

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 8TH SEPTEMBER 2015, 6.30 PM

LANCASTRIAN ROOM, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

- 1 **MINUTES OF MEETING TUESDAY, 11 AUGUST 2015 OF DEVELOPMENT CONTROL COMMITTEE**

(Pages 3 - 6)

- 2 **DECLARATIONS OF ANY INTERESTS**

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

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

- 3 **PLANNING APPLICATIONS TO BE DETERMINED**

The Director of Public Protection, Streetscene and Community has submitted 11 reports for planning applications to be determined (enclosed).

Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website. <http://planning.chorley.gov.uk/online-applications/>

- 3A **15/00482/FULMAJ - DUXBURY PARK PHASE 2, BETWEEN MYLES STANDISH WAY AND DUXBURY GARDENS, MYLES STANDISH WAY**

(Pages 7 - 32)

- 3B **15/00462/FUL - 5 THE ORCHARD, CROSTON**

(Pages 33 - 42)

- 3C **15/00562/FUL - HEATH PADDOCK, HUT LANE, HEATH CHARNOCK**

(Pages 43 - 60)

- 3D **15/00506/REMAJ - LAND SURROUNDING HUYTON TERRACE, PREVIOUSLY BALY PLACE FARM, BOLTON ROAD, ADLINGTON**

(Pages 61 - 90)

3E	15/00661/FUL - CAR PARK ADJACENT TO 48 WOOD LANE, HESKIN	(Pages 91 - 104)
3F	15/00723/FUL - LAND BETWEEN 71 AND 81 STATION ROAD, CROSTON	(Pages 105 - 114)
3G	15/00664/REMAJ - LAND NORTH OF LANCASTER LANE AND BOUNDED BY WIGAN ROAD AND SHADY LANE, LANCASTER LANE, CLAYTON-LE-WOODS	(Pages 115 - 124)
3H	15/00643/FUL - WALLED GARDEN, ASTLEY PARK, CHORLEY	(Pages 125 - 132)
3I	15/00644/LBC - WALLED GARDEN, ASTLEY PARK, CHORLEY	(Pages 133 - 140)
3J	15/00701/FUL - WALLED GARDEN, ASTLEY PARK, CHORLEY	(Pages 141 - 148)
3K	15/00702/LBC - WALLED GARDEN, ASTLEY PARK, CHORLEY	(Pages 149 - 156)
4	TREE PRESERVATION ORDERS	
4A	TREE PRESERVATION ORDER NUMBER 4 (ADLINGTON) 2015	(Pages 157 - 162)
4B	TREE PRESERVATION ORDER NUMBER 5 (EUXTON) 2015	(Pages 163 - 168)
5	ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR	

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Development Control Committee Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, Charlie Bromilow, Henry Counce, Paul Clark, John Dalton, Danny Gee, Keith Iddon, Alistair Morwood, Mick Muncaster, Richard Toon, Paul Walmsley and Alan Whittaker.

Electronic agendas sent to Development Control Committee reserves for information.

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

To view the procedure for public questions/ speaking click here

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



MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE Tuesday, 11 August 2015

MEMBERS PRESENT: Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Charlie Bromilow, Henry Counce, Paul Clark, John Dalton, Keith Iddon, Mick Muncaster, Richard Toon and Alan Whittaker

RESERVES: Councillors Eric Bell, Jean Cronshaw, Graham Dunn and Gordon France

OFFICERS: Paul Whittingham (Development Control Manager), Nicola Hopkins (Principal Planning Officer), Iain Crossland (Planning Assistant), Alex Jackson (Legal Services Team Leader) and Cathryn Filbin (Democratic and Member Services Officer)

APOLOGIES: Councillors Martin Boardman, Danny Gee, Alistair Morwood and Paul Walmsley

OTHER MEMBERS: Councillors Margaret France and Beverley Murray

15.DC.143 Minutes of meeting Tuesday, 14 July 2015 of Development Control Committee

RESOLVED – That the minutes of the meeting of the Development Control Committee on 14 July 2015 be approved as a correct record for signature by the Chair.

15.DC.144 Declarations of Any Interests

There were no declarations of interest received.

15.DC.145 Planning applications to be determined

The Director of Public Protection, Streetscene and Community submitted 15 reports for planning permission consideration.

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

Before deliberation of the reports for planning permission consideration commenced, the Development Control Manager reported the successful outcome of a recent judicial review by local authorities (to which Chorley Council offered support to in

terms of evidence) against the government's ministerial statement dated 28 November 2014, amending the National Planning Policy Framework (NPPF). The amendment affected small sites of 10 or less units whose combined area was less than 1000 sqm.

As a result, the ministerial statement and the NPPF guidance had been removed from the government's website.

The reports contained in the agenda had been updated in the addendum with officer recommendation reflecting the adoption of the SPD for open space and affordable housing provision.

15.DC.145a 15/00375/FULMAJ - Market Walk Extension, Union Street, Chorley

This application was withdrawn from the agenda.

15.DC.145b 15/00141/FUL - Woods Fold Saw Mill, Dole Lane, Abbey Village

Registered speakers: David Metcalfe (objector), Parish Councillor Adam Crompton, Ward Councillor Margaret France and Alan Croston (the applicant's agent)

A motion was proposed, and seconded, to refuse planning permission on the following grounds:

1. the impact it would have on the openness of the green belt,
2. the proposed reduction of traffic not being evidenced, and
3. that the scale and size of the development would be inappropriate.

When the motion was put to a vote it was lost (6:7:2).

RESOLVED (7:6:2) – That planning permission be approved subject to the conditions detailed within the report in the agenda, and the additional and amended conditions contained in the addendum.

15.DC.145c 15/00482/FULMAJ - Duxbury Park Phase 2 between Myles Standish Way and Duxbury Gardens, Myles Standish Way

Registered speakers: Emily Batchelor (objector), Ward Councillor Beverley Murray, Chris Betteridge (the applicant's agent).

RESOLVED (14:1:0) – That the decision be deferred to allow members of the Development Control Committee the opportunity to visit the site of the proposals.

15.DC.145d 15/00503/FUL - Euxton Park Golf Centre, Euxton Lane, Euxton, Chorley, PR7 6DL

The application was withdrawn.

15.DC.145e 15/00517/FUL - Unit 1, 60A Westhoughton Road, Adlington, Chorley, PR7 4ET

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

15.DC.145f 15/00485/FUL - Gilivervet, Garwood Equine Centre, Bolton Road, Anderton, Chorley, PR6 9HN

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

15.DC.145g 15/00577/FULMAJ - Chorley Rugby Union Club, Chancery Road, Astley Village Chorley, PR7 1XP

RESOLVED (unanimously) – That planning permission be approved subject to a supplemental Section 106 and the conditions contained in the addendum.

15.DC.145h 15/00556/OUT - Hole House Farm, Chorley Road, Heath Charnock

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

15.DC.145i 15/00383/FULMAJ - Land opposite Chancery Road, West Way, Astley Village

Registered speakers: David Jolly (objector) and Chris Weetman (the applicant's agent).

RESOVLED (14:0:1) – That planning permission be approved subject to the conditions detailed within the report in the agenda and the additional and amended conditions contained in the addendum.

15.DC.145j 15/00494/FUL - 30 New Street, Eccleston, Chorley, PR7 5TW

Registered speaker: Alison Kirby (applicant)

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

15.DC.145k 15/00428/COU - 161 Spendmore Lane, Coppull

Registered speaker: Susan Potter (applicant)

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

15.DC.145l 15/00462/FUL - 5 The Orchard, Croston

Registered speaker: Stephen Merrill (objector)

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

15.DC.145m 15/00571/FUL - Tinklers House, Hoggs Lane, Chorley

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

15.DC.145n 15/00601/FUL - Two Corners Residential Care Home, 179 Preston Road, Whittle-le-Woods

Registered speaker: Roderick Nutter (objector)

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

Councillor Eric Bell left the room for the rest of the meeting.

15.DC.145o 15/00656/FUL - Ricmarlo, Preston Nook, Eccleston

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

15.DC.146 Appeals and other decisions

The Director of Public Protection, Streetscene and Community submitted a report, and there was an update in the addendum, which informed Members of the Development Control Committee of the following notifications from the Planning Inspectorate:

- six planning appeals that had been lodged
- three planning appeals which had been dismissed
- two planning appeals allowed
- two enforcement appeals lodged

RESOLVED – That the report be noted.

Chair

Date

Item 3a	15/00482/FULMAJ
Case Officer	Nicola Hopkins
Ward	Chorley South East
Proposal	Erection of 70 dwellings, associated garaging, car parking and access arrangements
Location	Duxbury Park Phase 2 Between Myles Standish Way And Duxbury Gardens, Myles Standish Way
Applicant	Rowland Homes
Consultation expiry:	8th August 2015
Decision due by:	19th August 2015 (time extension agreed until 11th September 2015)

Recommendation

Approve full planning permission subject to the associated S106 Agreement

Executive Summary

This site already has consent for 70 dwellings and as such the main issues to consider are the changes to the proposed layout when compared to the approved housing layout for this site.

Update

Members will recall that this application was considered at DC Committee on 11th August and deferred for a site visit. Concerns have been raised that there was extensive consultation prior to the submission of the United Utilities scheme at this site which was not replicated by Rowland Homes as part of this application. This has resulted in a scheme which is considered to disregard the previous public consultation which occurred. Although the Council encourages public consultation for major schemes, in accordance with its Statement of Community Involvement, such as this it isn't possible for the Planning Authority to insist on developers undertaking a public consultation exercise.

The main area of concern is the relationship with the proposed houses and Duxbury Gardens which Members viewed during the site visit. It was queried with Rowland Homes whether this part of the site could be amended in line with the previous approval. However this is not possible as there is a necessary sewer easement which runs across the proposed rear gardens of plots 43 to 47. The agent for the application has confirmed that the previous application did not take account of this easement in the approved layout and as such this allowed for houses in this location to orientated differently. The scheme which United Utilities got consent for therefore could not be constructed as approved.

Representations

The Chorley South East Ward Councillors have made the following comments:

- Agree with a number of the points raised by Duxbury Garden residents who we have spoken to.
- When this development was first put forward for planning, this was after an extensive consultation process undertaken by United Utilities. As a result of this process, the residents’ concerns about being overlooked, or overlooking, and issues around privacy and noise, were taken into account and the plans were amended accordingly.
- We now have Rowland homes, going back to virtually the original plans and totally disregarding the consultation process. This we find unacceptable as a lot of time and effort from all sides were put into the consultation and surely this should help inform any plans for the site as previously.
- We would urge Rowland Homes to re look at the plans for the site to make sure that neighbours amenities and comments are given full consideration. If this means deferring the plans to a later committee date then so be it.

In total 11 representations have been received which are summarised below

Objection	Not specified
Total No. received: 9	Total No. received:2
<ul style="list-style-type: none"> • Removal of promised planting to the rear of the existing properties • Resiting of affordable dwellings • Windows proposed facing existing dwellings • Request no windows are built onto the side of the dwellings facing existing properties. • Plot number 48 is extremely close to the fence line. • The corner of plot number 48 is touching the fence line which does not seem appropriate. • The construction process will disturb family life due to the proximity of the building work, alongside a high risk of possible disturbance to the foundations alongside the fence line. • A large number of hedgehogs in the area- building work would disturb the area’s wildlife. • Loss of light • 3 more trees will be planted in place of the existing trees next to number 28 Duxbury Gardens however request that the landscaping adds to this and puts a run of evergreen trees along the boundary fence so as to maintain the privacy of the dwellings at the end of the cul-de-sac, reduce overlooked and add to privacy for the new dwellings. 	<ul style="list-style-type: none"> • Request that the 2 birch trees (ref. BET JAC and BET PEN) are replaced with a different type of tree due to the neighbour’s severe pollen allergy • Previous plans showed existing properties not being overlooked with the nearest new property being “gable side on “. It is queried whether this is still the case.

- Lack of developer consultation with neighbours
- Noise concerns
- All residents agreed that the original plans- 13/00178/FULMAJ –took concerns on board. New plans have changed significantly at the back of the site and this directly affects Duxbury Gardens residents.
- Duxbury Garden houses affected, except no 29, are 3 storey designed, as already noted, with living room on first floor and two bedrooms on second floor at the back-all will overlook plots 45-47 with Duxbury Gardens numbers 30, 31(my families) looking directly into numbers 45-47. Therefore not maintaining the sympathetic layout and design in original layout in original approved scheme.
- Loss of privacy for the proposed plots and privacy issues for the existing houses
- With 8 houses now potentially being built in an area of original approved scheme where there was only 3 will lead to a great deal more noise and disturbance due to more family members and also with each house having two parking spaces this means the potential of 16 cars instead of six.
- Inaccuracies in the actual Planning and Design Statement-this cannot be legally correct or at least , not in the spirit or principles of the original approved scheme.
- The environmental impact of natural habitat being eroded, meant the putting up of many 'bat boxes' into the trees that have now been felled. The current landscape is now decimated.
- Rowland Homes: there has been absolutely no contact with households or consultation of any kind
- Rowland Homes haven't listened to the concerns raised.
- The meeting should be deferred so Rowland Homes could have a re-look at the plans and consult the neighbours.
- There are 7 properties on Duxbury Gardens that are being affected and at least 5 have raised objections.
- Will be thoroughly disappointed if these plans go forward as they are after the original consultations

Consultees

Consultee	Summary of Comments received
Lancashire Constabulary Designing Out Crime Officer	Has made some recommendations to reduce the risk of crime affecting the residents, visitors and immediate locality, should planning permission be granted.
Environment Agency	No further comments to make further to initial response regarding the approved Flood Risk Assessment (FRA) (February 2013) and FRA amended letter dated 25 April 2013
Strategic Housing	The type and tenure of Affordable Housing proposed matches what was previously required for the 13/00178/FULMAJ application and is therefore acceptable to Strategic Housing.
Lead Local Flood Authority	No objection subject to appropriate conditions
LCC Highways	No objection
CBC Waste and Contaminated Land Officer	Satisfied with the submitted report and for the development to proceed in accordance with the recommendations made in this report
Greater Manchester Ecology Unit	Have commented on the proposals addressed within the report

AssessmentProposed Development

1. The application site is located within Chorley Town and is accessed via Myles Standish way. This site forms part of a larger site than was historically occupied by United Utilities the remainder of the site is being developed for housing by Arley Homes.
2. The application site itself is adjacent to Duxbury Gardens and the Arley Homes residential estate to the north (currently under construction). To the south of the site is Myles Standish Way, from which the site already has an established vehicular access.
3. The application is submitted by Rowland Homes to erect 70 dwellings on the part of the site which was previously identified for employment use.

History of the site

4. The application site is part of a larger area previously granted outline approval (08/01044/OUTMAJ) for a mixed use development comprising up to 200 residential units and 10,800m² of B1 employment use. The current application relates to the previously approved area for B1 employment use.
5. In 2011, a reserved matters application (10/00946/REMMAJ) was approved for the development of 135 dwellings on the residential part of the site. Development of this part of the site is currently in progress and is close to completion.
6. Following the grant of full planning permission for residential development on part of the site, United Utilities applied to erect 70 dwellings on the part of the site (13/00178/FULMAJ) which was previously approved for employment use. This permission was granted in August 2013 and as such the acceptability of the principle of housing on this part of the site has been established.

Principle of the Development

7. The application site is allocated in the Chorley Local Plan (Policy HS1.2) for residential development and as such the principle of erecting houses on this site is considered acceptable.

Density

8. Policy 5 (Housing Density) of the Adopted Central Lancashire Core Strategy states that National Policy no longer sets out an indicative density of 30 dwellings per hectare(dph). However, in suburban and rural locations a density of 25-35 dph is typical.
9. Policy 5 also states that density is an important consideration in any proposed housing scheme, however, the key objective is to achieve high quality design that responds to the character of the area in terms of existing density.
10. The application site extends to an area of approximately 2.4 hectares. The provision of 70 dwellings on the site therefore equates to a density of 29 dwellings per hectare (dph). The density of the scheme allows for the construction of family dwellings with private amenity space reflecting current market trends. This density also takes into account the topography of the site which has significant implications on the layout of the site.
11. The Arley Homes scheme to the north comprises 126 dwellings and covers an area of approximately 4.7 hectares equating to a density of approximately 26dph. Although 135 dwellings were originally approved the plans have been amended to incorporate 126 dwellings. The proposed densities are shown to be comparable and the density proposed at the application site would therefore reflect that already established in the surrounding area. As such, the proposed density of the development is considered to be in accordance with Policy 5 of the Adopted Central Lancashire Core Strategy.

Impact on neighbour amenity and levels

12. The immediate neighbours to the proposed development are the properties to the north and west of the application site. The majority of these properties comprise the newly

constructed Arley Homes dwellings at the adjacent part of the site and a number of older dwellings on a site known as Duxbury Gardens.

13. 28 Duxbury Gardens is a two storey detached dwellinghouse located to the north of proposed plot 48. 28 Duxbury Gardens has a blank gable wall facing plot 48 and the proposed dwelling on plot 48 is a Renishaw house type with a blank gable wall facing the common boundary with 28 Duxbury Gardens. Plot 48 is proposed to have a similar finished floor level as the existing house resulting in no significant level change between the properties. Given the proposed siting of dwelling in relation to the existing dwelling, it is not considered that the proposals will result in loss of amenity to the detriment of the existing residents.
14. Plots 46 and 47 face the side garden area of 29 Duxbury Gardens however due to the existing garage at 29 Duxbury Gardens these plots will not enable direct overlooking of the private garden space of the existing property. Although it is noted that the proposed dwellings, in particular plot 46, will directly face the rear garden area of 29 Duxbury Gardens approximately 10m is retained from the rear of the proposed dwelling to the garden boundary in accordance with the Council's spacing standards.
15. Plots 43-45 are proposed to back onto 29-32 Duxbury Gardens. The existing properties comprise two storey dwellings (29 and 32) and 2.5 storey dwellings with room in the roof space incorporating dormer windows (30 and 31). The proposed properties are slightly offset in terms of their siting. However the layout maintains in excess of 10m long gardens and at least 21 metres is maintained between the rear elevation of the proposed dwellings and the existing dwellings. The proposed dwellings are two storey houses which form part of the affordable housing provision on the site. The proposed properties are approximately 0.3m lower than the existing properties ensuring that the spacing distances maintained are appropriate.
16. Concerns have been raised by some residents of Duxbury Gardens and the Ward Councillors that this part of the site was amended during the consultation with United Utilities so that there were no new houses backing onto the existing houses with the gable end of the new dwellings adjacent to the boundary with the existing houses. It was queried with Rowland Homes whether this part of the site could be amended in line with the previous approval. However this is not possible as there is a necessary sewer easement which runs across the proposed rear gardens of plots 43 to 47. The agent for the application has confirmed that *the previous application did not take account of this easement in the approved layout and as such this allowed for houses in this location to orientated differently. The relationship between proposed plots 43 to 47 and existing houses on Duxbury Gardens has been considered to ensure that interface distances are met and privacy is maintained for existing residents.*
17. 33-35 Duxbury Gardens face the side gable and rear garden of proposed plot 42. The dwelling on this plot is proposed to be a two storey three bedroomed dwelling which is one of the affordable units on the site. In excess of 13m is retained between the rear edge of 33 Duxbury Gardens and the gable of plot 42 which exceeds the Council's standard spacing distances. 34 and 35 Duxbury Gardens are 2.5 storey dwellings which face the rear garden of plot 42. In excess of 15 metres is retained between the rear of these properties and the boundary with the garden which exceeds the required 10m. The proposed dwelling on plot 42 is approximately 0.05m lower than the existing dwellings ensuring that the spacing distances maintained are appropriate (this level difference was amended during the application process increasing the proposed slab level from 74.70 to 75.15 which is mid-way between the slab levels of 75.00 and 75.30 that are shown on the approved layout and to replicate the finished floor levels of the existing properties on Duxbury Gardens. Although the dwellings on Duxbury Gardens extend to 3 storeys in height, with habitable room rear windows on all levels, it is considered that the spacing distances maintained will protect the amenities of the existing and future residents.
18. 8 and 10 Duxbury Manor Way are located to the west of plots 40-42. The newly built properties are 2.5 storey dwellings with a rear roof dormer. However this dormer serves a

bathroom with obscure glazing and as such the interface consideration in respect of the existing and proposed dwellings relate to the ground and first floor windows. The proposed dwellings have a proposed finished floor level between 0.75m and 0.9m lower than the existing dwellings which require a 2m increase in the Council's standard spacing distances. However this reflects the previously approved layout in respect of this part of the site and as such this relationship has already been established as acceptable.

19. The rear of 6 Duxbury Manor Way faces the rear garden of plot 37. This newly built property is a 2.5 storey dwelling with a rear roof dormer. However this dormer serves a bathroom with obscure glazing and as such the interface consideration relates to the ground and first floor windows. 6 Duxbury Manor Way is approximately 1.32m higher than the proposed property on plot 37. However this reflects the previously approved layout in respect of this part of the site which retained 10m from the rear of 6 Duxbury Manor Way to the garden area. As such this relationship has already been established as acceptable.
20. Plot 36 is located adjacent to 13 Shireburne Drive and will be constructed at a land level approximately 1m lower than the existing dwelling. It is proposed that the side gable of the proposed dwelling will be adjacent to the side gable of the existing dwelling to create an acceptable relationship. Plot 36 is a Belgrave House type which does not have any windows in the side gable facing 13 Shireburne Drive
21. Plot 35 backs onto 19 and 21 Shireburne Drive and is proposed to be a two storey detached dwelling built at a land level approximately 1.2m lower than the existing dwelling. Given the level change there is a requirement to provide 23m window to window distance which is achieved in respect of this relationship.
22. 33-37 Shireburne Drive back onto the side gable of plot 32 and are approximately 2m higher than the proposed dwelling. There is approximately 12m retained between the existing houses and the proposed houses. The proposed houses are two storey dwellinghouses and with the level difference this ensures that the occupiers of the existing properties will not be facing a large two storey blank gable wall. This relationship is considered to be acceptable.
23. The Council's spacing standards are applied to ensure that an adequate amount of privacy and amenity is provided for the existing and future residents. The application is supported by various sectional drawings which demonstrate the difference in levels between the proposed dwellings. The main areas of concern relate to:
 - 23 and 25 Shireburne Drive overlooking the garden of plot 33,
 - 39-43 Shireburne Drive overlooking the garden of plot 32 and
 - The relationship of plots 26-28 with 37 Duxbury Manor Way.
24. 23 and 25 Shireburne Drive face the rear garden area of plot 33 and are approximately 0.65m higher than the proposed dwelling. 10m is retained to the rear garden boundary which is considered to be acceptable.
25. 39-43 Shireburne Drive back onto the proposed rear garden area of plot 32 and are approximately 2.3m higher. Given the level change there is a requirement to provide 17m long gardens which is not retained in this case.
26. Proposed plots 26-28 back onto 37 Duxbury Manor Way and will be built approximately 5.78m lower in land levels. Applying the increase in spacing required by the Council's standards due to the significant level changes across the site would result in a significant amount of space retained between dwellings. This is the case in respect of this relationship which would require 42m rear window to rear window where only approximately 26m is retained.
27. The sectional plan demonstrates the extent of views from the ground and first floor windows. The proposed and existing rear boundary treatments along with the level difference ensures that there will not be any loss of privacy or amenity for the future

residents which address the purposes of applying separation distances. This replicates the arrangement of houses on the adjacent Arley homes site which had to address similar level changes.

28. Plots 24-25 back onto the rear garden are of 41 Duxbury Manor Way, however given that these properties are approximately 4.7m lower than the existing property the proposed dwellings will not create overlooking to the detriment of the neighbours amenities.
29. Internally within the site plot 13 only has a 9.5m long garden which is slightly below the required 10m. However the future residents will be aware of this relationship when they purchase the property.
30. During the consideration of the application the finished floor levels to Plots 5/6 and 10 have been altered so that the differential between Plots 5 and 10 is now 0.85m (previously 1.09m) and Plots 6 and 10 is now 1.15m (previously 1.44m). The distance retained between plots 5 and 10 is 21.5m and plots 6 and 10 is 22.5m. This is only slightly below the required spacing distances (given the finished floor level difference) and are considered to be acceptable.
31. The originally proposed details included 0.9m high fences to delineate rear gardens. However as this was raised as a concern as this would not provide private rear gardens the plans have now been amended to include 1.8m high fences which will ensure that private rear gardens are provided.

Affordable housing

32. In accordance with Policy 7 of the Adopted Central Lancashire Core Strategy the development is required to provide 30% affordable housing. The proposed development would result in 70 new dwellings and so in accordance with current policy; the scheme should provide 21 affordable units.
33. The development provides 21 affordable homes comprising:
 - 13 two bedroom houses- social rented
 - 2 three bedroom houses- social rented
 - 6 three bedroom houses- intermediate sale (shared ownership)
34. The affordable units are identified on plots 18-32 in the western end of the site and on plots 40-45 at the northern end of the site. As noted above concerns have been raised about the location of the affordable housing which differs from the previously approved scheme on this site. However the Adopted Affordable SPD encourages the dispersal of affordable housing units within residential development to promote mixed communities and minimise social exclusion. It is considered that siting the proposed affordable houses within two parts of the site accords with the aspirations of the SPD.
35. As such, it is considered the proposed development would provide adequate affordable housing on site in accordance with Policy 7 of the Adopted Central Lancashire Core Strategy.

Sustainable Resources

36. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy

performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent."

"Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance."

37. As such there will be a requirement for the dwellings hereby approved to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.

Trees and landscape

38. The application site is essentially split into two sections, the first being to the west and the second to the east of the existing access road.
39. The part of the site to the west is that which involves the greatest change in levels and rises significantly in an east-west direction, parallel with the properties already erected to the north of the site. This part of the site has already been cleared of any vegetation and is currently vacant.
40. The part of the site to the east has been left in more of a natural state and currently includes a number of trees, shrubs and grassland. An Arboricultural Constraints Appraisal has been submitted with the application which includes details of all the trees on site.
41. 12 individual trees form part of the appraisal which reflects the 12 trees already protected on this site (TPO 6 (Chorley) 2013). All of the trees are identified for retention and include appropriate root protection areas to ensure the continued protection of the trees during the construction process.
42. Concerns have been raised by one neighbour in terms of the types of trees originally proposed due to an existing resident having a pollen allergy, however the plans have been amended to replace these trees.

Ecology

43. Bowland Ecology Ltd was commissioned by Rowland Homes Ltd to undertake an extended Phase 1 Ecology Survey and desk study of the site at Duxbury Park, Chorley (NGR: SD 588 160). The extended Phase 1 survey aimed to update phase 1 surveys previously undertaken by United Environmental Services in 2008 and Bowland Ecology Ltd in 2012 in support of planning application that has been granted to develop the site.
44. Greater Manchester Ecology Unit has provided the following comments:
It would appear that some harm has been caused to the woodland strip at the eastern edge of the (current) application site by previous ground clearance works.

Assuming that compensation for losses and/or mitigation has not been previously agreed as part of the wider scheme I would support the proposals in the most recent ecology survey to seek compensation for this loss and /or mitigation for future harm to ground flora, as follows -

"the remaining ancient woodland groundflora and associated woodland soils beneath the trees at the eastern boundary of the application site should be translocated to an appropriate location as agreed with the LPA. This would include removing all the plants, bulbs, the top soil and subsoil to a suitable location following an approved Method Statement. The area of habitat to be translocated will be identified and marked out by a suitably qualified ecologist prior to translocation".

45. Translocation of the woodland groundflora aims to preserve the remaining biodiversity of the site in a situation where it will be protected from further developmental pressures.
46. Following the Supreme Court ruling (*Morge vs Hampshire County Council – Supreme Court ruling Jan 2011*) the Local Authority now have a responsibility to consult Natural England on proposals which may affect protected species and ask the following questions:
- Is the proposal likely to result in a breach of the Habitats Regulations?
 - If so, is Natural England likely to grant a licence?
47. Natural England has not been consulted on the proposals as it is not considered that that the proposals will result in a breach of the Habitats Regulations.
48. Following the high court decision (*R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009*) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
- a) the activity must be for imperative reasons of overriding public interest of for public health and safety;
 - b) there must be no satisfactory alternative and
 - c) favourable conservation status of the species must be maintained.
49. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive. It is not considered that the proposals will impact on protected species and the ecological impact identified above can be addressed by condition.

Drainage and Sewers

50. Part of the site falls within a Flood Zones 2 and 3. As such a Flood Risk Assessment & Drainage Strategy (FRA) has been submitted as part of the application. The Environment Agency commented on the previous application at this site and raised no objection subject to suitable conditions.
51. Surface water drainage is now the responsibility of Lancashire County Council as the Lead Local Flood Authority (LLFA) who have no objection to the proposals subject to the imposition of suitable conditions. These mainly relate to the inclusion of a surface water sustainable drainage scheme as they have commented that the FRA submitted as part of this application does not include evidence of surface water run-off rates. As this application relates to previously developed land, the LLFA would request that further calculations are to be completed and the LLFA requests to be formally consulted on these. The FRA also states that there will be a requirement to attenuate surface water due to the increase in impermeable area as a result of the development. The final requirements of this attenuation have not been finalised and the LLFA would again request to be consulted on these proposals. This will be addressed by condition.

Open Space

52. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. The following requirements are based upon the standards within Local Plan Policies HS4A and HS4B and the approach in the SPD.

Amenity Greenspace

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

Provision for children/young people

54. There is currently a surplus of provision in the Chorley South East ward in relation to this standard, a contribution towards new provision in the ward is therefore not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. A contribution towards improvements is therefore also not required from this development.
55. It is also important to note that the adjacent development for 126 dwellings provided 0.35 hectares of open space provision including an equipped play area. The minimum size of play area required for the adjacent development was 0.08 hectares which meant that extra provision was made in that case. As such, taking into account the fact that an oversupply of equipped play space was provided immediately adjacent to the application site there is no justification for additional equipped play space.

Parks and Gardens

56. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace

57. There is no requirement to provide new natural/semi natural greenspace on-site within this development. The site is within the accessibility catchment (800m) of areas of natural/semi-natural greenspace that are identified as being low quality and/or low value in the Open Space Study (sites 1725 – Between St Gregory's Place/Burgh Meadows and 1827 – Plock Wood, Lower Burgh Way), a contribution towards improving these sites is therefore required. The amount required is £557 per dwelling.

Allotments

58. There is no requirement to provide allotment provision on site within this development. The site is within the accessibility catchment (10 minutes' drive time) of proposed new allotment sites at Land at Sylvesters Farm, Euxton (HW5.2) and Harrison Road, Adlington (HW5.3). A contribution towards new allotment provision is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

59. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

60. As 70 dwellings are proposed to total POS contribution equates to £161,770

Contamination and Coal Mines

61. Due to nature of the type of training that took place on site for both water and electricity industries there may be issues with contaminated land in some parts of the site. In addition to this, it is thought that there may be mine shafts across the site.
62. In this regard a Phase I & Phase II Geo-Environmental Site Investigation has been undertaken which has been reviewed by the Council's Waste and Contaminated Land Officer. The Officer is satisfied with the report and for the development to proceed in accordance with the recommendations made in this report. This can be addressed by condition.

Highways

63. LCC Highways have reviewed the proposals and confirmed that they have no objection subject to all the highway conditions and advice notes attached to the previous approval. The Highway Engineer has also commented that the highway contributions requested in

respect of the previous approval are still relevant and should apply to the approval of this application.

64. In respect of the previous application LCC Highways requested a contribution of £130,620 to investigate and fund operation of an additional bus service in the area. In respect of the history of this site the outline application secured £368,900 towards sustainable transport improvements. The subsequent Section 73 application reduced the contribution (based upon a decrease in number of houses from 200 to 126) as follows:
- £83,970 related to the employment land
 - £165,037 related to the residential land
65. This application takes the total number of houses back up to approx. 200 which was originally envisaged for the site although it is on the land originally allocated for employment uses and as such LCC consider that the original request of £130,620 is justified as it relates to sustainable transport improvements directly related to housing (i.e. access to shops, employment etc).
66. To resolve this issue as part of the previous planning application (on a pure calculation basis) it was calculated that the figure secured from the Arley Homes site equates to £1309 per dwelling. This was translated into the proposed development and equated to a sum of £91,687 (70 x £1309.82) which was secured as part of the legal agreement.
67. As Chorley is now a CIL Charging Authority and this scheme will be CIL liable requests for Section 106 contributions should be restricted to the regulation of development and site specific mitigation. To avoid any double charging, planning authorities cannot seek the provision of a contribution towards items included in the Regulation 123 List through S106 obligations, even where they would be justified as site specific remediation. It is considered that the sustainable transport contribution requested as part of this development is directly related to the development in question and the development as part of the wider site and as such is justified in this case. This will be secured as part of the legal agreement.
68. The Highway Engineer has raised concerns that the previously approved pedestrian/cycle route linking the site at its western end to the public open space (POS) has been removed in the current proposal. This linked directly to the area of open space within the Arley Homes development and was removed by Rowland Homes when they assessed the developability of the site. Creating this pedestrian link involved significant engineering operations and the creation of a sloped footpath due to the level differences on site. It is considered that the scheme as proposed without the link creates an improved layout in respect of the existing and future residents. The removal of this link does not hinder access to the POS although it will be a lightly longer route for the residents of this development.
69. The Engineer has also raised concerns that the previous Highways request for pedestrian/cycle route from the eastern end of the development to Red Bank has not been incorporated. However this land is outside of the applicant's control and would not be possible to secure.
70. The proposed houses incorporate sufficient driveway/garage space for the size of dwellings proposed. A number of the integral garages do not meet the Manual for Streets standard of 6x3m garages, however they are large enough to accommodate a car. The storage space which is included within the Manual for Streets garage dimensions in these cases will be secured by the inclusion of a shed.

Community Infrastructure Levy

71. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sq. m. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed housing development will be chargeable development.

72. This is a full application and the CIL regulations specify that the fall back position of approved schemes can only be taken into account in respect of CIL when a S73 application is submitted. However it is considered that a pragmatic approach is appropriate given that the intention of CIL was never to retrospectively impose CIL charging on approved schemes. As such the extent of approved development is subtracted from the extent of proposed development and CIL is only charged on the uplift created by virtue of the proposed amendments. However in these cases a shorter time limit to commence development is applied to take into account the length of time left on the 'fallback' planning approval. In this case the planning approval has to commence before 29th August 2016 and as such the recommended condition for this planning application is to commence the development within 1 year.
73. The previous approval on this site (13/00178/FULMAJ) incorporated the following floor space:

House type/ garage	Size (m ²)	Number	Total floor space
Type A	67.9	13	882.7
Type B	80.4	8	643.2
Type C	87.5	8	700
Type D	80.7	6	484.2
Type E	113.5	1	113.5
Type F	122.7	12	1472.4
Type G	119.7	2	239.4
Type H	116.8	5	584
Type Hs	116.8	3	350.4
Type J	135.8	3	407.4
Type K	131.3	9	1181.7
Single Garage	18	12	216
Double Garage	36	5	180
Total		70	7454.9

74. In respect of the proposed scheme the following floorspace is proposed:

House type/ garage	Size (m ²)	Number	Total floor space
Type A2	70.62	13	918.06
Type A3	84.84	8	678.72
Type BU	74.24	4	296.96
Type E	77.96	4	311.84
Type C	88.46	6	530.76
Type BOW	117.82	8	942.56
Type R	128.97	7	902.79
Type BR	117.17	3	351.51
Type BEL	146.81	4	587.24
Type REY	131.39	2	262.78
Type M	156.20	1	156.20
Type M (attached garage)	186.12	2	372.24
Type H	142.91	3	428.73
Type B	116.06	4	464.24
Type B	115.13	1	115.13
Single Garage	18	17	306
Double Garage	35.10	3	105.3
Total		70	7731.06

75. The proposed development incorporates 276.16m² of additional floorspace and as such the CIL liability associated with this development equates to £17,950.40 although if the affordable housing exemption is applied this may be reduced to take into account additional floorspace in respect of the affordable units. (There is 70.88m² of additional affordable housing floorspace which could reduce the CIL levy by £4,607.2).

Overall Conclusion

76. The erection of 70 dwellings on this site has already been established as acceptable and is considered to be an appropriate use of this site within a sustainable location. The layout has changed when compared to the previous layout however as demonstrated above the layout as proposed ensures that the amenities of the future and existing residents are protected. As such the proposals are recommended for approval subject to the associated legal agreement.

Planning Policies

77. 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 Local Plan 2012-2026 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) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
06/00850/CB3	Creation of an access junction off the proposed Eaves Green Link Road (site area 0.31ha).	Approved	November 2006
08/01044/OUTMAJ	Outline application for the erection of a mixed use development incorporating residential and B1 employment use following the demolition of the existing buildings (7.2 hectares).	Approved	December 2008
10/00004/DIS	Application to discharge condition 29 of planning approval 08/01044/OUTMAJ.	Discharged	January 2010
10/00240/DIS	Application to discharge condition 14 of planning approval 08/01044/OUTMAJ.	Discharged	April 2010
10/00888/FULMAJ	Application to vary conditions 11, 12 (ground remediation), 19 (surface water attenuation) and 21 (archaeology) of outline planning permission ref: 08/01044/OUTMAJ to enable the site to be developed in phases.	Approved	11th January 2011
10/00946/REMAJ	Reserved Matters application, pursuant to Section 73 planning permission 10/00888/OUTMAJ, proposing full details for the siting, layout, appearance and landscaping for a residential development comprising 135 dwellings at Duxbury Park, Myles Standish Way, Chorley	Approved	February 2011
11/00190/DIS	Application to discharge conditions 6, 8, 9, 12, 13, 14, 19, 21, 22, 24, 26, 27, 28, 29, & 30 attached to planning approval 10/00946/REMAJ.	Discharged	May 2011
11/00263/FUL	Construction of a temporary	Approved	May 2011

	junction and access road for use during the construction period.		
11/00453/REMMAJ	Section 73 application to vary conditions 1 (approved plans), 4 (approved plans), 10 (finished floor levels in respect of plots 6-8, 80-89 and 126-134), 26 (carbon emissions) and 27 (code for sustainable homes) attached to planning approval 10/00946/REMMAJ	Approved	August 2011
11/01019/REMMAJ	Section 73 application to vary conditions 1 and 4 (approved plans) and 25 and 27 (plot references) attached to planning approval 11/00453/REMMAJ	Approved	April 2012
13/00178/FULMAJ	Erection of 70 residential dwellings, associated garaging, car parking, access arrangements and landscape works.	Approved	August 2013

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Suggested Conditions

No.	Condition																																																																																				
1.	The proposed development must be begun not later than one year from the date of this permission. Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004																																																																																				
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 533 1232 2002"> <thead> <tr> <th data-bbox="320 533 555 595">Title</th> <th data-bbox="555 533 762 595">Plot</th> <th data-bbox="762 533 1007 595">Drawing Reference</th> <th data-bbox="1007 533 1232 595">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 595 555 658">Location Plan</td> <td data-bbox="555 595 762 658"></td> <td data-bbox="762 595 1007 658">R074/1000 Rev B</td> <td data-bbox="1007 595 1232 658">11th August 2015</td> </tr> <tr> <td data-bbox="320 658 555 721">A2-2 Block Plans</td> <td data-bbox="555 658 762 721">20, 21, 22, 23</td> <td data-bbox="762 658 1007 721">HT164/P/2/V1-1</td> <td data-bbox="1007 658 1232 721">18th May 2015</td> </tr> <tr> <td data-bbox="320 721 555 784">A2- 2 Block Elevations</td> <td data-bbox="555 721 762 784">20, 21, 22, 23</td> <td data-bbox="762 721 1007 784">HT165/P/2/V1-2</td> <td 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data-bbox="762 1536 1007 1599">R074/3 Rev A</td> <td data-bbox="1007 1536 1232 1599">5th August 2015</td> </tr> <tr> <td data-bbox="320 1599 555 1662">Detached Double Garage</td> <td data-bbox="555 1599 762 1662">1, 10, 36, 70,</td> <td data-bbox="762 1599 1007 1662">P/DG/1</td> <td data-bbox="1007 1599 1232 1662">18th May 2015</td> </tr> <tr> <td data-bbox="320 1662 555 1724">Single Detached Garage</td> <td data-bbox="555 1662 762 1724">4, 7, 11, 12, 14, 16, 17, 33, 34, 35, 54, 55, 60, 67, 68</td> <td data-bbox="762 1662 1007 1724">P/SG/1</td> <td data-bbox="1007 1662 1232 1724">18th May 2015</td> </tr> <tr> <td data-bbox="320 1724 555 1787">Tree Protection drawing</td> <td data-bbox="555 1724 762 1787"></td> <td data-bbox="762 1724 1007 1787">P.532.15.02 Rev A</td> <td data-bbox="1007 1724 1232 1787">7th August 2015</td> </tr> <tr> <td data-bbox="320 1787 555 1850">Proposed Site Levels (western)</td> <td data-bbox="555 1787 762 1850"></td> <td data-bbox="762 1787 1007 1850">J3432.EX02 Rev B</td> <td data-bbox="1007 1787 1232 1850">18th May 2015</td> </tr> </tbody> </table>	Title	Plot	Drawing Reference	Received date	Location Plan		R074/1000 Rev B	11th August 2015	A2-2 Block Plans	20, 21, 22, 23	HT164/P/2/V1-1	18th May 2015	A2- 2 Block Elevations	20, 21, 22, 23	HT165/P/2/V1-2	19th May 2015	A3-3 Block Plans	40, 41, 42, 43, 44, 45	HT165/P/3/V2-1	19th May 2015	A3-3 Block Elevations	40, 41, 42, 43, 44, 45	HT165/P/3/V2-1	19th May 2015	Reynold Floor Plans	1, 10	HT130/P/110 Rev A	18th May 2015	Reynold Elevations	1, 10	HT130/P/111 Rev A	18th May 2015	Hatton House Type	6, 58, 62	HT139/P/111 Rev C	18th May 2015	Belgrave House Type	13, 36, 37, 38	HT146/P/115	18th May 2015	Bonington Floor Plans (with bay)	11, 35, 54, 55	HT147/P/110-11 Rev I	18th May 2015	Bonington Elevations (with bay)	11, 35, 54, 55	HT147/P/112-11 Rev A	18th May 2015	Bonington Floor Plans (without bay)	17	HT147/P/113	18th May 2015	Bonington Elevations (without bay)	17	HT147/P/202-38	18th May 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	Proposed Site Levels (eastern)		J3432.EX03 Rev A	18th May 2015
	1.8M High close board timber fence		SD.1 Rev A	18th May 2015
	1.8m high screen wall		S.O.46	18th May 2015
	Planning layout		R074/1 Rev B	5th August 2015
	Bowes House Type	2, 5, 9, 49, 50, 56, 57, 61,	HT104/P/111 Rev B	18th May 2015
	Burlington House Type	46, 47, 64, 65	HT105/P/111 Rev C	18th May 2015
	Marlborough floor plans	51, 59, 70	HT107/P/110	18th May 2015
	Marlborough Elevations	51, 59, 70	HT107/P/112 Rev A	18th May 2015
	Marlborough floor plans	70	HT107/P/210	18th May 2015
	Marlborough Elevations	70	HT107/P/212 Rev A	18th May 2015
	Bonington Elevations (without bay)			18th May 2015
	Elmbridge House Type	8, 16, 66, 67	HT148/P/111	18th May 2015
	Renishaw house type	3, 15, 39, 48, 52, 53, 69,	HT149/P/202 Rev A	18th May 2015
	A2- 3 Block Floor Plans	21, 22, 23, 24, 25, 26, 27, 28, 29, 30 31, 32	HT164/P/3/V1-1	18th May 2015
	A2- 3 Elevations	21, 22, 23, 24, 25, 26, 27, 28, 29, 30 31, 32	HT164/P/3/V1-2	18th May 2015
	A3- 3 Block Plans	18, 19	HT165/P/2/V1-1	18th May 2015
	Planting Plan		P.532.15.01 Rev B	7th August 2015
	Planting Schedules		P.532.15.01 Rev B	7th August 2015
	Proposed Site Sections		J3432 EX13	21st July 2015
	Fencing Layout		RO74/2 Rev A	5th August 2015
	900 high post & rail fence detail		SD.21	18TH May 2015
	Reason: For the avoidance of doubt and in the interests of proper planning			
3.	<p>No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.</p> <p>Those details shall include, as a minimum:</p> <p>a) Information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in</p>			

	<p>AOD;</p> <p>b) The drainage strategy should demonstrate that the surface water run-off must be as close as reasonable practicable to the greenfield runoff rate and should not exceed the rate of discharge prior to this development which is yet to be calculated. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.</p> <p>c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);</p> <p>d) Flood water exceedance routes, both on and off site;</p> <p>e) A timetable for implementation, including phasing as applicable;</p> <p>f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;</p> <p>g) details of water quality controls, where applicable.</p> <p>The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. To ensure that the proposed development can be adequately drained. 2. To ensure that there is no flood risk on or off the site resulting from the proposed development
<p>4.</p>	<p>No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development which, as a minimum, shall include:</p> <p>a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company</p> <p>b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:</p> <ol style="list-style-type: none"> i. on-going inspections relating to performance and asset condition assessments ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime; <p>c) means of access for maintenance and easements where applicable.</p> <p>The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development 2. To reduce the flood risk to the development as a result of inadequate maintenance 3. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.
<p>5.</p>	<p>No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> • the parking of vehicles of site operatives and visitors • hours of operation (including deliveries) during construction • loading and unloading of plant and materials • storage of plant and materials used in constructing the development

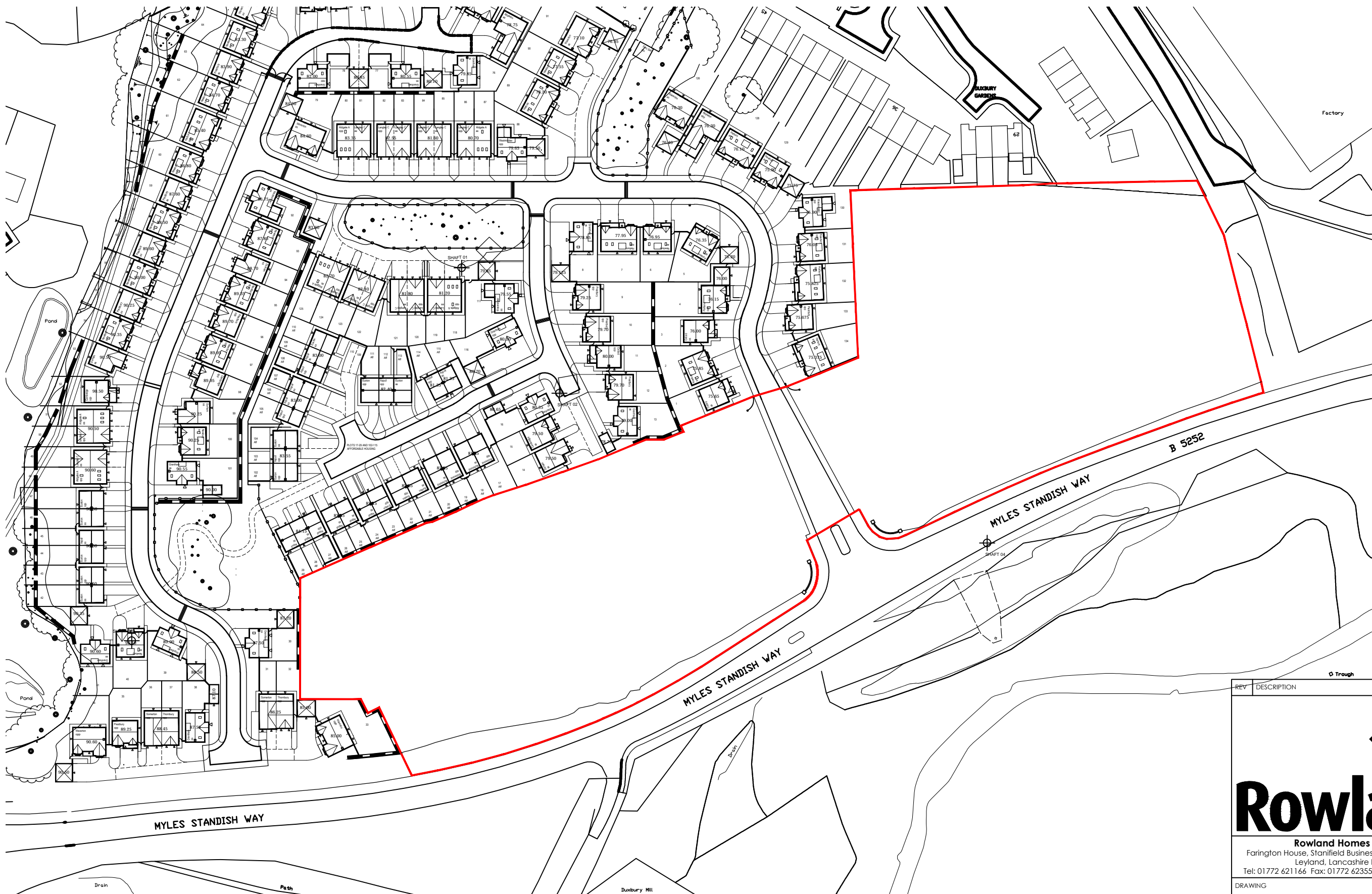
	<ul style="list-style-type: none"> • the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate • wheel washing facilities • measures to control the emission of dust and dirt during construction • a scheme for recycling/disposing of waste resulting from demolition and construction works <p>Reason: in the interests of highway safety and to protect the amenities of the nearby residents</p>
6.	<p>The integral/attached and detached garages hereby permitted shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015.</p> <p>Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.</p>
7.	<p>The development hereby permitted shall be carried out in accordance with the recommendations contained within the submitted site investigation reports: PHASE I & PHASE II GEO-ENVIRONMENTAL SITE INVESTIGATION Land off Myles Standish Way, E3P Report: 10022r1 Issued: January 2014</p> <p>Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority for approval.</p> <p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures identified.</p> <p>Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use</p>
8.	<p>The external facing materials, detailed on the approved plans, shall be used and no others substituted unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>
9.	<p>The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground-surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.</p> <p>Reason: The submitted information did not include details of the hard surfacing materials and to ensure that the materials used are visually appropriate to the locality samples are required.</p>
10.	<p>Before the properties hereby permitted are first occupied, the driveways shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.</p> <p>Reason: To ensure adequate on site provision of car parking and manoeuvring areas</p>
11.	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental</p>

	impact of the development.
12.	<p>Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate</p>
13.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>
14.	<p>The development hereby permitted shall only be carried out in conformity with the approved ground and building slab levels</p> <p>Reason: To protect the appearance of the locality and in the interests of the amenities of neighbouring properties.</p>
15.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no extensions or external alterations shall be undertaken to the dwellings hereby permitted on plots 1-3 (inclusive), 5-10 (inclusive), 11-14 (inclusive), 17-33 (inclusive), 35-38 (inclusive), 40-47 60-62 (inclusive), 52-57 60-62 (inclusive), 60-62 (inclusive), 66-67 (inclusive), 69-70 (inclusive),</p> <p>Reason: To protect the appearance of the locality and the amenity of the future occupiers of the approved dwellings and those surrounding the site.</p>
16.	<p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: To ensure that a satisfactory landscaping scheme for the development, mitigate the loss of potential habitats and secure a high quality design.</p>
17.	<p>During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.</p> <p>Reason: To safeguard the trees to be retained</p>
18.	Prior to the commencement of any development, details of the foul drainage

	<p>scheme shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details.</p> <p>This development shall be completed maintained and managed in accordance with the approved details.</p> <p>Reason: To ensure suitable drainage is provided for the dwellings hereby approved, this is required prior to the commencement of the construction of the dwellinghouses to ensure that a suitable scheme can be put in place at the appropriate time.</p>
<p>19.</p>	<p>Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use. In accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</p>
<p>20.</p>	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</p>
<p>21.</p>	<p>No dwelling on plots 2, 3, 5, 6, 9, 13, 15, 36, 37, 38, 39, 48, 49, 50, 52, 53, 56, 57, 58, 61, 62, 69 and 70 hereby permitted shall be occupied until garden sheds have been provided in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority. The garden sheds shall be retained in perpetuity thereafter.</p> <p>Reason: The garages are smaller than would normally be provided and therefore to ensure sufficient storage/cycle storage is provided at the properties in accordance with Manual for Streets</p>
<p>22.</p>	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/doors other than those expressly authorised by this permission shall be inserted or constructed at any time in the:</p> <ul style="list-style-type: none"> • East elevation of plot 10 • South elevation of plot 13 • South elevation of plot 19 • South elevation of plot 24 • North elevation of plot 32 • North elevation of plot 33 • West elevation of plot 37 • North elevation of plot 42 • South elevation of plot 40 • North elevation of plot 48 • South elevation of plot 51 • East elevation of plot 66 <p>Reason: To protect the amenities and privacy of the adjoining properties</p>

<p>23.</p>	<p>All windows and doors in the:</p> <ul style="list-style-type: none"> • North elevation of plot 33 • North elevation of plot 42 • South elevation of plot 51 • East elevation of plot 66 <p>hereby permitted shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.</p> <p>Reason: In the interests of the privacy of occupiers of neighbouring properties.</p>
<p>24.</p>	<p>Prior to the occupation of the first dwellinghouse hereby approved, full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company.</p> <p>Reason: No details of the management arrangements form part of the submission information and to ensure the satisfactory management of the private driveways, resident’s parking spaces and landscaped areas full details are required.</p>
<p>25.</p>	<p>Prior to the occupation of any of the dwellings hereby approved details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.</p> <p>Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety.</p>
<p>26.</p>	<p>Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.</p> <p>Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</p>
<p>27.</p>	<p>Prior to the commencement of the development a Method Statement detailing the translocation of the remaining ancient woodland groundflora and associated woodland soils beneath the trees at the eastern boundary of the application site shall be submitted to and approved in writing by the Local Planning Authority. The translocation shall include removing all the plants, bulbs, the top soil and subsoil and the submitted Method Statement shall include full details of the proposed timescale for relocation. Following approval of the Method Statement the area of habitat to be translocated shall be clearly identified and marked out by a suitably qualified ecologist prior to translocation.</p> <p>Reason: to preserve the remaining biodiversity of the site in a situation where it will be protected from further developmental pressures and to mitigate from future harm</p>
<p>28.</p>	<p>Plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) are known to occur on the/ adjacent to the site. These species shall be eradicated from the site and working methods shall be adopted to prevent their spread in accordance with Environment Agency guidance and codes of practice.</p> <p>Reason: to ensure the eradication and control of any invasive species which are found on the site</p>

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REV	DESCRIPTION	DATE



Rowland Homes Limited
 Farington House, Stanfield Business Park, Stanfield Lane,
 Leyland, Lancashire PR25 4UA
 Tel: 01772 621166 Fax: 01772 623552 www.rowland.co.uk

DRAWING
LOCATION PLAN

PROJECT
MYLES STANDISH WAY, CHORLEY

SCALE	1:1250 @ A3	REV.		DRAWING No.	R074/1000
DATE	MAY '15				
DRAWN					

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Item 3b	15/00462/FUL
Case Officer	Helen Lowe
Ward	Lostock
Proposal	Erection of single storey dwelling (resubmission of application 14/0158/FUL)
Location	5 The Orchard, Croston
Applicant	Mrs B Fairclough
Consultation expiry:	3rd July 2015
Decision due by:	8th July 2015 (extension of time agreed until 14th August 2015)
Recommendation	Approve, subject to the associated legal agreement
Executive Summary	This application proposes the erection of a one bedroom bungalow, within the side garden of a dwelling in Croston. The site complies with the Council's policy on infill development in gardens. It is not considered that the proposal would cause undue harm to the amenities of neighbouring residents, highway safety or the character and appearance of the area. The proposal is accordingly recommended for approval.

Representations

Croston Parish Council No comments have been received from the Parish Council
In total two representations have been received which are summarised below
Objection
Total No. received: Three
<ul style="list-style-type: none">• The proposed dwelling would cause an extreme feeling of enclosure and overshadowing to their property;• The mass, bulk and proximity of the proposed development would present an overbearing and intrusive element to us as neighbours at the rear of our property;• They would suffer loss of privacy and have to endure its visual overbearing impact;• It would create a feeling of over development;• Has an environmental and geological survey been undertaken to ascertain whether the proposed development would impact upon the water table, subsidence or other related factors? There is a regular problem at the moment outside 5 The Orchard with flooding which is likely to be exacerbated by the introduction of concrete and other hard building materials.• The building process would have a negative impact on highway safety and cause noise disturbance, dirt, dust and mud;• Loss of privacy and overlooking;• Increase in noise and disturbance due to the close proximity of the dwelling;• Proximity of the driveway;• If a property went ahead, they would have concerns should they wish to alter the plans and add an extra window to the side of the property next to theirs.• They believe the plan may not have been drawn and/or measured properly. They are unsure if the distance from the boundary with their house (no.7) to the side elevation of no. 5 is actually 12.99m, as shown on the submitted plans.

Consultees

Consultee	Summary of Comments received
LCC Highways	No objections

AssessmentBackground

1. The application site forms the side garden area to the south of no. 5 The Orchard, a true bungalow. The application site is located within the settlement boundary of Croston. The site is bounded to the east and south by other dwellings.
2. A planning application for the erection of a detached two storey dwelling was refused earlier this year (ref. 14/01158/FUL) due to the unacceptable degree of overlooking and loss of privacy that would be caused for the occupants of no. 11A Lostock Road to the rear.
3. The current application proposes the erection of a one bedroom, true bungalow. The eaves height of the proposed dwelling would be 2.2m and the ridge height would be 4.2m.

Principle of the Development

4. The application site is located to the south of no. 5 The Orchard, within the side garden area of the property.
5. Policy HS3 of the Local Plan deals with private residential garden development. It states that within settlements, applications for development within private residential gardens will only be permitted for replacement dwellings, conversion of domestic buildings and infill development. Infill development is the filling of a small gap in an otherwise built up street frontage. The Council will also have regard to the sustainability of the site and proposals which significantly undermine the distinctive character of an area will be refused.
6. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a relatively sustainable location with easy access to public transport, amenities such as a supermarket and public house nearby and the means to access other amenities easily. The Framework also states that development in sustainable locations should be approved without delay.
7. It is considered that the application site does form an infill plot in an existing street frontage and is located in a sustainable location with easy access to services such as a school and doctors surgery.

Neighbour Amrnty

8. Policy BNE1 of the Local Plan states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact. The Council's interface standards state that windows to habitable rooms at ground floor level should not allow an unrestricted view into neighbouring garden areas or into the ground floor window of any other house.
9. The rear elevation of the proposed dwelling would be 5.37m from the rear boundary with no. 11A Lostock Road. The rear elevation of no. 11A has a set of patio doors at ground floor level, serving a lounge. This would be approximately 11.5m from the kitchen window of the proposed dwelling, offset at an oblique angle. There is also a fence, approximately 1.8m high along the common boundary. Taking into account that the proposal is for a bungalow and taking the above factors into consideration it is considered that it would be difficult to refuse the application on the grounds that it would cause an excessive loss of privacy for the occupants of no. 11A.
10. The side elevation of the proposed dwelling would be a minimum of 3.2m from the side elevation of no. 7. A ground floor window to a bathroom is proposed in the side elevation that would face the side of no. 7. There are no windows in the side elevation of no. 7 and this area of the garden appears to be used a side passageway or driveway. The rear elevation of the proposed dwelling would be set back approximately 1.5m from the rear elevation of no.7. A degree of oblique overlooking into the rear garden of no. 7 may arise

as a result of the proposed dwelling, however it is not considered that this level of overlooking would be so severe as to warrant refusal of the proposal.

11. Noise and disturbance experience during the construction period would be temporary. For a development of this size and scale it is not considered that it would be appropriate to refuse the application on these grounds, nor is the site sufficiently constrained to warrant the imposition of a condition requiring a construction method statement to be agreed and implemented. Matters of drainage would be dealt with through the building regulations. The use of permeable materials for ground surface materials to the front will be secured by condition.
12. The comments made regarding the accuracy of the plans are noted. The position of the neighbouring property, no. 7 has been surveyed on site by the case officer and the application proposal has been assessed on the basis of the measurements taken. The site plan also accurately reflects those measurements. A further site visit has also been carried out and the distance between the site boundary with no. 7 and the gable of no. 5 has been checked on suite. The distance is 12.7m and amended plans have been received.
13. The revised plans have maintained the separation distances between the proposed dwelling and the side elevation of no. 7 at a minimum of 3.2m, and reduced the distance between the east facing gable of the proposed dwelling and no. 5 The Orchard by 0.3m. The relationship with no. 11A is m

Design and Appearance

14. The Framework attaches considerable importance on achieving good design and a high quality built environment. It states that planning policies and decisions should respond to local character and history and seek to reinforce local distinctiveness. The importance of high quality design is reflected in the recently adopted Central Lancashire Core Strategy (Policy 17) and the Local Plan (policy BNE1).
15. Neighbouring properties on The Orchard are a mixture of true bungalows and two storey properties, both detached and semi-detached. There are dormer bungalows to the rear. The adjacent property to the south, no. 7 The Orchard, has been extended towards the application site through the addition of a two storey side extension, however to the front the first floor accommodation is provided within the roof and a dormer, giving the appearance of a one and a half storey dwelling to the front. This design compliments the scale and size of the adjacent true bungalow at no. 5.
16. The roof of the proposed dwelling has been hipped on all sides. This is not in keeping with the adjacent dwelling, however, this has the effect of reducing the bulk and scale of the property and reduction the impact on neighbouring properties. It is not considered that this would be so detrimental to the character of the street scene to warrant refusing the application.
17. The materials proposed are concrete/black interlocking roof tiles and red/brown multi rustic facing brick. These materials are considered to be in keeping with neighbouring properties.

Highway Safety

18. The Council's parking standards (policy ST4 of the Local Plan) require that dwellings with one bedroom should have at least one off road parking space. The proposed dwelling would have driveway of 2.4m in width and 7.4 m in length. An additional area measuring 4.5m by 2.4m off the driveway in the front garden is proposed as a turning/parking area. This is sufficient for the size of dwelling proposed.

CIL

19. The Chorley CIL Charging Schedule provides a specific amount for housing - £65 per sq m. This was adopted in July 2013 and charging commenced on 1 September 2013. As

the proposal results in new residential floor space being created a CIL liability notice will be issued for the development.

S106

- 20. Since the application was first reported to Members the Judgement in relation to the West Berkshire District Council and Reading Borough Council Judicial Review has been published in favour of the local authorities. The outcome is that the Government was wrong to seek to impose a change to legislation or policy via a ministerial statement.
- 21. As such this part of the NPPG guidance has now been removed and therefore this application falls to be determined in accordance with the Development Plan (Local Plan Policies HS4A and HS4B and the Open Space and Playing Pitch SPD). In this regard the following commuted sums will be secured via a Section 106 Agreement:

Amenity Greenspace

A contribution of £140 towards new provision in the settlement of Croston.

Provision for children/young people

A contribution of £134 towards new provision in the settlement of Croston.

Allotments

A contribution of £15 towards the provision of new allotments at the following site allocated in the Chorley Local Plan 2012-2026:
HW5.4 - Land East of Station Road, Croston

Playing Pitches

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

TOTAL= £1888

Overall Conclusion

- 22. Taking into consideration the reasons set out above the proposal is considered to be acceptable. The proposal is accordingly recommended for approval, subject to the imposition of suitable conditions.

Planning Policies

- 23. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 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) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

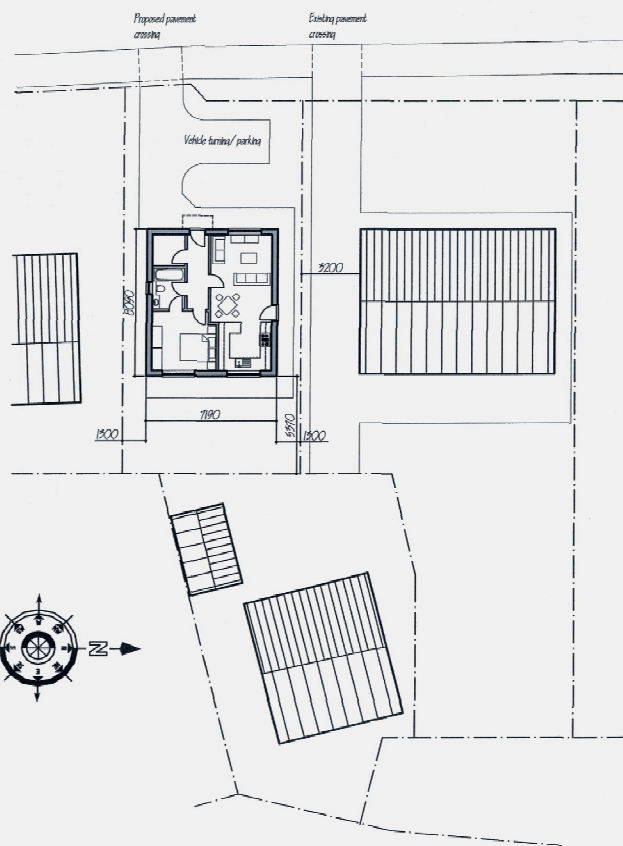
Reference	Description	Decision	Date
14/01158/FUL	Proposed erection of a detached two storey dwelling	Refused	

Suggested Conditions

No.	Condition												
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i></p>												
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 533 1303 824"> <thead> <tr> <th data-bbox="320 533 762 595">Title</th> <th data-bbox="762 533 1058 595">Drawing Reference</th> <th data-bbox="1058 533 1303 595">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 595 762 696">Proposed site plan and location plan</td> <td data-bbox="762 595 1058 696">20140807-01 C</td> <td data-bbox="1058 595 1303 696">13 August 2015</td> </tr> <tr> <td data-bbox="320 696 762 759">Proposed floor and roof plans</td> <td data-bbox="762 696 1058 759">20140807-02 C</td> <td data-bbox="1058 696 1303 759">13 May 2015</td> </tr> <tr> <td data-bbox="320 759 762 824">Proposed elevations</td> <td data-bbox="762 759 1058 824">20140807-03 C</td> <td data-bbox="1058 759 1303 824">13 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	Proposed site plan and location plan	20140807-01 C	13 August 2015	Proposed floor and roof plans	20140807-02 C	13 May 2015	Proposed elevations	20140807-03 C	13 May 2015
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Proposed site plan and location plan	20140807-01 C	13 August 2015											
Proposed floor and roof plans	20140807-02 C	13 May 2015											
Proposed elevations	20140807-03 C	13 May 2015											
3.	<p>Prior to the commencement of any development, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.</i></p>												
4.	<p>The external facing materials, detailed on the approved plans, shall be used and no others substituted.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>												
5.	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety and to prevent flooding</i></p>												
6.	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>												
7.	<p>Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p>												

	<p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</i></p>
<p>8.</p>	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
<p>9.</p>	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof, no extension to the dwelling, porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.</p> <p><i>Reason: In the interests of neighbour amenity.</i></p>

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PROPOSED SITE PLAN



LOCATION PLAN

Scale 1:1250

CHORLEY COUNCIL
DEVELOPMENT CONTROL

REC'D 13 MAY 2015

15000621FU

DOPLAN

including Location Map

App No	Date	Description
15000621FU	13 May 2015	Proposed amended to suit Planning Regs
15000621FU	13 May 2015	Proposed amended to suit Planning Regs
15000621FU	13 May 2015	Proposed amended to suit Planning Regs

App No 20140807 - 01 "C"	
Scale 1:200	App No Aug 2014
As shown on 1:250	

Project
Proposed Detached House
Land adjacent to:
5, The Orchard,
Croston,
Leyland

App No
Proposed Site & Location
Plans

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Item 3C	15/00562/FUL
Case Officer	Peter Willacy
Ward	Heath Charnock And Rivington
Proposal	Change of use to a residential Gypsy and Traveller site involving the siting of two mobile homes, five touring caravans (one of which is for storage only when not travelling), and retention of the utility block and access for a temporary four year period
Location	2 Heath Paddock ,Hut Lane, Heath Charnock
Applicant	Mr Michael Linfoot
Consultation expiry:	24th July 2015
Decision due by:	7 August 2015 (time extension agreed until 14th September)

Recommendation

Permit temporary conditional planning approval for a period of 2 years 6 months.

Executive Summary

Temporary permission was granted in 2013 for two years for the use of the site for a Gypsy and Traveller site and associated development and this application seeks a renewal of the permission for a further temporary period for four years together with two additional caravans for accommodation of other family members and relaxation of planning condition relating to control of business activity on site.

Proposed Development

1. This application relates to part of a triangular shaped area of land of approximately 1,372 square metres located on the eastern side of the M61 between the motorway and Hut Lane and lying to the south of residential properties at Olde Stoneheath Court and Red Row. The site is situated between the settlement areas of Adlington and Chorley.
2. The application is for Change of use to a residential Gypsy and Traveller site involving the siting of two mobile homes, five touring caravans (one of which is for storage only when not travelling), and retention of the utility block and access for a temporary four year period.
3. This application seeks a renewal of the 2 year temporary permission granted in 2013 for a further temporary period of 4 years.
4. The scale of the development now proposed differs from the development previously granted temporary planning permission in 2013. The application now relates to the same site area and development approved in 2013 with the addition of two touring caravans to accommodate other family members. The applicant is also seeking a relaxation of the condition which restricts the carrying out of business uses on the site.

Representations

<p>Parish Council Heath Charnock Parish Council objects to this on the grounds that the occupation of the land has been unlawful since 2009; there should be no further development and the land should be restored to its original state</p>	
<p>In total 157 representations have been received which are summarised below</p>	
<p>Objection Total No. received: 58</p> <ul style="list-style-type: none"> • Inappropriate development in the Green Belt. • The land is Green Belt and there should be no building work permitted at all. • The development is not in keeping with the local area. • Planning rules are there for all interests and must apply to all whether or not it suits their lifestyle. • Trees and services have been chopped down without permission. • It's not Government policy to allow caravan sites on green belt fields. • They run businesses from the site. • They are anti-social. • They call themselves travellers but do not travel. • Travellers should not be in the Green Belt. • Development is unlawful. • Visually detrimental. • Manipulation of the planning process. • Planning laws there to protect Green Belt for benefit of everyone. • Development has caused serious harm to the Green Belt. • 4 years unacceptable already been turned down at 2 Public Inquiries. • No justification for further 4 year temporary period. • Council need to get Cowling site up and running quickly. • The appearance of the site was adversely affected by the tipping of materials by the applicant which has to be removed. • There will be additional traffic generated as a result of the development. • Only a temporary period of 12 months should be allowed. • No increase in scale should be allowed as this would increase the harm to the Green Belt. • Site is in an unsustainable location. • Any expansion of commercial activity will seriously impact on the lives of the local settled community. • The applicant should buy or rent business premises. 	<p>Support Total No. received: 99</p> <ul style="list-style-type: none"> • Consider site unobtrusive and out of the way and not detrimental to the area. • Chorley Council has been told that they have to provide for Gypsy sites. • Refusal would waste tax payers money while approval would save money • Family contribute to the community in a positive way. • Site was untidy previously and has been tidied up. • Education of children has improved since occupying the site. • If application refused will force them to park up illegally on road side. • The site meets planning criteria apart from being within the Green Belt. • The council has not provided a Gypsy and Traveller site as required by the Planning policy for Traveller sites. • Committee should visit the site to understand location and local impact. • To deny the application would be a breach of human rights. • The Council are ignoring their duties to provide accommodation and this site will not cost taxpayers a penny. • All they want is a secure environment to bring up the children and be able to educate them as we all do. • They are valued members of the community and put more into it than those who are objecting. • Nimbyism. • Have an aversion to bricks and mortar. • Small development limited impact on the Green Belt. • Support on Human Rights grounds. • Extra caravans in line with GTAA and can stay together as extended family. • Should be made permanent. • No alternative site available. • Give Council time to provide alternative site. • There is no cost to the Council as they own the land. • Allow them to continue culture and lifestyle.

Consultees

Consultee	Summary of Comments received
Lancashire Constabulary Designing Out Crime Officer	No objection
Environmental Health	No objection
LCC Highways	No objection
Environment Agency	No objection
Highways Agency	No objection subject to conditions
Waste and Contaminated	No objection to development

Representations From Planning Consultant on Behalf of Neighbouring Residents

5. One letter has been received from a planning consultant acting on behalf of the families living in Olde Stoneheath Court and other nearby dwellings and has the following comments.
6. There is a long planning history to the use of this site, including its unlawful occupation along with the adjoining land, and subsequent service of enforcement notices, appeals and submission of planning applications. The site is currently lawfully occupied under planning permission reference 13/00385/COU which gave consent on 19 July 2013 for:

‘Change of use to a residential Gypsy and Traveller site involving the siting of 2 mobile homes, 3 touring caravans (1 of which is for storage only when not away travelling), and retention of a utility block, and access at the north west corner of the site for a temporary period of 4 years’
7. Condition 3 of the consent limited the period of the permission to two years, and this period ends on 19th July 2015.
8. It had been anticipated that before that consent expired a site would be allocated in accordance with the requirements of the emerging local plan and that it would have been implemented in order to provide planned alternative accommodation for the residents at Heath Paddock. The considerable delays experienced in bringing forward the allocation and implementation of this site has meant that the consent is about to expire without an alternative site being available. An application for a further limited period had been anticipated.
9. The planning application now submitted is for:

Change of use to a residential Gypsy and Traveller site involving the siting of two mobile homes, five touring caravans (one of which is for storage only when not travelling), and retention of the utility block and access for a temporary four year period.
10. It is also made clear in the application documents that the existing conditions preventing commercial activity on the site are not acceptable and proposes changes to accommodate the storage of commercial materials for up to 50 days a year.
11. From the planning history it is known that the site is accepted as inappropriate development in the Green Belt. In this regard, the Framework states:

§87 As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

§88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
12. It has previously been determined that the permanent occupation of the site would cause unacceptable harm to the Green Belt that was not outweighed by very special circumstances. The occupation under the terms of the extant consent for a limited period in circumstances where alternative accommodation is coming forward through the local plan process has been accepted.

13. The current application seeks to intensify the use of the site by increasing the number of touring caravans by two and increasing the number of cars and vans that can be parked. It is also intended, as discussed above, to introduce commercial storage for a limited period each year.
14. As the use is inappropriate development in the Green Belt it needs to be shown that there are very special circumstances that clearly outweigh the harm to the Green Belt and any other harm. The proposed intensification is significant, doubling the number of touring vans that can be occupied on the site, increasing on-site parking and creating an area for commercial storage. The intensification of the use as proposed would change the planning balance against the development, but there has been no attempt in the supporting documents to establish the very special circumstances that would justify the development as proposed. Reference is made to family members living away from the site but that does not inform the decision-maker on very special circumstances that would outweigh the considerable weight attached to preventing development that would harm the Green Belt.
15. It is therefore to be concluded that in the absence of VSCs that clearly outweigh the harm to the Green Belt and any other harm, the application should be refused as being in conflict with Green Belt policy.
16. Should the elements of intensification be withdrawn and the application proceed as solely a re-application for the existing development, the absence of the alternative site being ready for occupation is a valid reason for allowing a further limited period consent. However, the conditions restricting commercial use and storage should be retained, especially as the proposed condition limiting it to use on 50 days a year is not enforceable because there will always be uncertainty over when the facility is in use.
17. With regard to the proposal to limit the consent to 4 years, it is suggested by the applicant that a condition would be accepted that the use ceases within that 4 years once the replacement site is available for occupation. That condition is not considered to be enforceable because there is no clear point at which a breach could be determined. It assumes that there is going to be agreement on terms and conditions on the applicant and his family moving onto the site and that may well be in the hands of a third party in the form of the site manager. Such a condition would fail the tests of a lawful condition for this reason.
18. The applicant's reason for a 4 year limited period is in anticipation of continued delay in the delivery of the Cowling Farm site. Whilst this is also of concern to my clients, anticipation of delay over such a period would mean that the inappropriate development in the Green Belt could continue for much longer than necessary if the site is made available beforehand. Given the acknowledged poor relations between the settled and travelling communities, there are other good reasons to keep the period for which consent is granted to a reasonable minimum.
19. The reason put forward by the applicant is the cost of a further planning application. That is not a material planning consideration. However in circumstances where intensification of the use is not intended the cost need only be small probably no more than the application fee of only £385.
20. In conclusion, my assessment of the planning application is that it is for a significant intensification of the existing use, which is inappropriate development in the Green Belt. No very special circumstances have been shown that could support such intensification and given the very strong weight against inappropriate development in the Green Belt the application must be refused.
21. As it is possible for the elements of intensification to be withdrawn from the application, the absence of having delivered the Cowling Farm site to date is justification of a further limited period consent for the existing development. However, a practical minimum period is all that should be allowed and this is considered to be no more than 18 months given the progress made towards allocation and delivery of the site. Reliance on the suggested planning conditions that are not considered to be enforceable should be avoided.

Applicants Case

Location and Context

22. The application site is part of a small cluster of development within the green belt some 5 kilometres from Chorley town centre, and some 2 kilometres from the centre of the village of Adlington, which merges into the adjoining village of Heath Charnock.

23. In addition to the application site the group of properties consists of the terrace of cottages at 1-4 Red Row, Hut Lane, the farm buildings of Hallsworth Fold Farm, and the development of Olde Stoneheath Court, which was built on the site of the former Heath Charnock Isolation Hospital under the provision which allowed the redevelopment of existing developed sites with the green belt. The group is dominated by the M61 motorway immediately to its west and by the foothills of the West Pennine hills to the east. The cluster is served by the Hut Lane access road bridge, which was built in 1969/70 as part of the construction of the M61.
24. The application site has an area of some 1,372 square metres. It forms the south-western part (equivalent to some 54%) of the larger triangular site of 2,527 square metres of Heath Paddock. The whole triangular site is screened by fencing and tree planting on all three sides.
25. The triangular site has been profoundly affected by construction of the M61. The site is within the green belt, but the construction of the Hut Lane access bridge, which looks down into the site has had the effect of separating it from the agricultural land to the east, and the site reads as part of the cluster of development containing Red Row Cottages and Olde Stoneheath Court. Prior to the construction of the M61 it was in arable use. In 1969 and 1970 it was used as a contractor's yard with site offices, huts and residential caravans during the construction of the M61. Following completion of the motorway it was cleared of materials, but left covered by hard core.

Planning History

26. The planning history will be familiar to the Council. In June 2009 Mr Linfoot, his partner Mr Boswell, and their families moved caravans onto the site, and applied for planning permission for a change of use to residential purposes with the siting of 16 caravans. The Council refused permission in August 2009, and issued enforcement notices. Following a public inquiry the appeals against refusal of permission and enforcement notices were dismissed in May 2010.
27. Mrs Linfoot's sister, Anne Marie Boswell and her family left the site around May 2011, because of an offer of a pitch elsewhere, and to help reduce the number of caravans on the site. However, their wish has always been to live as part of the extended family in or near to Chorley.
28. In June 2011 Mr Linfoot and Mr Boswell submitted a second planning application for a reduced quantum of development (two mobile homes, four touring caravans, a double utility block, and the storage of two touring caravans), then appealed against non-determination. Following a public inquiry in February March 2012 the appeal was dismissed in May 2012.
29. Mr Linfoot challenged the Inspector's decision under S.228 of the Town and Country Planning Act. The Boswells left the site in August 2013 because they did not want the financial risk of losing the legal challenge.
30. The Treasury Solicitor conceded that the Inspector's decision was not sound, but not the local planning authority, and there was a High Court hearing in November 2012. In his judgement, Judge Sycamore quashed the decision because the Inspector had failed to give adequate reasons for rejecting a temporary permission.
31. The Council pursued an injunction to exclude the families from the site. At a pre trial review in February 2013 Mr Linfoot agreed, if the forthcoming redetermination of the quashed appeal was unsuccessful, that he would vacate the site within 3 months of such a decision.
32. In April 2013 Mr Linfoot submitted a further application for change of use of 2 Heath Paddock. The scale of development was further reduced to two static caravans, three touring caravans (one for storage on the site) and retention of the utility block. The application was for a temporary period. Reflecting Government guidance the period applied for was long enough so that it should avoid the need for a second temporary permission, and was for four years.
33. In April 2013 provision for Gypsies and Travellers was considered at the Chorley Local Plan examination. Following the session on Gypsies and Travellers the Inspector indicated that the plan was not based on robust evidence and risked failing the soundness test. The outcome was that the examination was suspended while the Council commissioned an updated Gypsy and Traveller Accommodation Needs Assessment (GTAA).

34. In July 2013 balancing harm to the green belt, personal circumstances, the lack of a robust needs assessment and a supply of deliverable sites, and in the expectation the circumstances would change at the end of the period the Council granted a temporary permission, but for two, not four years.
35. The approved scheme involved repositioning the fence between 1 and 2 Hut Paddock so all of the utility block was in Mr Linfoot's landholding. This was implemented once the ownerships of the two parcels were separated.
36. In July 2013 Chorley, Preston and South Ribble Councils commissioned a needs assessment, which was published in January 2014. It suggested a need for 5 permanent residential pitches in Chorley. The Chorley pitch requirement reflected the forecast needs over time of the family on the Hut Lane site.
37. We made the case that the 2013 GTAA underestimated the level of need in Chorley. Her findings indicate that the Inspector shared our concerns.
38. In 2014 the Council consulted on alternative locations for a Gypsy and Traveller site with at least five pitches. Following consultation the Council determined that the site should be within the Cowling Farm development.
39. In her May 2015 Supplementary Report the Inspector indicated that on the basis of modifications relating to the Cowling Farm allocation, and commitments to undertake further work on the needs assessment and bring forward a joint Gypsy, Traveller and Travelling Showpeople plan with Preston and South Ribble councils, that the Local Plan was legally compliant. We understand the Council will adopt the plan on July 21. This history means that there is a very clear relationship between Hut Lane and bringing forward the Cowling Farm site.

The Current Proposals

40. The application is for a temporary period of four years. Government guidance is that it will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so.¹ A second temporary permission is needed in this case because the anticipated change in planning circumstances, the finalisation of the plan, allocation of a suitable site, and bringing it forward for development was always going to take significantly more than two years. In practice it has taken two years to complete the local plan. .
41. Having to apply repeatedly for relatively short temporary permissions is costly for applicants, but also highly stressful, particularly when it relates to someone's home and there is no suitable alternative accommodation. Gypsies and Travellers being put disproportionately in such a position is at risk of being contrary to the Public Sector Equality Duty and Article 14 of the European convention.
42. The period for the new permission needs to be long enough so the applicants won't have to apply for a third temporary permission. It needs to allow adequate time to develop, appraise, consult on and adopt the Cowling Farm masterplan, including the approach to tenure, and for the Gypsy and Traveller site to be developed. It needs to be of sufficient length so that at its end the Bird / Linfoot family can move direct to Cowling Farm. There is a significant amount of work to be done with substantial risks of conflict and delay. Hence we are applying for a four-year period. We don't believe anything shorter would be realistic or reasonable.
43. We understand the Cowling Farm site might be available earlier. To ensure the harm to the green belt is kept to as short a period as possible we would support an appropriately worded condition which required the family to vacate Hut Lane in the event the Cowling Farm site was developed and they could move on to it before the end of the four years.
44. The application is essentially for the same development as that approved in July 2013 with three amendments.
45. It has always been our position that the January 2014 Central Lancashire Gypsy and Traveller Accommodation Needs assessment underestimated needs for accommodation in Chorley, including by not taking account of the needs of Mrs Linfoot's brother and sister and their respective families, see my letter to Peter McAnespie of April 2014, which is attached.

¹ Planning Practice Guidance, Use of Planning Conditions paragraph 014

46. Mrs Linfoot's brother John Bird, his wife and their three children aged 14, 12 and 10 do not have a secure base. Because of the lack of accommodation in Chorley they are renting space in a private garden in Lancaster, but do not have security. Mrs Linfoot's sister, Anne Marie Boswell and her husband and their younger son are currently renting a Council pitch in Blackpool, but at times Anne Marie needs support from the family and to be able to stay on the Hut Lane site. Her elder son, Clonus already uses the site as a base. Mrs Bird's elder sister, Mrs Linfoot's aunt is in poor health, and she may need to stay on the site for lengths of time in the future. We are therefore applying to site two additional touring caravans sited as shown on the proposed site plan, which would be available to be used by members of the Bird / Linfoot family.
47. As a consequence of the increased accommodation we are applying to increase the number of vehicles that can be parked on the site from 2 to 3 cars and from 3 to 4 vans.
48. Condition 8 to the current planning permission debars any commercial activities, including the storage of materials, plant and equipment. The problem is that some local residents complain about Mr Linfoot on any pretext at a scale of activity which could be regarded as incidental to the enjoyment of the residential use. Residents have complained at the storage of Christmas trees in the weeks before Christmas, and of a small number of sheds. This constrains the family's ability to make a living, and adds unnecessarily to the Council enforcement team's workload. The family have never carried out retail activity from the site, and have no intention of doing so.
49. Paragraphs 11h) and 16 of Planning policy for traveller sites recognise that Travellers often need to use their home to support employment activities. To allow the family to carry on an appropriate level of occasional business activity the proposed site plan shows an area of some 4 by 2 metres adjacent to the M61 boundary which we are proposing could be used for storage of materials and equipment for up to 50 days a year. This would allow Christmas trees to be stored for 28 days from 20 November to 18 December, and other materials or equipment for a further 22 days a year.
50. We are not proposing any additional changes to the landscaping and boundary treatment, although we would be willing to discuss any suggestions the Council might have.

Conditions

51. The applicants would be content with appropriately worded conditions:
 - Defining the plans which the development should be carried out in accordance with (on the lines of Condition 2 to the July 2013 permission);
 - Limiting occupation of the site to those named in Condition 5 to the July 2013 permission together with other members of the Bird / Linfoot extended family;
 - Limiting the caravans on the site to seven of which no more than two would be mobile homes;
 - Limiting commercial activities, except for storage of materials and equipment in the area identified on the proposed site plan, which could be used for up to 50 days a year; and
 - Limiting the size of commercial vehicles, which can be stationed or stored on the site to 3.5 tonnes.

Assessment

Planning History

52. During the 1990s, the land was used to store timber and wood shavings without planning permission and enforcement action was taken. An appeal against the enforcement notice was dismissed and the land was cleared of stored timber and sawdust. The land then regenerated naturally with trees and undergrowth covering the site until 2008 when the trees and undergrowth were removed. In 2008, an application was submitted to erect a stable on the land together with an exercise area for horses. The application accorded with both green belt policy and the Council's supplementary planning guidance on development involving horses and was granted planning permission.

53. In June 2009, the Council received reports that caravans had been moved onto the land and were being occupied for residential purposes. On investigation it was found that 12 caravans were being occupied for residential use on the land and that other vehicles and a catering trailer were parked on the land. The land itself had been covered with hardcore materials to form an area of hardstanding and a utility block had been erected, together with gate pillars, lighting and a new vehicular access formed. As the site lies within the green belt it was considered expedient to issue a Temporary Stop Notice to prevent any further development taking place.
54. A retrospective planning application was submitted to the Council for consideration in respect of the development seeking temporary permission for a period of 3-4 years, and this was considered by Development Control Committee on the 18 August 2009 when members resolved to refuse the application and authorised the issue of enforcement notices in respect of the unauthorised development on the land.
55. Following the issue of enforcement notices, the notices were appealed together with the refusal of planning permission. The appeals were heard at a Public Inquiry in March 2010; the appeals were dismissed on 13 May 2010, and the enforcement notices upheld with variations
56. Following the Inspector's notice of decision, legal challenges seeking leave to appeal the Inspector's decision were lodged with the High Court under Sections 288 and 289 of the Town and Country Planning Act 1990 and a hearing was held on the 23 September 2010 in the High Court at Leeds when leave to appeal the decision under Section 289 was refused. The right of appeal was on a point of law and could not therefore reconsider the arguments put before the planning inspector. However, the challenge under Section 288 was not heard at the same hearing and was subsequently withdrawn on 1 November 2010. As a result of the withdrawal of the challenge under Section 288 the compliance periods allowed with the Enforcement Notices began to run.
57. The first period for compliance expired on the 24 June 2011 when the caravans and other vehicles should have been removed from the land. The second compliance period expired on the 21 September 2011 when other restoration works requiring the removal of hardstanding and other operational development were required to be carried out. Following the expiry of the first period of compliance with the enforcement notice on 24 June 2011 the steps required to comply with the notice were not taken and legal proceedings were commenced. The case was finally heard at Lancaster Crown Court on the 12 November 2012 for mitigation and sentencing following guilty pleas. The court fined Mr Linfoot £400 and gave a 12 months conditional discharge to Mr Boswell the joint owners of the land.
58. On the 3 June 2011 the Council received a further planning application for the land in respect of:- "Change of use of land for the siting of 4 static caravans and 2 touring caravans for residential use, the storage of 2 touring caravans when not in use for working away, retention of double utility block, provision of double stable block, retention of reduced area of hard surface for exercising horses, retention of hard standing for 3 vehicles plus horse box trailer to north of site and provision of new hardstanding for 3 vehicles plus horse box trailer together with retention of existing access at north west corner of site". This represented a decrease in the number of caravans that were on the site when the unauthorised development originally took place.
59. The planning application was due to be determined by the 23 August 2011. . Changes made to the planning application during its consideration required further consultation on the planning application which meant that the planning application was unable to be determined until after 23 August 2011. That application was appealed as the Council had not determined the application within the required period. A report on the planning application was made to the Development Control Committee meeting on the 6 September 2011 with a minded to refuse recommendation which was agreed to by committee. In other words, Council Members confirmed that, had the Council been in a position to determine the planning application, it would have refused it. The appeal was dealt with by Public Inquiry on the 7, 8 and 9 February and 23, 30 March 2012. On the 22 May 2012 the appeal was dismissed.
60. Following the Inspector's notice of decision a legal challenge was lodged by the applicant against the Inspectors decision with the High Court under Section 288 of the TCP Act 1990 and a hearing was held on the 7 November 2012 in the High Court at Manchester. The decision of the Judge was to quash the Inspectors decision and remit the case back to the Planning Inspectorate for rehearing. The challenge was successful on the very narrow ground of temporary permission and adequate

reasoning. A date for a new Public Inquiry was set for the 24, 25, 26 and 27 September and 1 October 2013.

61. On 4 February 2013 the Council obtained an injunction against members of the Bird, Boswell and Linfoot families. As part of that process Mr and Mrs Boswell gave an undertaking, conditional on planning consent not being granted for the siting of caravans on the land, not to take up residence on the site. Mr Linfoot agreed, if the redetermination of the appeal was unsuccessful, that he would vacate the site within 3 months of such a decision.
62. On the 26 April 2013 a planning application was submitted for the continued temporary use of the site relating to a reduced area site. Temporary planning permission was granted for a period of 2 years which expired in July of this year.
63. A further planning application the subject of this report to renew the permission was submitted in June 2015.

PLANNING POLICY FRAMEWORK

64. **National Planning Policy Framework** - National policy advises that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.
65. **Planning policy for Traveller sites 2012** -The Planning Policy for Traveller Sites paragraph 10 states that: 'Criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless came forward'.
66. **Development Plan**
The Development Plan comprises the Central Lancashire Core Strategy and Chorley Local Plan 2012-2026.
67. **Central Lancashire Core Strategy 2012** - The Core Strategy does not identify any targets for new provision of pitches for Gypsies, Travellers and Travelling Showpeople as no need was identified at that time. Rather, through Policy 8: Gypsy and Traveller and Travelling Showpeople Accommodation it provides a criteria based policy through which new provision can be made should a need be identified.
68. **Chorley Local Plan 2012-2026**-The Council adopted the Chorley Local Plan 2012-2026 on 21 July 2015, and the period for challenge expires on 1 September 2015. Policy HS11: Gypsy and Traveller and Travelling Showpeople states that- Within the mixed use allocation HS1.5/EP1.6 Cowling Farm, provision will be made for a minimum of 5 permanent Gypsy and Traveller pitches on 0.4ha of land.

Main Issues

69. The main issue for consideration in respect of this planning application is whether harm arising from inappropriate development in the green belt, and any other harm caused, is clearly outweighed by other considerations to the extent that very special circumstances exist to justify temporary planning permission being granted.
70. **Green Belt** - The use of the land for the siting of residential caravans is not listed in any of the categories of appropriate development in the Green Belt. Such development according to the National Planning Policy Framework and Planning policy for Traveller sites is inappropriate development in the Green Belt.
71. Only appropriate uses of land, which do not harm the character, appearance, and openness of the green belt will therefore be permitted in such areas. The caravans because of their form and appearance together with other works carried out to the land are a prominent feature in this rural area and affect the openness of the green belt.
72. Such a situation would have a significant and harmful effect on the areas of Green Belt within the Borough by facilitating a gradual erosion of the attractive open rural areas that characterise Chorley and are an integral feature of the Boroughs rural attractiveness
73. **Changes in Policy** – Since temporary planning permission was granted in 2013 there has been significant changes to policy .The Chorley Local Plan includes Policy HS11 Gypsy and Traveller and

Traveller Showpeople which seeks to-“Within the mixed use allocation HS1.5/EP1.6 Cowling Farm, provision will be made for a minimum of 5 permanent Gypsy and Traveller pitches on 0.4ha of land”.

74. A revised GTAA for Central Lancashire was published in June 2015. It identified a need for 10 permanent pitches for Travellers in Chorley Borough, (an additional 5 to the 5 being progressed through the Chorley Local Plan 2012-26) a further 22 in Preston, 1 in South Ribble and a Central Lancashire wide need for 4 transit pitches to 2026.
75. The figure of 10 pitches for Chorley is made up of 8 pitches to meet the projected need of the Travellers currently residing at Hut Lane and a related brother and sister together with their respective families which forms the additional two caravans as part of this application. The additional 2 pitches identified within the GTAA would accommodate the hidden needs of those Travellers in bricks and mortar wishing to re-locate to a pitch. The GTAA provides an up to date assessment of the Gypsy, Traveller and Travelling Showpeople’s housing needs in the Central Lancashire area to 2026. Its findings form part of the evidence base behind the Central Lancashire Gypsy, Traveller and Travelling Showpeople Local Plan. However, members have challenged the GTAA findings and wish to further scrutinise the methodology and figures.
76. **Cowling Farm Masterplan**
77. The timetable for delivery of Cowling Farm is set out below, however, given the delay in the adoption of the Chorley Local Plan (originally anticipated to be adopted April/May) the timetable has slipped three months. Therefore at this time given this delay, work is anticipated to start on site Spring/Summer 2016, however, despite a commitment to the Traveller site being delivered as part of the first phase of the development, an actual end date cannot yet be confirmed.

Project appreciation, vision and objectives setting – weeks 1-2 – June 2015

- Define the project, assess the initial scope based on a thorough assessment of the site and its needs.
- Establish a vision statement and core project objectives and prepare a brief to establish the design principles and guide the process.
- Test objectives against vision statement
- Key objective to deliver this mixed use site through a phased masterplan:
- Employment – deliver 3.5 ha of employment land.
- Use classes B1, B2, B8, Access, Location, Layout, Scale and massing, Landscaping etc.
- Housing - deliver 6 ha of housing
- 147 dwellings, Access, Location, Density, Design and Layout, Scale and Massing, Provision of open space and landscaping, number of Affordable housing units etc.
- Traveller Site – 0.4 ha, a minimum of 5 pitches
- Optimum location, Access, Design and Layout

Outcome – weeks 1-2 - June 2015

- Assess whether direct to detailed planning application or combination of both – i.e. detailed application for traveller site and outline for employment and housing in order to progress Traveller Site as a first phase of the site development.

Project Management – weeks 2-3 - June 2015

- Set up project management and decision making structure
- Appoint project lead and set up steering group – Key stakeholders already engaged include: LCC Highways - Rachel Crompton, Travelling community - Mr Hargreaves/ Linfoot family, Homes and Communities Agency – Mr Jackson, United Utilities –David Sherratt, Cowling Action Group (residents), Moorland Gate Business Park, Lancashire Police – Rachel Hines, Ward Councillors – Cllr Julia Berry, Cllr Terry Brown, Cllr Hasina Khan.
- Agree how to involve members and the wider community in context of Statement of Community Involvement
- Agree project plan and identify potential risks and how these can be managed

Compile the evidence base and commission further work – weeks 2-6 – June/July 2015

- Agree the range of issues to cover
- Review evidence base and any additional evidence required
- Identify and engage with all stakeholders

- Evaluate the evidence base

Prepare Draft Masterplan – issues and options – weeks 4-10 – June/July 2015

- Understand key issues – impact on design and layout etc.
- Engagement – collaborative design process.
- Present and test scenarios

Finalise a preferred option – weeks 10-12 - July

- Refine scenarios in light of stakeholder engagement and prepare preferred option.
- Report to Council/Executive Cabinet and agree consultation.

Consult on Preferred Option – weeks 12-16- August

- 4 week public consultation on draft masterplan
- Revise masterplan in light of consultation
- Adopt masterplan

Prepare application – weeks 10-17– August

- Agree the scope of material for a planning application
- Establish the parameters in principles of development
- Supporting documents – planning statement, environmental statement, Transport Assessment, Design and Access Statement, Social Infrastructure
- Section 106 Heads of Terms

Submit application for decision - 12 weeks – weeks 18 - 30 – Sept/Oct/Nov 2015

- Decision making, planning committee, report and decision.

Begin work on site – Jan 2016

78. At the Council meeting on 21st July 2015, it was recommended that further work be undertaken by officers to ascertain when the government's revised guidance on Travellers is likely to be issued and to further explore the issue of 'local circumstances' that may apply in Central Lancashire authorities which could impact on this figure. This will then be reported to a future Council meeting. Officers will report on this work and any implications this may have for the figure of need identified in the GTAA. A revised timetable for the progression of the Central Lancashire Gypsy and Traveller and Travelling Show people Local Plan will also then be set.
79. **Comments on applicants case**
80. The applicant argues that a four year period is required as having to reapply is costly and highly stressful, particularly when it relates to someone's home and there is no suitable alternative accommodation. In terms of the cost, the relative cost of reapplying for permission would, not be onerous or be unviable, however the stress of not having somewhere to live is a material planning consideration to be weighed together with other material planning considerations. The timescale for the delivery of the Cowling site and the Councils's commitment to provide a site should reassure the applicant and give certainty that this could be delivered within a shorter timescale. The applicant has offered to move from the Hut Lane site to Cowling Farm once the site there is ready, and suggests that a condition could be imposed to that effect. The alternative to a condition would be a legal agreement that would secure the relocation of the caravans at the earliest opportunity and restoration of the site. In considering whether a condition or legal agreement would be appropriate, legal advice has been sought. However, the advice from the Council legal section is that such a condition or legal agreement would be open ended and unenforceable if a permission is granted for a temporary period but subject to condition or s.106 obliging the applicants to move once the Cowling Brow site is ready, and result in a nonsensical situation when it came to enforcement as the temporary permission would override any condition or agreement.
81. Based on the Council's timescale for delivery of Cowling Farm it had been expected that the process would be completed and enable work to commence on site early next year, however given the delay in adoption of the Chorley Local Plan, the timetable has slipped and it is expected that this will occur Spring/Summer 2016. This does not factor in potential delays from any additional investigation and ecology surveys as part of the master plan process, and taking this into account, together with the estimated time for construction by the Council's Property Services section this may take a further period of 12 months. Based on this assessment therefore it is considered that a period of 2½ years

may be required and therefore a 4 year temporary period would not be justified as this would prolong the harm caused to the Green Belt. The applicant has confirmed that he is prepared to move to Cowling Farm once a site is ready and therefore the period of 2 ½ years may be reduced further and relocation possible earlier once a site becomes ready. The delivery of the Cowling Farm site is within the control of the Council and an extension of this period of time to eg a 4 year timescale would not be appropriate.

Relaxation of Commercial Restriction on Site

82. The previous temporary permission was subject to the following condition :

“No commercial activities shall take place on the land including the storage of materials, plant or equipment. Reason: In order to protect the amenities of the area and the residential occupiers of dwellings in the vicinity.”

The applicant seeks a relaxation of the condition on the basis that this debar storage even for activities which he considers to be ones that could be carried without planning permission and at certain times of the year.

The condition seeks to strike a balance between the reasonable day to day activities of the applicant to park his work vehicle and travel to and from work and to protect the amenities of the Green Belt and occupiers of residential properties in the vicinity. To permit temporary storage at certain times of the year would be inconsistent, it would either need to be accepted for the whole period of occupation or not at all in that if it is not acceptable to interfere with the openness of the greenbelt and amenities in the spring, summer or autumn then it is equally unacceptable in the winter. Allowing commercial uses goes beyond that and with the increase in occupants at the site has the potential for increased commercial activity which may give rise to further harm. The current condition is reasonable clear and enforceable and it is therefore considered that such a condition should be re-imposed should planning permission be granted.

Visual Impact of the Site

83. Prior to the current development, the site was open in nature and had been covered with trees/undergrowth.
84. The development subject of this application is urban in appearance with views of gated access points, stone pillars and caravans and vehicles on the site when seen from public viewpoints, from Hut Lane to the west and, in particular from the motorway bridge at a higher level, this has a discordant effect on the character and appearance of the area.
85. Existing vegetation outside of the application site serves to screen the development during the summer months from some vantage points and further planting has been added to the site boundaries although the nature of views into the site particularly from the motorway bridge reduce the effectiveness of any planting. During winter months when there is no leaf cover the impact of the development is more obvious within the locality and more damaging visually to the rural landscape. This fact was acknowledged by the Inspector during the consideration of the last appeal in 2012 and is one of the reasons why the development is not acceptable on a permanent basis.

Effect on Residential Amenity

86. At the Public Inquiry in 2012 the Inspector considered that the effect on the outlook of No 3 Olde Stoneheath Court (the nearest property to the site) was acceptable as a result of the scale of the original site development having been reduced to its current size. The proposal is now to add two further caravans to the current site to accommodate additional family members identified by the GTAA. The additional caravans are shown to be sited next to two of the existing touring caravan pitches and whilst these may be viewed from No 3 it is not considered to be a reason to resist the development. The scale and siting does not dominate the outlook from No 3 and is therefore considered acceptable. In terms of additional traffic movements there will be an additional two vehicles parked at the site. The Lancashire Highways have no objection to the proposal. The increase in traffic movements is not considered to be of a scale to cause any significant loss of amenity to occupiers of neighbouring property.

- 87. **Human Rights** - The application engages Article 1, Protocol 1 and Article 8 of the Human Rights Act 1998. A refusal of permission would give rise to an interference with the applicant's and occupants rights under Article 1 of the first Protocol and Article 8 of the European Convention on Human Rights. Without certainty of alternative and suitable accommodation, the occupants could be required to vacate their homes and the site, which would interfere with their homes, their private and family lives. The grant of a two year temporary permission would be justified as a proportionate interference and reasonable in the circumstances.
- 88. **Equalities & Race Relations** The Council has duties under the Equality Act 2010 which prohibits direct and indirect discrimination because of a relevant 'protected characteristic' - age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity (except for indirect discrimination), race, religion, belief, sex, and sexual orientation. For example, it would be unlawful to treat a person less favourably, in relation to planning matters, because that person is a gypsy, or if the Council applies a provision, criterion or practice (PCP) which puts that person and other members of the same group at a particular disadvantage when compared to others not in the group, and the PCP has no legitimate aim and is disproportionate. It is considered that the Council's equality duty is satisfied in the consideration of the planning application.

OVERALL CONCLUSION

- 89. Planning policy for Travellers sites states that new Gypsy and Traveller sites in the Green Belt are inappropriate development. This has to be weighed against the requirement for local authorities to identify need and provide a 5 year supply of sites.
- 90. The previous temporary permission approved in 2013 was considered appropriate as very special circumstances were demonstrated. This application seeks to increase the scale of development by increasing the number of caravans on the site by two to accommodate other family members who have been identified as part of the assessment of need in the GTAA carried out earlier this year. That need could be met for a temporary period on the site which would be a very special circumstance as an exception to inappropriate development in the Green Belt. The addition of two further caravans is not considered to be of a scale to cause any adverse impact on the area or result in the loss of amenity to neighbouring residents.
- 91. It is considered that the use of the site for commercial activity even for 50 days would be harmful to the amenity of the neighbouring residents
- 92. In conclusion the circumstances which now exist namely the requirements of Planning Policy for Traveller sites and the Chorley Local Plan Policy HS11 to provide a permanent Gypsy and Traveller site tip the balance in favour of granting a further temporary permission to enable the Council to deliver a permanent site. The period of consent is material to the harm to the Green Belt and 2 ½ years is considered the minimum period that is reasonable to deliver a site and remove the harm from the Green Belt. However as stated the applicant has stated that he will move as soon as the Cowing Farm site becomes available.

Planning Policies

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

Planning History

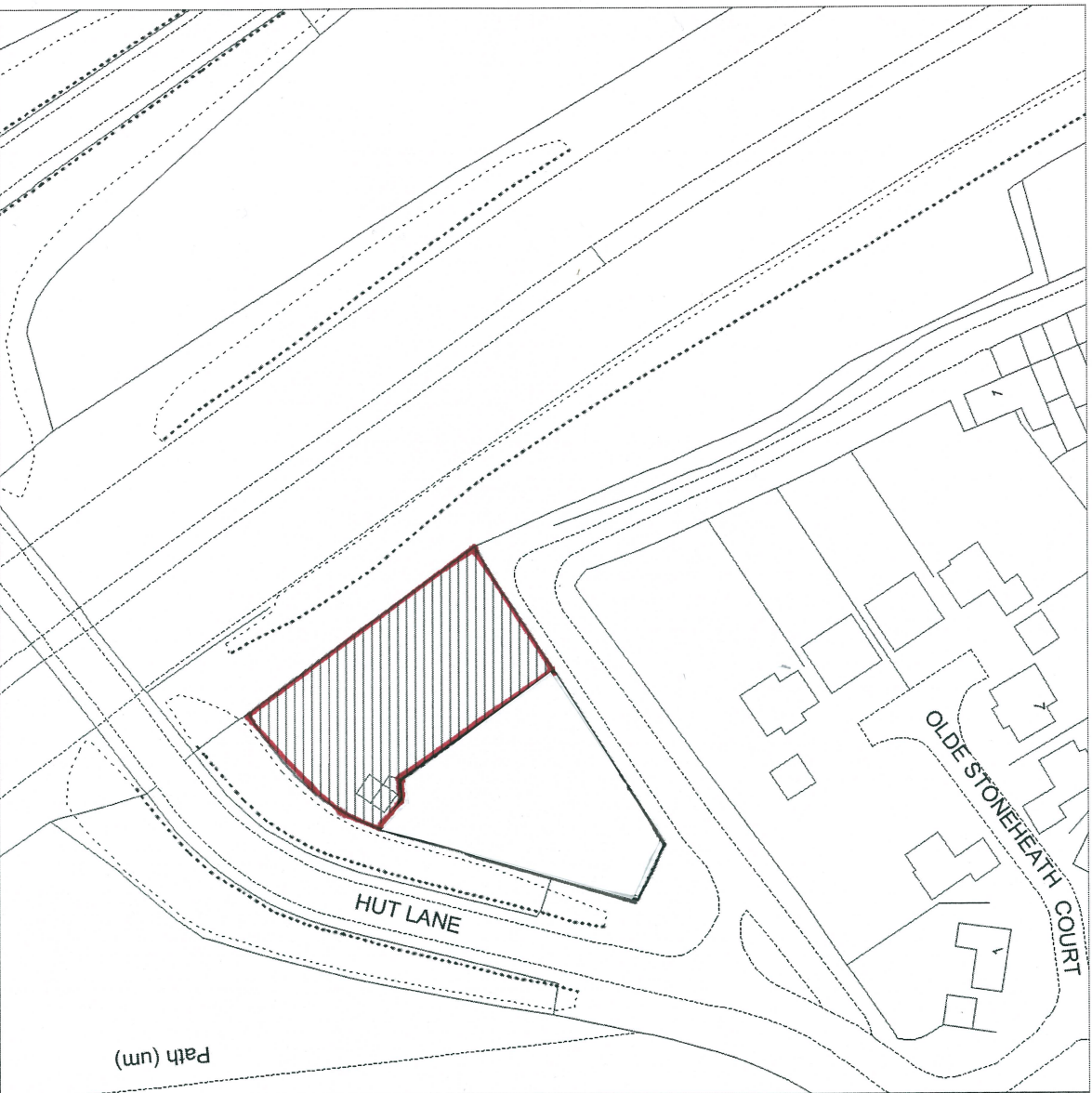
Reference	Description	Decision	Date
08/00984/FUL	Erection of stables to include exercise area, midden and hardstanding	PERFPP	13 November 2008
09/00437/COU	Retrospective application for the use of land for stationing of two mobile homes and up to 14	REFFPP	19 August 2009

	touring caravans for residential occupation for temporary period of 3 - 4 years with associated development (hard standing, utility building, septic tank, 6 small toilet buildings, second access off Hut Lane, brick pillars and gates)		
11/00351/DIS	Application to discharge condition 6 attached to planning approval 08/00984/FUL	WDN	27 April 2011
11/00484/COU	Change of use of land for the siting of 2 No static caravans and 4 No touring caravans for residential use, the storage of 2 No touring caravans when not in use for working away, retention of double utility block, provision of double stable block, retention of reduced area of hard surface for exercising horses, retention of hard standing for 3 No vehicles plus horse box trailer to north of site and provision of new hard standing for 3 No vehicles plus horse box trailer together with retention of existing access at North West corner of site	PDE	
11/00501/DIS	Erection of stables to include exercise area, midden and hardstanding	WDN	14 June 2011
13/00385/COU	Change of use to a residential Gypsy and Traveller site involving the siting of 2 mobile homes, 3 touring caravans (1 of which is for storage only when not away travelling), and retention of a utility block, and access at the north west corner of the site for a temporary period of 4 years	PERTCA	9 July 2013
13/01061/FUL	Variation of Condition 1 of planning permission 13/00385/COU to allow the replacement of wood chippings with limestone chippings to a depth of 6-8 cm.	PRETCA	14 January 2014

Suggested Conditions

No.	Condition												
1.	<p>The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission. Reason: To define the permission and in the interests of the proper development of the site.</p>												
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="225 461 1155 611"> <thead> <tr> <th data-bbox="225 461 533 495">Title</th> <th data-bbox="533 461 847 495">Drawing Reference</th> <th data-bbox="847 461 1155 495">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="225 495 533 528">Location Plan</td> <td data-bbox="533 495 847 528"></td> <td data-bbox="847 495 1155 528">9 June 2015</td> </tr> <tr> <td data-bbox="225 528 533 562">Site Layout</td> <td data-bbox="533 528 847 562"></td> <td data-bbox="847 528 1155 562">9 June 2015</td> </tr> <tr> <td data-bbox="225 562 533 611">Utility Block Plan</td> <td data-bbox="533 562 847 611"></td> <td data-bbox="847 562 1155 611">9 June 2015</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>	Title	Drawing Reference	Received date	Location Plan		9 June 2015	Site Layout		9 June 2015	Utility Block Plan		9 June 2015
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Location Plan		9 June 2015											
Site Layout		9 June 2015											
Utility Block Plan		9 June 2015											
3.	<p>The permission shall expire on the 8 March 2018, following which the use shall cease and the land restored in accordance with the requirements specified in condition 4 of this permission. Reason: To reserve to the Local Planning Authority control over the long-term use of the land, as the use is inappropriate development in the Green Belt and not acceptable on a permanent basis.</p>												
4.	<p>Within 3 months of the expiry of this permission the following works shall be carried out:-</p> <ol style="list-style-type: none"> a) Excavate the hardstanding laid on the site and remove all the hardcore material laid to form the hardstanding from the land. b) Demolish the utility block and its concrete base and remove the materials resulting from the demolition from the land. c) Excavate the septic tank and remove the tank from the land. d) Demolish the electricity supply housing box and remove the materials resulting from the demolition from the land. e) Demolish the entrance pillars and gates from the vehicular access in the north west corner of the application site and remove the materials resulting from the demolition from the land. <p>Reason: To give the Local Authority control over the long term use of the land as the operations are inappropriate development in the Green Belt and not acceptable on a permanent basis.</p>												
5.	<p>The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants:</p> <p style="padding-left: 40px;">Mr Michael Linfoot and wife Mrs Patty Linfoot and dependent children. Mr Walter Bird and Mrs Sylvia Bird and grandson Clonus John Boswell. (Born 1994) Mr and Mrs John Bird and dependent children. Mrs Anne Marie Boswell and husband Mr Clonus Boswell and dependent children.</p> <p>Reason: Weight has been given to the personal circumstances of the applicant as a very special circumstance in granting permission for inappropriate development in the Green Belt</p>												
6.	<p>No more than 7 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be a mobile home) shall be stationed on the site at any time. Reason: For the avoidance of doubt and in the interests of proper planning.</p>												
7.	<p>No commercial activities shall take place on the land including the storage of materials, plant or equipment. Reason: In order to protect the amenities of the area and the residential occupiers of dwellings in the vicinity.</p>												
8.	<p>No commercial vehicles in excess of 3.5 tonnes shall be stationed, parked or stored on the site Reason: In order to protect the amenities of the area and the residential occupiers of dwellings in the vicinity.</p>												

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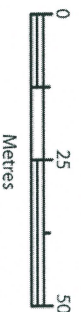
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Scale 1:1250



Hut Lane Temporary
Location Plan

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Item 3d	15/00506/REMMAJ
Case Officer	Nicola Hopkins
Ward	Adlington And Anderton
Proposal	Reserved Matters Application for the erection of 158 dwellings comprising 1, 2, 3, and 4 bedroom homes, open space and associated works (pursuant to outline planning consent ref: 12/00741/OUTMAJ)
Location	Land Surrounding Huyton Terrace Previously Baly Place Farm, Bolton Road, Adlington
Applicant	Stewart Milne Homes
Consultation expiry:	4th September 2015
Decision due by:	25th August 2015 (time extension agreed until 11th September 2015)

Recommendation**Approve reserved matters consent****Executive Summary**

This site already has outline planning consent for the erection of up to 170 dwellings and is allocated for housing within the Local Plan. As such the principle of housing is acceptable. This application purely relates to the detail of the proposed site and proposes 158 new dwellings. The access arrangements were agreed at outline stage and all matters in respect of the principle of developing the site for up to 170 dwellings (such as ecological impacts, drainage impacts, highway impacts, impact on local services etc.) were fully considered as part of the outline planning application. The main issues to consider therefore are the proposed layout of the houses and any impact on the neighbours.

Representations

Adlington Town Council have made the following comments:

- The site plan does not clearly indicate the levels and heights of the proposed buildings, and the type of housing proposed in the development is out of keeping with the existing housing surrounding the site which is predominantly bungalows. Some of these may be overshadowed and overlooked by the new housing as in some parts of the site the new housing could be at a higher level than existing buildings.
- There has been no consultation with existing residents by the builders and no opportunity to raise questions and concerns, other than during the statutory planning process. Given the size of the proposed development this would be expected.
- Concern has also been expressed by a local resident with considerable expertise in hydrology over the drainage of the site. The council was informed that much of the site is waterlogged and whilst it is appreciated that a pond is to be constructed/retained to aid with drainage, the development will create considerable rainwater runoff. All the runoff from the site will drain into the headwater of the River Douglas which may have the effect of increasing the likelihood of flooding in the Croston area further downstream.
- The Council has concerns over the long term sustainability of Adlington should the current rate of development continue without any investment in infrastructure, services and transport.
- At the time that outline planning permission was granted for this site, the sustainability of the development based on the current local infrastructure was questioned in several areas. At this time all the relevant agencies stated that they could make adequate provision for the development. Given the massive budget cuts that have been made to these agencies in the intervening period, the council is concerned that these assurances are no longer valid.
- The Council considers that planning permission should not be granted until additional provision has been made for the following:
 1. Primary school places
 2. Medical, dental and emergency health services
 3. Police support
- Highways in the village are busy, particularly at peak times, and this is exacerbated when there are problems on the M61 motorway and traffic is diverted through Adlington. Concern has been expressed that the existing road system will not support the proposed increase in the number of vehicles.
- Parking is a problem on Bolton Road and adjacent roads, and some of the parking space currently available for residents will be lost if the development is allowed. The outline plan included some provision for off-road parking for the current Bolton Road residents. The Council is concerned that this proposal omits this provision.
- There is already traffic congestion on Bolton Road and this will be exacerbated by the development of this site. The local Police have expressed concern about speeding in the area of the proposed development (Fox Developments' own survey recorded average speeds of 31mph on this 30 mph road.) Consideration should also be given to the proposed development of 1200 homes in Horwich, less than 4 miles along Bolton Road- it seems that this has not been taken into account in projecting road usage, possibly as the proposed development is outside the LCC area in Greater Manchester.
- Because of the lack of employment opportunities in Adlington, this development will create a large increase in commuters, contrary to Government

policy.

- Public transport is not a viable option as the express bus service to Manchester has recently been withdrawn and the rail service is infrequent. Despite frequent representations by the Council to the relevant bodies, there are no plans to increase public transport services.
- The Town Council requests a site visit at a busy time of day by Lancashire County Council Highways to assess the design and layout of the access road. The Council is particularly concerned at the proposed junction's proximity to the St Joseph's Primary School entrance and pedestrian access across Bolton Road, and also the proposed position of the pedestrian crossing, which is close to both the proposed site entrance and the bus stop, and is also sited close to the brow of the hill.
- The Council welcomes the inclusion of a large percentage of affordable housing in the proposals, but requests that a local allocations policy is included as a condition if planning permission is granted so that priority is given to applicants with a connection to Adlington and the surrounding areas, as was recently implemented on the smaller "Cotton Fields" development in the village.

Following discussions with local residents and representatives of Stuart Milne Homes at the recent Adlington Town Council meeting, the Council have raised the following comments and questions relating to the application:

- A local resident who is a retired hydrologist has attended two Council meetings to express his concern that any building on this site would have disastrous consequences in terms of increasing the flood risk in areas further downstream on the River Douglas and specifically in the Croston area. The Council requests that before planning permission is granted an independent study of the hydrology of the site and surrounding area is undertaken to investigate the potential effects of construction on the wider local area and any increased flood risks associated with this.
- Following on from consultation with local residents, Fox Strategic Land & Property, the original applicants for outline planning permission on this site 12/00741/OUTMAJ, were understood by both the residents and Town Council to have included an area in the plan allocated to off-road parking for the existing residents to mitigate the effect of the new junction on their ability to park their cars close to their properties. This requirement has not been included in the outline plan given to Stuart Milne Homes. The Council would like to know if the revised version of the outline plan including parking for the existing residents was considered by the Planning Department.

In total 56 representations have been received which are summarised below

Objection	Not specified
Total No. received: 55	Total No. received:1
<ul style="list-style-type: none"> • Inadequate primary schooling for Adlington/Anderton already • Insufficient GP medical cover for additional residents • Insufficient dental cover for additional residents • The drainage system requires a complete overhaul before any extra burden is loaded into it • Trains to/from Manchester and Chorley are overcrowded • The road network in Adlington/Anderton is already filled to capacity • Access to/ exit from the development area directly onto the main Chorley/Bolton road and M61/M6 motorways will create even more problems regarding vehicle queuing 	<ul style="list-style-type: none"> • Before any more houses are built in Adlington the infrastructure needs supporting. • The roads are already chaotic and in a state of disrepair. The railway service to and from Manchester/Preston is already over-subscribed with standing room only especially at peak times.

- The speed limit on Bolton Road entering in and out of the village will need to be reduced to 20 mph if the development goes ahead
- There are other development sites in the Chorley area which should take priority to this site simply because they are more sustainable than this one.
- Disturbing and killing local wildlife
- Spoiling residents views
- Noise pollution
- Taking away local walking area
- Distress for residents while building in progress
- Creating access issues and generating rubbish problems
- Reducing house prices for surrounding houses
- Personal stress, effecting work travelling time
- Loss of privacy caused by overlooking of properties surrounding the development
- Unacceptably high density / overdevelopment of the village
- How will the builder protect neighbouring properties from damage, dust and dirt when they demolish 74?
- We welcome the green space - who is going to maintain this space and the buffer space?
- What are the hours that the builders will be working? Will they be working at the weekends? Where will they park their cars? Will the lorries be allowed to come early and park along the road with their engines running (as they did at Grove Farm)?
- Where is the sewage and waste water going to go?
- What are the detailed measurements of the NEAP land?
- Pulling down two bungalows and replacing them with two large houses and a road doesn't sound possible
- Will the builders get rid of the rat population or will disturbing them make it worse?
- The 999 year lease that no. 72 and no. 70 Bolton Road have for the 3 yards of land extending from boundary-wall for rear access to these houses- not been shown on the plan
- The cross-section does not show the levels from the existing houses on Bolton Road. The land rises very steeply towards the centre of the field
- Play area- want to know 'specifically' what facilities are intended and for what age group. Will it be lit up at night? Will it hold noisy apparatus? Will it be closed in the evening? What type of lighting, if any? Will there be bins and when will they be

emptied?

- Will remove access and parking space
- 2 new houses on Bolton Road- not in keeping with the majority of houses along Bolton Road and one will overlook the bungalow 74a
- Disappointed not to see any bungalows on the plans. Perfect opportunity to incorporate a quiet retirement area for bungalows within this estate
- There is mention of buffer trees between existing properties and the proposed buildings. Who will manage the cutting of these trees? What type of trees will be planted? Who will tend lamps, pathways and roads?
- The plan shows a house squeezed in right up to no. 64 Bolton Road. This seems very inconsiderate planning to the residents of that specific property
- Highway safety proximity to Rothwell Road
- How can any council planners allow a playground on our back doorstep and a zebra crossing on our front doorstep and maintain that it 'provides respect for our private and family life'?
- No indication whether the proposed site will be built in stages/phases. Which area will be started first? What times of day the site will be operational. How much noise and disruption and how long it will take to complete?
- Contravene Government guidance PPS1 and 3 Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole
- This is greenfield land- there is plenty of brownfield land to develop
- Will increase flood risk
- The development should be phased
- Houses are not needed
- Proposed layout different to illustrative masterplan submitted at outline stage and now results in dwellings being very close to existing dwellings
- The siting of the dwellings does not accord with the Councils spacing distances
- There are safety issues in respect of the proposed access point onto Bolton Road
- Not wanted by local residents- will change the character of the area
- Another development adjacent to the very disruptive Grove Farm estate will devastate one of the only remaining green spaces in Adlington and cause further great distress to the residents of houses adjacent to the development on Abbey Grove, Mayfield Avenue and Bolton Road

- Loss of stream and spinney
- How many houses will be allocated to housing associations?
- No provision within the scheme to encourage alternative modes of transport
- The scheme requires an additional access road from the south west boundary to join up with Huyton Industrial Estate and thus direct connection to the A6
- The plans indicate plots 68 to 75 to reflect the materials of Huyton Terrace, yet plots 76 - 79 also in the vicinity of Huyton Terrace so why are they not to reflect the materials?
- The apartments at 3 storey do not reflect the surrounding neighbourhood, the majority of properties on Abbey Grove are bungalows and the intended surrounding property are all two storey
- The increase in housing would require dog waste bins on the footpath leading to Huyton Terrace Should the option of putting Huyton Terrace onto mains sewers
- Loss of resident parking on Bolton Road
- Speed along Bolton Road
- The two propped houses at the site entrance will be over powering to the terraced houses opposite.
- The estimate of the build is around 4 years. This is going to cause considerable distress and disruption with construction vehicles, noise and dirt.
- Has the section 106 been satisfied before any construction? Has any investment been ring fenced?
- The layout of the housing is a concern. The levels haven't been shown at the start of the development
- The distance to the houses bordering the site (shown as show houses) are very close to existing residents.
- There are concerns regarding the water runoff
- The affordable housing allocation should be for Adlington/Anderton residents only who are struggling to get on the property ladder
- 6 residents parking spaces isn't sufficient

Consultees

Consultee	Summary of Comments received
Lancashire Constabulary Architectural Liaison Officer	Has made some recommendations in respect of Secured by Design
Environment Agency	No further comments to make other than those made at outline stage
LCC Highways	Originally raised concerns however these were overcome by the submission of amended plans
Lead Local Flood Authority	No objection
CBC Waste and Contaminated Land Officer	Has commented on waste collection at the site

AssessmentProposed Development

1. The application site is located within Adlington and is accessed via Bolton Road. Outline planning permission was granted in August 2013 to erect up to 170 dwellings on the site. Stewart Milne Homes have applied under Section 73 of the Town and Country Planning Act (15/00568/OUTMAJ) to vary the requirements of the Code for Sustainable Homes conditions which has a resolution to approve and the decision will be issued as soon as the Unilateral Undertaking is signed. This is likely to result in a minor amendment to the description of the development to refer to the new outline consent which will be addressed on the addendum.
2. The application site itself is adjacent to Belmont Road, Abbey Grove and Huyton Terrace and is located to the rear of the dwellings on Bolton Road. To the north east of the site is Bolton Road from which the vehicular access will be achieved.
3. The application is submitted by Stewart Milne Homes to erect 158 dwellings on the site.

Principle of the Development

4. The application site has outline planning permission for housing and is allocated in the Chorley Local Plan (Policy HS1.24) for residential development. As such the principle of erecting houses on this site is considered acceptable.

Density

8. Policy 5 (Housing Density) of the Adopted Central Lancashire Core Strategy states that National Policy no longer sets out an indicative density of 30 dwellings per hectare(dph). However, in suburban and rural locations a density of 25-35 dph is typical.
9. Policy 5 also states that density is an important consideration in any proposed housing scheme, however, the key objective is to achieve high quality design that responds to the character of the area in terms of existing density.
10. The site covers an area of 7.3 hectares. The application is for the development of 158 dwellings. As part of the outline consent it was established that the developable area of the site (i.e. that excluding formal and informal play space and natural constraints) was 4.86 hectares. The density of the proposed development will therefore be approximately 33 dwellings per hectare. The density of the scheme allows for the construction of family dwellings with private amenity space reflecting current market trends. This density also takes into account the topography of the site which has implications on the layout of the site.
11. The proposed density of the development is considered to be in accordance with Policy 5 of the Adopted Central Lancashire Core Strategy.

Impact on neighbour amenity and levels

12. Proposed plot 9 is sited adjacent to 74a Bolton Road which is a detached bungalow. 74 and 76 Bolton Road, which are also bungalows, will be demolished to facilitate the development and will be replaced with the access into the site and 2 detached two storey dwellinghouses (plots 1 and 9). As part of the consideration of this application the applicants have relocated plots 1 and 9 further away from Bolton Road to address some of the neighbours' concerns.
13. The proposed dwelling on plot 9 is a Carlton house type which is a two storey detached dwellinghouse which will be built approximately 0.3m higher (finished floor level) than the existing bungalow. There is one window in the side elevation of the proposed dwelling which will face the roof of the existing bungalow but will be obscurely glazed. The proposed dwelling matches the building line of the existing bungalow and due to the orientation (to the south east) will not result in loss of light to the neighbours garden area. Although 74a is a bungalow there is a mix of dwellings along this section of Bolton Road and it is not considered that a two storey dwelling as proposed will be out of character with the area. By matching the building lines this also ensures that the proposed dwelling will not create an overbearing impact to the occupiers of 74a Bolton Road.

14. There are windows in the side elevation of 74a Bolton Road, however these do not appear to serve habitable rooms and as such there will be no loss of light as a result of the proposals in respect of the habitable rooms at 74a Bolton Road.
15. 64 and 66 Bolton Road will face the side elevation of plot 10 which is a Castlevale house type. This house type was amended by the applicants during the consideration of the application so that the existing dwellings face a side gable wall of the proposed dwelling. The proposed dwelling on plot 10 is a two storey detached dwelling which does have a first floor side window however this does not serve a habitable room and as such can be obscurely glazed. Approximately 21.5m is retained from the side elevation of the proposed dwelling to the rear elevation of 64 Bolton Road (the Council's standard spacing distance for this type of relationship is 12m). 64 Bolton Road is a semi-detached two storey dwellinghouse which has a finished floor level approximately 0.21m higher than proposed plot 10. As the finished floor levels of both the proposed and existing dwelling are similar and the proposed dwelling is located to the west (reducing the impact of any loss of light) of the existing dwelling the relationship is considered to be acceptable.
16. 62a Bolton Road faces the rear garden of proposed plot 10 and is approximately 16.5m from the rear garden boundary (the Council's standard spacing distance for this type of relationship is 10m). 62a Bolton Road is a detached two storey property which is built on differing land levels creating a split level house and incorporates a rear dormer window which appears at first floor level due to the level change. 62a Bolton Road has a finished floor level very similar to the proposed dwelling on plot 10 and as such the relationship is considered to be acceptable.
17. The properties on Belmont Road are located to the north west of the application site. Plots 12-15 back onto the existing properties on Belmont Road. The proposed properties will be slightly lower in terms of the finished floor level than the existing dwellings on Belmont Road (which are bungalows) and will be separated by a distance of approximately 72m (at the nearest point between plot 13 and 44 Belmont Road). Given the distance maintained and the presence of a tree belt, which is to be maintained, this relationship is considered to be acceptable.
18. Proposed plots 16, 24 and 25 side onto the boundary with the properties on Belmont Road and will be constructed at a similar finished floor level as the existing dwellings. As the proposed and existing dwellings will be separated by a distance of approximately 57m (at the nearest point between plot 16 and 36 Belmont Road) it is not considered that the proposed dwellings will adversely impact on the amenities of the existing residents.
19. Proposed plot 102 is a two storey Corrywood house type which is a dual aspect house which will face the tree belt/ cycle link within this part of the site. The proposed dwelling is sited approximately 19m from the rear garden boundary of 7 Abbey Grove which is a sufficient distance to ensure that no overlooking occurs particularly with the presence of the retained tree belt.
20. Plots 98-102 have principal elevations which face the rear garden boundary of 13-19 Abbey Grove. The properties on Abbey Grove are bungalows some of which have rear dormer windows. The proposed properties will be slightly higher in terms of the finished floor level than the existing dwellings on Abbey Grove and will be separated by a distance of approximately 23m (at the nearest point between plot 102 and the rear garden of 13 Abbey Grove). Given the distance maintained and the presence of a tree belt which is to be maintained this relationship is considered to be acceptable even with the dwellings being built at a higher land level (with a maximum difference of 1.5m).
21. Proposed plots 149-158 back onto the dwellings on Abbey Grove. The proposed properties will be lower in terms of the finished floor level than the existing dwellings on Abbey Grove (which are bungalows) and will be separated by a distance of approximately 29.5m (at the nearest point between plot 151 and 23 Abbey Grove). A 5m wide buffer planting zone is proposed along the boundary with these properties. Given the distance maintained and the presence of the landscaped strip this relationship is considered to be acceptable. The buffer strip is shown outside the garden areas and will be maintained by the private Management Company at the site. The aim is to create a natural buffer between these plots and existing bungalows on Abbey Grove and a footpath has been shown for a Management Company to access and maintain the planting.

22. The properties on Abbey Grove have longer than average gardens (the shortest being 12m at 21 Abbey Grove but with some extending up to 21m in length) which exceed the required 10m window to garden distance. Although the properties on Abbey Grove will be elevated compared with the proposed dwellings in this part of the site it is important to note that the existing dwellings are bungalows with no first floor windows to enable overlooking. Given the length of the existing gardens and the presence of the proposed buffer planting strip it is not considered that the existing dwellings will create overlooking to the detriment of the future residents amenities even taking into account the level difference.
23. Plots 105-119 comprises a three storey apartment block housing 15 apartments all of which will be affordable units. This apartment block is located close to the boundary with 19 Abbey Grove which is a detached bungalow with its garden area at the side adjacent to the boundary of the proposed parking associated with the proposed apartments. The rear elevation of the proposed apartments retains approximately 12m to the common boundary with 19 Abbey Grove and approximately 31m to the dwelling itself. 19 Abbey Grove is elevated when compared to the finished floor level of the proposed apartment block being approximately 3.14m higher in terms of the land level. On the rear elevation of the proposed apartment block there are habitable room windows at ground, first and second floor level however given the level difference only the first and second floor will be immediately visible from 19 Abbey Grove reflecting the appearance of a two storey building rather than a three storey building. Given the level difference the standard separation distances (10m to the garden boundary and 21m to the windows) are applicable which is achieved and exceeded in the case of this relationship.
24. Proposed plots 25-39 back onto proposed plots 88-102 and will be built between 5-6.5m higher in land levels. Applying the increase in spacing required by the Council's standards due to the significant level changes across the site would result in a significant amount of space retained between dwellings. This is the case in respect of this relationship which would require between 41-45m rear window to rear window where only between 32-37m is retained.
25. The sectional plan demonstrates the extent of views from the ground and first floor windows. The proposed and existing rear boundary treatments along with the level difference ensures that there will not be any loss of privacy or amenity for the future residents which address the purposes of applying separation distances. There may be some overlooking from the rear garden areas of the higher properties however any future purchasers will be fully aware of this relationship when they purchase the properties and this represents the most suitable solution for this part of the site to address the level changes and provide efficient use of the land.
26. Apart from the above part of the site the remainder of the site has been design internally to ensure that the spacing standards are met when taking into account level changes and where this was not achieved on the original layout the plans have been amended accordingly.
27. Concerns have been raised about the impact of the proposed dwellings fronting Bolton Road (plots 1 and 9) on the existing terraced properties on the opposite side of Bolton Road. The concerns raised relate to the proposed dwellings being higher than the existing dwellings creating an imposing impact on the existing residents. The dwellings on plots 1 and 9 which are opposite 81-87 Bolton Road have a similar finished floor level to the adjacent bungalow which is very similar to the finished floor levels of the dwellings on the opposite side of Bolton Road. As the proposed dwellings are 2 storey and located approximately 23m from the front elevation of the existing properties (in excess of the required 21m) it is not considered that these dwellings will adversely impact on the amenities of the occupiers of the existing properties on the opposite side of Bolton Road.
28. 91 Bolton Road faces the approved access point and will achieve views of the first dwelling within the site (plot 2). The proposed dwelling however is only 0.7m higher than the proposed dwellings which front Bolton Road and given that plot 2 is located approximately 63m from the front elevation of 91 Bolton Road it is not considered that the proposed dwellings will adversely impact on the amenities of the occupiers of this property.

Affordable housing

29. In accordance with Policy 7 of the Adopted Central Lancashire Core Strategy the development is required to provide 30% affordable housing. The proposed development would result in 158 new dwellings and so in accordance with current policy the scheme should provide 47 affordable units.
30. The development provides 47 affordable homes comprising:
- 15 one bedroom apartments
 - 14 two bedroom houses
 - 18 three bedroom houses
31. The Council's Strategic Housing Officer has reviewed the proposed affordable housing mix and commented that this mix has changed since the Housing Officers comments at outline stage. The S106 Agreement attached to the outline consent at this site requires 70% of the affordable units (33 dwellings) to be social rented units and the remaining 30% (14 dwellings) to be intermediate units. At outline stage the precise mix of dwellings was not set out. It is understood that the registered provider at this site will be Adactus and the Strategic Housing Officer will be discussing the proposed mix with Adactus. His additional comments following these discussions will be reported on the addendum.
32. The affordable units are identified on plots 37-46 in the centre of the site, 50-53 in the centre of the site, 84-87 in the centre of the site, 134-144 at the southern end of the site, 155-157 adjacent to Abbey Grove and the 15 block of apartments (plots 105-119) adjacent to Abbey Grove. The Adopted Affordable Housing SPD encourages the dispersal of affordable housing units within residential development to promote mixed communities and minimise social exclusion. It is considered that siting the proposed affordable houses within several parts of the site accords with the aspirations of the SPD.
33. The Unilateral Undertaking associated with the outline consent at this site included eligibility criteria for the affordable housing which requires a local connection to Chorley in respect of the occupation of the affordable units.

Sustainable Resources

34. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

"For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent."

"Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance."

35. The original outline consent required the dwellings to be built in accordance with Policy 27 however Stewart Milne Homes have applied to vary the requirements of the outline consent in respect of these conditions recently. This outline consent will be issued as soon as the Unilateral Undertaking is signed and there will be a requirement for the dwellings to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.

Trees and landscape

36. The outline application was supported by an Arboricultural report and a Tree Preservation Order (TPO 3 (Adlington 2012) was placed on the trees with high and moderate value to ensure their future retention and/ or ensure adequate mitigation for any losses. These trees are detailed as retained within the proposed layout.
37. Concerns have been raised by neighbours along Bolton Road about the impact of the proposed development on their parking facilities and the lack of residents parking detailed on the proposed layout. The concept Masterplan submitted with application 12/00082/OUTMAJ incorporated an area of residents parking at the entrance to the site:



38. This application (12/00082/OUTMAJ) related to up to 300 dwellings and was subsequently withdrawn. When the new application was submitted (12/00741/OUTMAJ) the site area was reduced and the number of dwellings reduced to up to 170 dwellings. The amended illustrative masterplan which accompanied the revised application, on which the basis of outline consent was granted, included no residents parking area and as such there is no requirement to include parking for the residents of Bolton Road within the reserved matters application.



39. However following concerns raised by residents the layout plan has been amended to include an area near the site entrance for the provision of 6 parking spaces for the residents affected by the proposed highway works. The area proposed for this parking will require the removal of a few existing trees which are protected by the TPO. This will be addressed by condition.

Waste Collection

40. The Council's Waste and Contaminated Land Officer originally made comments on the waste collection at the site including the need for bin storage at the apartment block. Following receipt of these comments the plans have been updated including the provision for bin storage at the apartment block (plot 105-119) which addresses the officers concerns.

Ecology

41. The ecological impacts of the development were fully considered at outline stage and the following conditions attached to the outline consent:

5. No development shall take place until a scheme of landscaping, to include habitat creation, enhancement and management) for each phase of the development has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail that may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of the development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; detail and change of ground level or landform, mitigation/compensation proposals outlined in the report 'Bolton Road, Adlington Lancashire, Ecological Assessment' (FPCR Environment and Design Limited, July 2012): paragraphs 4.32, 5.11, 4.38-4.40 (habitats and habitat connectivity), 4.41 (SUDS). 4.44 (bat roosting opportunities), 4.45 (breeding bird opportunities) and 4.46 (long terms management proposals). the scheme shall demonstrate maintenance and enhancement of the biodiversity value of the site. Thereafter, landscaping shall be carried out in accordance with the approved details. Reason: In the interests of amenity of the area and in accordance with Policy GN5 of the Chorley Local Plan Review and Policy 17 of the Adopted Core Strategy and to ensure opportunities for biodiversity maintenance and enhancement of the site.

15. The Himalayan Balsam and Japanese Knotweed on the site shall be controlled/treated in accordance with Environment Agency guidelines. Following the treatment of the species evidence to demonstrate that the species had been eradicated/controlled shall be submitted to and

approved in writing by the Local Planning Authority. Reason: To prevent the further spread of Himalayan Balsam and Japanese Knotweed as a result of the development.

21. Prior to the commencement of works on site, a Construction Environment Management Plan shall be submitted to and approved in writing by Chorley Borough Council. The approved plan shall be implemented in full. The plan shall be in accordance with the recommendations of the report 'Bolton Road, Adlington, Lancashire Ecological Assessment' (FPCR Environment and Design Ltd, July 2012): paragraphs 4.24-4.3 (protection of retained habitats and features, working measures to control invasive species). Reason: To ensure that habitats are suitably protected by works on the site.

22. The precautionary measures for the protection of badgers outlined in paragraph 4.31 of the report 'Bolton Road, Adlington, Lancashire. Ecological Assessment' (FPCR Environment and Design Ltd, July 2012) shall be implemented in full before the development is commenced. Reason: To ensure the protection of badgers during the course of the development in accordance with the Protection of Badgers Act, 1992.

23. Precautionary measures for the avoidance of impact on bats (Appendix 7: Method Statement for Tree Works, 'Bolton Road, Adlington, Lancashire. Ecological Assessment' (FPCR Environment and Design Limited, July 2012)) shall be implemented in full. Reason: To ensure the protection of any bat species present on site and to comply with the legislation outlined in the Wildlife and Countryside Act, 1981 (as amended).

24. Precautionary measures for the avoidance of impacts on water voles (as outlined in paragraph 4.36 'Bolton Road, Adlington, Lancashire, Ecological assessment' (FPCR Environment and Design Ltd, July 2012) shall be implemented in full. This includes re-surveys prior to the development and if water voles are suspected, proposals for mitigation must be submitted for approval and subsequently implemented in full. Reason: to prevent impacts on water voles during the course of development.

25. There shall be no felling of trees, vegetation clearance works, demolition works or other works that may affect nesting birds between March and July (inclusive), unless the absence of nesting birds has been confirmed by further written surveys or inspections. Reason: To ensure the protection of nesting birds during the construction period.

26. Measures for the avoidance of impacts on nesting birds (paragraph 4.35, 'Bolton Road, Adlington, Lancashire Ecological Assessment' (FPCR Environment and Design Ltd, July 2012) shall be implemented in full. Reason: To prevent detrimental impact on nesting birds during development of the site.

27. During the construction period, all trees to be retained shall be protected by 1.2m high fencing as specified in paragraph 8.2.2 of the British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within areas to be fenced. All excavations within the areas so fenced shall be carried out by hand. Reason: to safeguard the trees to be retained and in accordance with policy Nos. EP9 and HT9 of the Adopted Chorley Local Plan Review.

42. Following the Supreme Court ruling (*Morge vs Hampshire County Council* – Supreme Court ruling Jan 2011) the Local Authority now have a responsibility to consult Natural England on proposals which may affect protected species and ask the following questions:

- Is the proposal likely to result in a breach of the Habitats Regulations?
- If so, is Natural England likely to grant a licence?

43. Natural England has not been consulted on the proposals as it is not considered that that the proposals will result in a breach of the Habitats Regulations.

44. Following the high court decision (*R (on the application of Simon Woolley) v Cheshire East Borough Council*, June 2009) the Local Planning Authority have a legal duty to determine whether

the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:

- a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
- b) there must be no satisfactory alternative and
- c) favourable conservation status of the species must be maintained.

45. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive. It is not considered that the proposals will impact on protected species and the ecological impacts of the development have already been addressed by condition.

Drainage and Sewers

46. Concerns have been raised about drainage and flooding. This was fully assessed as part of the outline planning application and the Environment Agency confirmed that they had no objection subject to conditions. The following condition was attached to the outline consent:
No development shall commence until a surface water drainage scheme for the site, based upon Sustainable Drainage Principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall limit the surface water run-off generated by the 100 year critical storm so that it will not exceed the run off from the undeveloped site and not increase the risk of flooding off site and include details of how the drainage system shall be maintained and maintained after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. *Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system.*
47. This condition needs to be formally discharged prior to the commencement of the development on site.
48. Since the outline planning consent was granted Lancashire County Council is now the Lead Local Flood Authority for Chorley and they have confirmed that they have no objection although they have commented on the Land Drainage Act requirements. This is a matter from the applicants to agree with LCC.
49. The submitted layout plan indicates the installation of a vehicular and pedestrian crossing over an existing ordinary watercourse. Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), consent from the Lead Local Flood Authority is required if the applicants want to install culverts, structures such as weirs or carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not. Structures which span the entire watercourse without affecting the banks do not require consent.
50. The Lead Local Flood Authority will generally refuse consent applications which seek to culvert an existing ordinary watercourse. This is in line with Environment Agency guidance on protecting watercourses. For the avoidance of doubt, once planning permission has been obtained it does not mean that land drainage consent will be given.

Open Space

51. In accordance with Policy HS4A of the Local Plan all new housing developments will be required to make provision for open space and recreation facilities where there are identified deficiencies. In this regard the scheme incorporates 2.14 hectares of public open space in the form of a linear park and an equipped play space. The onsite open space will be managed by a Private Management and Maintenance Company and an Open Space Management and Maintenance Plan is required as part of the Unilateral Undertaking.
52. The proposed equipped play area is sited close to the site entrance and the layout has been designed to ensure that the proposed dwellings create natural surveillance to this play area by

overlooking this part of the site. To ensure the future home owners are fully aware of this equipped play area a condition will be attached requiring the marketing details in respect of this part of the site.

53. In accordance with Policy HS4B a contribution towards playing pitch provision within the Borough was secured by the Unilateral Undertaking attached to the outline consent. This provision will be wholly off site.

Highways

54. A number of concerns have been raised about the highway and traffic implications of the proposals however the full highway implications of erecting up to 170 dwellings at this site was fully considered as part of the original outline application for this site as access was addressed at outline stage. The Highway Authority were satisfied with the proposals at outline stage and the following conditions were attached to the outline consent at this site which addresses the highway impacts of the development:

9. No part of the development hereby approved shall commence until a scheme for the construction of all site access, emergency access and the off-site highway works of highway improvement referred to below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Prior to the first occupation of any part of the development, hereby approved, the highway works should be constructed in accordance with the details approved. The required highway works to include:

- Construction of the site access has been completed based on drawing No 1249/07 Rev B or variation as requested by the Local Planning Authority in consultation with the Local Highways Authority.
- The improvement of two bus stops (one in each direction) to Quality Bus Standard incorporating real time bus information, located close to the site access on Bolton Road as requested by the Local Planning Authority in consultation with the Local Highways Authority.
- The provision of a PUFFIN crossing on Bolton Road.
- Improvement works to provide cycle and pedestrian facilities at the existing Bolton Road/Chorley Road/ Railway Road/Babylon Lane junction as shown on drawing 1249/23 'proposed junction improvement scheme'. The works include advance cycle stop lines and lead in cycle lane on the approach to all arms of the junction; together with the provision of pedestrian facilities on the Railway Road/Babylon Lane arms of the junction. To also include the installation of MOVA signal technology to optimise signal timing to improve network reliability.

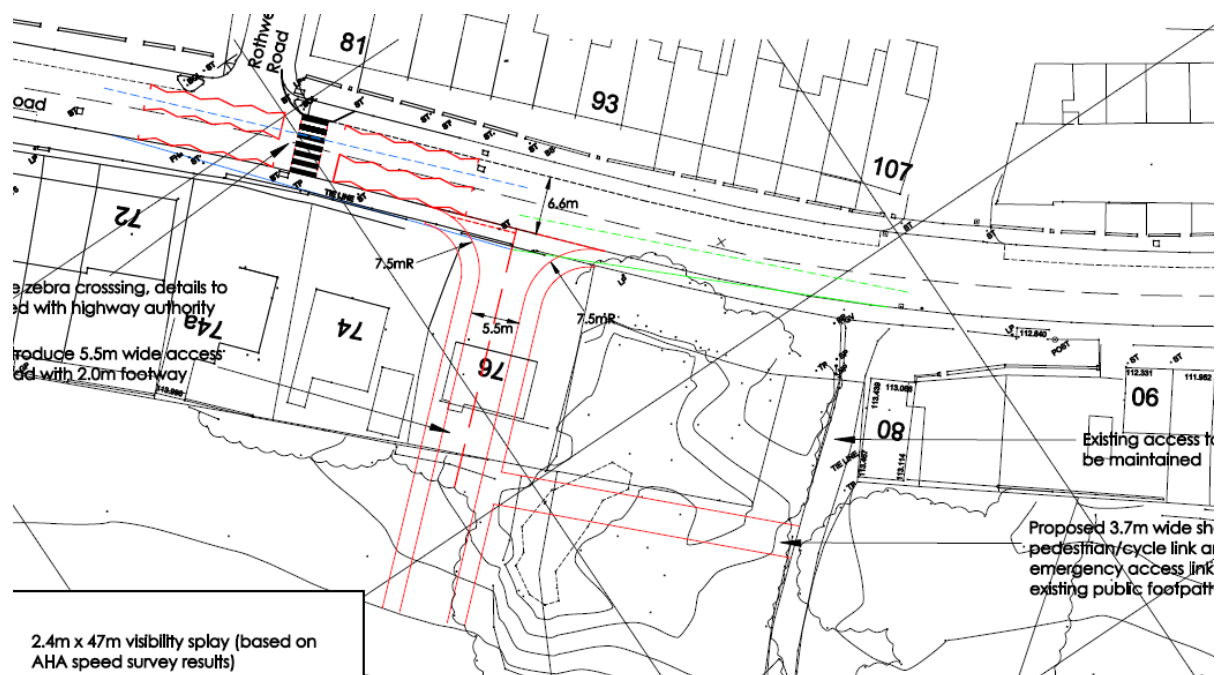
Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and in order to improve the accessibility of the site and ensure that residents of the development have satisfactory access to services and facilities.

10. No site preparation (which includes demolition) or construction shall commence until all of the off-site highways works have (including land dedications) have been completed on land not controlled by the applicant.

Reason: To ensure that the approved scheme referred to in condition 8 can be provided.

55. The Highway Engineer has been consulted on the current application and originally raised some concerns with the proposals however these were overcome by the submission of amended plans. The Highway Authority has no objection to the proposals.
56. The proposed development incorporates a mixture of 1, 2, 3 and 4 bedroom dwellings. Policy ST4 of the Local Plan confirms that 1 parking space is required for 1 bedroom dwellings, 2 parking spaces are required for 2/3 bedroom dwellings and the 3 parking spaces are required for 4+ bedroom dwellings. The proposals incorporate a mix of parking courts, driveways and garages in terms of parking provision. The original scheme did not meet the required parking requirements however the plans have been amended accordingly in accordance with Policy ST4.

57. The integral garages do not meet the Manual for Streets dimensions (6x3m) however plans have been submitted which demonstrate that the integral garages are large enough to accommodate a car. In these cases a shed will be provided, secured by condition, to address the storage requirements of these dwellings. Similarly the detached double garages do not accord with the Manual for Streets dimensions however they are large enough to accommodate at least one car and have a double driveway. As such there is sufficient parking provided and conversion of the garages will be restricted by the imposition of a condition to ensure that they are retained for parking provision.
58. Concerns were originally raised about the impact of the proposed access junction on the existing parking arrangements along Bolton Road. To mitigate the impact parking has been provided on site and will be secured by condition. Concerns have been raised that 6 parking spaces is not sufficient as numerous properties will be affected with the new crossing and site entrance. The neighbours have queried how will these parking spaces be allocated and how will it be ensured that only Bolton Road residents park there. The residents have also queried whether there will be any parking left available at the front of any houses. As set out within the Trees and Landscape section of the report there was no requirement at outline stage to provide residents parking however Stewart Milne Homes originally proposed 6 spaces for residents.
59. The access which was approved at outline stage is as follows and the alterations to Bolton Road will be secured via a S278 Agreement with LCC as the Highway Authority:



60. At outline stage it was confirmed that the crossing on Bolton Road will be a Puffin Crossing, secured as part of outline condition 9 above. The Puffin (an acronym for 'Pedestrian User-friendly Intelligent Crossing) is a signal controlled pedestrian crossing that has its sequences controlled by sensors mounted on the lights, rather than a timer. These sensors can detect whether any pedestrians are on the crossing and control the colour of the lights accordingly. Once the control button has been pressed, the lights will only change back to green once the crossing is clear. A puffin crossing doesn't have a flashing amber phase; drivers have to wait until the lights turn green before moving off.
61. The properties on the northern side of Bolton Road have a marked area of parking on the highway in the front of the dwellings. The above plan appears to detail retention of this designated parking area however there will be no parking in the red lined areas along Bolton Road indicated on the above plan. The Highway Engineer at LCC has confirmed that the width of the crossing point will range between 2.4m- 10m, there is a tolerance area retained to each side of the

crossing which ranges in width between 1.1m- 3m and the red 'no waiting' restrictions extend along the road for 16.5m. As such there will be no parking on the road available for a minimum length of 18.8m along Bolton Road up to a maximum length of 24.5m from the centre of the crossing.

62. 74a Bolton Road (74 and 76 Bolton Road detailed on the above plan will be demolished) has existing off road parking facilities. 68-72 Bolton Road are sited close to the footpath however each dwelling has an area of hardstanding between the front elevation and the back of the footpath which is used for parking.
63. As such in terms of impact on the existing parking arrangements, as a result of the alterations to Bolton Road, working on the basis of the widest crossing possible and the widest tolerance area, a distance of 24.5m from the centre of the crossing point detailed on the submitted plans will mean there is no on road parking available at the front of 75-89 Bolton Road (on the northern side) and 70, 72 and 74a Bolton Road (on the southern side). However it is noted that there is currently no on street parking available to the front of 79 Bolton Road due to the junction arrangements with Rothwell Road.
64. Given the existing parking arrangements in the area it is considered that the greatest impact in respect of parking will be the loss of the on road parking availability to the front of 75, 77, 81, 83, 85, 87 and 89 Bolton Road (7 properties) however this is based upon the widest crossing point and tolerance area and it is possible that this impact will be reduced by a narrower crossing point and tolerance area which will be determined when the design of the crossing is agreed at s278 stage. As 7 parking spaces potentially could be lost the plans have been amended to show 7 residents parking spaces to mitigate for the impact of the works to Bolton Road. This will be secured by the following condition:

As part of the construction of the main vehicular access junction, with Bolton Road, into the site the residents parking area (detailed on the approved Planning Layout) shall be surfaced or paved, drained and marked out all in accordance with the approved plan. As soon as the access junction is completed and made available for construction traffic the residents parking area shall be made available for use by the residents of Bolton Road. The parking area shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles and shall be retained open for use at all times by the residents of Bolton Road thereafter.

Reason: The construction of the access junction into the site will impact on existing residents parking along Bolton Road. To mitigate for the impact on the neighbours affected 6 parking spaces form part of the development proposals

65. It is noted that the availability of on street parking to the front of 70, 72 and 74a Bolton Road will be affected by the proposed works to Bolton Road however these properties currently utilise the hardstanding areas immediately to the front of the dwellings for parking which will still be available as part of the works.
66. Concerns have been raised about vehicles exiting the new junction onto Bolton Road shining their headlights into the properties on the opposite side of Bolton Road. The access arrangements for this site however were agreed at outline stage and 158 houses as proposed is slightly less than the 170 dwellings which have outline consent at this site.
67. Concerns have been raised about speeding along Bolton Road. In this regard the Highway Engineer has confirmed that there is currently no speed survey data readily available within close proximity of the site access to show the level at which vehicles may be exceeding the 30mph legal speed limit. However in May 2014 LCC in collaboration with the Police undertook what is called 'speed tasking' near Bolton Road/Shawes Drive which is about 200m east of the proposed site access. The speed tasking is done when complaints are received from residents about specific speeding problems. The speed survey is then conducted by LCC and if the results show high vehicle speeds, the results are then passed on to the Police to carry out enforcements at the location, mainly using mobile cameras. Any issues with speeding cannot be addressed as part of this reserved matters application however LCC and the Police can be made aware of any issues in the area.

68. A number of footpath/ cycle links are proposed as part of the development including 2 pedestrian linkages to Bolton Road and a pedestrian link to Huyton Road. This accords with the principles established at outline stage. A condition is recommended in respect of triggers for these linkages. The original layout included a footpath link to the rear of plots 25-39 and 88-102 which reflects the outline consent. However concerns were raised about the practicalities of this link as the proposed houses would back onto it with 1.8m high fencing and hedgerows which would not create an attractive link which is what was envisaged at outline stage. The open space and footpath network were designed to make maximum use of the existing landscape structure and to link well with the wider footpath network however due to the lack of natural surveillance and the fact that the proposed cycle link appears to provide a more attractive route the majority of this link has been removed from the amended layout. A footpath link is retained however to the rear of plots 40-43 and plots 84-87 to enable choice of routes for pedestrians at the site.

Services

69. A number of concerns have been raised about the impact of the proposals on the local services (such as schools, doctors etc). At outline stage the Central Lancashire Primary Care Trust were consulted and confirmed that there are two GP surgeries in Adlington and one PCT owned health clinic. The PCT confirmed that Adlington Medical Centre has sufficient capacity to cope with the anticipated number of patients from the new development. This was based upon 170 new dwellings and as such no planning obligation was considered necessary in terms of health care. No comments were received in respect of a deficit in dental care.

70. In terms of education Lancashire County Council were consulted at outline stage. The Education Authority requested a S106 contribution to address a shortfall in primary school as a result of the proposals. A shortfall in secondary school places was not identified as an issue. As part of the associated legal agreement (Unilateral Undertaking) attached to the outline planning consent a contribution of £155,000 was secured towards primary school provision within Adlington.

71. The Unilateral Undertaking associated with the outline planning consent secured a Sustainable Transport Commuted Sum of £122,000 for the following elements:

- £12,000 for implementation of the Travel Plan
- £70,000 towards the improvements of the existing public right of way (continuation of Huyton Road)
- £20,000 towards the provision of a pedestrian/cycle link from the site to the Grove Farm development
- £20,000 towards the provision of secure cycle storage at Adlington Railway Station

72. As such the impact of the development on the local infrastructure was fully considered at outline stage.

Community Infrastructure Levy

73. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sq. m. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. However the original outline consent was granted prior to the charging regime and as such this scheme is not CIL liable.

Overall Conclusion

74. The erection of up to 170 dwellings on this site has already been established as acceptable and is considered to be an appropriate use of this site within a sustainable location. The matters for consideration as part of this application are the appearance, landscaping, layout and scale. As set out above the proposals are considered to be acceptable and it is recommended that reserved matters consent is granted subject to conditions.

Planning Policies

In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 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) and the

development plan. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
12/00082/OUTMAJ	Outline planning application for the development of land to the south of Bolton Road, Adlington for the erection of up to no. 300 dwellings and associated open space with all matters reserved, save for access.	Withdrawn	7 June 2012
12/00738/SCE	Screening opinion for the development of the land for up to 170 dwellings, demolition of 74 and 76 Bolton Road, formation of new access, landscaping, open space, highways and associated works.	EIA not required	10 August 2012
12/00741/OUTMAJ	Outline application for residential development of up to 170 dwellings, demolition of 74 and 76 Bolton Road, formation of new access, landscaping, open space, highways and associated works.	Approved	August 2013
15/00568/OUTMAJ	Section 73 application to vary conditions 16, 17 and 18 (all relating to Code for Sustainable Homes) and to remove condition 19 (Carbon Reduction Statement) attached to outline planning approval 12/00741/OUTMAJ	Pending decision	

Suggested Conditions

No.	Condition																																												
1.	The development hereby permitted must be begun three years from the date of this approval. Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.																																												
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 472 1166 2009"> <thead> <tr> <th data-bbox="320 472 520 533">Title</th> <th data-bbox="520 472 703 533">Plot</th> <th data-bbox="703 472 979 533">Drawing Reference</th> <th data-bbox="979 472 1166 533">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 533 520 593">Planning Layout</td> <td data-bbox="520 533 703 593"></td> <td data-bbox="703 533 979 593">SK/PL/250/101 Rev D</td> <td data-bbox="979 533 1166 593">27th August 2015</td> </tr> <tr> <td data-bbox="320 593 520 654">Location Plan</td> <td data-bbox="520 593 703 654"></td> <td data-bbox="703 593 979 654">4698-P-01 Rev J</td> <td data-bbox="979 593 1166 654">22nd May 2015</td> </tr> <tr> <td data-bbox="320 654 520 714">Apartments first floor plan</td> <td data-bbox="520 654 703 714">105-119</td> <td data-bbox="703 654 979 714">WO999-ADL/APT/302</td> <td data-bbox="979 654 1166 714">14th August 2015</td> </tr> <tr> <td data-bbox="320 714 520 775">Apartments ground floor plan</td> <td data-bbox="520 714 703 775">105-119</td> <td data-bbox="703 714 979 775">WO999-ADL/APT/301</td> <td data-bbox="979 714 1166 775">14th August 2015</td> </tr> <tr> <td data-bbox="320 775 520 835">Apartments second floor plan</td> <td data-bbox="520 775 703 835">105-119</td> <td data-bbox="703 775 979 835">WO999-ADL/APT/303</td> <td data-bbox="979 775 1166 835">14th August 2015</td> </tr> <tr> <td data-bbox="320 835 520 896">Apartments front and side elevations</td> <td data-bbox="520 835 703 896">105-119</td> <td data-bbox="703 835 979 896">WO999-ADL/APT/501</td> <td data-bbox="979 835 1166 896">22nd May 2015</td> </tr> <tr> <td data-bbox="320 896 520 956">Apartments rear and side elevations</td> <td data-bbox="520 896 703 956">105-119</td> <td data-bbox="703 896 979 956">WO999-ADL/APT/502</td> <td data-bbox="979 896 1166 956">22nd May 2015</td> </tr> <tr> <td data-bbox="320 956 520 1337">Aston Ground & First Floor Plan</td> <td data-bbox="520 956 703 1337">6/ 7/ 29/ 30/ 38/ 41/ 42/ 45/ 51/ 52/ 85/ 86/ 89/ 90/ 93/ 135/ 136/ 139/ 142/ 143/ 156</td> <td data-bbox="703 956 979 1337">S14-70(AT)-2MT-601 Rev B</td> <td data-bbox="979 956 1166 1337">14th August 2015</td> </tr> <tr> <td data-bbox="320 1337 520 1673">Argyll Ground & First Floor Plan</td> <td data-bbox="520 1337 703 1673">5/8/ 28/ 31/ 34/ 36/ 37/ 39/ 40/ 43/ 44/ 46/ 50/ 53/ 84/ 87/ 88/ 91/ 92/ 94/ 134/ 137/ 138/ 140/ 141/ 144/155/ 157</td> <td data-bbox="703 1337 979 1673">S14-82-3ET/S-600 Rev E</td> <td data-bbox="979 1337 1166 1673">14th August 2015</td> </tr> <tr> <td data-bbox="320 1673 520 2009">Argyll Elevations</td> <td data-bbox="520 1673 703 2009">5/8/ 28/ 31/ 34/ 36/ 37/ 39/ 40/ 43/ 44/ 46/ 50/ 53/ 84/ 87/ 88/ 91/ 92/ 94/ 134/ 137/ 138/ 140/ 141/ 144/155/ 157</td> <td data-bbox="703 1673 979 2009">NWE-S14-82-3D-900</td> <td data-bbox="979 1673 1166 2009">22nd May 2015</td> </tr> </tbody> </table>	Title	Plot	Drawing Reference	Received date	Planning Layout		SK/PL/250/101 Rev D	27 th August 2015	Location Plan		4698-P-01 Rev J	22 nd May 2015	Apartments first floor plan	105-119	WO999-ADL/APT/302	14 th August 2015	Apartments ground floor plan	105-119	WO999-ADL/APT/301	14 th August 2015	Apartments second floor plan	105-119	WO999-ADL/APT/303	14 th August 2015	Apartments front and side elevations	105-119	WO999-ADL/APT/501	22 nd May 2015	Apartments rear and side elevations	105-119	WO999-ADL/APT/502	22 nd May 2015	Aston Ground & First Floor Plan	6/ 7/ 29/ 30/ 38/ 41/ 42/ 45/ 51/ 52/ 85/ 86/ 89/ 90/ 93/ 135/ 136/ 139/ 142/ 143/ 156	S14-70(AT)-2MT-601 Rev B	14 th August 2015	Argyll Ground & First Floor Plan	5/8/ 28/ 31/ 34/ 36/ 37/ 39/ 40/ 43/ 44/ 46/ 50/ 53/ 84/ 87/ 88/ 91/ 92/ 94/ 134/ 137/ 138/ 140/ 141/ 144/155/ 157	S14-82-3ET/S-600 Rev E	14 th August 2015	Argyll Elevations	5/8/ 28/ 31/ 34/ 36/ 37/ 39/ 40/ 43/ 44/ 46/ 50/ 53/ 84/ 87/ 88/ 91/ 92/ 94/ 134/ 137/ 138/ 140/ 141/ 144/155/ 157	NWE-S14-82-3D-900	22 nd May 2015
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Castlevale Ground & First Floor Plan	10/ 14/ 23/ 55/ 61/ 148	S14-90-3D-600 Rev G	14 th August 2015
Castlevale Elevations	10/ 14/ 23/ 55/ 61/ 148	NWE-S14-90-3D- 900	22 nd May 2015
Caplewood Ground & First Floor Plan	62/ 63/ 82/ 83/ 97/ 98	S14-90-3ET-600 Rev E	14 th August 2015
Corrywood Ground & First Floor Plan	1/ 79/ 102/ 126	S14-97-3D-600 Rev E	14 th August 2015
Corrywood Elevations	79	NWE-S14-97-3D- 901	3 rd June 2015
Corrywood Elevations	1/ 102/ 126	NWE-S14-97-3D- 900	3 rd June 2015
Carlton Ground & First Floor Plan	2/ 9/ 12/ 21/ 47/ 54/ 59/ 65/ 67/ 74/ 78/ 128/ 131/ 153/ 154	S14-101A-4D-600 Rev G	14 th August 2015
Carlton Elevations	74/ 78	NEW-S14-101-4D- 901	3 rd June 2015
Denewood Ground & First Floor Plan	4/ 13/ 19/ 20/ 22/ 48/ 64/ 69/ 77/ 99/ 133/ 146/ 150/ 152	S14-111-4D-600 Rev E	14 th August 2015
Denewood Elevations	77	NWE-S14-111-4D- 901	3 rd June 2015
Denewood Elevations	4/ 13/ 19/ 20/ 22/ 48/ 64/ 69/ 99/ 133/ 146/ 150/ 152	NWE-S14-111-4D- 900	22 nd May 2015
Dukeswood Ground & First Floor Plan	3/11/ 18/ 24/ 32/ 49/ 60/ 66/ 68/ 73/ 96/ 100/ 132/ 145/ 147/ 149/ 151	S14-117-ED-600 Rev E	14 th August 2015
Dukeswood Elevations	73	NWE-S14-117-ED- 901	3 rd June 2015
Glenmore Ground & First Floor Plan	17/ 26/ 57/ 58/ 70/ 75/ 101/ 127	S14-126-4D-600 Rev B	14 th August 2015
Glenmore Elevations	75	NWE-S14-126-4D- 901	3 rd June 2015
Hampfield Ground & First Floor Plan	16/ 25/ 27/ 33/ 56/ 71/ 72/ 76/ 80/ 81/ 95	S14-130-4D-600 Rev G	14 th August 2015
Hampfield	72/ 76	NWE-S14-130-4D-	3 rd June

Elevations		900	2015
Hampshire Elevations	16/ 25/ 27/ 33/ 56/ 71/ 80/ 81/ 95	NWE-S14-130-3D-900	22 nd May 2015
Hollandwood Ground Floor Plan	15/ 103/ 104/ 129/ 130/ 158	S14-140-4D-600 Rev E	14 th August 2015
Hollandwood Elevations	15/ 103/ 104/ 129/ 130/ 158	NEW-S14-140-4D-900 Rev A	13 th July 2015
Hollandwood First Floor Plan	15/ 103/ 104/ 129/ 130/ 158	S14-140-4D-610 Rev B	14 th August 2015
Split Level Type 1	121/ 124	S14-117-4D-600	14 th August 2015
Split Level Type 1 Elevations	121/ 124	NWE-S14-117-4D-800	13 th July 2015
Split Level Type 2	122/ 123	S14-130-4D-600	14 th August 2015
Split Level Type 2	122/ 123	NWE-S14-130-4D-800	13 th July 2015
Split Level Type 3	120/ 125	S14-126-4D-600	14 th August 2015
Split Level Type 3	120/ 125	NWE-S14-126-4D-800	13 th July 2015
Detached double garage	15/ 103/ 104/ 129/ 130/ 158/	S14-SD-05-38	17 th August 2015
Elevation Treatments		SK250/SS/AD/101 Rev C	17 th August 2015
Elevation Treatments		SK250/SS/AD/801 Rev D	27 th August 2015
Site Sections Sheet 1		SK/PL/250/SS/101 Rev A	13 th July 2015
Site Sections Sheet 2		SK/PL/250/SS/102 Rev A	13 th July 2015
Site Sections Sheet 3		SK/PL/250/SS/103 Rev A	10 th August 2015
Elevation Treatments		SK250/SS/AD/802 Rev C	27 th August 2015
Elevation Treatments		SK250/SS/AD/803 Rev C	13 th July 2015
External Works Layout 1 of 6		ELL-402-SMH-B-140 Rev B	28 th August 2015
External Works Layout 2 of 6		ELL-402-SMH-B-141 Rev B	28 th August 2015
External Works Layout 3 of 6		ELL-402-SMH-B-142 Rev B	28 th August 2015
External Works Layout 4 of 6		ELL-402-SMH-B-143 Rev B	28 th August 2015
External Works Layout 5 of 6		ELL-402-SMH-B-144 Rev B	28 th August 2015
External		ELL-402-SMH-B-	28 th August

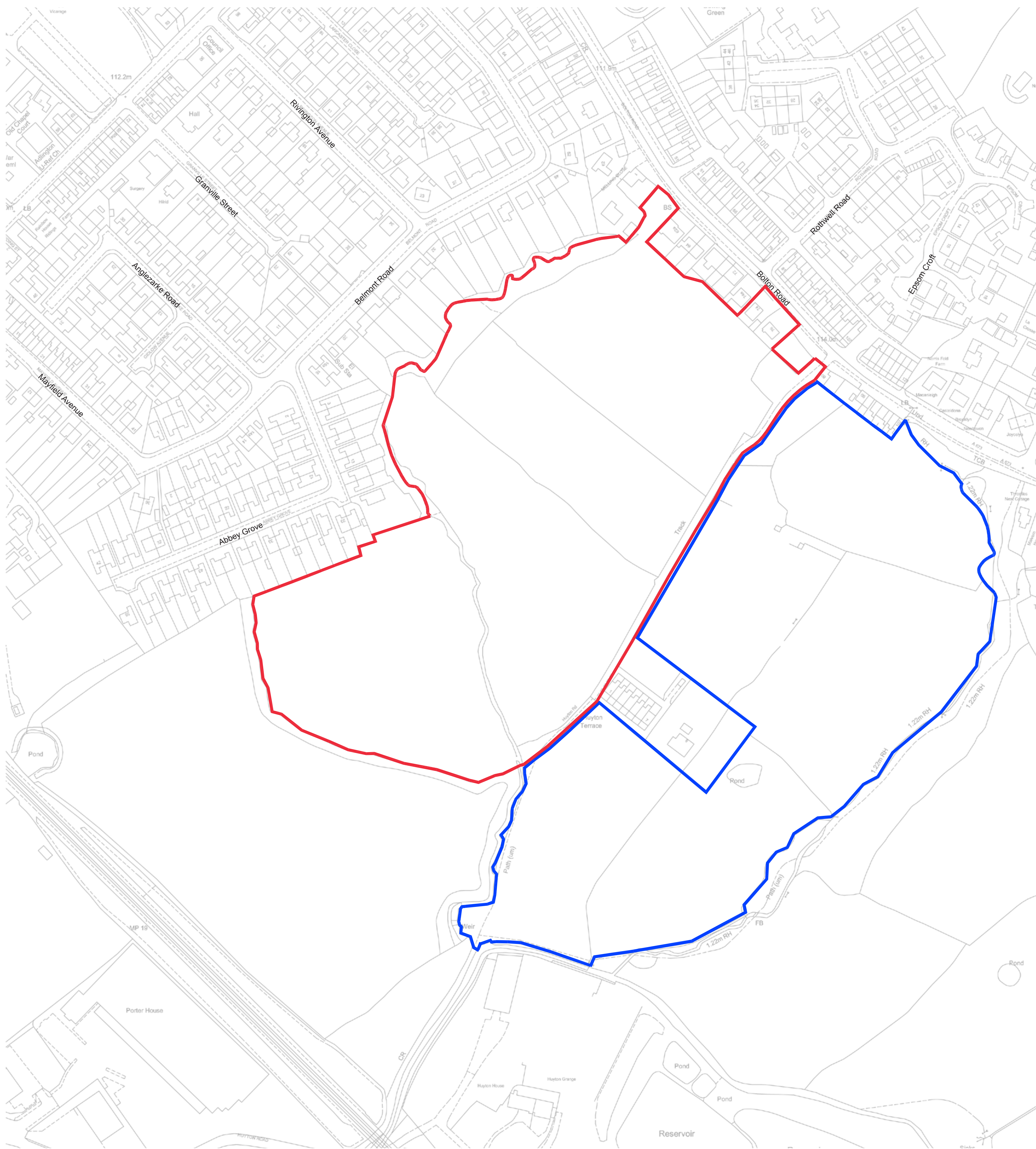
Works Layout 6 of 6		145 Rev B	2015
Topographical Land Survey Sheet 1 of 2		S10/505	21 st August 2015
Topographical Land Survey Sheet 2 of 2		S10/505	21 st August 2015
Construction Management Plan		1	13 th July 2015
Integral Garage Housetypes		SK/INT/DET/101 Rev A	21 st August 2015
Boundary Treatment Plan (1 of 3)		SK/BT/250/101 Rev A	21 st August 2015
Boundary Treatment Plan (2 of 3)		SK/BT/250/102 Rev A	21 st August 2015
Boundary Treatment Plan (3 of 3)		SK/BT/250/103 Rev A	21 st August 2015
Soft Landscape Proposals (Sheet 1 of 7)		6738-L-101 Rev A	27 th August 2015
Soft Landscape Proposals (Sheet 2 of 7)		6738-L-102 Rev A	27 th August 2015
Soft Landscape Proposals (Sheet 3 of 7)		6738-L-103 Rev A	27 th August 2015
Soft Landscape Proposals (Sheet 4 of 7)		6738-L-104 Rev A	27 th August 2015
Soft Landscape Proposals (Sheet 5 of 7)		6738-L-105 Rev A	27 th August 2015
Soft Landscape Proposals (Sheet 6 of 7)		6738-L-106 Rev A	27 th August 2015
Soft Landscape Proposals (Sheet 7 of 7)		6738-L-107 Rev A	27 th August 2015
Soft Landscape Proposals Key Plan		6738-L-100 Rev A	27 th August 2015
Detailed Sections		SK/PL/250/SS/501	28 th August 2015
Reason: For the avoidance of doubt and in the interests of proper planning			



<p>3.</p>	<p>The development hereby approved shall be undertaken in accordance with the submitted Construction Method Statement (received 10th July 2015) and associated plan (received 13th July 2015). The measures contained within the approved Statement shall be adhered to throughout the construction period and shall include specifically</p> <ul style="list-style-type: none"> o the parking of vehicles of site operatives and visitors shall be wholly within the application site at all times o the hours of operation (including deliveries) during construction shall be restricted to: <ul style="list-style-type: none"> ☐ 8am to 6pm Monday to Friday and 9am to 1pm on Saturdays. o The loading and unloading of plant and materials shall be undertaken wholly within the application site o The storage of plant and materials used in constructing the development shall be stored wholly within the application site o The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate o The provision of wheel washing facilities at the junction with Bolton Road to remain in situ at all times during the construction period <p>Reason: in the interests of highway safety and to protect the amenities of the nearby residents</p>
<p>4.</p>	<p>The integral/attached and detached garages hereby permitted shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015. Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.</p>
<p>5.</p>	<p>Before the properties hereby permitted are first occupied, the driveways/ car parking courts shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways/ parking courts shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles. Reason: To ensure adequate on site provision of car parking and manoeuvring areas</p>
<p>6.</p>	<p>The development hereby permitted shall only be carried out in conformity with the approved ground and building slab levels Reason: To protect the appearance of the locality and in the interests of the amenities of neighbouring properties.</p>
<p>7.</p>	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no extensions or external alterations shall be undertaken to the dwellings hereby permitted on plots 16-49 (inclusive) , 53-55 (inclusive), 57-65 (inclusive), 70, 72, 75-102 (inclusive), 120-129 (inclusive), 137-138 (inclusive), 141-158 (inclusive). Reason: To protect the appearance of the locality and the amenity of the future occupiers of the approved dwellings and those surrounding the site.</p>
<p>8.</p>	<p>None of the following house types hereby permitted shall be occupied until garden sheds have been provided in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority:</p>

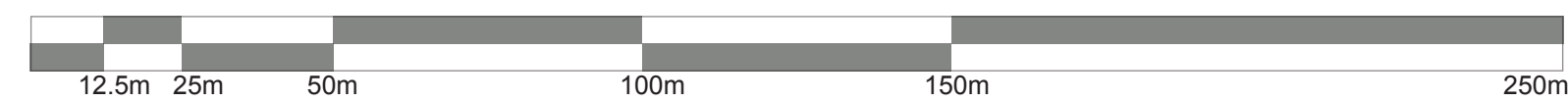
	<ul style="list-style-type: none"> ○ Glenmore (plots 17/ 26/ 57/ 58/ 70/ 75/ 101/ 127) ○ Hampsfield (plots 16/ 25/ 27/ 33/ 56/ 71/ 72/ 76/ 80/ 81/ 95) ○ Split Level Type 1 (plots 121/ 124) ○ Dukeswood (plots 3/11/ 18/ 24/ 32/ 49/ 60/ 66/ 68/ 73/ 96/ 100/ 132/ 145/ 147/ 149/ 151) ○ Split Level Type 2 (plots 122/ 123) ○ Split Level Type 3 (plots 120/ 125) ○ Carlton (plots 2/ 9/ 12/ 21/ 47/ 54/ 59/ 65/ 67/ 74/ 78/ 128/ 131/ 153/ 154) ○ Denewood (plots 4/ 13/ 19/ 20/ 22/ 48/ 64/ 69/ 77/ 99/ 133/ 146/ 150/ 152) <p>The garden sheds shall be retained in perpetuity thereafter. Reason: The garages are smaller than would normally be provided and therefore to ensure sufficient storage/cycle storage is provided at the properties in accordance with Manual for Streets</p>
<p>9.</p>	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/doors other than those expressly authorised by this permission shall be inserted or constructed at any time in the:</p> <ul style="list-style-type: none"> ○ North west elevation of plot 9 ○ North east elevation of plot 10 ○ North west elevation of plot 5 ○ South east elevation of plot 15 ○ South east elevation of plot 44 ○ South east elevation of plot 43 ○ South east elevation of plot 84 ○ South elevation of plot 125 ○ South elevation of plot 141 <p>Reason: To protect the amenities and privacy of the adjoining properties</p>
<p>10.</p>	<p>All windows and doors in the:</p> <ul style="list-style-type: none"> ○ North west elevation of plot 9 ○ North east elevation of plot 10 ○ North west elevation of plot 5 ○ South east elevation of plot 15 ○ South east elevation of plot 44 ○ South east elevation of plot 43 ○ South east elevation of plot 84 ○ South elevation of plot 125 ○ South elevation of plot 141 <p>hereby permitted shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority. Reason: In the interests of the privacy of occupiers of neighbouring properties.</p>
<p>11.</p>	<p>Prior to the occupation of any of the dwellings hereby approved details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established. Reason: To ensure that the estate streets serving the development are maintained</p>

	to an acceptable standard in the interest of residential / highway safety.
12.	<p>Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.</p> <p>Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway</p>
13.	<p>Prior to the occupation of the first dwellinghouse hereby permitted retractable bollards shall be erected at the emergency access point with Huyton Lane detailed on the approved plans. The bollards shall be retained in perpetuity thereafter.</p> <p>Reason: the need for an emergency access link was established as part of the outline consent at this site however to avoid general traffic using this access point control measures are required in the form of retractable bollards which will ensure unauthorised access is not achieved but enable use of this access in an emergency.</p>
14.	<p>Any works to construct hardstanding areas, parking areas, footpaths, access roads and/ or buildings within the root protection area of the retained trees (detailed on the approved Planning Layout plan) shall be undertaken using a 'no-dig' cellular confinement system method of construction or alternative method of construction which has previously been approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the continued protection of the trees and to ensure that the proposed development does not adversely impact on the retained trees.</p>
15.	<p>Before any tree felling is carried out in respect of the proposed residents parking area full details (including species, number, stature and location) of the trees to be felled and the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling.</p> <p>Reason: The creation of a residents parking area results in some tree loss. The exact extent of tree loss does not form part of the submission documents and to ensure that any loss is mitigated replacement planting is required.</p>
16.	<p>No dwelling shall be occupied with 25 metres of the Neighbourhood Equipped Areas for Play (NEAP) (as identified on the approved Planning Layout) until the play area has been constructed and completed in accordance with plans which have previously been submitted to and approved in writing by the Local Planning Authority.</p> <p>Prior to the occupation of the dwellings sited within 25 metres of the NEAP (as identified on the approved Planning Layout) the future occupants shall be provided with marketing documentation, which has previously been submitted to and approved in writing by the Local Planning Authority, detailing the approved siting and specification of the NEAP.</p> <p>Reason: To ensure the provision of equipped play space to benefit the future occupiers of the site and to ensure that the any purchasers are fully aware of the presence of an equipped play area on this site.</p>
17.	<p>As part of the construction of the main vehicular access junction, with Bolton Road, into the site the residents parking area (detailed on the approved Planning Layout) shall be surfaced or paved, drained and marked out all in accordance with the approved plan. As soon as the access junction is completed and made available for construction traffic the residents parking area shall be made available for use by the residents of Bolton Road. The parking area shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles and shall be</p>

	<p>retained open for use at all times by the residents of Bolton Road thereafter. Reason: the construction of the access junction into the site will impact on existing residents parking along Bolton Road. To mitigate for the impact on the neighbours affected 6 parking spaces form part of the development proposals</p>
<p>18.</p>	<p>Prior to the occupation of plots 10-12, 56-60 and 2-4 the 5m wide buffer planting zone along the boundary with the existing dwellings on Bolton Road (detailed on the approved Planning Layout) shall be implemented in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Any trees or plants within this buffer planting zone which, within a period of ten years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p> <p>Reason: In the interests of the appearance of the locality and to form of landscaped screen between the site and the neighbouring properties</p>
<p>19.</p>	<p>Prior to the occupation of plots 149-158 the 5m wide buffer planting zone along the boundary with the existing dwellings on Abbey Grove (detailed on the approved Planning Layout) shall be implemented in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Any trees or plants within this buffer planting zone which, within a period of ten years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p> <p>Reason: In the interests of the appearance of the locality and to form of landscaped screen between the site and the neighbouring properties</p>
<p>20.</p>	<p>The footpath/ cycle links throughout the site (detailed on the approved Planning Layout) shall be implemented in accordance with the approved details as part of the whole development of the site. In particular:</p> <ul style="list-style-type: none"> ○ The 2m wide footpath link from the NEAP connecting to the cycle link shall be laid out in accordance with the approved details and made available for use by pedestrians prior to the occupation of plot 10. ○ The 3m wide pedestrian/ cycle link from Bolton Road to the southern boundary of the site shall be laid out in accordance with the approved details and made available for use by pedestrians/ cyclists prior to the occupation of the 104th dwellinghouse ○ The 2m wide footpath link connecting the pedestrian/ cycle link to the south western boundary of the site shall be laid out in accordance with the approved details and made available for use by pedestrians prior to the occupation of the last dwellinghouse on the site. <p>The footpaths/ cycleways shall be retained in perpetuity thereafter Reason: to ensure that the development supports sustainable transport measures and communities cycling and pedestrian movements are catered for on suitable desire lines as part of the development including two new pedestrian accesses on Bolton Road and a pedestrian link to Huyton Road. This condition ensures that these important linkages are provided as part of the whole scheme at a reasonable time.</p>



Key:
 Application Boundary
 Adjacent land owned by applicant



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Item 3e	15/00661/FUL
Case Officer	Iain Crossland
Ward	Chisnall Ward
Proposal	Erection of two semi-detached two storey dwellings with associated car parking
Location	Car Park Adjacent To 48 Wood Lane Heskin
Applicant	Mr David Marsden
Consultation expiry:	14 August 2015
Decision due by:	07 September 2015

Recommendation

It is recommended that this application is approved subject to conditions and subject to an s106 agreement.

Executive Summary

The main issues to consider are the principle of development, impact on the Green Belt, impact on the character of the area, neighbour amenity, highways safety.

Representations

<p>Heskin Parish Council have made the following comments:</p> <p>This application could have a serious detrimental effect on the much valued adjacent hairdressing business because of:</p> <ul style="list-style-type: none"> a) Parking- This application should be considered alongside the previously approved provision of 10 houses at the other side of the hairdressers and there will inevitably be a reduction in the availability of on street parking b) Road Safety- Many of the customers are elderly and unable to walk very far. Parking across the road would involve crossing an increasingly busy road c) The site is quite narrow and building so close to the hairdressers building would lead to loss of light and amenity. Two houses are too many and inappropriate d) A petition has been signed by over 150 people which shows the value this business is to residents of Heskin and neighbouring villages. e) Chorley's policies should try and ensure local businesses in rural areas are able to flourish f) Heskin is washed over by Green Belt policy. This application has little regard for that
<p>Request from Cllr Leadbetter that the application be determined by the Development Control Committee</p>
<p>1 petition objecting to the proposal has been received from the neighbouring hairdressers, which contains 197 signatures. The petition objections on the basis of the impact of the proposed development upon on street car parking and the subsequent impact on the hairdressing business.</p>
<p>1 representation has been received from the owner of Sharon's Hair Salon objecting to the proposal, which is summarised below</p> <ul style="list-style-type: none"> • Inappropriate development in the Green Belt • Loss of light • Impact on the character of the street • Concerns over foundations due to the proximity of the proposed development • Loss of on-street parking for the business and impact on highway safety

Consultees

Consultee	Summary of Comments received
LCC Highways	<p>The proposal was subject to pre-planning consultation and appears to have been designed taking into account highway comments provided during the pre-planning application stage. I therefore have no objections.</p> <p>The advice provided at pre-application stage stated:</p>

	<p>Where possible, vehicles should exit properties travelling forward. In the case of this proposal however, it appears the size and orientation of plot will not make it possible for vehicles to safely turn within curtilage to exit. The adjacent terraced houses have similar arrangements where vehicles exit the frontages in reversed gear.</p> <p>The site currently operates as a car park with the possibility of some reversing onto the highway already taking place. The proposal will potentially reduce the level of vehicular activities associated with the existing use and possibly lead to improved pedestrian safety due to fewer vehicles going in and out of the site. This section of Wood Lane however has no recorded traffic accident history.</p> <p>In view of the above, there would be no highway objections to the proposed development. The applicant will be responsible for the cost of reinstating the existing dropped kerbs and the footway frontage to the site and parking provision should accord with the current Chorley Council Parking Standard.</p>
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AssessmentThe Site

1. The application site is an unused car park, which served the former HW Moon Ltd car sales garage, which has been previously demolished with extant permission granted for 10 dwellings in total. The application site forms an approximate 12m wide gap in the frontage along Wood Lane between a residential dwellinghouse at 48 Wood Lane and hairdressers.
2. The site is located within a linear development in the village of Heskin, and is washed over by Green Belt. The area is predominantly residential with open agricultural land beyond and the character of the buildings is mixed with both traditional and modern designs in the locality.

The Proposal

3. This application is for the erection of two semi-detached, two storey dwellings with associated car parking. The proposed dwellings would be of a traditional design with a front gable feature. The dwellings would have a total width of approximately 10.25m and depth of approximately 9.4m. There would be dual pitched roofing with contrasting orientation and a ridge and eaves height of approximately 7.9m and 5.3m. The properties would be faced in red brick and painted render and the roof would be laid in grey concrete roof tiles.
4. There would be enclosed gardens to the rear of the properties, with pedestrian accesses to the sides of the properties, and there would be off street vehicular parking to the front of the properties.

Assessment

The main issues are as follows:-

Issue 1 – Impact on the Green Belt

Issue 2 – Neighbour amenity

Issue 3 – Impact on character and appearance of the locality

Issue 4 – Impact on highways/access

Principle of the Development

5. Paragraph 89 of the National Planning Policy Framework states that limited infilling or the partial or complete redevelopment of previously developed sites is not necessarily inappropriate development in the Green Belt. Central Lancashire Core Strategy Policy 1 criterion (f) allows appropriate infilling in smaller villages, substantially built up frontages and on Major Developed Sites.
6. Policy HS7 of the Adopted Chorley Local Plan deals with Rural Infilling. However, in paragraph 5.36 of the reasoned justification to this policy, it states that Policy HS7 does not apply to residential infilling on previously developed sites. This is because paragraph 89 of the Framework makes a distinction between limited infilling on previously developed sites in the Green Belt and limited infilling in villages. The application site is considered to be a previously developed site within the Green Belt and as such Policy HS7 is not directly applicable.
7. The proposal involves the redevelopment of a previously developed site in the Green Belt and as such should be assessed against criterion c) of Policy BNE5 of the Local Plan.

Impact on the Green Belt

8. The application site is located within Heskin, and is washed over by Green Belt.
9. This proposal would involve the development of two dwellings on a small plot (approximately 12m wide) within a built-up frontage, with buildings on either side, on Wood Lane in Heskin. On this basis the development proposed is considered to be limited infilling, in accordance with the Framework.

10. However in order for the proposals to benefit from the relevant exception in the case of this site, the applicant must demonstrate that the construction of the new buildings constitute:
 - The partial or complete redevelopment of previously developed land;
 - Which would not have a greater impact on the “openness” of the Green Belt; and
 - Which would not have a greater impact on the purposes of including land in the Green Belt.
11. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of ‘openness’.
12. Whilst the proposals do involve the complete redevelopment of previously developed land the proposals will have a greater impact on the openness of the Green Belt by virtue of erecting buildings on a currently empty site. As such the proposed development constitutes inappropriate development and as such the tests of paragraph 88 of the Framework are engaged. In this case very special circumstances need to be demonstrated which outweigh the harm the development will have to the Green Belt.
13. In terms of the Core Strategy the site lies outside the areas identified for growth. Therefore, it should be assessed against Core Strategy Policy 1 criterion (f). This sets out the type of development that is appropriate in other places, including smaller villages and substantially built-up frontages. It states that development will typically be small scale and limited to a number of forms of development, including appropriate infilling, although appropriate infilling is not defined. Policy HS7 provides a definition of infilling and although Policy HS7 is not applicable to this site the proposals do meet the definition of limited infilling in Policy HS7 which is considered to be an appropriate test when assessing this application. This site lies within a gap between a residential property at 48 Wood Lane and Sharons Unisex Hairdressers at 54A Wood Lane. It lies within a substantially built-up frontage on Wood Lane in Heskin and is considered to be appropriate infilling. Therefore, its development is in accordance with Core Strategy Policy 1.
14. This proposal involves infill development on a previously developed site in the Green Belt and as such should be assessed against criterion c) of Policy BNE5 of the Local Plan, which states that the proposal does not lead to a major increase in the developed portion of the site, resulting in a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. This reflects the guidance contained within the Framework.
15. The proposed development will utilise a brownfield site assisting in meeting the Council's target of locating 70% of all new housing on brownfield land. It has been established in case law that openness and visual impact are different concepts in terms of Green Belt Policy. However they can relate to each other and as such the visual impact is a material consideration. In *Heath & Hampsted Society v LB of Camden* [2007] EWHC 977, the difference between openness and visual impact was explained. As the development falls to be considered inappropriate development the visual impact of the proposed development is a key material consideration in terms of the overall balance as to whether there is harm.
16. It is considered that the proposed development is inappropriate development in the Green Belt however the site currently suffers from a sense of abandonment as a result of its disuse. The development of the site would enhance its appearance as a whole, through investment in developing a viable end use in the form of dwellings that would be maintained by the occupiers in perpetuity. The site would subsequently become more harmonious with the neighbouring dwellings set on Wood Lane and would help to create a more cohesive street scene.
17. It is considered that this development reflects ‘true’ infill development and involves the reuse of brownfield land. The visual improvements created by the proposals are

considered to be a material consideration and it is considered that the benefits of developing this site outweigh the harm created to the Green Belt.

Impact on Neighbour Amenity

18. The proposed dwellings would be located approximately 3.3m from the nearest dwelling at 48 Wood Lane to the north west of the site. There is one window in the ground floor side elevation of this neighbouring property facing the application site. This is a secondary window that is not the primary source of light to a habitable room and is screened from the site by an approximate 1.8m high fence.
19. There would be some impact on light and outlook in relation to this window as a result of the proposed development, however, as the window is secondary and not the primary source of the light to the room it serves the impact is considered to be acceptable. The impact of the proposed development on light and outlook to the remaining windows of the property is limited.
20. The windows in the rear elevations of the proposed dwellings would not result in any direct views of the most private intimate amenity space in the garden at 48 Wood Lane, by virtue of the relative positioning of the proposed dwellings.
21. The proposed dwellings would be located approximately 11m from the rear boundary of the site, which forms the boundary to rear gardens at 25 and 27 Wood Lane, and approximately 25m from the properties themselves. This degree of separation complies with the Council's adopted interface standards.
22. The proposed dwellings would be located approximately 1.4m from Sharons Unisex Hairdressers at 54A Wood Lane to the south east of the site. There are windows in the north west side elevation of the hairdressers facing the site. There are two windows to the front side of the hairdressers facing the application site. The proposed dwellings would be offset from these windows and would not be considered detrimental to the outlook from the windows. As the proposed dwelling would be positioned to the north west of these windows there would be little impact on direct light levels. There are two high level windows to the rear side of the building, which would directly face the south east side elevation of the proposed dwellings, however, as they are high level windows the impact is less than those to the front and the relationship is considered to be acceptable. It is noted that there are no standards in relation to windows of non-domestic properties and that such uses do not enjoy the same level of amenity and subsequent protection that residential dwellings have.
23. Other properties on the opposite side of Preston Road are located around 34m away. Due to the substantial separation it is considered that two dwellings can be located on this site without impacting on the privacy, light or outlook of the neighbouring occupiers.

Impact on character and appearance of the locality

24. The proposed dwellings would be semi-detached houses set in residential curtilage with off street car parking to the front and enclosed gardens to the rear.
25. It is noted that other properties nearby comprise mainly terraced dwellings of traditional design facing the highway in a standard layout. Off street parking to the front is commonplace. The design of the proposed development incorporates traditional features and would result in a traditional appearance that would not be out of character with the location.
26. The scale and positioning of the proposed dwellings would be appropriate in relation to the plot and consistent with other neighbouring dwellings. The site plan demonstrates that adequate residential curtilage would be provided with adequate space for parking and general amenity. No landscaping scheme or boundary fencing scheme is included at this stage, and therefore it is recommended that such details are required by condition.

27. The site forms a clear gap in the existing built form along this part of Wood Lane and the development of two semi-detached dwellings would be consistent with the character and appearance of the street scene in relation to the dwellings to the north west of the site. It is therefore considered that the proposed development would have no detrimental impact on the appearance of the site or character of the local area.

Highway Impact and Access

28. It is noted that there is already a dropped kerb and vehicular access off Wood Lane to the site as a former car park and that most other nearby properties have direct vehicular access to the highway with dropped kerbs. Wood Lane is also fairly straight in this location. In addition to this the proposed creation of parking for two dwellings would result in less vehicle movements than the previous use as a car park for a car sales garage.
29. It is noted that concerns have been raised from the owner of the neighbouring hairdressing business that the level of on-street car parking for customers would be reduced as a result of the proposed development. Although it is recognised that customers currently park on the street outside the car park this was not possible when the car park was in use, and would not be possible if the car park were put back into use as a private car park serving some other purpose. In addition to this the availability of on street car parking is a benefit, which cannot be guaranteed and as such cannot be protected in relation to an application for planning permission.
30. The site plan demonstrates that off street parking of sufficient size to accommodate at two cars would be provided. On this basis the scheme would comply with the parking standards specified in policy ST4 of the Adopted Chorley Local Plan 2012 – 2026.
31. It is noted that the property is located on an established bus route with regular services running between Chorley and Wigan and settlements between. This contributes to the sustainability of the site.

Section 106 Agreement

32. In line with Local Plan policy HS4 the applicant will need to enter into a Section 106 legal agreement requiring a payment of £3,508 towards amenity greenspace, allotments and playing pitches. The legal agreement will be drawn up and passed to the applicant in due course. Any planning permission would therefore be subject to this S106.

CIL

33. In line with the adopted CIL charges and associated regulations the development would result in a payment of approximately £10,400 towards infrastructure in the local area.

Other matters

34. Concerns have been raised from the owner of the neighbouring hairdressing business in relation to the foundations of the property due to the proximity of the proposed development: This is not a material planning matter and would be a civil matter subject to the Party Wall Act.

Overall Conclusion

35. It is considered that the proposed dwellings on this site would be inappropriate development however it is considered that this proposed infill development will enhance this part of Wood Lane and remove unused land enhancing the streetscene whilst contributing to the Council's brownfield land target. The impact on the appearance and character of the area are acceptable as the proposed dwellings are appropriately designed, of an appropriate scale and relate well to the street scene. The impact on neighbour amenity is considered to be acceptable as is the impact on highway safety. As such the proposals are recommended for approval subject to the associated legal agreement.

Planning Policies

In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core

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

Planning History

There is no recent planning history at the site

Suggested Conditions

No.	Condition																					
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i></p>																					
2.	<p>No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement (reinstatement of the existing footway and kerb realignment) has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.</p> <p><i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</i></p>																					
3.	<p>The development shall be carried out in accordance with the following plans:</p> <table border="0" data-bbox="320 719 1305 936"> <thead> <tr> <th data-bbox="320 719 603 750">Plan Ref.</th> <th data-bbox="603 719 895 750">Received On:</th> <th data-bbox="895 719 1305 750">Title:</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 750 603 781">D270/P01</td> <td data-bbox="603 750 895 781">03 July 2015</td> <td data-bbox="895 750 1305 781">Location Plan</td> </tr> <tr> <td data-bbox="320 781 603 813">D270/P02</td> <td data-bbox="603 781 895 813">03 July 2015</td> <td data-bbox="895 781 1305 813">Existing Site Plan</td> </tr> <tr> <td data-bbox="320 813 603 844">D270/P03</td> <td data-bbox="603 813 895 844">03 July 2015</td> <td data-bbox="895 813 1305 844">Proposed Site Plan - Drainage</td> </tr> <tr> <td data-bbox="320 844 603 875">D270/P04</td> <td data-bbox="603 844 895 875">03 July 2015</td> <td data-bbox="895 844 1305 875">Proposed Site Plan</td> </tr> <tr> <td data-bbox="320 875 603 907">D270/P05</td> <td data-bbox="603 875 895 907">03 July 2015</td> <td data-bbox="895 875 1305 907">Proposed Floor Plans</td> </tr> <tr> <td data-bbox="320 907 603 938">D270/P06</td> <td data-bbox="603 907 895 938">03 July 2015</td> <td data-bbox="895 907 1305 938">Proposed Elevations</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Plan Ref.	Received On:	Title:	D270/P01	03 July 2015	Location Plan	D270/P02	03 July 2015	Existing Site Plan	D270/P03	03 July 2015	Proposed Site Plan - Drainage	D270/P04	03 July 2015	Proposed Site Plan	D270/P05	03 July 2015	Proposed Floor Plans	D270/P06	03 July 2015	Proposed Elevations
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4.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p> <p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p><i>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</i></p>																					
5.	<p>Notwithstanding the details shown on the submitted plans, the proposed car parking and turning areas shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety and to prevent flooding</i></p>																					
6.	<p>Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected</p>																					


	<p>(notwithstanding any such detail shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. Fencing to the eastern boundary of the site shall be a minimum of 1.8m in height. The dwelling shall not be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents</p>
7.	<p>Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved. Reason: To ensure that the materials used are visually appropriate to the locality.</p>
8.	<p>Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details. <i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
9.	<p>Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. The surface water must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority and no surface water shall discharge to the public sewerage system either directly or indirectly. <i>Reason: To secure proper drainage of the site.</i></p>
10.	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>
11.	<p>Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details. Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</p>
12.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the</p>

	<p>Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>
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 WARWICK consultancy Tel: 01257 450938 Fax: 01257 450939 E Mail: David@Warwick-Homes.co.uk	TITLE: LOCATION PLAN Proposed New Dwellings – 50, Wood Lane, Heskin, Chorley, Lancashire. PR7 5NU.	DRAWING No. D270/P01	
		REVISION:	SCALE: 1:1250

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Item 3F	15/00723/FUL
Case Officer	Helen Lowe
Ward	Lostock Ward
Proposal	Erection of 4 no. two storey houses (2 pairs of semi detached)
Location	Land between 71 and 81 Station Road, Croston
Applicant	Northern Trust co, Ltd
Consultation expiry:	28th August 2016
Decision due by:	17th September 2015
Recommendation	Approve, subject to legal agreement
Executive Summary	The application site is located within the settlement boundary of Croston and is considered to form an infill plot as defined in policy HS7 of the Local Plan. The proposal is recommended for approval subject to a s106 agreement.

Representations

Croston Parish Council No comments received	
In total two representations have been received which are summarised below	
Support	Not specified
Total No. received: One	Total No. received: One
<ul style="list-style-type: none"> Much more in character with Croston to have the car park spaces directly in front of the houses and be 2 storey 	<ul style="list-style-type: none"> The soil level adjacent no. 71 is causing damp and mould, could it be reduced; Will the developer remove the ivy growing up no. 71; If the roots from any trees being felled have grown underneath 71 please will they be removed in such a way to protect 71 from any damage; Will permeable materials be used to pave alongside no. 71; In the event that the developers use piling or similar please will they use minimally invasive types to ensure no damage to 71; It is my intention to re-roof the outbuildings which are attached to 71 and raise the single storey section to 2 storey in line with the main outbuilding, the job may require scaffolding. Please would the developers allow sufficient space for scaffolding and grant permission

Consultees

Consultee	Summary of Comments received
Chorley Council Tree Officer	Area heavily overgrown with very dense bramble, access difficult. Area with self set trees mainly hawthorn with some elder, ash, willow, sycamore, age group young/semi mature. Trees of poor quality, recommend removal.
Chorley Council Waste and Contaminated Land Officer	Recommend the attachment of an informative regarding the addressing of any land contamination issues.
Chorley Council Planning Policy	
Environment Agency	Recommend the attachment of a condition requiring that the development should be carried out in accordance with the submitted flood risk assessment
Lancashire County Council Highways	Comments awaited

AssessmentPrinciple of the Development

1. The application site is an area of vacant land within the settlement boundary of Croston located between numbers 81 and 71 Station Road. Previously the site was occupied by a row of four cottages, however these have been demolished for some time and there is no evidence on the site of their presence. The application site is not located within Croston Conservation Area.
2. Members will recall that application 14/01272/OUT; an outline application for residential development (with all matters reserved apart from access) came before the Development Control Committee in June. It was resolved to grant approval, subject to a s106 agreement to secure a financial contribution towards the provision of public open space. The decision has not yet been issued for this application. This application proposes a revised layout and is submitted in full.
3. Croston is not identified as an area for growth in Core Strategy Policy 1. In accordance with criterion f) of Policy 1 development should typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes. Policy HS7 of the Local Plan sets out Chorley Council's approach to residential infilling in villages such as Croston.
4. Policy HS7 states that the following criteria should be met:
 - The existing buildings form a clearly identifiable built-up frontage;
 - The site lies within the frontage, with buildings on either side, and its development does not extend the frontage;
 - The proposal would complement the character and setting of the existing buildings.
5. There is a clearly identifiable built-up frontage along this part of Station Road, which accords with criterion a). The application site lies within the frontage, with buildings on either side, and its development would not extend the frontage. Therefore, the site accords with criterion b).
6. The Policy states that infill is the filling of a small gap in an otherwise built-up street frontage, e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the street frontage. This proposal is for four dwellings in small gap, which exceeds this amount. However, the policy is not completely prescriptive on the number (it uses the word typically) and highlights that proposals should be in keeping with the street frontage. There are a variety of houses along Station Road, but it is dominated by terraced dwellings. Therefore, for any scheme to be approved it should be in keeping with the street frontage. Matters of design are addressed below.
7. The policy also states that when assessing rural infill sites, the Council will also have regard to site sustainability. This site is located in a central location in Croston, offering good access to its services and facilities. One of the core principles of the Framework is that planning should seek to encourage the effective use of land that has been previously developed, although it does not preclude the development of previously undeveloped land. One of the other core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location with easy access to public transport, amenities such as shops and school nearby and the means to access other amenities easily. The Framework also states that development in sustainable locations should be approved without delay. This presumption in favour of sustainable development is reflected in policy V2 of the Local Plan.
8. It is therefore considered that the principal of residential development on the application site is acceptable, subject to an appropriate design being achieved. This is discussed below.

Design and Appearance

9. Policy HS7 of the Local Plan states that proposals for infilling within smaller villages the proposal must complement the character and setting of the existing buildings. Policy BNE1 of the Local Plan also states that new development should not have a 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.
10. This part of Station Road in Croston is characterised by small clusters of terraced properties, many sited close to the pavement edge. The proposed site layout proposes that the front elevation of the proposed dwelling would be set back 8.2m from the edge of the pavement. It is considered that it would be preferable if the proposed dwellings were located closer to the road. However, in order to provide an adequate level of off street parking it is necessary to set the properties back within the site. There are other dwellings nearby on Station Road that are set back from the footpath edge.
11. Specific details of the materials to be used have not been provided; this would therefore be subject to the imposition of a condition requiring details to be submitted.
12. The eaves and ridge height of the proposed dwelling (at 5m and 7.7m respectively) would be higher than that of the dwellings to the south (the eaves height of the adjacent property immediately to the south, no. 81 is approximately 4.4m and the ridge height is approximately 6.4m). However, properties to the north are larger and there is considerable variation within this area of Croston. A gap of 1m is proposed adjacent to no. 71 and 81 Station Road. This, together with the setback of the properties would prevent a terracing effect.
13. It is considered that the proposed development would not appear unduly incongruous or dominant within the streetscene and that the design and appearance would be acceptable.

Neighbour Amenity

14. Policy BNE1 of the Local Plan states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact. The application site is bounded to the north and south by other residential properties.
15. To the north the application site is bounded by the side facing elevation of no. 71 Station Road and the rear gardens of nos. 1A and 1B Bramblewood (two properties recently built within the rear garden area of no. 71A Station Road). There is a ground floor window in the side facing elevation of no. 71 that appears to be a secondary window. The front elevation of the proposed dwellings would be set further to the east than this window. There are no windows in the rear elevation of no. 71 to be affected by the proposals. Some overshadowing of this property would occur as a result of these proposals, particularly in the first half of the day. However as the window is south facing and a secondary window it is not considered that it would be reasonable to refuse the application on the grounds that it would have an unacceptably overbearing impact upon the occupiers of no. 71 Station Road.
16. The other matters raised by no. 71 regarding damp, damage to the property and access for future building works are not material planning considerations and are for the applicant to address with the owner of this property.
17. The rear elevation of nos. 1A and 1B Bramblewood would be overlooked by oblique views from the rear elevations of the proposed dwellings. The original rear elevations of nos. 1A and 1B are set back 10m from the northern boundary of the application site, although no. 1A has built a single storey rear extension. The Council's interface standards state that windows to habitable rooms at first floor level should be a minimum of 21m from any such facing windows in neighbouring houses and that windows to habitable rooms at first floor level which overlook neighbouring garden areas should be a minimum of 10m from the boundaries that they face. The plot closest to the northern boundary with no. 1A would not meet these standards (the closest proposed first floor

window would be approximately 6-7 from the boundary), however, it is considered that would be very difficult to gain clear views into the rear gardens due to the relationship of the properties.

18. On balance it is considered that the suggested position of the proposed dwelling would not have such a detrimental impact upon the occupiers of no.1A and 1B Bramblewood to warrant refusing the application.
19. In respect of the impact on no. 81 Station Road to the south, the application site is immediately to the north and would not cause any direct overshadowing, although some loss of ambient light may occur. The rear garden area of no. 81 is extensive and the proposed dwelling would impact on only a limited amount of the garden area. The nearest ground floor rear facing window in no. 81 serves a bathroom (a non-habitable room) and the first floor window serves a bedroom. The two storey part of the proposed dwellings would comply with a 45 degree plus 3m guideline taken from the near edge of that first floor bedroom window in no. 81.
20. On balance it is considered that the suggested position of the proposed dwelling would not have such a detrimental impact upon the occupiers of no. 81 to warrant refusing the application.
21. The distance between the proposed dwellings and those on the opposite side of Station Road would be between 17.5m and 19.5m. The Council's interface standards state that habitable rooms at first floor level should be a minimum of 21m from any such windows in neighbouring houses. Although the proposal would not meet these standards, this is a common relationship within the streetscene and local area. No objections have been received and a number of the proposed windows to the front are to non-habitable rooms.

Highways

22. Policy ST4 of the Local Plan sets out the relevant parking standards for new development and policy BNE1 requires that new development should not prejudice highway safety. No comments from LCC Highways have been received as yet regarding the current proposal,. However, the Highways Engineer has previously expressed concerns regarding the provision of a dropped kerb of the width proposed and the prospect of vehicles reversing onto the highway.
23. The land is used, informally at present, for the parking of vehicles, and although this use is unauthorised, it does result in vehicles regularly manoeuvring on and off the highway. Although Station Road is an A road, it is considered that vehicles do not travel at excessive speeds, due to the built up nature of area, and presence of other vehicles parked on the highway. Furthermore, this is a common situation, replicated through the village of Croston. There are also other areas nearby with similar length dropped kerbs.
24. The proposed dwellings would have three bedrooms. Two off street parking spaces are proposed for each dwelling. This is in accordance with the standards set out in the Local Plan.
25. Taking all the above factors into account it is considered that it would be difficult refuse the application on the grounds of highway safety.

Ecology and Trees

26. The applicant has submitted an Extended Phase 1 Habitat Survey and Baseline Ecological Impact Assessment with the application. The assessment comprised a data search, extended Phase 1 habitat survey of the site, vascular plant species survey, badger survey, and bat survey. The surveys found that there were no signs of any protected or otherwise important species such as ground nesting or over wintering birds, great crested newts, common toads, red squirrels, roosting bats, badgers or barn owl, and no important habitats or vegetation communities occur on site boundaries. There were no historic records of protected or otherwise important species or habitats occurring within or close to the site boundaries.

27. The assessment finds that the site is likely to be used by a small number of relatively common breeding birds, small mammals and to a small extent for foraging and commuting by bats, but is otherwise of limited ecological value. The findings of the assessment are considered to adequately demonstrate that the proposal would not give rise to any harm to protected species.
28. The Council's Tree Officer has visited the site and found that the trees on site are of poor quality and do not warrant attention.

Flood Risk and Drainage

29. A small part of the front of the site is located within Flood Zone 2. A flood risk assessment has been provided with the application. This finds that:
- Proposed on-site and disposal drainage will be designed and constructed in accordance with The Building Regulations as appropriate.
 - All on-site roofs and pavings are to drain into the designed surface water system or to ground, thereby ensuring there will be no increase in off-site flood flows generated by the development.
 - There will be no significant off-site impacts as a result of this development and therefore the proposal satisfies paragraph 103 of the Framework as it will not increase flood risk elsewhere.
 - This Flood Risk Assessment has demonstrated that either by assessment or by design as part of the development, all residual flood risks on site will be low.

As only a very small part of the site (which is likely to be used as a car parking area) to the front is within Flood zone 2 and the Flood Risk assessment has not raised any concerns it is considered that the proposed development would not give rise to any undue increase in flood risk or be at any unacceptable risk from flooding.

30. The Environment Agency have advised that the proposal will meet the requirement of the Framework, provided that the finished floor levels are set no lower than 8.2 m above Ordnance datum. These levels are shown on the proposed site plan.

S106 agreement

31. There is a requirement for a financial contribution towards equipped play space, casual/informal play space and playing fields for all new housing developments, irrespective of size. This is set out in policies HS4A and HS4B of the Local Plan.
32. In September 2013 the Council adopted The Open Space and Playing Pitch Supplementary Planning Document. The Council's requests for financial contribution towards the provision and improvement of public open space within the Borough are therefore now based upon the standards within Local Plan Policies HS4A and HS4B and the approach in the SPD. The Council has also produced an Open Space Study and Playing Pitch Strategy which provides detailed information on local needs, deficits and surpluses, therefore such requests for contributions are based on a robust and up to date assessment on the level of need and existing provision in the local area.
33. The Council's Planning Policy Team has advised that a figure of £7552 is required in this instance. The applicant has been made aware.

CIL

34. The Chorley CIL Charging Schedule provides a specific amount for housing - £65 per sq m. This was adopted in July 2013 and charging commenced on 1 September 2013. As the proposal results in new residential floor space being created a CIL liability notice will be issued for the development. The applicant states that the development will provide 431.9 sq m of new residential floor space, giving a CIL liability of £28073.5

Overall Conclusion

35. The application site is located within the settlement boundary of Croston, within a clearly identifiable built up frontage with buildings on either side for a substantial distance. In

terms of its size and location it is considered that the site falls to be considered as an infill plot and residential development of the site is appropriate in principal. The proposed development would not have an unacceptable impact upon the amenities of neighbouring residents, or highway safety and the design is acceptable. The application is therefore recommended for approval subject to conditions and a s106 agreement.

Planning Policies

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

Planning History

Reference	Description	Decision	Date
98/00484/OUT	Outline application for residential development	Withdrawn	29 th October 1990
14/01272/OUT	Outline application for up to 4 no. terraced houses (all matters reserved apart from means of access)	Pending	

CONDITIONS TO FOLLOW



All site dimensions shall be verified by the contractor on site prior to work commencing
 Do not scale from this drawing
 Only work to written dimensions
 This drawing is the property of Whittle Jones and copyright is reserved by them. The drawing is not to be copied or used without their prior written consent.
Notes

- e 15-07-15 Enclosed front porch added. dg
- d 30-06-15 Redrawn as Serris dg
- c 13-05-15 Car parking and soft landscaping revised and dg
- b 10-03-15 Housing repositioned to suit. Depth of houses increased and houses moved towards Station Road and parking reconfigured. dg
- a 17-12-14 Existing buildings 1a and 1b added. dg

Client



NORTHERN TRUST
 INVESTMENT / DEVELOPMENT / REGENERATION

Drawn By	dg	Date	30-10-14
Checked By	dg	Date	30-10-14
Scale	1:500 @A3		

Rev.	Date	Details	By
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Issued for:
PLANNING

Drawing No.	Rev.
WJ_109-0002	e

Project
 Residential Development
 Station Road,
 Croston

Drawing
 Site Location Plan

WHITTLE JONES
 CHARTERED SURVEYORS

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Item 3G	15/00664/REMMAJ
Case Officer	Adele Hayes
Ward	Clayton-le-Woods West and Cuerden
Proposal	Reserved matters application pursuant to outline planning permission 14/00025/OUTMAJ for substitution of house types on plots 135 to 140 and 145 to 150 inc. approved under reserved matters approval 14/01003/REMMAJ
Location	Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane Lancaster Lane Clayton-Le-Woods
Applicant	Redrow Homes Limited Lancashire Division
Consultation expiry:	12 August 2015
Decision due by:	8 October 2015

Proposal

1. This application seeks reserved matters approval for plot substitutions on part of the approved development. The revised proposal affects 12 no. plots pursuant to outline permission ref: 14/00025/OUTMAJ and which were approved previously under reference 14/01003/REMMAJ.
2. Consent is sought for details of appearance, landscaping, layout and scale. Details relating to means of access into the site from Wigan Road were approved at the outline stage.
3. The proposed development is subject to a number of conditions attached to the outline permission and a separate S106 Obligation.
4. The applicant's wider site is 8.48 hectares and is located to the north of Clayton-le-Woods, within the defined settlement as indicated on the proposals map of the emerging local plan. On the southern boundary there is a pond and Woodcocks Farm is located to the north. The land directly to the south of the application site benefits from planning permission for up to 300 dwellings and that development is currently under construction.
5. The site is relatively flat with a rise in land levels from the west towards Shady Lane.

Recommendation

6. It is recommended that the application is approved.

Representations

7. No representations have been received.

Consultations

8. **Clayton-le-Woods Parish Council** no comments received.
9. **Lancashire County Council Highways** no comments received.

Assessment

Principle of the development

10. The principle of redeveloping the site with housing was originally established as being acceptable by the grant of outline planning permission in 2012; the subsequent Section 73 applications to vary condition 2 (Code for Sustainable Homes) and 16 (construction of a footpath / cycleway link); and by the approval of subsequent reserved matters applications.
11. The acceptability of the principle of development has been established and this application is for the consideration of the substitution of the approved house types on 12 of the approved plots.

Design and character of the development

12. The design principles for the proposed development are set out in the Design Code for the site and the proposed substitutions are considered acceptable.
13. It is proposed to substitute 8 x 2 bedroom and 4 x 3 bedroom affordable dwellings with 4 x 2 bedroom and 8 x 3 bedroom affordable dwellings. All properties will be let on a social rent tenure.
14. The proposed affordable housing mix has been revised at the request of the Registered Provider and it is considered that the revised proposal and the balance of 2 and 3 bed affordable units reflects need.
15. The general design principle for the affected part of the site remains unchanged and incorporates a perimeter block layout with strong street frontages and secure defensible rear gardens. The individual house types of the plots involved comprise a mix of semi- detached and terraced houses.

Traffic and Transport

16. The acceptability of the principle of the site access was established by the grant of outline planning permission. This is a further reserved matters application that seeks approval for plot substitutions only.
17. The Highway Engineer at Lancashire County Council has been consulted and has raised no objections.
18. The properties have either two or three bedrooms and therefore require two spaces each.
19. However, the spaces on this part of the site are not provided in driveways but rather in front of properties and are not all allocated to specific properties.
20. With many of the spaces not being allocated it will allow a more flexible and efficient use of them as visitors will be able to park in spaces that would not otherwise be available if they were dedicated to a property, even if they were empty. This approach, with a mixture of dedicated and non-dedicated spaces, is supported by Manual for Streets which states a combination of on-plot, off-plot and on-street parking will often be appropriate. LCC Highways have not objected to the proposal on these grounds. The more flexible the use of parking spaces, the more efficient the use of space is. In this case it is also considered that communal parking for residents and visitors is therefore considered acceptable.
21. This approach was accepted previously and the location of the parking is unchanged.

Impact on the neighbours

22. The application site rises on a west / east axis. It is considered that the proposal will not result in any significant loss of amenity for the future residents within the development or occupiers of other dwellings that have planning permission and that will be built on adjoining land. The approved finished floor levels remain unchanged.

Conclusion

23. The site forms part of a mixed use allocation in the emerging Chorley Local Plan which forms part of the Clayton Le Woods (Lancaster Lane) Urban Local Service Centre. Housing is acceptable in principle on this site. The proposal will contribute to the achievements of sustainable development and will be consistent with the requirements of the Framework which has a presumption in favour of sustainable development. The reserved matters details are considered acceptable and the application is recommended for approval. The applicant is bound by the conditions placed on the outline permission and the legal agreement that was submitted at that time.

Suggested Conditions

No.	Condition																								
1.	<p>The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters.</p> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>																								
2.	<p>The proposed development must be begun not later than two years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>																								
3.	<p>The approved plans are:</p> <table border="1" data-bbox="336 1420 1308 2007"> <thead> <tr> <th data-bbox="336 1420 668 1496">Plan reference number:</th> <th data-bbox="668 1420 1043 1496">Title:</th> <th data-bbox="1043 1420 1308 1496">Date received:</th> </tr> </thead> <tbody> <tr> <td data-bbox="336 1496 668 1572">4225-PPL-10</td> <td data-bbox="668 1496 1043 1572">Location Plan</td> <td data-bbox="1043 1496 1308 1572">8 July 2015</td> </tr> <tr> <td data-bbox="336 1572 668 1648">4225-DSL-01 Rev Q</td> <td data-bbox="668 1572 1043 1648">Detail Site Layout</td> <td data-bbox="1043 1572 1308 1648">8 July 2015</td> </tr> <tr> <td data-bbox="336 1648 668 1724">4225-AHL-08 Rev H</td> <td data-bbox="668 1648 1043 1724">Affordable Homes Layout</td> <td data-bbox="1043 1648 1308 1724">8 July 2015</td> </tr> <tr> <td data-bbox="336 1724 668 1800">4225-ENG001 Rev I</td> <td data-bbox="668 1724 1043 1800">Drainage Masterplan</td> <td data-bbox="1043 1724 1308 1800">8 July 2015</td> </tr> <tr> <td data-bbox="336 1800 668 1877">4255-ML-05 Rev J</td> <td data-bbox="668 1800 1043 1877">Materials Layout</td> <td data-bbox="1043 1800 1308 1877">8 July 2015</td> </tr> <tr> <td data-bbox="336 1877 668 1953">4225-WML-02 Rev F</td> <td data-bbox="668 1877 1043 1953">Waste Management Layout</td> <td data-bbox="1043 1877 1308 1953">8 July 2015</td> </tr> <tr> <td data-bbox="336 1953 668 2007">4225 WML-10 Rev J</td> <td data-bbox="668 1953 1043 2007">Code for Sustainable Homes</td> <td data-bbox="1043 1953 1308 2007">8 July 2015</td> </tr> </tbody> </table>	Plan reference number:	Title:	Date received:	4225-PPL-10	Location Plan	8 July 2015	4225-DSL-01 Rev Q	Detail Site Layout	8 July 2015	4225-AHL-08 Rev H	Affordable Homes Layout	8 July 2015	4225-ENG001 Rev I	Drainage Masterplan	8 July 2015	4255-ML-05 Rev J	Materials Layout	8 July 2015	4225-WML-02 Rev F	Waste Management Layout	8 July 2015	4225 WML-10 Rev J	Code for Sustainable Homes	8 July 2015
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	4255-BDL-04 Rev J	Boundary Details Layout	8 July 2015
	CLW/ENG026 Rev B	Highway Materials Layout	8 July 2015
	4091.03 Rev D	Landscape Proposals – Sheet 2 of 5	21 July 2015
	4091.02 Rev F	Landscape Proposals – Sheet 1 of 5	21 July 2015
	4091.06 Rev D	Landscape Proposals - Sheet 5 of 5	21 July 2015
	EAFSB01 - Plans	The Stour - Avon	8 July 2015
	EAFSB01 - Elevations	The Stour - Avon	8 July 2015
	EAFSB01 - Plans and Elevations	The Stour	8 July 2015
	<i>Reason: To define the permission and in the interests of the proper development of the site.</i>		
4.	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>		
5.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>		
6.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any dwellings or the completion of the development within the relevant Phase, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p> <p><i>Reason: In the interest of the appearance of the locality.</i></p>		
7.	<p>The car parking spaces for each dwelling shall be surfaced or paved, drained and marked out all in accordance with the approved plan before it is first occupied. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.</p> <p><i>Reason: To ensure adequate on site provision of car parking and manoeuvring</i></p>		

	<i>areas.</i>
8.	<p>Prior to the marketing of the site full details of the marketing documentation showing prospective purchasers the location and approved details of the play area shall be submitted to an approved in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure the provision of equipped play space to benefit the future occupiers of the site.</i></p>
9.	<p>The new estate road/access for each phase of the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within each phase.</p> <p><i>Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.</i></p>
10.	<p>No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> 1. the parking of vehicles of site operatives and visitors 2. hours of operation (including deliveries) during construction 3. loading and unloading of plant and materials 4. storage of plant and materials used in constructing the development 5. siting of cabins 6. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate 7. wheel washing facilities 8. measures to control the emission of dust and dirt during construction 9. a scheme for recycling/disposing of waste resulting from demolition and construction works <p><i>Reason: In the interests of highway safety and to protect the amenities of the nearby residents.</i></p>

Planning Policies

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

Planning History

The site history of the property is as follows:

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

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

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

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

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

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

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

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

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

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

Ref: 13/00803/OUTMAJ **Decision:** PEROPP **Decision Date:** 25 November 2013

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

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

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

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

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

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

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

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

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

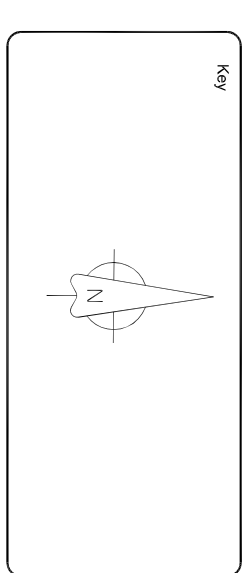
Ref: 14/00046/DIS **Decision:** PEDISZ **Decision Date:** 2 May 2014

Description: Application to discharge conditions numbered 4 - (DESIGN OF SEWER NETWORK), 5 - (ECOLOGICAL MANAGEMENT PLAN), 8 - (CONSTRUCTION METHOD STATEMENT), 9 - (LANDSCAPING), 10 - (HARD GROUND SURFACING MATERIALS), 14 - (SURFACE WATER DRAINAGE), 16 - (SITE ACCESS AND HIGHWAY IMPROVEMENT WORKS), 19 - (HIGHWAY IMPROVEMENT WORKS TO HIGHWAY JUNCTIONS), 21 - (TRAVEL PLAN CO-ORDINATOR), 22 - (GROUND CONTAMINATION), 23 - (FOUL WATER DRAINAGE), 24 - (PUBLIC OPEN SPACE AND PLAY SPACE PROVISION), 25 - (EXTERNAL FACING MATERIALS), 26 - (WALLS AND FENCES) AND 29 - (CARBON REDUCTION STATEMENT) attached to planning permission 13/00803/OUTMAJ

- Ref:** 14/00397/DIS **Decision:** PEDISZ **Decision Date:** 30 April 2014
Description: Application to discharge condition 3 (Archaeological Evaluation Report) attached to outline planning approval 13/00803/OUTMAJ
- Ref:** 14/00541/REM **Decision:** PERRES **Decision Date:** 6 August 2014
Description: Reserved matters application pursuant to outline planning permission 13/00803/OUTMAJ for substitution of house types on Plots 1, 2 and 3 including separate access to Woodcocks Farm approved under reserved matters approval 13/00822/REMMAJ
- Ref:** 14/00600/DIS **Decision:** PEDISZ **Decision Date:** 16 June 2014
Description: Application to discharge condition 27 (Design Stage Assessment) of outline planning permission 13/00803/OUTMAJ
- Ref:** 14/00861/DIS **Decision:** PEDISZ **Decision Date:** 19 August 2014
Description: Application to discharge conditions numbered 14 (surface water drainage) attached to outline planning permission 13/00803/OUTMAJ
- Ref:** 14/00867/REM **Decision:** PERRES **Decision Date:** 3 October 2014
Description: Reserved matters application pursuant to outline planning permission 13/00803/OUTMAJ for substitution of house types on Plots 2 and 3 approved under reserved matters approval 14/00541/REM
- Ref:** 14/00951/OUTMAJ **Decision:** PCO **Decision Date:** Pending
Description: Outline application for up to 220 dwellings with associated open space and landscaping, with all matters reserved except for access
- Ref:** 14/01003/REMMAJ **Decision:** PERRES **Decision Date:** 18 December 2014
Description: Reserved matters application pursuant to outline planning permission 14/00025/OUTMAJ for the development of land to the east of Wigan Road for the erection of 154 dwellings (part amendment to reserved matters approval 13/00822/REMMAJ)
- Ref:** 14/01011/FULMAJ **Decision:** PCO **Decision Date:** Pending
Description: Erection of 36 no. residential dwellings together with associated infrastructure - Plots 161-195 inc..
- Ref:** 15/00063/DIS **Decision:** PEDISZ **Decision Date:** 30 April 2015
Description: Application to discharge conditions numbered 10 (marketing documentation), 12 (construction management plan), and 13 (affordable housing) attached to planning permission 14/01003/REMMAJ
- Ref:** 15/00064/DIS **Decision:** PEDISZ **Decision Date:** 18 March 2015
Description: Application to discharge conditions numbered 4 (ecological management plan), 13 (surface water drainage), 15 (footway / cycleway), 23 (public open space and play space provision), and 26 (design stage assessment) attached to planning permission 14/00025/OUTMAJ
- Ref:** 15/00420/MNMA **Decision:** PEMNMZ **Decision Date:** 28 May 2015
Description: Minor non-material amendment to plots 51-74 & 135-150 (48 plots) (approved under 14/01003/REMMAJ) involving a substitution of the approved roof tile specification
- Ref:** 15/00498/MNMA **Decision:** PEMMAZ **Decision Date:** 22 July 2015
Description: Minor non-material amendment to plots 39, 45, 49, 80, 95, 98, 112, 117, 119, 122, 131 and 154 (approved under 14/01003/REMMAJ) involving amendments to the approved 'Heritage' range collection house types

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The Hedgerows, Clayton-le-Woods



FOR DISCUSSION
 COMMENT INFO SOLUTION

Revised	Date	Amendment	Author

Developer	Clayton-le-Woods
Location	off Wigan Road, Leyland
Marketing Name	The Hedgerows
Drawing Title	Site Location Plan
Drawing Number	4225-SL-01
Revision	Scale @ A0 1:1250@A1
Drawn By	CPM
Checked By	25.07.13

REDROW
 HOMES
 Lancashire

Redrow Homes, 14 Eborac Avenue, Bucklebury, Reading, RG2 7NA
 Tel: 01182 829999 Fax: 01182 829993 Web: www.redrow.co.uk

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 This layout has been analysed and the considerations of our Counsel & Compliance Team

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Item 3H	15/00643/FUL
Case Officer	Ian Heywood
Ward	Chorley North West
Proposal	Construction of a new lean-to mono-pitch glass house, installation of cold frames and alterations to the paths within the walled garden. Removal and replanting of fruit trees
Location	Walled Garden, Astley Park, Park Road
Applicant	Chorley Council
Consultation expiry:	26th August 2015
Decision due by:	26th August 2015

Recommendation

It is recommended that this application is approved.

Consultees

Consultee	Summary of Comments received
LCC Archaeology	Have commented that although the proposal lies close to an area of prehistoric activity excavated in the 1970s, the proposed groundworks are of such a limited depth and nature that they are not considered likely to disturb any archaeological remains that might survive within the proposed development area.
Historic England	Support the recreation of the Glass House at Astley Hall subject to the agreement of the detailed design.
Lancashire Gardens Trust	Support the recreation of the Glass House at Astley Hall.

Assessment

Proposed Development

1. This application seeks planning permission for the construction of a lean-to glass house and the consequent realignment of paths and relocation of fruit trees at Astley Hall. It has been submitted in conjunction with an application for listed building consent that is reported elsewhere on the agenda (15/00644/LBC).
2. The location of the glass house is within the Walled Garden in an area, which prior to the Heritage Lottery Fund project, was the location of the Council's depot and previously included a glass house in approximately the same position as the current proposal. This area was subsequently cleared and a series of planting beds, including fruit trees trained against the wall, was created as part of the HLF funded project. A series of gravel paths bisect the area linking to the car park, Astley Hall and the Coach House.
3. The proposed glass house is to act as a visitor experience and information centre. It is to be located within the Walled Garden against the south facing face of the wall on the northern side of the garden and will utilise dwarf brick walls using a brick that closely matches those found in the historic wall and thin profiled off-white powder coated aluminium framework.
4. The glass house is to be 17 metres long, 3.5 metres deep and 3.5 metres to the highest point of the roof where it meets the wall. This will sit just below the highest part of the historic boundary wall. There is to be a central, principal entrance and additional doors within the end walls of the glass house. Two 5.3 metre long by 0.844 metre deep cold frames will sit at the front of the structure against the 0.675 metre high dwarf brick walls upon which the glass house framework will sit.
5. Diversion of the existing gravel paths within the Walled Garden form part of the proposals to enable access to the structure.

Historic Context

6. Astley Park is an early Victorian park built around listed Grade I Astley Hall. From 1575 the Hall became the principal residence of the Charnock family. It was subsequently passed through marriage to firstly the Brooke family in 1653 then the Towneley-Parker family in 1787. The Hall and park were inherited by Reginald Tatton in 1906 which a few years later he conveyed to Chorley Corporation and dedicated as a War Memorial in 1922 and is still in use as a public park today.
7. Astley Hall sits at the centre of the historic core of the park and dates from C16. It is set in front of a timber framed courtyard house. To the west is situated a Coach House (listed Grade II) and probably of later C18 and immediately north is Astley Farmhouse. The listed buildings are considered to be Heritage Assets in accordance with the Framework. North of Astley Hall sits a walled garden and beyond that is the Artisan Garden with the car park beyond.
8. Historic maps show this area as an 'orchard' (1928) and as a 'paddock' (1822). The park stretches from the front of Astley Hall to the west and east and includes the wooded Chor valley to the south covering an area of 12 hectares. Significant renovation took place between 2006 and 2009 as a result of a successful Heritage Lottery bid (HLF). Refurbishment of the Coach House, stable block and courtyard has provided a new café, gallery space and education room with landscaped courtyard and walled garden.
9. Historic England have made the following comments on the application. The grade I status of Astley Hall places it in the top 2.5% of listed buildings nationally. Key elements that add to the high significance of Astley Hall include the survival of early fabric and the evidential value of the development of the house over six centuries; for the high quality design and the craftsmanship in its execution; for the historical association with some of the most important families in this part of Lancashire; and while the designer of the earlier phases of the hall is not known it is associated with one of the most important architectural dynasties in the likely work of Lewis Wyatt.

10. Historic England are happy that the proposals will have minimal impact on the setting of the grade I listed Astley Hall.

Archaeological significance

11. There have been a number of archaeological finds over the past 50 years the first of which was in 1963. Work at Astley Hall Farm uncovered a number of pottery fragments and created remains identified as dating back to the Bronze Age some 3000 years before the construction of Astley Hall. The finding of a Neolithic tranche arrowhead in 1998 within the walled garden led to excavations the following year led by Chorley Young Archaeologists. This resulted in the findings of a number of pottery fragments of storage vessels and ointment pots dating from early 18C. Work during the HLF project in 2006 uncovered a stone lined water tank in the walled garden which is believed to be part of a ramp pump water supply system for Astley Hall. However in respect of this part of the Park the Archaeologist at LCC has confirmed that the proposals are not considered likely to disturb any archaeological remains that might survive within the proposed development area.

Impact on the appearance of listed buildings and structures and the impact upon the significance of designated heritage assets:

12. Paragraphs 66 and 72 of The Planning (Listed Building and Conservation Areas) Act 1990 are relevant to the 'Special considerations affecting planning functions'.

Section 66 states:

- In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

Section 72 states:

- In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- The provisions referred to in subsection(1) are the planning acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953.

13. In this case it is considered that the appearance of the listed buildings, Astley Hall, the Coach House and the Walled Garden wall will be preserved as a consequence of the proposed development. The proposed development is considered to be sympathetic to the historic style and appearance of these structures by virtue of the choice of appropriate design and complementary materials.
14. Paragraphs 129, 132, 133 and 134 of the Framework (National Planning Policy Framework) are pertinent as are policy 16 of the Adopted Central Lancashire Core Strategy (2012) and policy BNE8 of the Adopted Chorley Local Plan 2012 – 2026.
15. Within the Framework paragraph 129 states that, '*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*'
16. Paragraph 132 states, '*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden*

should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*

17. Paragraph 133 states, *'Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
 - *The nature of the heritage asset prevents all reasonable uses of the site; and*
 - *No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - *Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
 - *The harm or loss is outweighed by the benefit of bringing the site back into use.'*
18. Paragraph 134 states, *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*
19. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, *'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:*
 - *Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'*
20. The Adopted Chorley Local Plan 2012 – 2026, Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, *'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate, the enhancement of the setting of heritage assets.'*
21. In this case the significance of the Walled Garden itself is quite limited as the whole area was, prior to the recent HLF funded works, used as a Council yard and depot. It is the boundary walls within the garden that contain the most significance.
22. Clearly there is a potential for any works within the Walled Garden to have an impact upon the setting of Astley Hall and the Coach House.
23. In this case as a result of detailed pre-application discussions, including Historic England, the design chosen for the project is considered to be sympathetic to and harmonious with the historic setting of the buildings. As such the proposed development is considered to sustain the significance of the designated heritage assets and to therefore conform with the aforementioned policies.

Overall Conclusion

24. The successful HLF bid enabled the renovation of an historic park for the benefit of the local community and visitors to Chorley thus enabling promotion of Astley Park and its facilities as a visitor attraction in the North West. The proposed glass house will enhance the visitor offer that the Park offers and assist in attracting further visitors to it.
25. The location of the glass house ensures that its visual impact is sympathetic to this historic location. It is not considered that the proposals will adversely impact on the significance of designated heritage assets close to the site in accordance with the Adopted Central Lancashire Core Strategy (2012) Policy 16; Emerging Chorley Local Plan 2012 – 2026, BNE8 and Section 12 of the Framework.

Planning Policies

26. 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 Local Plan 2012-2026 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) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Planning history

Ref: 80/00782/FUL **Decision:** PD **Decision Date:** 13 August 1980
Description: Erection of new chimney in existing boiler house

Ref: 96/00253/LBC **Decision:** PERLBC **Decision Date:** 17 September 1996
Description: Application for Listed Building Consent for the erection of an 2 metre black chainlink fence on steel posts to part of boundary and erection of 2 metre close boarded timber fence on timber posts to part of boundary

Ref: 15/00307/FUL **Decision:** PERFPP **Decision Date:** 18 June 2015
Description: Reinstatement of Chelsea Flower Show Garden (Artisan Garden)

Ref: 15/00644/LBC **Decision:** PDE **Decision Date:** Pending
Description: Listed building consent for the construction of a new lean to mono pitch glass house, installation of cold frames and alterations to the paths within the walled garden.

Ref: 15/00645/FUL **Decision:** WDN **Decision Date:** 8 July 2015
Description: Construction of a new mono pitch glass house against the south facing wall within the walled garden of Astley Park. The location proposed is centred on the existing lawn area and will be a powder coated aluminium frame on a low brick dwarf wall. The design includes a central porch entrance with double doors and single doors to either end. Internally the space will be partitioned into three distinct zones and ventilation will be achieved by both automatic window openers and manual window openers. Externally there will be a water butt at either end of the structure and a number of additional cold frames constructed of a brick base with aluminium openers. Additional works will be carried out to the path work resulting in the removal of four fruit trees (which will be relocated within the garden). An additional path will be constructed between the central entrance of the glass house and the central circular raised bed

Ref: 15/00701/FUL **Decision:** PDE **Decision Date:** Pending
Description: Construction of a green stage within the walled garden in Astley Park





Ref: 15/00702/LBC **Decision:** PDE **Decision Date:** Pending
Description: Listed building consent for the construction of a green stage within the walled garden in Astley Park

Ref: 15/00703/FUL **Decision:** WDN **Decision Date:** 20 July 2015
Description: Construct a green stage within the walled garden in Astley Park. The provision of the green stage involves the installation of a raised platform constructed of vacuum pressure impregnated timber colour brown backfilled with subsoil and surfaced with grass


Suggested Conditions

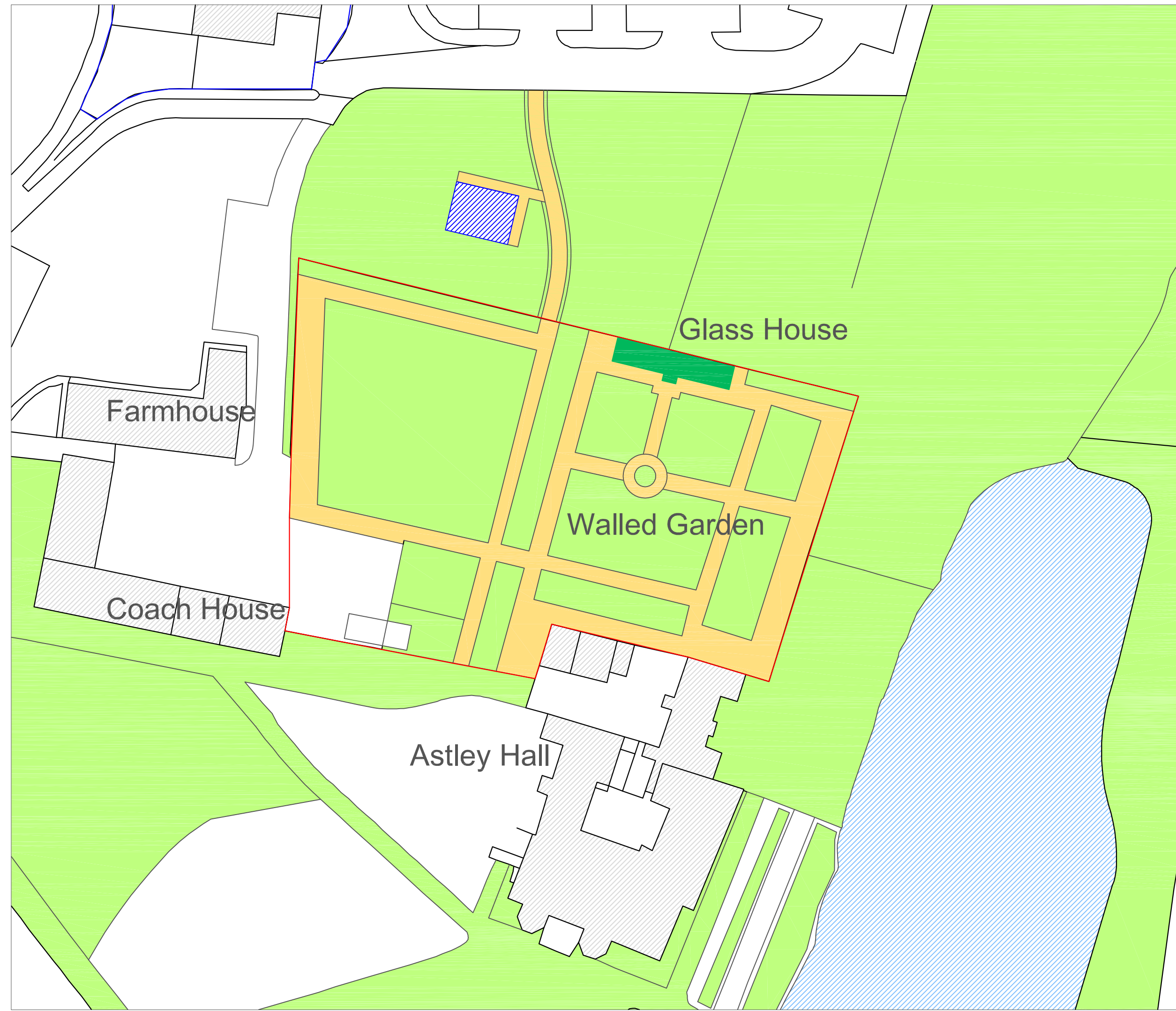
No.	Condition
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i>
2.	The development hereby permitted shall be carried out in accordance with the

following approved plans:	
Title	Received date
Location Plan	1 st July 2015
Gravel Path Layout	1 st July 2015
Layout Plan	1 st July 2015
Dwarf Wall	1 st July 2015
Hartley Botanic Dimensions	1 st July 2015
Hartley Botanic Drawing 2	1 st July 2015
Hartley Botanic Drawing 5	1 st July 2015
<i>Reason: For the avoidance of doubt and in the interests of proper planning</i>	

-  Chorley Council Ownership
-  Development site
-  Glass House
-  Planting/Grass
-  Path

Project: Glass House Walled Garden, Astley Park
Drawing Title: Location Plan AP_GH 01
Scale: 1:500@A3
Status:
Drawn by: SC
Revision and Date: June 2015





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Item 3i	15/00644/LBC
Case Officer	Ian Heywood
Ward	Chorley North West
Proposal	Listed building consent for the construction of a new lean-to mono-pitch glass house, installation of cold frames and alterations to the paths within the walled garden. Removal and replanting of fruit trees
Location	Walled Garden, Astley Park, Park Road
Applicant	Chorley Council
Consultation expiry:	26th August 2015
Decision due by:	26th August 2015

Recommendation

It is recommended that this application is approved.

Consultees

Consultee	Summary of Comments received
LCC Archaeology	Have commented that although the proposal lies close to an area of prehistoric activity excavated in the 1970s, the proposed groundworks are of such a limited depth and nature that they are not considered likely to disturb any archaeological remains that might survive within the proposed development area.
Historic England	Support the recreation of the Glass House at Astley Hall subject to the agreement of the detailed design.
Lancashire Gardens Trust	Support the recreation of the Glass House at Astley Hall.

Assessment

Proposed Development

1. This application seeks listed building consent for the construction of a lean-to glass house and the consequent realignment of paths and relocation of fruit trees at Astley Hall. It has been submitted in conjunction with an application for planning permission that is reported elsewhere on the agenda (15/00643/FUL).
2. The location of the glass house is within the Walled Garden in an area, which prior to the Heritage Lottery Fund project, was the location of the Council's depot and previously included a glass house in approximately the same position as the current proposal. This area was subsequently cleared and a series of planting beds, including fruit trees trained against the wall, was created as part of the HLF funded project. A series of gravel paths bisect the area linking to the car park, Astley Hall and the Coach House.
3. The proposed glass house is to act as a visitor experience and information centre. It is to be located within the Walled Garden against the south facing face of the wall on the northern side of the garden and will utilise dwarf brick walls using a brick that closely matches those found in the historic wall and thin profiled off-white powder coated aluminium framework.
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5. Diversion of the existing gravel paths within the Walled Garden form part of the proposals to enable access to the structure.

Historic Context

6. Astley Park is an early Victorian park built around listed Grade I Astley Hall. From 1575 the Hall became the principal residence of the Charnock family. It was subsequently passed through marriage to firstly the Brooke family in 1653 then the Towneley-Parker family in 1787. The Hall and park were inherited by Reginald Tatton in 1906 which a few years later he conveyed to Chorley Corporation and dedicated as a War Memorial in 1922 and is still in use as a public park today.
7. Astley Hall sits at the centre of the historic core of the park and dates from C16. It is set in front of a timber framed courtyard house. To the west is situated a Coach House (listed Grade II) and probably of later C18 and immediately north is Astley Farmhouse. The listed buildings are considered to be Heritage Assets in accordance with the Framework. North of Astley Hall sits a walled garden and beyond that is the Artisan Garden with the car park beyond.
8. Historic maps show this area as an 'orchard' (1928) and as a 'paddock' (1822). The park stretches from the front of Astley Hall to the west and east and includes the wooded Chor valley to the south covering an area of 12 hectares. Significant renovation took place between 2006 and 2009 as a result of a successful Heritage Lottery bid (HLF). Refurbishment of the Coach House, stable block and courtyard has provided a new café, gallery space, education room with landscaped courtyard and walled garden.
9. Historic England have made the following comments on the application. The grade I status of Astley Hall places it in the top 2.5% of listed buildings nationally. Key elements that add to the high significance of Astley Hall include the survival of early fabric and the evidential value of the development of the house over six centuries; for the high quality design and the craftsmanship in its execution; for the historical association with some of the most important families in this part of Lancashire; and while the designer of the earlier phases of the hall is not known it is associated with one of the most important architectural dynasties in the likely work of Lewis Wyatt.

10. Historic England are happy that the proposals will have minimal impact on the setting of the grade I listed Astley Hall.

Archaeological significance

11. There have been a number of archaeological finds over the past 50 years the first of which was in 1963. Work at Astley Hall Farm uncovered a number of pottery fragments and created remains identified as dating back to the Bronze Age some 3000 years before the construction of Astley Hall. The finding of a Neolithic transept arrowhead in 1998 within the walled garden led to excavations the following year led by Chorley Young Archaeologists. This resulted in the findings of a number of pottery fragments of storage vessels and ointment pots dating from early 18C. Work during the HLF project in 2006 uncovered a stone lined water tank in the walled garden which is believed to be part of a ramp pump water supply system for Astley Hall. However in respect of this part of the Park the Archaeologist at LCC has confirmed that the proposals are not considered likely to disturb any archaeological remains that might survive within the proposed development area.

Impact on the appearance of listed buildings and structures and the impact upon the significance of designated heritage assets:

12. Paragraphs 66 and 72 of The Planning (Listed Building and Conservation Areas) Act 1990 are relevant to the 'Special considerations affecting planning functions'.

Section 66 states:

- In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

Section 72 states:

- In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- The provisions referred to in subsection(1) are the planning acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953.

13. In this case it is considered that the appearance of the listed buildings, Astley Hall, the Coach House and the Walled Garden wall will be preserved as a consequence of the proposed development. The proposed development is considered to be sympathetic to the historic style and appearance of these structures by virtue of the choice of appropriate design and complementary materials.
14. Paragraphs 129, 132, 133 and 134 of the Framework (National Planning Policy Framework) are pertinent as are policy 16 of the Adopted Central Lancashire Core Strategy (2012) and policy BNE8 of the Adopted Chorley Local Plan 2012 – 2026.
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should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*

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 - *The nature of the heritage asset prevents all reasonable uses of the site; and*
 - *No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - *Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
 - *The harm or loss is outweighed by the benefit of bringing the site back into use.'*
18. Paragraph 134 states, *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*
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 - *Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'*
20. The Adopted Chorley Local Plan 2012 – 2026, Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, *'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate, the enhancement of the setting of heritage assets.'*
21. In this case the significance of the Walled Garden itself is quite limited as the whole area was, prior to the recent HLF funded works, used as a Council yard and depot. It is the boundary walls within the garden that contain the most significance.
22. Clearly there is a potential for any works within the Walled Garden to have an impact upon the setting of Astley Hall and the Coach House.
23. In this case as a result of detailed pre-application discussions, including Historic England, the design chosen for the project is considered to be sympathetic to and harmonious with the historic setting of the buildings. As such the proposed development is considered to sustain the significance of the designated heritage assets and to therefore conform with the aforementioned policies.

Overall Conclusion

24. The successful HLF bid enabled the renovation of an historic park for the benefit of the local community and visitors to Chorley thus enabling promotion of Astley Park and its facilities as a visitor attraction in the North West. The proposed glass house will enhance the visitor offer that the Park offers and assist in attracting further visitors to it.
25. The location of the glass house ensures that its visual impact is sympathetic to this historic location. It is not considered that the proposals will adversely impact on the significance of designated heritage assets close to the site in accordance with the Adopted Central Lancashire Core Strategy (2012) Policy 16; Emerging Chorley Local Plan 2012 – 2026, BNE8 and Section 12 of the Framework.

Planning Policies

The Planning (Listed Building and Conservation Areas) Act 1990 states that the Local Planning Authority has a primary duty in relation to listed buildings to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy 16 of the Central Lancashire Core Strategy, 'Heritage Assets' and Policy BNE8, 'Protection and Enhancement of Heritage Assets' of the Adopted Chorley Local Plan (2015) seek to protect and enhance the Borough's heritage. Also of relevance is Section 12 of the Framework.

Planning history

Ref: 80/00782/FUL **Decision:** PD **Decision Date:** 13 August 1980
Description: Erection of new chimney in existing boiler house

Ref: 96/00253/LBC **Decision:** PERLBC **Decision Date:** 17 September 1996
Description: Application for Listed Building Consent for the erection of an 2 metre black chainlink fence on steel posts to part of boundary and erection of 2 metre close boarded timber fence on timber posts to part of boundary

Ref: 15/00307/FUL **Decision:** PERFPP **Decision Date:** 18 June 2015
Description: Reinstatement of Chelsea Flower Show Garden (Artisan Garden)

Ref: 15/00643/FUL **Decision:** PDE **Decision Date:** Pending
Description: Construction of a new lean to mono pitch glass house, installation of cold frames and alterations to the paths within the walled garden. Removal and replanting of fruit trees.

Ref: 15/00645/FUL **Decision:** WDN **Decision Date:** 8 July 2015
Description: Construction of a new mono pitch glass house against the south facing wall within the walled garden of Astley Park. The location proposed is centred on the existing lawn area and will be a powder coated aluminium frame on a low brick dwarf wall. The design includes a central porch entrance with double doors and single doors to either end. Internally the space will be partitioned into three distinct zones and ventilation will be achieved by both automatic window openers and manual window openers. Externally there will be a water butt at either end of the structure and a number of additional cold frames constructed of a brick base with aluminium openers. Additional works will be carried out to the path work resulting in the removal of four fruit trees (which will be relocated within the garden). An additional path will be constructed between the central entrance of the glass house and the central circular raised bed

Ref: 15/00701/FUL **Decision:** PDE **Decision Date:** Pending
Description: Construction of a green stage within the walled garden in Astley Park





Ref: 15/00702/LBC **Decision:** PDE **Decision Date:** Pending
Description: Listed building consent for the construction of a green stage within the walled garden in Astley Park

Ref: 15/00703/FUL **Decision:** WDN **Decision Date:** 20 July 2015
Description: Construct a green stage within the walled garden in Astley Park. The provision of the green stage involves the installation of a raised platform constructed of vacuum pressure impregnated timber colour brown backfilled with subsoil and surfaced with grass

Suggested Conditions

No.	Condition
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</i>
2.	The development hereby permitted shall be carried out in accordance with the following

approved plans and supplied samples:	
Title:	Date:
Hartley Botanic Limited – Glasshouse Drawing 2	25.03.2015
Hartley Botanic Limited – Glasshouse Drawing 5	25.03.2015
Gravel Path Detail	01.07.2015
Dwarf Wall Detail	01.07.2015
Location Plan	01.07.2015
Supplied Samples:	
Glazing System for Glasshouse	
Furness Brick - Ember Blend	
<i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>	

-  Chorley Council Ownership
-  Development site
-  Glass House
-  Planting/Grass
-  Path

Project:
Glass House Walled Garden, Astley Park

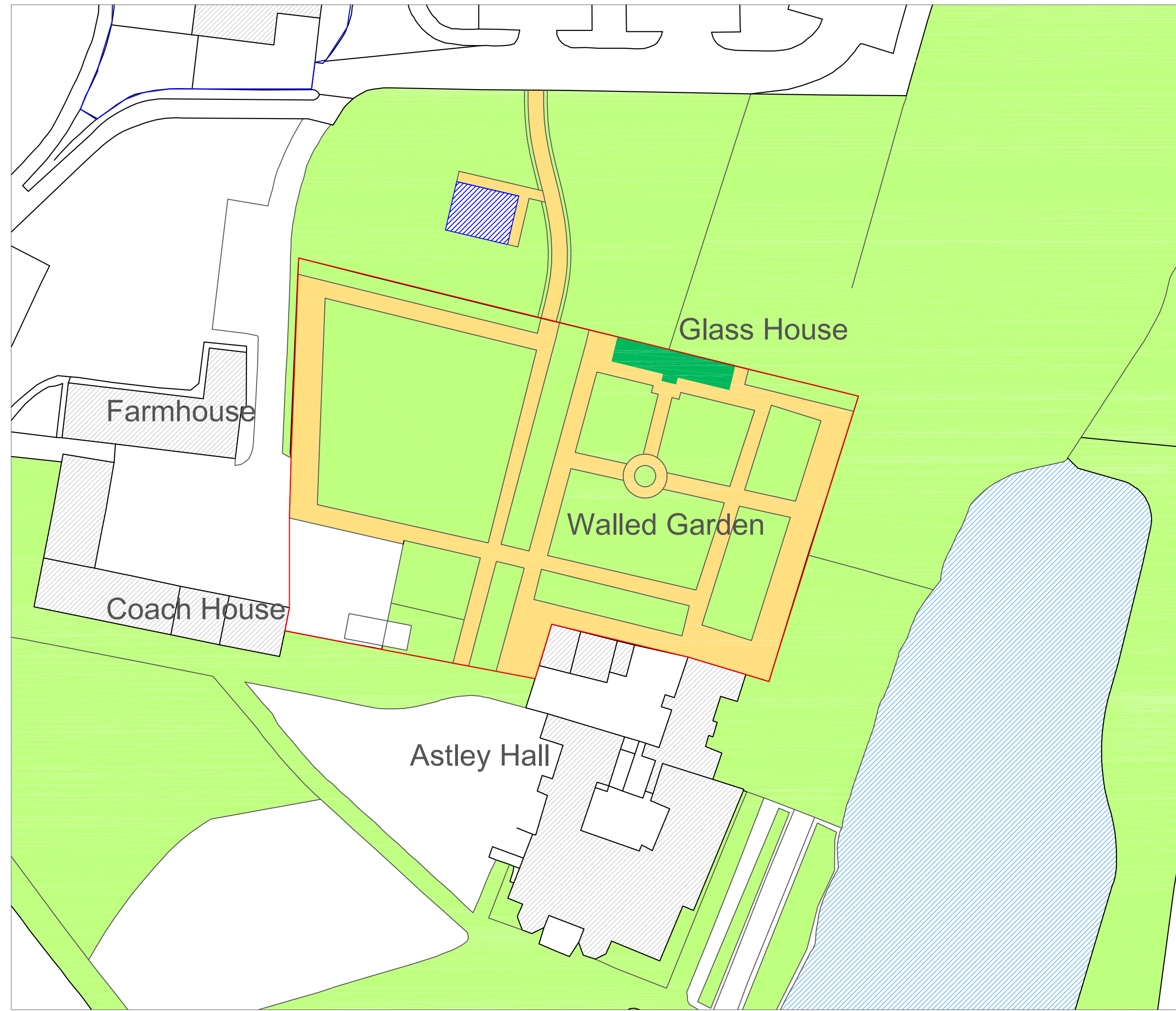
Drawing Title:
Location Plan
AP_GH 01

Scale:
1:500@A3

Status:

Drawn by:
SC

Revision and Date:
June 2015



Glass House

Walled Garden

Farmhouse

Coach House

Astley Hall

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Item 3J	15/00701/FUL
Case Officer	Ian Heywood
Ward	Chorley North West
Proposal	Construction of a green stage within the Walled Garden in Astley Park.
Location	Walled Garden, Astley Park, Park Road
Applicant	Chorley Council
Consultation expiry:	25th August 2015
Decision due by:	9th September 2015

Recommendation

It is recommended that this application is approved.

Consultees

Consultee	Summary of Comments received
LCC Archaeology	Have commented that although the proposals lie close to an area of prehistoric activity excavated in the 1970s, the proposed groundworks are of such a limited depth and nature that they are not considered likely to disturb any archaeological remains that might survive within the proposed development area.
Historic England	Support the creation of the Green Stage at Astley Hall subject to the agreement of the detailed design.
Lancashire Gardens Trust	Support the creation of a Green Stage at Astley Hall.

Assessment

Proposed Development

1. This application seeks planning permission for the construction of a green stage within the Walled Garden at Astley Hall. It has been submitted in conjunction with an application for listed building consent that is reported elsewhere on the agenda (15/00702/LBC).
2. The location of the green stage is within the Walled Garden in an area, which prior to the Heritage Lottery Fund project, was the location of the Council's depot. This area was subsequently cleared and a series of planting beds was created as part of the HLF funded project. A series of gravel paths bisect the area linking to the car park, Astley Hall and the Coach House.
3. The proposed green stage is to act as a performance space for outdoor concerts and theatrical productions. It is to be located within the walled garden close to the current bin store and will utilise substantial stepped timber retaining walls (akin to railway sleepers in section) that are to be back filled with earth that will then be grassed.
4. The green stage is to be 0.8 metres high from ground level at the tallest point (front), 12 metres wide and, 17 metres deep. A low brick wall of limited historic significance that currently crosses the site will be retained in situ, protected by vacuum pressure treated timber and buried within the earth fill.

Historic Context

5. Astley Park is an early Victorian park built around listed Grade I Astley Hall. From 1575 the Hall became the principal residence of the Charnock family. It was subsequently passed through marriage to firstly the Brooke family in 1653 then the Towneley-Parker family in 1787. The Hall and park were inherited by Reginald Tatton in 1906 which a few years later he conveyed to Chorley Corporation and dedicated as a War Memorial in 1922 and is still in use as a public park today.
6. Astley Hall sits at the centre of the historic core of the park and dates from C16. It is set in front of a timber framed courtyard house. To the west is situated a Coach House (listed Grade II) and probably of later C18 and immediately north is Astley Farmhouse. The listed buildings are considered to be Heritage Assets in accordance with the Framework. North of Astley Hall sits a walled garden and beyond that the Artisan Garden with a car park beyond.
7. Historic maps show this area as an 'orchard' (1928) and as a 'paddock' (1822). The park stretches from the front of Astley Hall to the west and east and includes the wooded Chor valley to the south covering an area of 12 hectares. Significant renovation took place between 2006 and 2009 as a result of a successful Heritage Lottery bid (HLF). Refurbishment of the Coach House, stable block and courtyard has provided a new café, gallery space education room with landscaped courtyard and walled garden.
8. Historic England have made the following comments on the application. The grade I status of Astley Hall places it in the top 2.5% of listed buildings nationally. Key elements that add to the high significance of Astley Hall include the survival of early fabric and the evidential value of the development of the house over six centuries; for the high quality design and the craftsmanship in its execution; for the historical association with some of the most important families in this part of Lancashire; and while the designer of the earlier phases of the hall is not known it is associated with one of the most important architectural dynasties in the likely work of Lewis Wyatt.
9. Historic England are happy that the proposals will have minimal impact on the setting of the grade I listed Astley Hall.

Archaeological significance

10. There have been a number of archaeological finds over the past 50 years the first of which was in 1963. Work at Astley Hall Farm uncovered a number of pottery fragments and created remains identified as dating back to the Bronze Age some 3000 years before the construction of Astley Hall. The finding of a Neolithic transept arrowhead in 1998 within the walled garden led to excavations the following year led by Chorley Young Archaeologists. This resulted in the findings

of a number of pottery fragments of storage vessels and ointment pots dating from early 18C. Work during the HLF project in 2006 uncovered a stone lined water tank in the walled garden which is believed to be part of a ramp pump water supply system for Astley Hall. However in respect of this part of the Park the Archaeologist at LCC has confirmed that the proposals are not considered likely to disturb any archaeological remains that might survive within the proposed development area.

Impact on the appearance of listed buildings and structures and the impact upon the significance of designated heritage assets:

11. Paragraphs 66 and 72 of The Planning (Listed Building and Conservation Areas) Act 1990 are relevant to the 'Special considerations affecting planning functions'.

Section 66 states:

- In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

Section 72 states:

- In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- The provisions referred to in subsection(1) are the planning acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953.

12. In this case it is considered that the appearance of the listed buildings, Astley Hall, the Coach House and the Walled Garden wall will be preserved as a consequence of the proposed development. The proposed development is considered to be sympathetic to the historic style and appearance of these structures by virtue of the choice of appropriate design and complementary materials.

13. Paragraphs 129, 132, 133 and 134 of the Framework (National Planning Policy Framework) are pertinent as are policy 16 of the Adopted Central Lancashire Core Strategy (2012) and policy BNE8 of the Adopted Chorley Local Plan 2012 – 2026.

14. Within the Framework paragraph 129 states that, '*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*'

15. Paragraph 132 states, '*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*'

16. Paragraph 133 states, '*Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*'

- *The nature of the heritage asset prevents all reasonable uses of the site; and*
 - *No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - *Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
 - *The harm or loss is outweighed by the benefit of bringing the site back into use.'*
17. Paragraph 134 states, *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*
18. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, *'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:*
- *Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'*
19. The Adopted Chorley Local Plan 2012 – 2026, Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, *'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate, the enhancement of the setting of heritage assets.'*
20. In this case the significance of the Walled Garden itself is quite limited as the whole area was, prior to the recent HLF funded works, used as a Council yard and depot. It is the boundary walls within the garden that contain the most significance.
21. Clearly there is a potential for any works within the Walled Garden to have an impact upon the setting of Astley Hall and the Coach House.
22. In this case as a result of detailed pre-application discussions, including Historic England, the design chosen for the project is considered to be sympathetic to and harmonious with the historic setting of the buildings. As such the proposed development is considered to sustain the significance of the designated heritage assets and to therefore conform with the aforementioned policies.

Overall Conclusion

23. The successful HLF bid enabled the renovation of an historic park for the benefit of the local community and visitors to Chorley thus enabling promotion of Astley Park and its facilities as a visitor attraction in the North West. The proposed glass house will enhance the visitor offer that the Park offers and assist in attracting further visitors to it.
24. The location of the green stage ensures that its visual impact is sympathetic to this historic location. It is not considered that the proposals will adversely impact on the significance of designated heritage assets close to the site in accordance with the Adopted Central Lancashire Core Strategy (2012) Policy 16; Emerging Chorley Local Plan 2012 – 2026, BNE8 and Section 12 of the Framework.

Planning Policies

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

Planning history

Ref: 96/00253/LBC **Decision:** PERLBC **Decision Date:** 17 September 1996
Description: Application for Listed Building Consent for the erection of an 2 metre black chainlink fence on steel posts to part of boundary and erection of 2 metre close boarded timber fence on timber posts to part of boundary,

Ref: 15/00307/FUL **Decision:** PERFPP **Decision Date:** 18 June 2015
Description: Reinstatement of Chelsea Flower Show Garden (Artisan Garden)

Ref: 15/00643/FUL **Decision:** PDE **Decision Date:** Pending
Description: Construction of a new lean to mono pitch glass house, installation of cold frames and alterations to the paths within the walled garden. Removal and replanting of fruit trees.

Ref: 15/00644/LBC **Decision:** PDE **Decision Date:** Pending
Description: Listed building consent for the construction of a new lean to mono pitch glass house, installation of cold frames and alterations to the paths within the walled garden.

Ref: 15/00645/FUL **Decision:** WDN **Decision Date:** 8 July 2015
Description: Construction of a new mono pitch glass house against the south facing wall within the walled garden of Astley Park. The location proposed is centred on the existing lawn area and will be a powder coated aluminium frame on a low brick dwarf wall. The design includes a central porch entrance with double doors and single doors to either end. Internally the space will be partitioned into three distinct zones and ventilation will be achieved by both automatic window openers and manual window openers. Externally there will be a water butt at either end of the structure and a number of additional cold frames constructed of a brick base with aluminium openers. Additional works will be carried out to the path work resulting in the removal of four fruit trees (which will be relocated within the garden). An additional path will be constructed between the central entrance of the glass house and the central circular raised bed.

Ref: 15/00702/LBC **Decision:** PDE **Decision Date:** Pending
Description: Listed building consent for the construction of a green stage within the walled garden in Astley Park.

Ref: 15/00703/FUL **Decision:** WDN **Decision Date:** 20 July 2015
Description: Construct a green stage within the walled garden in Astley Park. The provision of the green stage involves the installation of a raised platform constructed of vacuum pressure impregnated timber colour brown backfilled with subsoil and surfaced with grass.

Ref: 80/00782/FUL **Decision:** PD **Decision Date:** 13 August 1980
Description: Erection of new chimney in existing boiler house

Suggested Conditions

No.	Condition						
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i>						
2.	The development hereby permitted shall be carried out in accordance with the following approved plans: <table border="1" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="width: 50%;">Title</th> <th style="width: 50%;">Received date</th> </tr> </thead> <tbody> <tr> <td>Green Stage Layout and Location Plan</td> <td>15th July 2015</td> </tr> <tr> <td>Drawing details AP_GS02</td> <td></td> </tr> </tbody> </table>	Title	Received date	Green Stage Layout and Location Plan	15th July 2015	Drawing details AP_GS02	
Title	Received date						
Green Stage Layout and Location Plan	15th July 2015						
Drawing details AP_GS02							

	<i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>
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Item 3K	15/00702/LBC
Case Officer	Ian Heywood
Ward	Chorley North West
Proposal	Listed building consent for the construction of a green stage within the Walled Garden in Astley Park.
Location	Walled Garden, Astley Park, Park Road
Applicant	Chorley Council
Consultation expiry:	25th August 2015
Decision due by:	9th September 2015

Recommendation

It is recommended that this application is approved.

Consultees

Consultee	Summary of Comments received
LCC Archaeology	Have commented that although the proposal lies close to an area of prehistoric activity excavated in the 1970s, the proposed groundworks are of such a limited depth and nature that they are not considered likely to disturb any archaeological remains that might survive within the proposed development area.
Historic England	Support the creation of the Green Stage at Astley Hall subject to the agreement of the detailed design.
Lancashire Gardens Trust	Support the creation of a Green Stage at Astley Hall.

Assessment

Proposed Development

1. This application seeks listed building consent for the construction of a green stage within the Walled Garden at Astley Hall. It has been submitted in conjunction with an application for planning permission that is reported elsewhere on the agenda (15/00701/FUL).
2. The location of the green stage is within the Walled Garden in an area, which prior to the Heritage Lottery Fund project, was the location of the Council's depot. This area was subsequently cleared and a series of planting beds was created as part of the HLF funded project. A series of gravel paths bisect the area linking to the car park, Astley Hall and the Coach House.
3. The proposed green stage is to act as a performance space for outdoor concerts and theatrical productions. It is to be located within the walled garden close to the current bin store and will utilise substantial stepped timber retaining walls (akin to railway sleepers in section) that are to be back filled with earth that will then be grassed.
4. The green stage is to be 0.8 metres high from ground level at the tallest point (front), 12 metres wide and, 17 metres deep. A low brick wall of limited historic significance that currently crosses the site will be retained in situ, protected by vacuum pressure treated timber and buried within the earth fill.

Historic Context

5. Astley Park is an early Victorian park built around listed Grade I Astley Hall. From 1575 the Hall became the principal residence of the Charnock family. It was subsequently passed through marriage to firstly the Brooke family in 1653 then the Towneley-Parker family in 1787. The Hall and park were inherited by Reginald Tatton in 1906 which a few years later he conveyed to Chorley Corporation and dedicated as a War Memorial in 1922 and is still in use as a public park today.
6. Astley Hall sits at the centre of the historic core of the park and dates from C16. It is set in front of a timber framed courtyard house. To the west is situated a Coach House (listed Grade II) and probably of later C18 and immediately north is Astley Farmhouse. The listed buildings are considered to be Heritage Assets in accordance with the Framework. North of Astley Hall sits a walled garden and beyond that the Artisan Garden with a car park beyond.
7. Historic maps show this area as an 'orchard' (1928) and as a 'paddock' (1822). The park stretches from the front of Astley Hall to the west and east and includes the wooded Chor valley to the south covering an area of 12 hectares. Significant renovation took place between 2006 and 2009 as a result of a successful Heritage Lottery bid (HLF). Refurbishment of the Coach House, stable block and courtyard has provided a new café, gallery space and education room with landscaped courtyard and walled garden.
8. Historic England have made the following comments on the application. The grade I status of Astley Hall places it in the top 2.5% of listed buildings nationally. Key elements that add to the high significance of Astley Hall include the survival of early fabric and the evidential value of the development of the house over six centuries; for the high quality design and the craftsmanship in its execution; for the historical association with some of the most important families in this part of Lancashire; and while the designer of the earlier phases of the hall is not known it is associated with one of the most important architectural dynasties in the likely work of Lewis Wyatt.
9. Historic England are happy that the proposals will have minimal impact on the setting of the grade I listed Astley Hall.

Archaeological significance

10. There have been a number of archaeological finds over the past 50 years the first of which was in 1963. Work at Astley Hall Farm uncovered a number of pottery fragments and created remains identified as dating back to the Bronze Age some 3000 years before the construction of Astley Hall. The finding of a Neolithic tranchet arrowhead in 1998 within the walled garden led to excavations the following year led by Chorley Young Archaeologists. This resulted in the findings

of a number of pottery fragments of storage vessels and ointment pots dating from early 18C. Work during the HLF project in 2006 uncovered a stone lined water tank in the walled garden which is believed to be part of a ramp pump water supply system for Astley Hall. However in respect of this part of the park the Archaeologist at LCC has confirmed that the proposals are not considered likely to disturb any archaeological remains that might survive within the proposed development area.

Impact on the appearance of listed buildings and structures and the impact upon the significance of designated heritage assets:

11. Paragraphs 66 and 72 of The Planning (Listed Building and Conservation Areas) Act 1990 are relevant to the 'Special considerations affecting planning functions'.

Section 66 states:

- In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

Section 72 states:

- In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- The provisions referred to in subsection(1) are the planning acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953.

12. In this case it is considered that the appearance of the listed buildings, Astley Hall, the Coach House and the Walled Garden wall will be preserved as a consequence of the proposed development. The proposed development is considered to be sympathetic to the historic style and appearance of these structures by virtue of the choice of appropriate design and complementary materials.

13. Paragraphs 129, 132, 133 and 134 of the Framework (National Planning Policy Framework) are pertinent as are policy 16 of the Adopted Central Lancashire Core Strategy (2012) and policy BNE8 of the Adopted Chorley Local Plan 2012 – 2026.

14. Within the Framework paragraph 129 states that, '*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*'

15. Paragraph 132 states, '*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*'

16. Paragraph 133 states, '*Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*'

- *The nature of the heritage asset prevents all reasonable uses of the site; and*
 - *No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - *Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
 - *The harm or loss is outweighed by the benefit of bringing the site back into use.'*
17. Paragraph 134 states, *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*
18. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, *'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:*
- *Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'*
19. The Adopted Chorley Local Plan 2012 – 2026, Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, *'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate, the enhancement of the setting of heritage assets.'*
20. In this case the significance of the Walled Garden itself is quite limited as the whole area was, prior to the recent HLF funded works, used as a Council yard and depot. It is the boundary walls within the garden that contain the most significance.
21. Clearly there is a potential for any works within the Walled Garden to have an impact upon the setting of Astley Hall and the Coach House.
22. In this case as a result of detailed pre-application discussions, including Historic England, the design chosen for the project is considered to be sympathetic to and harmonious with the historic setting of the buildings. As such the proposed development is considered to sustain the significance of the designated heritage assets and to therefore conform with the aforementioned policies.

Overall Conclusion

23. The successful HLF bid enabled the renovation of an historic park for the benefit of the local community and visitors to Chorley thus enabling promotion of Astley Park and its facilities as a visitor attraction in the North West. The proposed glass house will enhance the visitor offer that the Park offers and assist in attracting further visitors to it.
24. The location of the green stage ensures that its visual impact is sympathetic to this historic location. It is not considered that the proposals will adversely impact on the significance of designated heritage assets close to the site in accordance with the Adopted Central Lancashire Core Strategy (2012) Policy 16; Emerging Chorley Local Plan 2012 – 2026, BNE8 and Section 12 of the Framework.

Planning Policies

The Planning (Listed Building and Conservation Areas) Act 1990 states that the Local Planning Authority has a primary duty in relation to listed buildings to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy 16 of the Central Lancashire Core Strategy, 'Heritage Assets' and Policy BNE8, 'Protection and Enhancement of Heritage Assets' of the Adopted Chorley Local Plan (2015) seek to protect and enhance the Borough's heritage. Also of relevance is Section 12 of the Framework.

Planning history

Ref: 96/00253/LBC **Decision:** PERLBC **Decision Date:** 17 September 1996
Description: Application for Listed Building Consent for the erection of an 2 metre black chainlink fence on steel posts to part of boundary and erection of 2 metre close boarded timber fence on timber posts to part of boundary,

Ref: 15/00307/FUL **Decision:** PERFPP **Decision Date:** 18 June 2015
Description: Reinstatement of Chelsea Flower Show Garden (Artisan Garden)

Ref: 15/00643/FUL **Decision:** PDE **Decision Date:** Pending
Description: Construction of a new lean to mono pitch glass house, installation of cold frames and alterations to the paths within the walled garden. Removal and replanting of fruit trees.

Ref: 15/00644/LBC **Decision:** PDE **Decision Date:** Pending
Description: Listed building consent for the construction of a new lean to mono pitch glass house, installation of cold frames and alterations to the paths within the walled garden.

Ref: 15/00645/FUL **Decision:** WDN **Decision Date:** 8 July 2015
Description: Construction of a new mono pitch glass house against the south facing wall within the walled garden of Astley Park. The location proposed is centred on the existing lawn area and will be a powder coated aluminium frame on a low brick dwarf wall. The design includes a central porch entrance with double doors and single doors to either end. Internally the space will be partitioned into three distinct zones and ventilation will be achieved by both automatic window openers and manual window openers. Externally there will be a water butt at either end of the structure and a number of additional cold frames constructed of a brick base with aluminium openers. Additional works will be carried out to the path work resulting in the removal of four fruit trees (which will be relocated within the garden). An additional path will be constructed between the central entrance of the glass house and the central circular raised bed.

Ref: 15/00701/FUL **Decision:** PDE **Decision Date:** Pending
Description: Construction of a green stage within the walled garden in Astley Park.

Ref: 15/00703/FUL **Decision:** WDN **Decision Date:** 20 July 2015
Description: Construct a green stage within the walled garden in Astley Park. The provision of the green stage involves the installation of a raised platform constructed of vacuum pressure impregnated timber colour brown backfilled with subsoil and surfaced with grass.

Ref: 80/00782/FUL **Decision:** PD **Decision Date:** 13 August 1980
Description: Erection of new chimney in existing boiler house

Suggested Conditions

No.	Condition						
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>						
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 1794 1225 1984"> <thead> <tr> <th data-bbox="327 1794 817 1856">Title</th> <th data-bbox="817 1794 1225 1856">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="327 1856 817 1919">Green Stage Layout and Location Plan</td> <td data-bbox="817 1856 1225 1919">15th July 2015</td> </tr> <tr> <td data-bbox="327 1919 817 1984">Drawing details AP_GS02</td> <td data-bbox="817 1919 1225 1984"></td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>	Title	Received date	Green Stage Layout and Location Plan	15th July 2015	Drawing details AP_GS02	
Title	Received date						
Green Stage Layout and Location Plan	15th July 2015						
Drawing details AP_GS02							



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Report of	Meeting	Date
Chief Executive	Development Control Committee	8 September 2015

PROPOSED CONFIRMATION CHORLEY BOROUGH COUNCIL TREE PRESERVATION ORDER NO 4 (ADLINGTON) 2015 WITHOUT MODIFICATION

PURPOSE OF REPORT

- To consider formal confirmation of the Chorley Borough Council Tree Preservation Order No 4 (Adlington) 2015 without modification.

RECOMMENDATION

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

EXECUTIVE SUMMARY OF REPORT

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

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

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

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

BACKGROUND

- The Order was made on the 15 July 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 16 July 2015. The same documents were also served on owners/occupiers of adjacent properties. The Order was made because on the assessment of the Council's Tree Officer the trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public.

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

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

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

COMMENTS OF THE MONITORING OFFICER

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

GARY HALL
CHIEF EXECUTIVE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Stefanie Leach	01257 515170	19 August 2015	087806

Tree Preservation Order

Town and Country Planning Act 1990

The Chorley Borough Council Tree Preservation Order No 4 (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 4 (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 trees specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.


Application to trees to be planted pursuant to a condition

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

Dated this 15th day of July 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

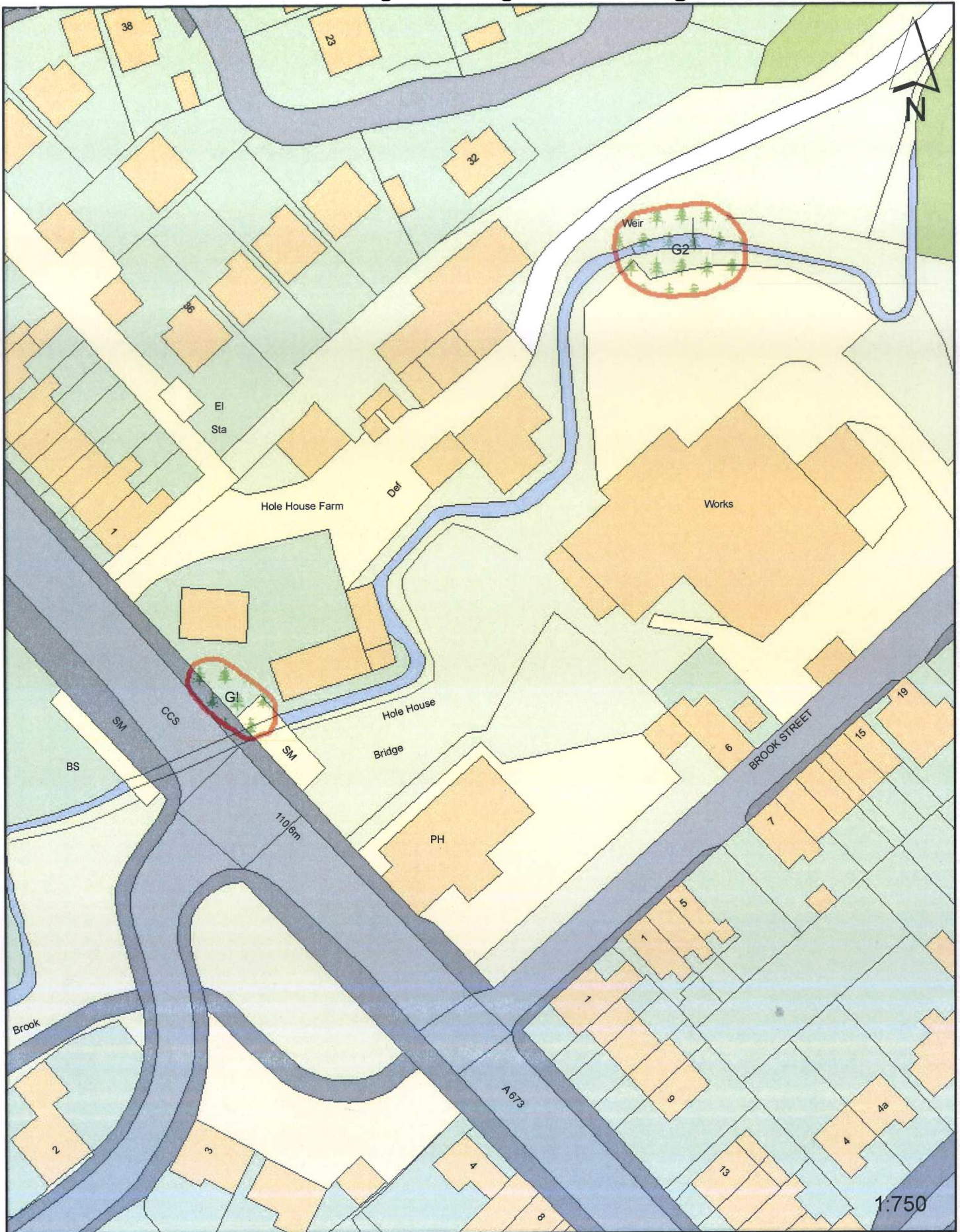
SCHEDULE

Specification of trees

Groups of trees

(within a red line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G1	4 Sycamore and 1 Ash	Hole House Farm, adjacent to Chorley Road
G2	3 Sycamore	Hole House Farm, to the north of Brook Mill



Chorley BC TPO 4 (Adlington) 2015

G1 - 4 x Sycamore and single Ash
G2 - 3 x Sycamore



Report of	Meeting	Date
Chief Executive	Development Control Committee	8 September 2015

**PROPOSED CONFIRMATION CHORLEY BOROUGH COUNCIL
TREE PRESERVATION ORDER NO 5 (EUXTON) 2015
WITHOUT MODIFICATION**

PURPOSE OF REPORT

- To consider formal confirmation of the Chorley Borough Council Tree Preservation Order No 5 (Euxton) 2015 without modification.

RECOMMENDATION

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

EXECUTIVE SUMMARY OF REPORT

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

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

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

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

BACKGROUND

- The Order was made on the 15 July 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 15 July 2015. The same documents were also served on owners 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.

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

IMPLICATIONS OF REPORT

- 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

- 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

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

GARY HALL
CHIEF EXECUTIVE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Stefanie Leach	01257 515170	19 August 2015	087648

Tree Preservation Order

Town and Country Planning Act 1990

The Chorley Borough Council Tree Preservation Order No 5 (Euxton) 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 5 (Euxton) 2015

Interpretation

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

Effect

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

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

Application to trees to be planted pursuant to a condition

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

Dated this 15th day of July 2015

The Common Seal of Chorley Borough Council

was affixed to this Order in the presence of:]

[Handwritten Signature]

.....]
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 red on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Oak	South of Forensic Science Laboratory, Westway
T2	Oak	South of Forensic Science Laboratory, Westway



Chorley BC TPO 5 (Euxton) 2015

T1 - 1 x Oak
T2 - 1 x Oak

