30)
- 4G 15/00140/FUL - CLAYTON BROOK PRIMARY SCHOOL, GREAT GREENS LANE, BAMBER BRIDGE, PRESTON, PR5 8HL (Pages 31 - 36)
- 4H 14/01331/FUL - THE WINDMILL HOTEL, 311 THE GREEN, ECCLESTON (TO FOLLOW)
- 4I 15/00281/REM - H W MOON LTD, 56 WOOD LANE, HESKIN, CHORLEY (TO FOLLOW)
- 4J 15/00049/FUL - DUTCH BARN CLOSE, CHORLEY (Pages 37 - 44)
- 4K 15/00050/FUL - DUTCH BARN CLOSE, CHORLEY (Pages 45 - 52)
- 4L 15/00051/FUL - DUTCH BARN CLOSE, CHORLEY (Pages 53 - 60)

5 **ENFORCEMENT**

- 5A **ENFORCEMENT REPORT - LAND AT SKEW BRIDGE, BOLTON ROAD, HEATH CHARNOCK (TO FOLLOW)**
- 5B **ENFORCEMENT REPORT - SIRLOIN INN, STATION ROAD, HOGHTON (TO FOLLOW)**
- 5C **ENFORCEMENT NOTICE - 17 WITHNELL FOLD (TO FOLLOW)**

6 **TREE PRESERVATION ORDERS**

- 6A **TREE PRESERVATION ORDER NUMBER 2 (ADLINGTON) 2015** (Pages 61 - 66)
 Report of Director of Public Protection, Streetscene and Community.
- 6B **TREE PRESERVATION ORDER NUMBER 13 (CROSTON) 2014** (Pages 67 - 72)
 Report of Director of Public Protection, Streetscene and Community.

7 **APPEALS AND OTHER DECISIONS (TO FOLLOW)**

8 **ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR**

GARY HALL
CHIEF EXECUTIVE

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MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE Tuesday, 21 April 2015

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

RESERVES: Councillors John Dalton

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

APOLOGIES: Councillors Charlie Bromilow and Richard Toon
Charlie Bromilow, David Dickinson and Richard Toon

15.DC.121 Minutes of meeting Tuesday, 31 March 2015 of Development Control Committee

RESOLVED – That the minutes of the meeting of the Development Control Committee on 31 March 2015 be approved as a correct record for signature by the Chair.

15.DC.122 Declarations of Any Interests

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

15.DC.123 Planning applications to be determined

The Director of Public Protection, Streetscene and Community submitted 9 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.

15.DC.123a 15/00087/FUL - 252 Spendmore Lane, Coppull, Chorley, PR7 5DE

The report was withdrawn from the agenda as the decision to approve the application has been delegated to the Director of Public Protection, Streetscene and Community.

(At this point Councillor Caunce joined the meeting.)

15.DC.123b 14/00324/FUL - Yates Barn, 20 St Thomas's Road, Chorley

RESOLVED (unanimously) – That planning permission be approved subject to conditions and without a Section 106 agreement for open space contributions.

15.DC.123c 15/00186/FUL - Latter-Day Book Store, 304 Preston Road, Whittle-le-Woods, Chorley, PR6 7HZ

The report was withdrawn from the agenda as the decision to approve the application has been delegated to the Director of Public Protection, Streetscene and Community.

15.DC.123d 14/01300/FUL - Barlow Farm, Wood Lane, Heskin, Chorley

The report was withdrawn from the agenda as the decision to approve the application has been delegated to the Director of Public Protection, Streetscene and Community.

15.DC.123e 15/00159/FUL - The Sirloin Inn, Station Road, Hoghton, Preston, PR5 0DD

RESOLVED (unanimously) - That retrospective planning permission be refused for the following 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.**

15.DC.123f 14/01238/FUL - Winter View Farm, Parr Lane, Eccleston, Chorley

Registered speaker: Sophie Marshall (applicant's agent)

RESOLVED (unanimously) – That the application to remove the agricultural occupancy condition attached to a bungalow within the green belt be approved.

15.DC.123g 14/01218/REMMAJ - Goodyear Business Park, Gorse Lane, Mawdesley, Ormskirk

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

15.DC.123h 15/00141/FUL - Woods Fold Saw Mill, Dole Lane, Abbey Village

Registered speaker: John Dunn (objector)

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

15.DC.123i 15/00144/S106 - Parcel H1A Group 1 Euxton Lane, Euxton

RESOLVED (unanimously) – That the application to modify the Section 106 agreement be approved and the terms of the Section 106 agreement be amended.

15.DC.124 Enforcement

The Director of Public Protection, Streetscene and Community submitted a report which sought permission to take enforcement action in respect of the erection of unauthorised barbed wire fencing.

It was felt that the appearance and height of the barbed wire fencing had a 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 sought to protect neighbouring property from overbearing development.

RESOLVED (unanimously) – That it was expedient to issue an enforcement notice in respect of the breach of planning control.

15.DC.125 Appeals and other decisions

There were no appeals or decisions to report.

Chair

Date

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Report of	Meeting	Date
Director of Public Protection, Streetscene and Community	Development Control Committee	26 th May 2015

IMPLICATIONS OF THE DEREGULATION ACT 2015 ON CORE STRATEGY POLICY 27: SUSTAINABLE RESOURCES AND NEW DEVELOPMENTS

PURPOSE OF REPORT

1. To inform Members of the implications of the Deregulation Act 2015 on the Council's sustainability requirements for new dwellings set out in Core Strategy Policy 27: Sustainable Resources and New Developments.

RECOMMENDATION(S)

2. To note the contents of the report.

EXECUTIVE SUMMARY OF REPORT

3. Recent legislative changes have impacted on how Core Strategy Policy 27: Sustainable Resources and New Developments should be implemented, particularly in matters relating to the determination of planning applications. The legislative changes impact as a material consideration in regard to Policy 27 in that the Code for Sustainable Homes has been withdrawn, and such matters will be dealt with through Building Regulations. It should be noted that changes to Building Regulations are unlikely to be in force until next year, and in the meantime transitional arrangements will apply. This report and its appended statement details the impact on Policy 27 and the approach to be taken in determining planning applications.

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. The Core Strategy was adopted in July 2012. Policy 27: Sustainable Resources and New Developments sets out requirements to reduce the carbon emissions of new buildings and increase their energy efficiency.

6. In relation to new dwellings it requires all new dwellings to comply with the Code for Sustainable Homes, which is a standard designed to improve the sustainability of new homes. All dwellings built from 1st January 2013 are required to achieve Level 4 of the Code increasing to Level 6 for dwellings built from 1st January 2016.
7. In relation to the other new buildings, they are required to comply with the Building Research Establishment's Environmental Assessment (BREEAM) which is a method of assessing, rating and certifying the sustainability of buildings. All new buildings are required to achieve a 'very good' rating.
8. In 2010 the government announced the need for a review of housing standards to find a way to simplify them due to the huge range of standards available such as the Code for Sustainable Homes. A Housing Standards Review consultation took place in 2013 and the government announced in March 2014 that all necessary technical standards for new dwellings would be consolidated into Building Regulations.

THE DEREGULATION ACT 2015

9. The Deregulation Bill received royal assent on 26th March 2015 and makes the provision for changes to legislation relating to the energy efficiency of dwellings, amongst other things.
10. It proposes changes to the subsection (1)(c) of the Planning and Energy Act 2008 which currently states in section 1:
 - “(1) A local planning authority in England may in their development plan documents, include policies imposing reasonable requirements for:
 - (a) a proportion of energy used in development in their area to be energy from renewable sources in the locality of the development;
 - (b) a proportion of energy used in development in their area to be low carbon energy from sources in the locality of the development;
 - (c) development in their area to comply with energy efficiency standards that exceed the energy requirements of Building Regulations.”
11. The Deregulation Act sets out the following amendment to be inserted:
 - “(1A) Subsection (1)(c) does not apply to development in England that consists of the construction or adaption of buildings to provide dwellings or the carrying out of any work on dwellings.”
12. This means that once the Planning and Energy Act 2008 has been amended, local planning authorities will no longer be able to include policies in their development plans requiring energy efficiency standards that exceed the energy requirements of Building Regulations, such as the Code for Sustainable Homes.

IMPLICATIONS FOR CORE STRATEGY POLICY 27

13. The Government have set out transitional arrangements that allow local planning authorities to continue to apply policies in their Local Plans which require compliance with energy efficiency standards that exceed Building Regulations. Where a local planning authority has an existing policy that sets requirements relating to the Code for Sustainable Homes, as is the case in Chorley, they can continue to require dwellings to achieve an energy efficiency equivalent to Code for Sustainable Homes Level 4, but they will not be able to require compliance with other aspects of the Code for Sustainable Homes as it has now been withdrawn.

14. A position statement is included in Appendix 1 which sets out how Policy 27 will be implemented in the transitional period.
15. Once the Building Regulations have been revised and implemented, which is expected to be in April 2016, Policy 27 will need to be withdrawn or amended. In order to achieve zero carbon dwellings, the on-site housing standards will be set through the Building Regulations with the remaining carbon to be abated through allowable solutions and a zero carbon homes policy will be published in 2016 setting out how allowable solutions will be implemented. It may be that allowable solutions will need to be enforced through a local policy in which case Policy 27 can be amended to set out allowable solution requirements.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE MONITORING OFFICER

17. The power of local authorities referred to in paragraph 10 above has not yet been repealed. In Grand Committee of the House of Lords the Government Minister stated that it will not be repealed until building regulations have been tightened to deliver zero carbon housing anticipated in late 2016. The interim policy under which Chorley continues to require energy standards in new dwellings until the amended building regulations are introduced is therefore lawful. The Government has stated that until the amendment is commenced it expects local planning authorities not to set conditions with requirements above a Code level 4 equivalent.

JAMIE CARSON

DIRECTOR OF PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

Background Papers			
Document	Date	File	Place of Inspection
Central Lancashire Core Strategy	July 2012	***	www.chorley.gov.uk/planning
Deregulation Act 2015	March 2015		www.legislation.gov.uk
Planning and Energy Act 2008	November 2008		www.legislation.gov.uk

Report Author	Ext	Date	Doc ID
Katherine Howarth	5281	13/05/2015	***

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Item 4	15/00141/FUL
Case Officer	Ian Heywood
Ward	Wheelton and Withnell
Proposal	Erection of new building to house timber drying equipment.
Location	Woods Fold Saw Mill Dole Lane Abbey Village
Applicant	Derek Fox & Son (Timber) Ltd
Consultation expiry:	31 March 2015
Decision due by:	24 April 2015

Recommendation **Permit Full Planning Permission**

Executive Summary

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

UPDATE

Since the committee meeting a number of points have been clarified.

- The existing use of the site, as a saw mill, was established in 1996 under permission granted under reference 96/00028/FOR. The application for a Certificate of Lawful Use, 05/00574/CLEUD relates to a different site, the former quarry which lies immediately to the south of the application site.
- The dimensions of the proposed building are shown on drawing number 698:PL05 that was submitted with the application and which are, length 60 metres, depth 23 metres, height to eaves 8 metres, height to ridge (dual pitched roof) 10 metres. The volume therefore equates to 12420 cubic metres. The volume of the existing building is calculated to be approximately 8000 cubic metres. Approximately 5000 cubic metres of earth have been removed from this part of the site by terracing the area in readiness for the proposed development.
- The process is designed to operate 24 hours a day 365 days a year and can operate automatically for several days, i.e. during weekends without the need for operatives to be on site.
- The Government Grant scheme, under which the proposal is being submitted, requires the achievement of strictly controlled emissions over a twenty year period. The Council's Environmental Health Officer has already confirmed that projected noise levels are 19dba which compares favourably to a level of 35dba which is considered to be a quiet level of background noise.
- The agent has confirmed that the current number of vehicle movements is five 38 tonne articulated wagon loads per day. The proposed process, when running at full capacity, will produce less than half (0.395) a 38 tonne wagon load of material a day. Effectively the projected number of vehicle movements is therefore one every two days at most. LCC Highways have commented that they have no objections to the proposal.
- The agent has confirmed that the area of the site immediately to the north of the location of the proposed building is only to be used for vehicle manoeuvring and will not be used for outside storage purposes. A suitably worded condition will secure this.
- A site visit is proposed for 20th May 2015.

Representations

<p>Councillor Margaret France: Objects to the proposed development on the following grounds:</p> <ul style="list-style-type: none"> • Inappropriate development in the Green Belt • Noise and emissions • Traffic
<p>Withnell Parish Council: No comments have been received.</p>
<p>In total four representations have been received which are summarised below</p>
<p>Objection</p>
<p>Total No. received: 4</p> <ul style="list-style-type: none"> • Additional Noise • Additional emissions • Inappropriate development in the Green Belt – harm to the openness • Increased traffic
<p>Support</p> <p>Total No. received: Nil</p>

Consultees

Consultee	Summary of Comments received
Chorley Council Environmental Health Officer	No objections
Chorley Council Waste and Contaminated Land Officer	No objections
Lancashire County Council Public Rights of Way Officer	No comments have been received.

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

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

Description of the site

5. The site is an established forestry processing and saw mill site adjacent to a former quarry, within the Green Belt to the south west of Abbey Village. This is an elevated site that is, to some extent, screened by a stand of trees and a 2.5 metre (approximately) close-boarded fence to the northern side. It is to this side of the site that neighbouring properties are located, Barons Fold Farm, which is approximately 100 metres to the north west and Gladstone Terrace, which is approximately 200 metres to the north of the site. Sectional drawings submitted by the agent show the relationship between these properties and the site.
6. The location for the proposed building is currently covered by an expansive area of concrete hard standing and is currently used for the storage of timber. A 1.8 metre steel post and concrete railway sleeper wall/fence lines the southern site boundary where it abuts Twist Moor Lane. The former quarry, which is also currently used for the storage of timber, is located to the south of Twist Moor Lane, which it is to the south of the site.
7. Immediately to the north of the location for the proposed building is an existing steel portal framed, agricultural style, building similar in appearance to that proposed.
8. A public footpath, no. 49, runs along the length of Twist Moor Lane.

AssessmentPrinciple of the Development

9. Pertinent Policies are: Adopted Chorley local Plan Review (2003), Policy DC1. Also of relevance is the Framework (National Planning Policy Framework) Section 9.
10. The aforementioned policies seek to protect the Green Belt from inappropriate and unsympathetic development. Paragraph 87 of the Framework states that, '*As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*'
11. Paragraph 88 continues, '*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*'
12. Paragraph 89 of the Framework states that, '*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: (first bullet point) buildings for agriculture and forestry.*'
13. In this case the agent asserts that the development is directly connected to forestry in the same way that a dairy attached to a dairy farm is directly associated with agriculture.
14. The 'Very Special Circumstances' put forward are that the proposed development is not only directly associated with forestry, but also that it is merely an extension of operations that are currently performed on the site. It is argued that the processing of saw mill waste product on site rather than transporting it elsewhere is a considerable enhancement to the sustainability of the operation overall.
15. Forestry is defined as the growing of trees for timber production and includes the felling and processing of trees into a raw state usually within close proximity to where it has been grown, but does not include the manufacture of finished products. In this situation it is considered that the proposed development cannot therefore be considered as an extension of a forestry operation and that therefore it falls to be considered as inappropriate development within the Green Belt.
16. However the site is considered to be previously developed land and to that end the proposed development is directly related to the existing use of the site – processing of timber, for which a certificate of lawful use was issued in 2005.
17. Whilst extensions to buildings within the Green Belt can be considered to be not inappropriate, in this case the proposal consists of an entirely new building. Nevertheless the new building is to be located close to an existing structure that is of a similar type and volume such that the overall impact on the openness of the Green Belt is considered to be not greater than is currently the case.
18. The very special circumstances in this case are therefore that firstly the proposal is an extension to existing activity undertaken on the site, an activity that will secure and possibly enhance current employment levels within the area. Secondly that the proposal is considered to be a sustainable form of development, that will enhance the sustainability of the site operations overall. Suitably worded conditions would secure the use of the building and see its removal in the event that the permitted use were to cease within a given time period from the grant of permission – usually ten years.
19. In terms of 'other harm' the application must also be considered in terms of the potential impact upon the openness of the Green Belt. In this case the proposed building is located within an established site complex of buildings and areas of hard standing, in other words it is within an existing area of built development. The site also has an existing, strong boundary treatment including close-boarded fencing and trees. It is suggested that strengthening the existing planting to the northern fringe of the site will ultimately result in a development that is almost entirely screened from view. A suitably worded condition would secure this. Consequently it is considered that no 'other harm' will be caused to the Green Belt by the proposed development.
20. Overall it is considered that very special circumstances have been demonstrated in

this case and that any potential impact upon the Green Belt is acceptable, and that with suitable mitigation (planting) will maintain or enhance the current position. It is therefore considered that the aforementioned policy requirements, as related to the Green Belt, have been met.

Impact on the amenity of neighbours

21. Pertinent Policies are: Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. This policy, amongst other things, suggests that any proposed development should not have an unacceptable impact upon the amenity currently enjoyed by neighbouring properties.
22. The nearest neighbouring residential property is located at Barons Fold Farm which is situated approximately 100 metres north west of the site and which is largely screened by trees. Other neighbouring properties are situated at Gladstone Terrace which is located approximately 200 metres north of the site.
23. Chorley Council's Environmental Health Officer has examined the application and considers that emissions in terms of noise are acceptable and are well below tolerance levels.
24. The information supplied with the application with regard to other emissions such as smoke suggests that these are negligible. The specially designed and controlled boiler burns dried timber products, produced on site, in such a way that smoke emissions and smells produced are minimal. Such emissions are a condition to the government grant that the applicant will be applying for and cover a period of twenty years from implementation. Emissions therefore are strictly controlled.
25. Whilst the application site is elevated in relation to the neighbouring properties there is an existing fence and line of tree planting that lies between them. A suitably worded condition will require the strengthening of this planting to, in time, further screen the site from the surrounding area. Site section drawings show that overall the impact on views from neighbouring properties will not be materially altered as a consequence of the proposed development.
26. It is therefore considered that the proposed development will not have a material impact upon the amenity currently enjoyed by the neighbours to the site.

Highway Safety and Parking

27. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy TR4; Emerging Chorley Local Plan 2012 – 2026, Policy ST4.
28. A key point made by the agent is that the proposed development will result in a reduced number of vehicle movements to and from the site. Currently waste material is removed from the site by HGV to other sites around the country. The proposed development will eliminate the need for these movements and will replace them with a reduced number of movements of finished products that can be coincided with current vehicle journeys. Thus overall the number of vehicle movements will be reduced.
29. The proposed development is therefore considered to accord with the aforementioned policies.

Public Right of Way

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

Overall Conclusion

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

recommended for approval.

Planning Policies

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

Planning History

Ref: 05/00574/CLEUD **Decision:** PEREUD **Decision Date:** 16 September 2005

Description: Application for Certificate of Lawfulness for the storage of timber residue, the peeling and processing of timber, sawmill products and residues

Ref: 96/00028/FOR **Decision:** PAFOR
Decision Date: 16 February 1996

Description: Application for forestry works in respect of the erection of a sawmill and office

Ref: 96/00068/FUL **Decision:** PERFPP **Decision Date:** 9 April 1979

Description: Construction of car park for Woodsfold Woodland Office

Proposed Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Drawing: 698:PL05 Proposed Plans & Elevations Received on 12.02.2015 Drawing: 6566 Proposed Site Plan Received on 13.02.2015 Drawing: 698SEC02 Site Sections</p> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>
3.	<p>The development hereby permitted shall not commence unless and until samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
4.	<p>The development hereby permitted shall not commence unless and until details of a scheme for additional tree planting to the northern and north western boundaries of the site have been submitted to and approved in writing by the local planning authority.</p> <p><i>Reason: To safeguard the appearance of the area and to safeguard the amenity of neighbours.</i></p>
5.	<p>The development hereby permitted is only for the use of timber drying and for the conversion of timber waste material into biomass fuel and for no use within use class B2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment.</p> <p><i>Reason: A change of use of the premises would have an unacceptable impact on neighbour amenity and the character and appearance of the area.</i></p>

6.	<p>The development hereby permitted shall be removed from the site and the land returned to its previous condition if the permitted use ceases for a continuous period of six months within ten years of the date of the grant of planning permission.</p> <p><i>Reason: To safeguard the appearance and character of the area.</i></p>
7.	<p>No goods, plant or material shall be deposited or stored in the open or displayed for sale in the open on the area of the site immediately adjacent to the proposed building. This area shall only be used for the manoeuvring of vehicles.</p> <p><i>Reason: In order to protect the amenities of the area, and to maintain adequate parking and vehicle manoeuvring areas.</i></p>

Proposed Informatives:

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

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

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

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Item 3* **15/00067/FUL**

Case Officer **Iain Crossland**

Ward **Wheelton And Withnell Ward**

Proposal **Erection of detached summer house in front garden**

Location **1 Victoria Terrace
Victoria Street
Wheelton
Chorley
PR6 8HE**

Applicant **Mrs Rosemary Gilmore**

Consultation expiry: **30th April 2015**

Decision due by: **7th May 2015**

Delegated		Delegated following Chairs Brief		Committee	X
Date:					

	Case Officer	Authorising Officer
Date		

Recommendation

It is recommended that this application is refused

Executive Summary

The main issue to consider is whether the proposal would result in harm to the character and appearance of the surrounding area.

Representations

Wheelton Parish Council - No objections but request that local residents are consulted.
In total 2 representations have been received which are summarised below
Objection
Total No. received: 2
<ul style="list-style-type: none">• This proposed development would be completely out of character with the rest of Victoria Terrace, Hill House and the rest of Victoria Street.• The structure would be beyond the building line.• The site plan on the Council's website is materially incorrect as it substantially understates the size of the footprint of 1 Victoria Terrace.

Consultees

Consultee	Summary of Comments received

AssessmentThe Site

1. The application site is an end terraced dwelling of traditional character located in a prominent position on the edge of Wheelton village. The dwelling is faced in stone with a roof laid in slate. There is a large garden to the front of the house, which slopes downwards towards the highway, and a yard to the rear. Character of the local area is that of a rural village surrounded by open countryside. The site is located within the settlement area of Wheelton village and is adjacent to a Grade II listed building.

The Proposal

2. This application relates to the erection of a detached summer house in the front garden of 1 Victoria Terrace. The outbuilding would have an octagonal footprint with a width of 2.5m and depth of 1.8m. There would be pitched roof with a ridge and eaves height of 2.43m and 2m respectively and would be faced in painted timber and glazing.

Assessment

The main issues are as follows:-

Issue 1 – Impact on character and appearance of the locality

Issue 2 – Neighbour amenity

Issue 3 – Impact on a designated heritage asset

Principle of the Development

3. The National Planning Policy Framework (The Framework) states that 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.
4. In October 2013, the Local Plan Inspector 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.
5. 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.”
6. Paragraph 18 of the Partial Report states: “For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.” The Council accepted the Inspectors modifications for Development Management purposes at its Executive Committee on 21st November 2013.
7. The Council accepted the Local Plan 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.
8. Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector’s Supplementary Report on Gypsy and Traveller and Travelling

Showpeople was issued (08 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.

9. It is therefore considered that significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
10. The application site is located in the core settlement area of Chorley. The emerging Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
11. The emerging Chorley Local Plan 2012-2026 states that planning permission will be granted for new development including free standing structures provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials. Domestic outbuildings are not specifically referred to in The Framework, or emerging Chorley Local Plan 2012-2026. Guidance is, however, set out in the Householder Design Guidance Supplementary Planning Document (SPD).
12. The Householder Design Guidance Supplementary Planning Document (SPD) states that outbuildings should generally be sited in an inconspicuous position. The siting and design of outbuildings needs particular care in rural areas, where they can be particularly prominent and in the context of listed buildings. Paragraph 8.2 states that *it will rarely be acceptable to site outbuildings in front of the original property as they would then be too prominent and conflict with any established building lines*. Proposals should be constructed in a style that reflects the original building, its setting and the residential amenities of neighbours.

Impact on character and appearance of the locality

13. The proposed outbuilding would have the appearance of a fairly typical domestic summerhouse and would be of modest scale. It would be located within a front garden of a residential dwellinghouse and would be positioned between the dwelling and highway at Victoria Street. It would be approximately 4.5m from the front elevation of the dwelling and approximately 4m from the highway. There is a significant reduction in levels from the front elevation of the house down to the highway and as such the outbuilding would be clearly visible in the street scene.
14. Despite the modest scale of the proposed outbuilding it would result in the development of an unusual feature in the context of a front garden, and would be particularly conspicuous in this location, given its elevated position, siting beyond the building line and open aspect to the front. It would be visible from Victoria Street (to the front of the site and to the east), from the entrance to Millbrook Close and from distance along Blackburn Road and nearby public footpaths. Although it is acknowledged that the front garden of 1 Victoria Terrace has evolved over time, with the aid of previous extensions and landscaping works, to function in a similar manner to a rear garden, other neighbouring properties have not developed in this way and retain more typical garden frontages. Victoria Terrace has a traditional character, which is of value to the character of the surrounding area.
15. It is noted that there is some well-established planting and landscaping to the front of the property, which would help to filter views of the proposed summerhouse to some extent. This planting could, however, be cleared or cut back at any time and would not mitigate the harmful impact upon the street scene.
16. The proposed outbuilding would constitute an incongruous feature in the street scene, by virtue of its siting and prominent position such that it would be harmful to the character and appearance of Victoria Terrace as a collective, and therefore harmful to the character of the area.

Impact on neighbour amenity

17. The proposed summerhouse would be located approximately 1.5m from the boundary with 2 Victoria Terrace and approximately 6m from the property itself. Due the scale of the proposed summerhouse and degree of separation there would be no impact on light or outlook in relation to this property. The outbuilding is not considered to be a habitable room and its impact on privacy is therefore considered acceptable.
18. The proposed summerhouse would be located approximately 15m from Hill House to the west. Due the scale of the proposed summerhouse, its positioning and degree of separation there would be no impact on light, outlook or privacy in relation to this property.

Impact on a designated heritage asset

19. Hill House is located approximately 7m to the west of the application site. This is a grade II listed building and, as such, is considered to be a 'designated heritage asset' as defined by Annex 2 of the Framework. It is noted that a number of alterations to 1 Victoria Terrace have been carried out that have a greater impact upon Hill House than the current proposal, and that the proposed summerhouse would be modest in scale and well separated from Hill House. It is considered that the impact of this proposal upon the designated heritage asset over and above that which already exists through other surrounding development would be negligible.
20. As a result the proposed development would not impact upon the current setting any further and accordingly the remaining significance of the setting to the designated heritage asset would be sustained. Consequently it is considered that the proposal is acceptable in relation to policy BNE8 of the Chorley Local Plan 2012 – 2026.

Overall Conclusion

21. It is not considered that there would be any unacceptable impact on neighbour amenity or the designated heritage asset, however, the proposed development would by virtue of its siting and prominent positioning result in an incongruous feature in the street scene that would be detrimental to the character and appearance of the area. It is therefore recommended that the application should be refused.

Planning Policies

22. 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) and the Adopted Chorley Borough Local Plan Review (2003) unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Ref: 06/00689/FUL Decision: PERFPP Decision Date: 29 September 2006
Description: Demolition of existing garage and conservatory, and erection of single storey front, side and rear extensions (inclusive of replacement garage and conservatory),

Ref: 07/00725/FUL Decision: PERFPP Decision Date: 19 July 2007
Description: Erection of single storey side and rear extensions

Reason for refusal

No.	
1.	The proposed development would by virtue of its siting and prominent positioning result in an incongruous feature in the street scene that would be detrimental to the character and appearance of the area. The proposal is therefore contrary to The National Planning Policy Framework, BNE1 of the emerging Chorley Local Plan 2012 – 2026 and the Council's adopted Householder Design Guidance Supplementary Planning Document.

15/00140/FUL

Case Officer Caron Taylor

Ward Clayton-le-Woods North

Proposal Erection of modular building to provide a children's nursery with front entrance canopy, level access ramp and external play area, and provision of allocated on-site drop off/pick-up parking (to existing car park).

Location Clayton Brook Primary School
Great Greens Lane
Bamber Bridge
Preston
PR5 8HL

Applicant Whitefriars Nursery

Consultation expiry: 12th May 2015

Decision due by: 29th May 2015

Recommendation - Permit

Representations

Parish Council - No response received
In total 15 representation has been received which are summarised below:
Objection:
Total No. received: 15
14 Objections have been received as a result of the initial consultation on the application on the following grounds: <ul style="list-style-type: none"> • Road safety caused by parking problems as the school does not have adequate parking provision; • Danger of small children running between the cars; • Staff and visitors park on School Field during school hours and block the pavement and driveways and making it difficult for cars to pass each other; • The proposal seems to reduce the number of parking spaces yet there will be more staff; • Additional parking restrictions are needed at the school gates and close to the junction with Great Greens Road; • It would result in noise and disturbance; • It is on a prominent corner which is the only bit of green area left between School Field and the children's centre so would spoil the street scene; • The design is out of character with the area and would protrude well past the building line of existing properties <p>One of these objectors has also written in again in response to re-consultation on the application (notifying neighbours that the application would be subject to the additional parking by LCC). On the following grounds:</p> <ul style="list-style-type: none"> • Chorley have stated that the application is wholly reliant on 12 additional parking spaces being provided at the School however the application to LCC shows that only 11 additional spaces are being applied for, therefore the amendment fails to meet the requirement for approval of the scheme; • The original application shows that 4 parking spaces will be lost from the existing spaces to create a drop off/pickup area for the nursery so even if 11 extra spaces are provided the net increase in spaces would only be 7, which is totally

- inadequate to resolve the serious parking/safety problem on School Field;
- From the plans shown on the application to increase the 11 spaces they fail to see how the extra spaces could be accessed, unless the plan is for drivers to drive over the existing spaces to fill the new spaces first before any parking takes place on the existing spaces;
 - The amendments fail to meet the requirements for approval and the planning application should be rejected;
 - The estimated staffing provided by the applicant and school are a joke. They say that only two spaces are required for the children's centre at 10am there were 14 cars double parked on the pavements close to the school entrance, most of these belonged to visitors to the children's centre (Mother and Baby club). They also observed at least four people entering the centre from 8am to 8-30am which they assume to be staff;
 - At 1.30pm there were 11 cars parked n School Field, 2 blocking the pavement;
 - All the projected parking figures are for staff and do not give figures for daily visitors. Is it just to avoid highlighting the face that even with the extra spaces there is nowhere for them to park except on School Field;
 - This situation cannot be allowed to continue, and if the planning application is granted the council will be guilty of a grave error of judgement.

Consultees

Consultee	Summary of Comments received
Lancashire County Council Highways	<p>Comments made prior to the LCC application for additional parking:</p> <p>The proposal is for 2 new classrooms, increased staff numbers will affect on-site parking provision. The proposed drop off/pickup area will result in 4 of the existing 27no off-street car parking spaces being lost and lead to parking being displaced onto nearby streets with adverse impacts on residential amenity. On-street parking on School Field is already unusually high and spills onto the neighbouring residential streets during school pick-up and drop off periods. The problem may be exacerbated if the 4no off-street car parking spaces are lost. Therefore, while there are no highway objections to the proposal in principle, until the above parking issues are addressed, they would recommend that the application is not approved at this stage.</p>
Chorley's Environmental Health	<p>The closest noise sensitive dwelling the proposed development is approximately 20m away on School Field. When the proposed outside play area is to be used there is a potential for an increase in noise levels. In the absence of an acoustic report to show that there won't be any noise issues a close boarded acoustic fence will need to be installed along the boundary of the School Field side of the site. I recommend a 2m high fence.</p>
Police Architectural Liaison Officer	<p>Within the last 12 month period, there have been 21 reported burglary offences and 83 criminal damage offences in the area surrounding this site. They therefore make crime prevention recommendations for the proposed building e.g. access control, the standard or doors and windows etc. These recommendations have been forwarded to the agent.</p>

Applicant's Case

1. The proposal is for the erection of a modular building with facilities to provide preschool child care for children of 2-3 years and as a feeder into Clayton Brook Primary where children at the age of 4 are then integrated into the School before infants.

2. The opportunity to create a privately run nursery, has been proposed to the Applicant by Lancashire County Council as part of their government funding initiative to provide free nursery places to 2 year olds from low income families. Lancashire County Council has approached the applicant, who currently operates a private children's nursery in the Penwortham area, and has offered grant funding for the opportunity to create this new facility. This is one of many that Lancashire County Council are funding in Lancashire to expand their programme for providing nursery places and ensuring that there are sufficient places for the additional two year olds.

Assessment

Background

3. The application site is Clayton Brook Primary School on Great Greens Lane, Bamber Bridge. The main vehicular access point to the school is on School Field. The proposed modular building could be situated on the corner of School Field and Great Greens Lane and four of the existing parking spaces will be re-allocated as drop off spaces to serve the proposed nursery.

Principle of the Development

4. The site is within the existing school grounds. It is currently an area of grass adjacent to the existing Children's Centre on the site (it is not a playing pitch or part of one).
5. Policy 14 of the adopted Core Strategy covers education. The criteria of this policy that are relevant to this application are:
6. Provide for Education requirements by:
 - (a) Enabling new schools and other educational facilities to be built in locations where they are accessible by the communities they serve, using sustainable modes of transport;
 - (e) Working in partnership with the education authority and other service providers to identify opportunities for the co-location of services to meet the needs of the community.
7. Although there is a policy in the emerging Local Plan 2012-2016 covering community facilities, this seeks to retain such facilities rather than relating to new proposals, so is not relevant to this application.
8. The principle of locating a nursery on the existing school site is therefore considered acceptable in principle.

Design and Layout

9. The proposed nursery will be a single storey modular 'L' shaped building orientated so the two classrooms will face towards the corner of Great Greens Lane and School Field with outside play space provided under an overhang of the roof and area beyond. The building would be clad in horizontal pine cladding with roof tiles or felt shingles.
10. The existing school and children's centre are brick buildings with tiled roofs. The proposed building could be modular and therefore generally have a more temporary appearance. Although cladding in pine is a different finish to the rest of the school and the nursery would be located on a prominent corner, the finish is considered acceptable and will give the building a more contemporary appearance.
11. Comments regarding the nursery projecting beyond the building line of the existing properties is noted, however there is no strict building line on the southeast side of School Field close to the school access point as the main school building is set well back from School Field and the existing Children's Centre building is set closer to School Field. In addition, it is not unusual for the layout of a school to be different to the layout of the residential properties around it.
12. The design and layout of the proposal is therefore considered acceptable.

Impact on the Neighbours

13. The nearest property to the proposed nursery and its associated outdoor play space is number 106 School Field, which is approximately 20m opposite the site and is a detached bungalow with an integral garage.
14. The Council's Environmental Health Officer advises that when the proposed outside play area is to be used there is a potential for an increase in noise levels. In the absence of an acoustic report to show that there won't be any noise issues a close boarded acoustic fence will need to be installed along the boundary of the School Field side of the site and they recommend a 2m high fence.
15. At present there are only metal open railings on the boundary between the proposed nursery and School Field. An amended plan has been received adding a 2m acoustic close boarded screen fence parallel to the existing metal fencing on the boundary of the play space nearest to the property opposite on School Field. It has been set in by 1.5m from the existing railings to allow new shrub planting to be implemented in front of it to soften its appearance and reduce its prominence close to the prominent corner.
16. Subject to a condition controlling the retention of this fence the impact of the nearest neighbours in terms of noise from children playing out is considered acceptable.

Traffic and Transport

17. One of the main issues with the proposal is the impact on parking. Parking for staff is provided off-road in 24 spaces accessed from School Field. At present parking often spills out of the car park onto School Field as there are not enough staff spaces and no visitor parking, with vehicles parking the length of School Field outside the school. Residents complain of vehicles blocking the pavement and driveways and making it difficult for cars to pass each other and that the proposal will reduce the number of parking spaces yet result in more staff.
18. There is existing parking issues associated with the school on School Field which have been acknowledged by LCC Highways. Although the current application cannot be made to solve existing issues it is considered it should not result in them being exacerbated. The proposal results in four existing spaces in the staff car park being changed to drop off spaces for the proposed nursery. It is considered that this would exacerbate the existing parking issues if additional parking is not provided and it is not considered it would be acceptable.
19. Policy ST4 of the emerging Local Plan sets out the Council's Parking Standards for planning applications. The standards require 1 car parking space to be provided per member of staff for day nurseries. It is advised the nursery will have 4 staff so should have 4 parking spaces.
20. As originally submitted the application did not propose any additional parking and was considered unacceptable. This issue was put to the agent and an application for additional parking at the school has now been made to the County Council, our consultation ref: 15/00356/CTY (note: applications at the school are unusually dealt with by the Planning Department at Lancashire County Council as it is a County school. The current application is being dealt with by Chorley Council as it is made by a private nursery operator rather than Lancashire County Council themselves).
21. The agent expected the application made to LCC to be for 12 spaces but an application for only 11 spaces was made (see neighbour comment). Discussions have taken place with the County Council and that application has now been amended so that it is now for 12 spaces as is shown on this application.
22. Of the 12 additional parking spaces, 1 of there will be added within the existing car park while the other 11 will be on part of an existing hard play area to the rear of existing spaces. Of these 10 will be tandem spaces behind existing spaces. As 10 of the spaces are tandem spaces cars parked in the rear space will be blocked in by the car behind, the other 2 spaces will be normal spaces.
23. Ideally none of the new spaces would be tandem, however the space within the school grounds to create more parking is limited without building on more of the existing play area or

resulting in loss of part of a sports pitch. While tandem spaces would not be suitable for public parking the tandem spaces proposed will be for staff parking so will be within the control of the school and the users will know each other.

24. The proposed nursery is expected to have four staff so will generate a need for four additional spaces if all the staff drive. In addition it will result in the loss of four existing school staff spaces as these will be made into drop of spaces for the nursery. Therefore the nursery will create a demand for up to eight spaces at the site. The application submitted to LCC for additional parking proposes to create 12 new spaces, therefore it will create more parking than should be needed by the new nursery and create additional new spaces to be used by staff that currently park on School Field. It is accepted that the additional parking is unlikely to solve the parking issues on School Field but it is considered that with the additional parking the proposed nursery should not exacerbate the current situation and therefore it is not considered that the current proposal could be refused on parking grounds in that it meets the Council's parking standards set out in emerging Local Plan policy ST4.
25. As the additional parking is the subject of a separate application to LCC it is not included as part of the current nursery application. As has been established above the proposed nursery would not be acceptable without the additional parking. This application would therefore need to be subject to a Grampian condition (a condition requiring the applicant to carry out works on land not within their control) requiring the parking to be implemented. Discussions have taken place with the agent for the nursery in relation to the timing of the parking being created. Normally a Grampian condition would be worded so that the parking had to be provided prior to the nursery building being commenced so that there was no risk that the building was erected and then the parking could not be provided. However, as this is a school site the works to build the nursery would need to take place over the summer school holidays, possibly at the same time as the parking and so the condition will need to be worded so that the building must not be occupied prior to the parking being provided. A Grampian condition should not be applied if there is not a reasonable prospect that the off-site works can be achieved as worded. In this case correspondence has been received from the County Council District Surveyor stating that the parking will be carried out and should be done prior to the commencement of the building, therefore it is considered that the use of a Grampian condition in this case is acceptable with the proposed timing as the land on which the nursery will be stood and the parking area are both within the ownership and therefore control of the County Council and there is a reasonable prospect it can be implemented.

Trees, Landscape and Ecology

26. There is a mature tree in the northwest corner of the site where the nursery will be positioned and this will be retained as part of the proposal.

Flood Risk

27. The site is not in Flood Zone 2 or 3 as identified by the Environment Agency and is not over 1 hectare in size, therefore a Flood Risk Assessment is not required.

Coal Mines

28. The site is not in a high or low risk coal mining area as identified by The Coal Authority so past coal mining does not affect the proposal.

Overall Conclusion

29. The proposal is considered acceptable for the reasons set out above subject to conditions.

Planning Policies

30. 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

31. There are no planning applications directly related to this application.

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 hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="416 595 1398 719"> <thead> <tr> <th data-bbox="416 595 786 624">Title</th> <th data-bbox="786 595 1062 624">Drawing Reference</th> <th data-bbox="1062 595 1398 624">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="416 624 786 654">Site Identification Plan</td> <td data-bbox="786 624 1062 654">D/0/3 Rev B</td> <td data-bbox="1062 624 1398 654">8th May 2015</td> </tr> <tr> <td data-bbox="416 654 786 719">Proposed Plans & Elevations</td> <td data-bbox="786 654 1062 719">D/0/1 Rev E</td> <td data-bbox="1062 654 1398 719">8th May 2015</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Drawing Reference	Received date	Site Identification Plan	D/0/3 Rev B	8 th May 2015	Proposed Plans & Elevations	D/0/1 Rev E	8 th May 2015
Title	Drawing Reference	Received date								
Site Identification Plan	D/0/3 Rev B	8 th May 2015								
Proposed Plans & Elevations	D/0/1 Rev E	8 th May 2015								
3.	<p>During the construction period, all tree(s) to be retained within the site boundary shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards. <i>Reason: To safeguard the tree(s) to be retained.</i></p>									
4.	<p>All planting shown on the approved plan shall be carried out in the first planting and seeding seasons following the occupation of the nursery building hereby approved or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. <i>Reason: In the interest of the appearance of the locality to reduce the prominence of the fence.</i></p>									
5.	<p>Before the occupation of the nursery building hereby permitted, four drop off spaces for the nursery shall be provided in the existing car park as shown on approved plan ref: D/0/3 Rev B and shall be retained as nursery drop-off spaces at all times thereafter. <i>Reason: To ensure that drop off provision is provided for the nursery.</i></p>									
6.	<p>Before occupation of the nursery building hereby permitted 12 additional parking spaces shall be provided (surfaced or paved, marked out and made available for use) within the school grounds as shown on plan ref: D/0/3 Rev B. Such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015). <i>Reason: To ensure provision of adequate off-street parking facilities within the site for the nursery.</i></p>									
7.	<p>The external facing materials, detailed on the approved plans, shall be used and no others substituted unless submitted to an approved in writing by the Local Planning Authority. <i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>									
8.	<p>The nursery hereby permitted shall not be occupied until the acoustic fence (as shown on the approved plan) has been erected in the position shown on the approved site plan. It shall then be retained at all times thereafter. <i>Reason: To provide reasonable standards of amenity to adjacent residents.</i></p>									

Item 4j	15/00049/FUL
Case Officer	Adele Hayes
Ward	Chorley North West
Proposal	Section 73 application to vary condition no. 7 of planning permission no. 94/00808/OUT to enable the houses to be occupied as open market residential dwellings
Location	Dutch Barn Close Chorley
Applicant	Your Housing Group (Frontis Homes)
Consultation expiry:	2 March 2015
Decision due by:	31 May 2015

Recommendation

It is recommended that this application is approved.

Background

1. Turley Planning Associates have submitted three separate applications on behalf of their client Your Housing Group (Frontis Homes). The applications are made under the provisions of Section 73 of the Town and Country Planning Act 1990 to remove conditions that restrict occupancy of the existing housing at Dutch Barn Close to key workers.
2. This application seeks to remove condition no. 7 of the original outline planning application on the site (Ref. 94/00808/OUT) to enable the houses to be occupied without restriction.
3. Two further applications to remove condition no. 10 of the reserved matters application on the site (Ref. 95/00128/REM) and condition no. 9 of the full planning application on the site (Ref. 95/00841/FUL) have also been submitted and are reported elsewhere on the agenda. (See 15/00050/FUL and 15/00051/FUL).

Proposal

4. The application site, which extends to an area of approximately 0.9 hectares, is located within the wider Chorley and South Ribble District Hospital site. In general terms the site is bordered by the Busy Bees children's day nursery and a multi-storey car park to the north, the hospital and associated buildings to the east and the Foxcote, Edgefield and Long Croft Meadows residential estates to the south and west.
5. The site currently accommodates a total of 34 no. key worker houses with associated parking and landscaping areas. The houses were originally built in the mid-1990s to provide accommodation for the medical and nursing staff of the hospital.
6. The applicant's agent has confirmed that the current occupancy levels of the houses is 57% (end of January 2015). They have also confirmed that the primary intention of Your Housing Group (Frontis Homes) is to offer a mix of social and affordable dwellings as it reflects their role as a registered social landlord, though a degree of flexibility is requested and they may choose to sell a limited number of the units on the open market if necessary.
7. In January 1995, outline planning permission for the development of residential accommodation for medical staff was granted (Ref. 94/00808/OUT). Condition no. 7 of the

decision notice stated that *'the residential development hereby approved shall be solely for the accommodation of persons employed or otherwise working as medical staff'*. The condition was imposed because at that time, given the land use allocation of the hospital site in the Local Plan for 'Future Hospital Expansion, it was considered that the site was not appropriate for a housing development that would be open to occupation by non-hospital staff. Accordingly such a condition met the relevant tests for the imposition of conditions.

8. A reserved matters application for the erection of 23 staff residences (Ref. 95/00128/REM), in accordance with the original outline consent, was approved in April 1995. Condition no. 10 of the consent reflected the overall wording the previous decision notice, with additional reference to the site being allocated for hospital development in the Town and Borough Local Plans.
9. In May 1995, a planning application to delete condition nos. 7 and 8 of the original outline consent in order to permit *'new housing without restrictions on access or occupation'* was refused (Ref. 95/00258/OUT). The single reason for refusal noted that the site was *'...allocated for future Hospital expansion by Policy 5.5 of the Chorley Town Local Plan and Policy P.1 of the Chorley Borough Local Plan. The deletion of condition 7 would result in the provision of housing accommodation unrelated to the Hospital. This would be contrary to the Borough and Local Plan policies and significantly reduce the area of finite land available for future Hospital expansion...'*
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12. These applications propose the removal of the restrictive conditions imposed on the original outline, reserved matters and full planning applications in order to enable the key worker houses to function as residential dwellings without occupancy restrictions. It is envisaged that the dwellings would either be occupied by tenants of Frontis, a registered social landlord or disposed of on the open market.
13. The proposed amendments will have no impact on the appearance and scale of the units as they do not require any alteration to facilitate re-occupation and/or open sale.
14. The Trust has agreed that prospective residents can continue to utilise the existing access arrangements.

Representations

15. 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.

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16. Lancashire County Council Highways – have confirmed that they have no objections to the application.

Assessment

Acceptability of the Principle of Development

17. The overall acceptability of residential development has been previously established and the proposed changes to the planning permission are considered to be minor material amendments. In addition, it is recognised by the Government that local planning authorities should, in making their decisions, focus their attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought.
18. The relevant development plan for this application now comprises the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003, with other material considerations including the National Planning Policy Framework (the Framework) and the emerging Chorley Local Plan 2012-2026 relevant.
19. As detailed above, a previous application to remove the restrictions on occupation was refused in 1995, primarily due to the site's allocation for future Hospital Expansion in the Local Plan. The application site (and the wider Hospital area) was previously allocated via Policy PS1 of the Adopted Chorley Borough Local Plan Review (2003) for hospital related uses to *'meet the health care needs of the Chorley and South Ribble District General Hospital'*. The accompanying text to the Policy noted that although major extensions of the Hospital had already been completed, there was still remaining land which existed to meet the further needs of the Hospital. The Policy thereby prevented the use of the land for anything other than hospital-related uses and safeguarded the site to facilitate the wider expansion of the Hospital to serve the Borough. It was a long-standing allocation which had successfully ensured that the necessary amount of land was kept available for the expansion of the Hospital; the final phase of which primarily occurred during the mid to late 1990s.
20. In June 2011, representations were made on behalf of Chorley and South Ribble NHS Trust and Harvest Housing, to the Chorley Site Allocations DPD which requested that the application site should be removed from any protected land designation for hospital purposes. In particular, it was noted that the policy was no longer necessary as the Trust had no further plans to expand and/or redevelop the Hospital site.
21. The Council accepted this request and in their response via the Issues and Options stage of the Local Plan (2010 – 2011), recognised that the policy would be deleted *'as the extension to Chorley Hospital has now been completed and the policy serves no further purpose within the Plan.'*
22. Following the examination of the emerging Chorley Local Plan (2012-2026), the site (and adjacent Hospital) is now unallocated and in its entirety lies within the Chorley Settlement Area (Policy V1). The Local Plan is at a very advanced stage and therefore *'significant weight'* can be attached to the policies and proposals of the Plan.
23. In contrast, it is considered that Policy PS1 of the former Chorley Borough Local Plan Review (2003) is now out-of-date and the site can no longer be considered to be allocated for hospital uses. In accordance with the Framework, where relevant policies to the development are out-of-date, the Council will grant permission unless material considerations indicate otherwise.
24. Of particular relevance, the emerging Local Plan identifies that, in accordance with the Framework and the presumption in favour of sustainable development, the Council will take a positive approach when considering development proposals within the Settlement Areas.
25. There are no designations on the Chorley Hospital site within the Chorley Local Plan 2012 – 2026. The site now remains within the settlement and subject to Policy V1 (Settlement Areas). This says within the areas excluded from the Green Belt and identified in 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 the Local Plan.

26. The proposal conforms to Core Strategy Policy 1 which focuses development in Chorley Town and the Core Strategy objective SO1 – to foster growth and investment in Central Lancashire- make the best use of infrastructure and land focussing on the Key Service Centre of Chorley.
27. Core Strategy Policy 7 (Affordable and Special Needs Housing) does not apply to this proposal.

Other Matters

28. Your Housing Group has a presence across the North West and allocate social rented stock in the following ways:
 - Through Choice Based Lettings services (CBL)
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Conclusion

30. In summary, the removal of the existing planning restrictions on the use of the accommodation by key workers is considered to be acceptable. The Council have already accepted, via the de-allocation of the site, that Dutch Barn Close no longer forms an integral part of the overall Hospital development. The reason for the imposition of the original condition has been removed and the condition can no longer be imposed in its current form. The site remains fully acceptable in terms of its design and appearance.
31. It is recommended that the application is approved.

Note on the Emerging Chorley Local Plan 2012-2026

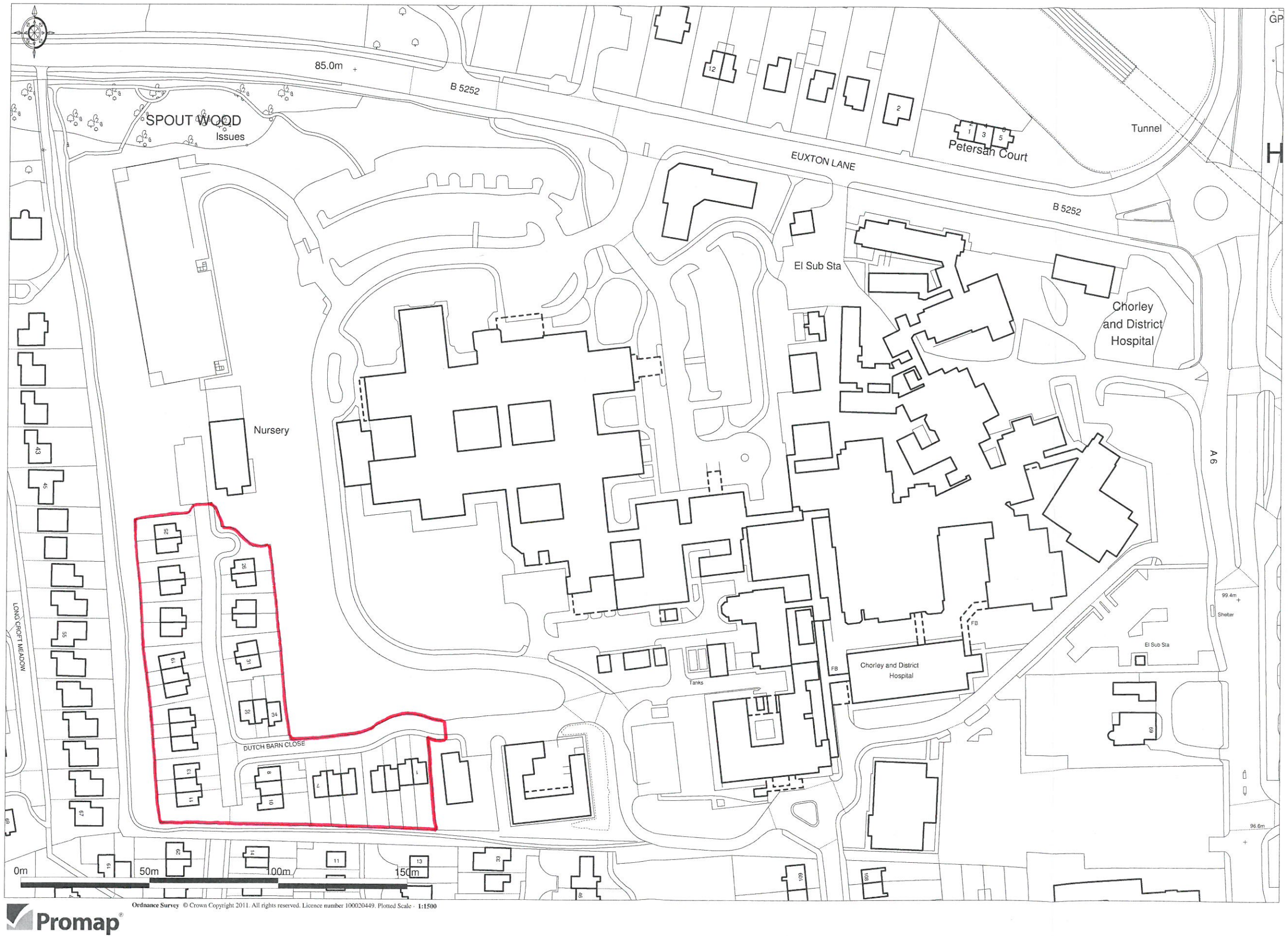
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Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified 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 Local Plan 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.

Further consideration has been given to matters relating to Gypsies and Travellers, and the Local Plan Inspector's Supplementary Report on Gypsy and Traveller and Travelling Showpeople was issued (8 May 2015) and it concludes that the part of the Chorley Local Plan dealing with Gypsy and Traveller and Travelling Showpeople policy and site allocation is also sound, providing a number of main modifications are made.

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Item 4k	15/00050/FUL
Case Officer	Adele Hayes
Ward	Chorley North West
Proposal	Section 73 application to vary condition no. 10 of planning permission no. 95/00128/REM to enable the houses to be occupied as open market residential dwellings
Location	Dutch Barn Close Chorley
Applicant	Your Housing Group (Frontis Homes)
Consultation expiry:	2 March 2015
Decision due by:	31 May 2015

Recommendation

It is recommended that this application is approved.

Background

1. Turley Planning Associates have submitted three separate applications on behalf of their client Your Housing Group (Frontis Homes). The applications are made under the provisions of Section 73 of the Town and Country Planning Act 1990 to remove conditions that restrict occupancy of the existing housing at Dutch Barn Close to key workers.
2. This application seeks to remove condition no. 10 of the reserved matters consent (95/00128/REM) to enable the houses to be occupied without restriction.
3. Two further applications to remove condition no. 7 of the original outline planning application on the site (Ref. 94/00808/OUT) and condition no. 9 of the full planning application on the site (Ref. 95/00841/FUL) have also been submitted and are reported elsewhere on the agenda. See 15/00049/FUL and 15/00051/FUL.

Proposal

4. The application site, which extends to an area of approximately 0.9 hectares, is located within the wider Chorley and South Ribble District Hospital site. In general terms the site is bordered by the Busy Bees children's day nursery and a multi-storey car park to the north, the hospital and associated buildings to the east and the Foxcote, Edgefield and Long Croft Meadows residential estates to the south and west.
5. The site currently accommodates a total of 34 no. key worker houses with associated parking and landscaping areas. The houses were originally built in the mid-1990s to provide accommodation for the medical and nursing staff of the hospital.
6. The applicant's agent has confirmed that the current occupancy levels of the houses is 57% (end of January 2015). They have also confirmed that the primary intention of Your Housing Group (Frontis Homes) is to offer a mix of social and affordable dwellings as it reflects their role as a registered social landlord, though a degree of flexibility is requested and they may choose to sell a limited number of the units on the open market if necessary.
7. In January 1995, outline planning permission for the development of residential accommodation for medical staff was granted (Ref. 94/00808/OUT). Condition no. 7 of the

decision notice stated that *'the residential development hereby approved shall be solely for the accommodation of persons employed or otherwise working as medical staff'*. The condition was imposed because at that time, given the land use allocation of the hospital site in the Local Plan for 'Future Hospital Expansion, it was considered that the site was not appropriate for a housing development that would be open to occupation by non-hospital staff. Accordingly such a condition met the relevant tests for the imposition of conditions.

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Assessment

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31. It is recommended that the application is approved.

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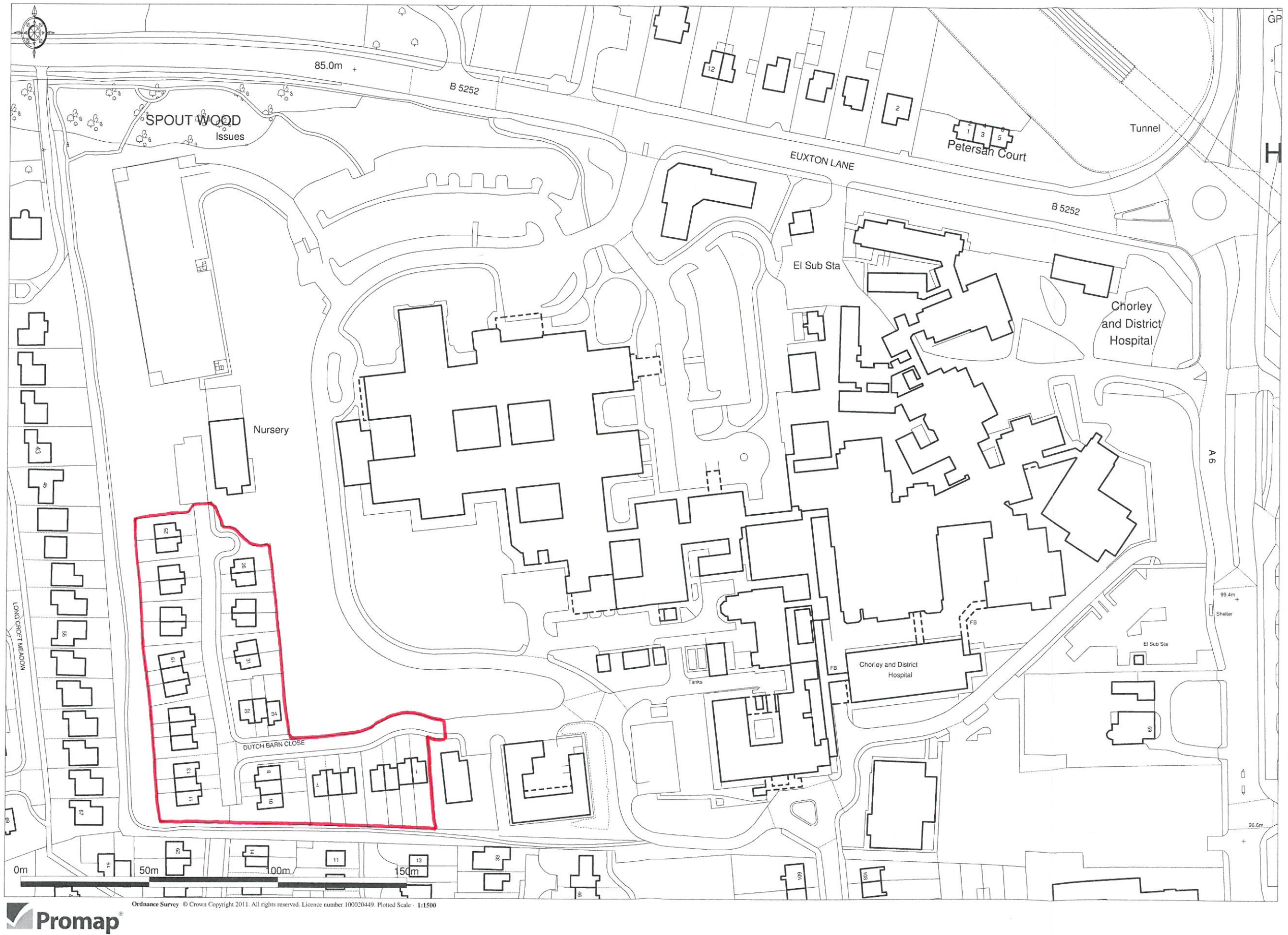
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Item 4I	15/00051/FUL
Case Officer	Adele Hayes
Ward	Chorley North West
Proposal	Section 73 application to vary condition no. 9 of planning permission no. 95/00841/FUL to enable the houses to be occupied as open market residential dwellings
Location	Dutch Barn Close Chorley
Applicant	Your Housing Group (Frontis Homes)
Consultation expiry:	2 March 2015
Decision due by:	31 May 2015

Recommendation

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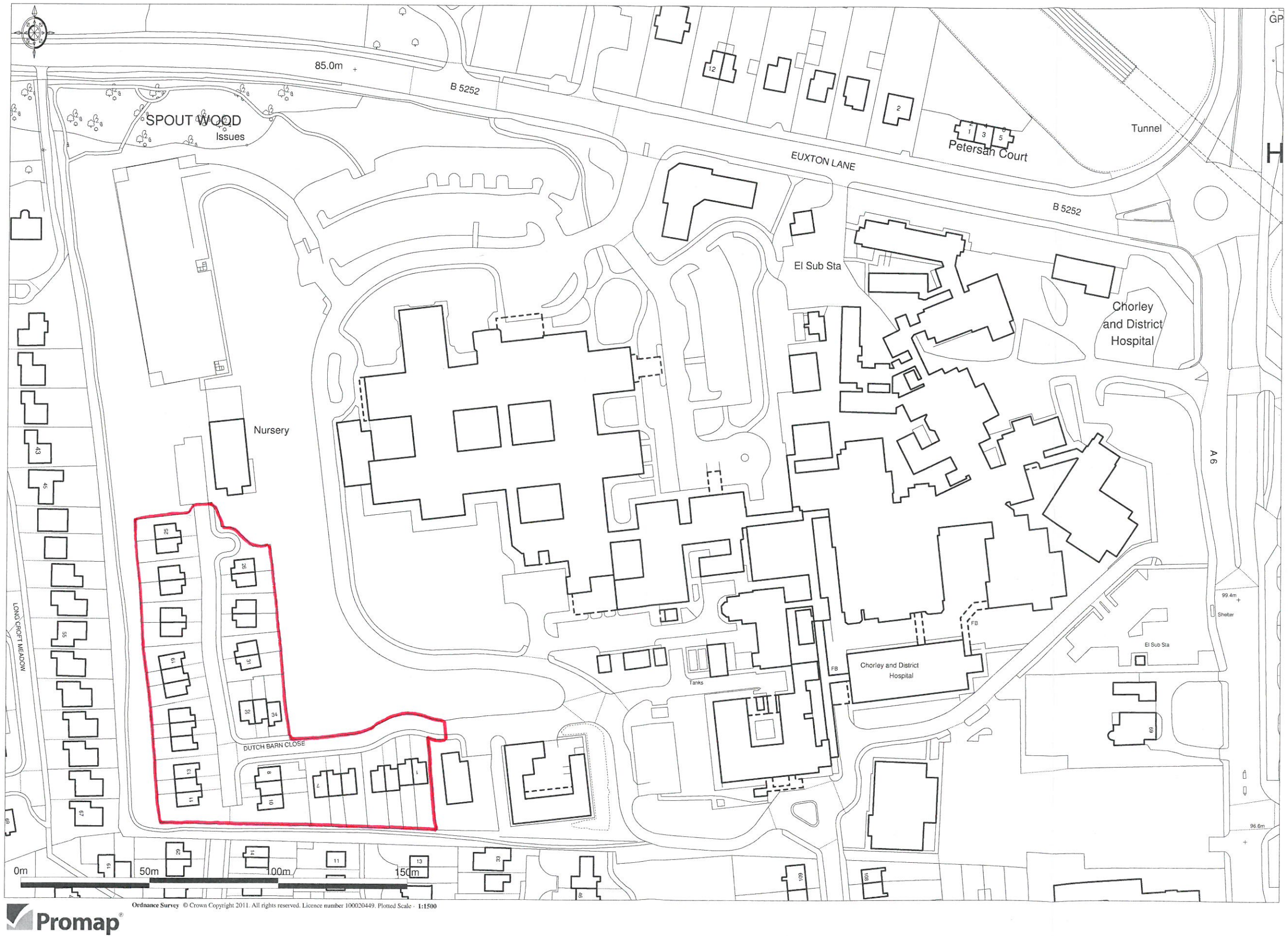
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Report of	Meeting	Date
Director of Public Protection, Streetscene and Community	Development Control Committee	27 April 2015

PROPOSED CONFIRMATION CHORLEY BOROUGH COUNCIL TREE PRESERVATION ORDER NO (2) ADLINGTON 2015 WITHOUT MODIFICATION

PURPOSE OF REPORT

1. To consider formal confirmation of the Chorley Borough Council Tree Preservation Order No (2) Adlington 2015 without modification.

RECOMMENDATION(S)

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

EXECUTIVE SUMMARY OF REPORT

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

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

CORPORATE PRIORITIES

4. This report relates to the following Strategic Objectives:

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

BACKGROUND

5. The Order was made on the 5 February 2015. The Order was made and served along with the statutory notice prescribed in Regulations on all those with an interest in the land on which the trees are situated on the 5 February 2015. The same documents were also served on owners/occupiers of adjacent properties. The Order was made because on the assessment of the Council's Tree Officer the trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public.

6. One objection has been received in response to the making of the above Order. Ms Taylor of 83 Railway Road, Adlington makes comment that she is in full agreement with the Order, however has concern relating to trees T1, T2 and T3. Ms Taylor is of the view that the trees should be pruned before protection is permanently afforded due to the considerable damage that could be caused to her property when the weather is windy due to their tall and lean nature. The planning officer, Ian Heywood, has been informed of Ms Taylor’s comments and believes that the trees are in a suitable condition therefore the Order should be made without modification. It is therefore, now open to the Council to confirm the above Order without modification. The effect of formally confirming the Order will be to give permanent legal force to the Order, as opposed to provisional force, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc, any of the trees covered by the Orders without first having obtained lawful permission.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

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

COMMENTS OF THE MONITORING OFFICER

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

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Gary Hall	01257 515104	27 April 2015	079628

Tree Preservation Order

Town and Country Planning Act 1990

The Chorley Borough Council Tree Preservation Order No (2) Adlington 2015

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

Citation

This Order may be cited as Chorley Borough Council Tree Preservation Order No (2) Adlington 2015

Interpretation

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

Effect

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

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

Application to trees to be planted pursuant to a condition

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

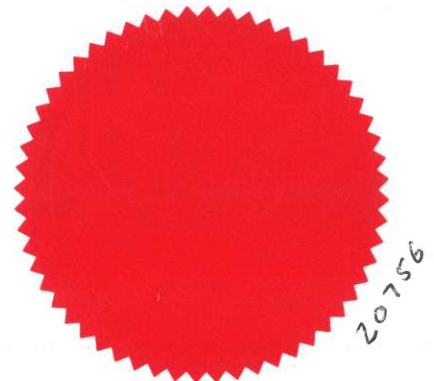
Dated this 5 day of February 2015

The Common Seal of Chorley Borough Council

was affixed to this Order in the presence of:]



.....]
Authorised Signatory



CONFIRMATION OF ORDER

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

OR

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

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

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

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

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

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

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

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

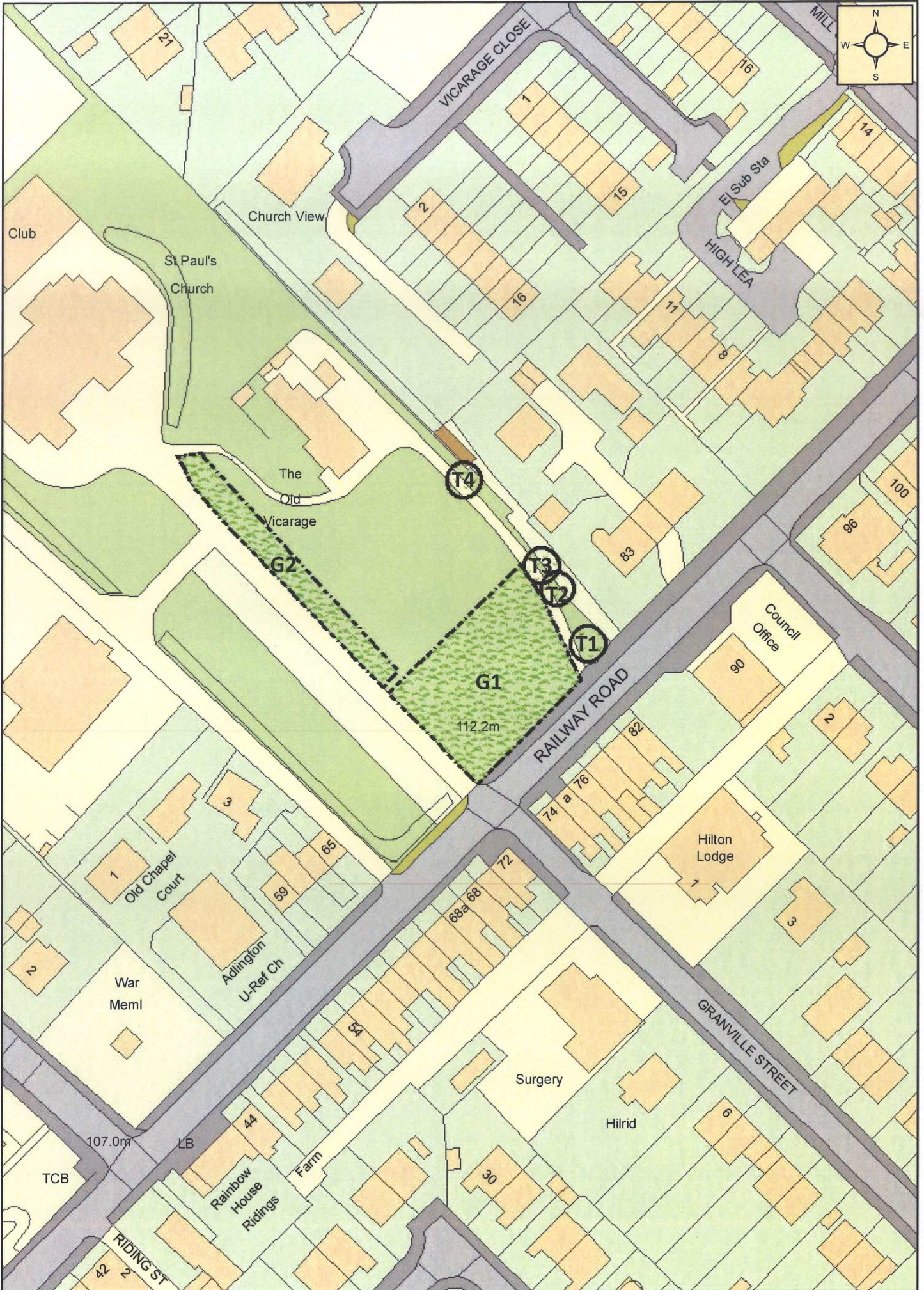
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation (Eastings then Northings)</i>
T1	Beech (Fagus Sylvatica)	360448 413446
T2	Lime (Tilia Europaea)	360442 413457
T3	Beech (Fagus Sylvatica)	360438 413462
T4	Ash (Faximus Excelsior)	360422 413480

Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation (Eastings then Northings and position)</i>
G1	Beech (Fagus Sylvatica), Sycamore (Acer Pseudoplatanus) & Lime (Tilia Excelsior)	360428 413439 – Adjacent to Railway Road, within front garden area
G2	Beech (Fagus Sylvatica), Sycamore (Acer Pseudoplatanus), Lime (Tilia Excelsior), Holly (Ilex Aquifolium), Yew (Taxus Baccata) and Scots Pine (Pinus Sylvestris)	360385 413463 – Adjacent (eastern side) to the drive to St Paul's Church





Report of	Meeting	Date
Director of Public Protection, Streetscene and Community	Development Control Committee	26 May 2015

TREE PRESERVATION ORDER NO.13 (CROSTON) 2014

PURPOSE OF REPORT

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

RECOMMENDATION(S)

2. That Tree Preservation Order No.13 (Croston) 2014 is confirmed with modification.

EXECUTIVE SUMMARY OF REPORT

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

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. An outline application (specifying the access, layout and scale) for demolition of The Mill Hotel and Restaurant and erection of 7 dwellings with associated parking was approved at Development Control Committee on 18th November 2014 subject to a Section 106 agreement. The permission has not yet been issued as the Section 106 agreement has not yet been signed.
6. A tree survey accompanied the planning application and a provisional Tree Preservation Order was placed on some of the trees on or in close vicinity to the site.
7. A detailed objection has been received to the Order. The following bullet points summarise the main points main:
 - Tree T2 should be removed from the Order. It appears a very poor and unbalanced specimen which is impinging on the adjacent tree T1 and could well jeopardise the long term viability of this tree which is growing to suit and so is also becoming increasingly unbalanced. Tree T2 will also need regular cutting back to avoid the adjacent [overhead] wires and obstructing the road so further reducing its contribution to the amenities of the

area/street scene - it does not seem worthy of protection which is likely to be contrary to the best interests of T1.

- Tree T1 as a stand-alone sycamore is probably not of sufficient amenity benefit as to warrant being included as part of the TPO.
 - The size of the proposed Group 1 and Group 2 should be reduced by approximately 15m - the benefit associated with the trees within these areas will be fundamentally the same if reduced as suggested. The width of the two groups also seems to be shown as being significantly wider than it is on the ground, notably Group 1 which should be adjusted to reflect only the area within which the trees are growing.
 - It may be more appropriate to have a single group TPO including T3.
 - The condition of the trees is such that T2 and potentially all the trees here do not warrant being the subject of a TPO. The required reasonable degree of public benefit in the present and/or future simply does not accrue from this proposal and so it is asked that the proposed TPO be withdrawn or the areas reduced as suggested to a shorter single group protection.
8. To respond to this objection a local planning authority may only make a tree preservation order where it is expedient to do so in the interests of amenity. The Oxford English Dictionary defines amenity as '*a desirable or useful feature or facility of a building or place*'.
 9. In relation to tree T2, an Oak, the objector states that it is a very poor and unbalanced specimen. Reviewing tree T2 it appears that there is an error in the tree survey that accompanied the planning application. The Tree Constraints Plan in this report shows T2 to be a category C tree (trees that are of low quality and value with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm), whereas the accompanying table shows it to be a category B tree (trees that are of a moderate quality and value with an estimated remaining life expectancy of at least 20 years). The tree was included in the draft Order on the grounds that it is category B. The arboriculturalist that wrote the report has been contacted and has clarified that the tree is a category C rather than a B. It is considered therefore that the T2 should not be included in the Order.
 10. Tree T1 is a Sycamore, approximately 12m high at present with a potential height of 30m. It has a good physiological condition and a fair structural condition as it has some dead stumps present and old open pruning wounds, but it is estimated it will last another 20 years. In terms of its condition the tree survey accompanying the application grades it as a 'B1' tree as reference from British Standard BS 5837:2012 - Trees in Relation to Design, Demolition and Construction – Recommendations. As stated above Category B states it is a tree of moderate quality with an estimated remaining life expectancy of at least 20 years.
 11. It is considered this tree has significant public amenity value sufficient to warrant a TPO. It is of considerable size at approximately 12m tall, it expected to have a life expectancy of around 20 years and occupies a very prominent visual position on the site frontage of the former Mill Hotel on Moor Road the main road from Euxton to Croston.
 12. It is agreed that reducing the length of Groups 1 and 2 in the Order will make little difference to amenity value of them. It is therefore proposed to confirm the Order with this alteration (see plan showing proposed change). It is also agreed to reduce the width of Group 1 to better reflect the area the trees in this group are growing on the site. It is still considered that the reduced length of the group should be within the Order, both groups are mixed species and are category B. It is considered that the group has significant public amenity value sufficient to warrant a TPO. Group 1 is approximately 15m high and

Group 2 approximately 12m and neither have significant visual defects according to the tree report, both groups are expected to live around another 40 years. The reduced groups are highly visible from Moor Road, especially given that the front of The Mill site is open and allows prominent views of the trees and these views will remain as the outline planning permission granted on the site approves the layout of the proposed dwellings which are also set back from the site frontage.

13. The comments regarding Tree T3, a Horse Chestnut, that it should become part of the adjacent Group 1 are noted, however this tree is positioned slightly further to the North West than the trees in the groups so is seen as an individual tree. It is therefore considered that it merits protection in its own right rather than as part of a group. The tree is 11m high in good physiological condition with no significant visual defects.
14. It is considered expedient to confirm the Order (amended as set out above) as outline planning permission has been granted at the site to demolish the former hotel building and build houses on the site.
15. It is therefore recommended that the TPO is confirmed with the following amendments to the Order:
 - Reduction in the length of Group 1 and 2 by approximately 15m;
 - Reduction in the width of Group 1;
 - Tree T2 removed from the Order.

IMPLICATIONS OF REPORT

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

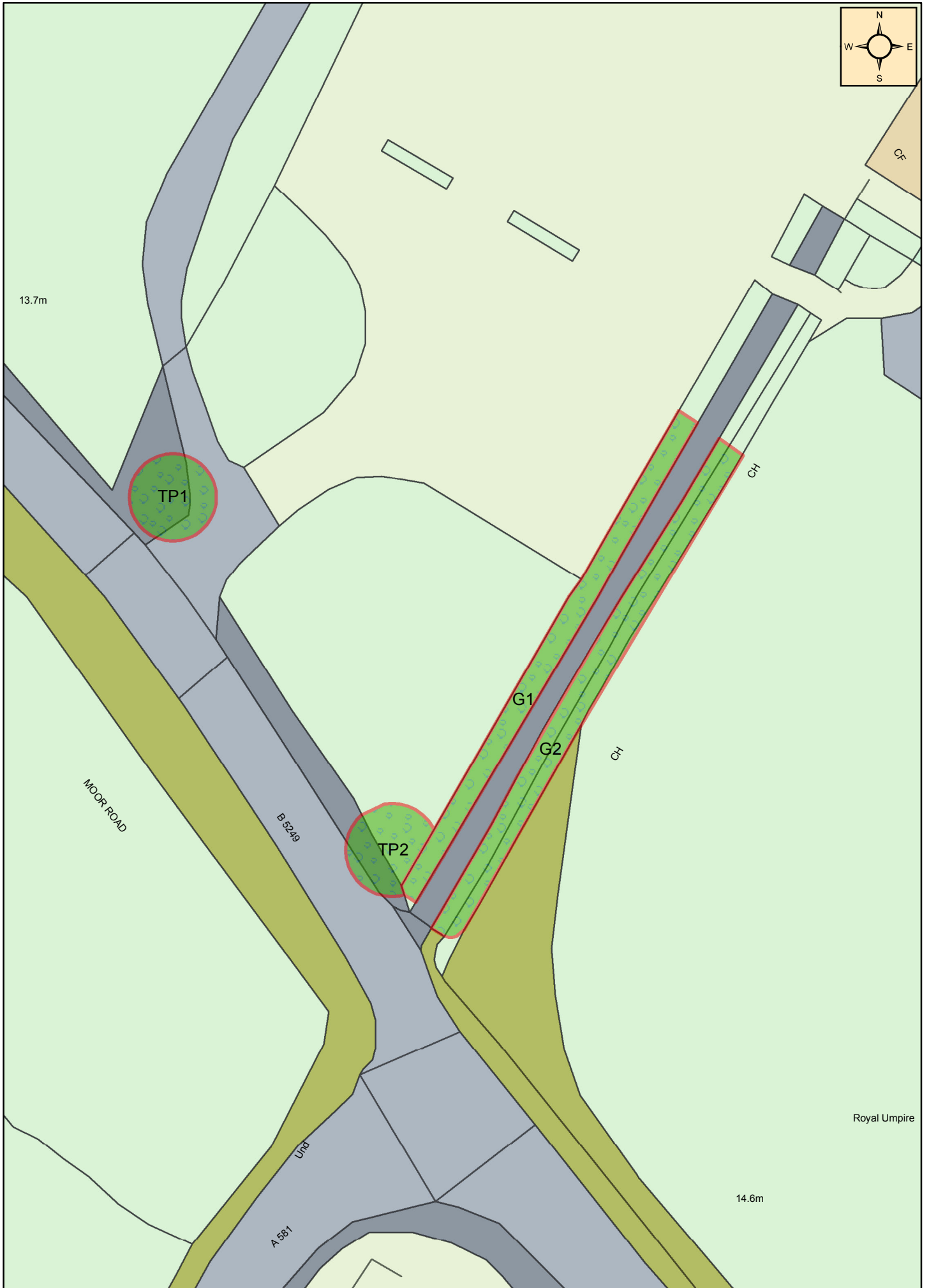
Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

Jamie Carson
 Director Public Protection, Streetscene and Community

Background Papers			
Document	Date	File	Place of Inspection
Tree Preservation Order No.13 (Croston) 2014		Tree Preservation Order No.13 (Croston) 2014	Civic Offices, Union Street

Report Author	Ext	Date	Doc ID
C Taylor	5222	13 May 2015	***

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