

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 29TH SEPTEMBER 2015, 6.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

1 **MINUTES OF MEETING TUESDAY, 8 SEPTEMBER 2015 OF
DEVELOPMENT CONTROL COMMITTEE**

(Pages 3 - 6)

2 **DECLARATIONS OF ANY INTERESTS**

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

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

3 **PLANNING APPLICATIONS TO BE DETERMINED**

The Director of Public Protection, Streetscene and Community has submitted 9 reports for planning applications to be determined (enclosed).

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

3A **15/00375/FULMAJ - MARKET WALK EXTENSION, UNION
STREET, CHORLEY (REPORT TO FOLLOW)**

3B **15/00482/FULMAJ - DUXBURY PARK PHASE 2, BETWEEN
MYLES STANDISH WAY AND DUXBURY GARDENS, MYLES
STANDISH WAY, CHORLEY (REPORT TO FOLLOW)**

3C **15/00719/FUL - LAND TO THE SOUTH WEST OF RICMARLO,
PRESTON NOOK, ECCLESTON**

(Pages 7 - 24)

3D **15/00540/FULMAJ - CROSTON HALL ESTATE, GRAPE
LANE, CROSTON**

(Pages 25 - 46)

| | | |
|-----------|--|------------------|
| 3E | 15/00528/FULMAJ - CANAL BOAT CRUISES, RILEY GREEN MARINA, BOLTON ROAD, WITHNELL, PRESTON, PR5 0SP | (Pages 47 - 56) |
| 3F | 15/00675/FULMAJ PLOTS 1075 - 1093 THE ORCHARD, ORDNANCE ROAD, BUCKSHAW VILLAGE, CHORLEY | (Pages 57 - 74) |
| 3G | 15/00833/FUL - LEIGH FARM, MARSH LANE, BRINDLE, CHORLEY, PR6 8NY | (Pages 75 - 86) |
| 3H | 15/00787/FUL - 1 JUBILEE CLOSE, WHITTLE-LE-WOODS, CHORLEY, PR6 7FS | (Pages 87 - 94) |
| 3I | 15/00691/S106A - SITE OF FORMER SOCIAL AND ATHLETIC CLUB, DUKE STREET, CHORLEY | (Pages 95 - 102) |
| 4 | 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 Caunce, 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.

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MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE Tuesday, 8 September 2015

MEMBERS PRESENT: Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, Henry Counce, Paul Clark, John Dalton, Danny Gee, Keith Iddon, Alistair Morwood, Mick Muncaster, Richard Toon, Paul Walmsley and Alan Whittaker

RESERVES: Councillors Jean Cronshaw

OFFICERS: Paul Whittingham (Development Control Manager), Adele Hayes (Principal Planning Officer), Alex Jackson (Legal Services Team Leader), Caron Taylor (Senior Planning Officer) and Cathryn Filbin (Democratic and Member Services Officer)

APOLOGIES: Councillors Charlie Bromilow

OTHER MEMBERS: Councillors Peter Wilson

15.DC.147 Minutes of meeting Tuesday, 11 August 2015 of Development Control Committee

RESOLVED – That the minutes of the meeting of the Development Control Committee on 11 August 2015 be approved as a correct record for signature by the Chair.

15.DC.148 Declarations of Any Interests

There were no declarations of interest received.

15.DC.149 Planning applications to be determined

The Director of Public Protection, Streetscene and Community submitted 11 reports for planning permission consideration.

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

15.DC.149a 15/00482/FULMAJ - Duxbury Park Phase 2, between Myles Standish Way and Duxbury Gardens, Myles Standish Way

REVOLSED (unanimously) – That the applicant’s request for the planning application to withdrawn from the agenda be approved.

15.DC.149b 15/00462/FUL - 5 The Orchard, Croston

Registered speaker: Helen Stevenson (objector)

A motion was proposed, and seconded, to refuse planning permission on the grounds that the application was over intensive use of the site and did not comply with the Council’s policy on garden grabbing. When the motion was put to the vote, the vote was lost (5:10:0).

RESOLVED (10:5:0) – That planning permission be approved subject to an associated legal agreement and the conditions detailed within the report in the agenda.

15.DC.149c 15/00562/FUL - Heath Paddock, Hut Lane, Heath Charnock

Registered speakers: Paul Sedgwick (agent for objectors), Mike Doherty (supporter) and Mike Linfoot (applicant)

RESOLVED (unanimously) –

- 1. That temporary conditional planning permission for 5 caravans be approved for 2 years and 6 months which will expire on 8 March 2018, subject to conditions detailed within the report in the agenda, the amended and additional conditions detailed in the addendum.**
- 2. Condition 4 to be amended to state that within 3 months of the expiry of planning permission or the land becoming vacant prior to the expiry of planning permission the following works shall be carried out:**
 - 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 northwest corner of the application site and remove the materials resulting from the demolition from the land.**

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.

- 3. That delegated authority to be given to the Director of Public Protection, Streetscene and Community in consultation with the Head of Governance and Property Services and the Chair and Vice Chair of the Development Control Committee to agree a mechanism to restrict the proposed development. If that mechanism to restrict the development**

could not be met the matter would be brought before the Development Control Committee for determination.

15.DC.149d 15/00506/REMAJ - Land surrounding Huyton Terrace, previously Baly Place Farm, Bolton Road, Adlington

Registered speakers: Jayne Cunliffe (objector), Councillor Peter Wilson (Ward Councillor) and Iain Carroll (applicant's agent)

RESOLVED (14:0:1) – That the reserved matters application be approved subject to conditions detailed within the report in the agenda.

15.DC.149e 15/00661/FUL - Car park adjacent to 48 Wood Lane, Heskin

Registered speakers: Sharon Foxwell (objector) and Andrew Marsden (applicant)

RESOLVED (10:4:1) – That planning permission be approved subject to conditions detailed within the report in the agenda and a S106 legal agreement.

15.DC.149f 15/00723/FUL - Land between 71 and 81 Station Road, Croston

Registered speaker: Carole Devol (objector)

RESOLVED (unanimously) – That planning permission be approved subject to the condition detailed in the addendum, the tabled conditions at the meeting, the additional conditions detailed to address drainage issues, and a S106 legal agreement.

15.DC.149g 15/00664/REMAJ - Land north of Lancaster Lane and bounded by Wigan Road and Shady Lane, Lancaster Lane, Clayton-le-Woods

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

Members of the Development Control Committee considered the following four applications on the Walled Garden, Astley Park, Chorley together.

15.DC.149h 15/00643/FUL - Walled Garden, Astley Park, Chorley

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

15.DC.149i 15/00644/LBC - Walled Garden, Astley Park, Chorley

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

15.DC.149j 15/00701/FUL - Walled Garden, Astley Park, Chorley

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

15.DC.149k 15/00702/LBC - Walled Garden, Astley Park, Chorley

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

15.DC.150 Tree Preservation Orders**15.DC.150a Tree Preservation Order Number 4 (Adlington) 2015**

Members of the Development Control Committee considered a report from the Chief Executive which sought formal confirmation of Tree Preservation Order No. 4 (Adlington) 2015 without modification.

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

RESOLVED (unanimously) – That the formal confirmation without modification of the Order be approved to afford permanent as opposed to provisional legal protection to the trees covered by the Order.

15.DC.150b Tree Preservation Order Number 5 (Euxton) 2015

Members of the Development Control Committee considered a report of the Chief Executive which sought formal confirmation of Tree Preservation Order No. 5 (Euxton) 2015 without modification.

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

RESOLVED (unanimously) – That formal confirmation of the Order without modification be approved to afford permanent as opposed to provisional legal protection to the trees covered by the Order.

Chair

Date

| | |
|-----------------------------|--|
| Item 3c | 15/00719/FUL |
| Case Officer | Nicola Hopkins |
| Ward | Eccleston And Mawdesley |
| Proposal | Erection of three 2.5 storey detached dwellings with garages along with construction of new accessway |
| Location | Land To The South West Of Ricmarlo, Preston Nook, Eccleston |
| Applicant | Mr John Winstanley |
| Consultation expiry: | 9th September 2015 |
| Decision due by: | 5th October 2015 |

Recommendation

Approve full planning permission subject to the associated legal agreement

Executive Summary

The proposals relate to the erection of 3 dwellings on this site. Previously outline consent has been approved on this site which established the principle of residential development on this site. Although this is a full application which is not pursuant to the outline consent the proposal reflects the previously established principles of residential development on this site.

Representations

| |
|--|
| Parish Council – no representations have been received |
| Not specified |
| Total No. received: 1 |
| <ul style="list-style-type: none">The application covers land that is shown on the land registry documents as not belonging to the applicant |

Consultees

| Consultee | Summary of Comments received |
|---|--|
| Council's Waste and Contaminated Land Officer | No objection subject to a condition |
| Council's Tree Officer | Has noted that trees T20 and T21 would have to be removed to accommodate Plot 1. Recommend these trees be removed and replacements planted on site |
| Greater Manchester Ecology Unit | No objection subject to conditions |
| Environment Agency | No objection subject to conditions |

AssessmentProposed Development and Site

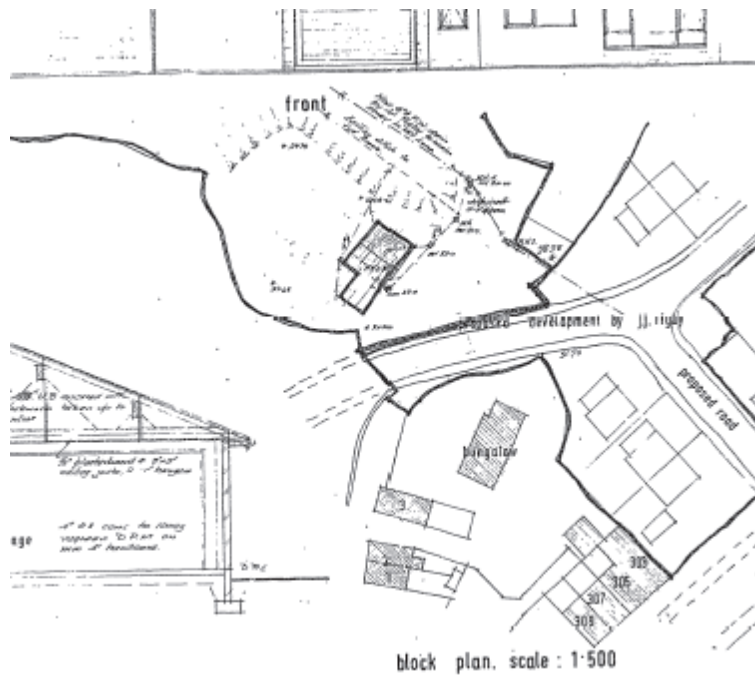
1. The site is located on a cul-de-sac within a predominantly residential area. There is an existing detached two storey dwellinghouse adjacent to the access to the site that is currently being renovated and extended (permission 15/00523/FUL) and which is set within a large curtilage. The application relates to the land outside the residential curtilage of this property which forms a gap between the property itself, Ricmarlo, and the adjacent dwellings to the north west.
2. The proposed development involves the erection of three detached dwellinghouses on land to the rear of the existing dwelling with a new accessway off Preston Nook.
3. Outline planning consent has previously been granted to erect up to 3 dwellings on the site (14/00550/OUT). There is also both outline and full consent for a detached dwelling adjacent to Ricmarlo.

Principle of the Development

4. Outline planning permission has previously been granted on this site for three dwellinghouses and as such the acceptability of the principle of the development is established.
5. The site is located within the settlement area of Ecclestone as identified within the Adopted Local Plan. The Local Plan identifies that development within settlement areas may be for an appropriate use such as housing, offices, community facilities or green infrastructure. This should be read in conjunction with other policies and proposals in the plan and with Core Strategy Policy 1: Locating Growth. Within Core Strategy Policy 1 Ecclestone is identified as a Rural Local Service Centre where limited growth and investment will be encouraged to help meet local housing and employment needs and to support the provision of services to the wider area.

Lawful use of the application site

6. It is not considered that this site forms part of the residential curtilage of Ricmarlo as from aerial photos it is clear that this site, which has always been at a lower land level than the formal garden area associated with Ricmarlo, was until recently densely vegetated and separate from the formal curtilage associated with Ricmarlo.
7. Planning permission was granted for the property in July 1973 (5/5/9928) which detailed the whole site but specifically stated, by condition, that the permission relates only to one dwelling sited as shown on the 1:500 block plan. This is as follows:



8. As set out above the permission for the dwelling only related to the area of land detailed which is considered to be the garden area associated with the dwelling. The remainder of the land, subject to this planning application, although owned by the applicant has not been used as garden.
9. Three aerial photographs were provided, dated 2000, 2005 and 2009, as part of the outline application at this site which demonstrated that the garden of Ricmarlo has been maintained whereas the land to the rear has not.
10. As such this site represents undeveloped greenfield land within the settlement of Ecclestone. However extensive works have recently been undertaken to the land including tree removal. These works have created a significant level difference between the residential curtilage and the adjacent land.

Levels

11. There are significant level changes across the site and the edge of the residential curtilage slopes down steeply to the application site (with a level difference of approximately 5.5 metres from the bottom of the banking to the garden level). As part of the works being undertaken to Ricmarlo and as part of the planning permission for the detached dwelling adjacent to Ricmarlo it is proposed to terrace the rear garden areas down to create areas of usable garden on three levels. The lowest level will be approximately 1.85m higher than the finished floor level of plot 3 (the nearest plot to the garden areas) and the finished floor level of Ricmarlo will be approximately 4m higher than the finished floor level of plot 3. The level of plot 3 reflects the finished floor levels envisaged as part of the outline consent at this site.
12. Plot 1 is located within the south western corner of the site and is detailed with a finished floor level of approximately 1 metre higher than the current ground level.
13. The proposed access road will slope down into the site dropping by approximately 7.17 metres from the existing road level to the end of the accessway.

Impact on the neighbours

14. The immediate neighbours to the site are Twisted Chimney, 1 Ince Lane, 12 Ince Lane, Ince Cottage, 16 Enfield Close, Ricmarlo, Woodview and the approved new dwelling adjacent to Ricmarlo.

15. Twisted Chimney is a large detached dwellinghouse which was granted planning permission in May 2000 and has a finished floor level of approximately 30.07. This is approximately 4.5m higher than the suggested road level and 6.47m higher than plot 1. The elevated land level along with dense vegetation at the boundary ensures that the proposal will not create loss of privacy to the detriment of the amenities of the residents of Twisted Chimney.
16. Additionally the orientation of the proposed dwellings ensures that any private amenity space associated with the new dwellings will not be overlooked from Twisted Chimney .
17. 1 Ince Lane and Ince Cottage are a pair of semi-detached dwellings adjacent to the site. The finished floor level is approximately 30.84 which is approximately 3.6m higher than the indicated road level in this part of the site. As there is no housing development proposed within this part of the site it is not considered that this relationship will adversely impact on the existing or future residents.
18. 12 Ince Lane is located to the west of the application site however this property is not visible from the application site given the dense vegetation which is shown as being retained and as such it is not considered that the proposals will adversely impact on the occupiers of 12 Ince Lane.
19. 16 Enfield Close is located close to the indicated access junction away for the proposed new dwellings and as such it is not considered that the proposed development will adversely impact on the amenities of the occupiers of 16 Enfield Close.
20. Ricmarlo is the site owner's property fronting onto Preston Nook. Plot 3 is located to the rear of Ricmarlo. The side elevation of plot 3 is approximately 17.4m from the main rear elevation of Ricmarlo and approximately 4m lower in terms of finished floor levels. Given the level difference there would normally be a requirement to maintain 26 metres from the rear elevation of Ricmarlo to the side gable of the proposed dwelling (taking the standard 12 metre window to gable distance and increasing the spacing distance to take into account the level change). In the case of this relationship this distance is not maintained, however given the significant level difference, Ricmarlo will not face a blank gable wall and will view half of the first floor level and the roof of plot 3. Also taking into account the orientation of the proposed property (to the west of the existing dwelling) the space retained between the two properties is considered to be acceptable.
21. The proposed dwelling on plot 3 originally included windows in the side elevation facing the rear garden area of Ricmarlo, however the first and second floor windows have been removed from the proposal. The ground floor window serves a family room which will face the retaining wall along the garden boundary of Ricmarlo with only part of the garden visible from the top of the window which will not result in loss of privacy.
22. Ricmarlo is currently being extended in the form of a part single storey/ part two storey side extension. The two storey extension is sited approximately 18m from the garden boundary with plot 3, the single storey element is located approximately 12.6m from the garden boundary and the approved scheme includes a rear first floor balcony which is located approximately 15.2m from the garden boundary with plot 3. Given the level difference there is a requirement to provide 24m from habitable room windows to rear garden boundaries which is not achieved in respect of this site. However the works to the dwelling are well advanced and any future occupiers of plot 3 will be fully aware of the relationship when purchasing the property. It is also important to note that this relationship reflects the approved outline application at this site. As such in this case the relationship is considered to be acceptable.
23. The recently approved detached dwellinghouse (15/00656/FUL) will be located to the north east of plot 3 and will face the front garden area and front part of plot 3. The approved dwelling will be approximately 3.6m higher than the proposed dwelling. Given the siting of the approved and proposed dwellinghouses, it is not considered that there will be any loss of amenity even taking into account the level changes.

24. Woodview is an existing detached bungalow which neighbours Ricmarlo. Plot 3 backs onto the garden area of Woodview. Plot 3 has a finished floor level which is approximately 4.13m lower than Woodview and as with the other properties within this area the gardens slope down to Syd Brook. As such there is no significant land level change within the location of the proposed house when compared to the adjacent land.
25. At its closest point plot 3 is sited approximately 6m from the boundary of the application site although the boundary is unusual as it is not straight. This does not meet the required 10m spacing standard, however at its closest point plot 3 is sited approximately 12m from the edge of the existing hedgerow which delineates the garden boundary of Woodview which exceeds the Council's required 10m window to garden distance. It is noted that rear dormer windows are proposed to accommodate bedrooms in the roof however the proposed dormers are sited approximately 14m from the existing hedgerow. Although the required 10m is not maintained in respect of the application site it is considered that in excess of 10m is maintained to the usable private rear garden area of Woodview. The distances maintained along with the dense vegetation in this part of the site ensures that the proposed development will not result in overlooking to the detriment of the neighbours amenities.
26. Plot 2 has a bedroom window within the roof space which will overlook the garden area of plot 3 however as this isn't the only source of light into this room then this window can be obscurely glazed. This obscure glazing will also mean there is no loss of amenity from plot 2 in respect of the garden area of Woodview.

Flooding

27. The southern part of the site is located within Flood Zone 3 due to the fact that Syd Brook is sited adjacent to the site. The majority of this part of the site is left undeveloped although it is noted that part of the gardens to plots 1 and 2 will be sited within the 1 in 1000 year flood risk event boundary.
28. In this regard the Environment Agency has been consulted as the application is supported by a Flood Risk Assessment. Flood Zone 3 is defined as having a high probability of flooding within the Framework. The Environment Agency has concluded that the development would be safe for its lifetime without increasing flood risk elsewhere. The Environment Agency has no objection subject to conditions.

Highways and Traffic

29. It is noted that the access road would not be adopted however it is possible to have a private access road to serve three properties as proposed. The access road would slope down into the site with a level change of approximately 7.17 metres. Given the length of road proposed it is considered that the gradient will not result in an unsuitable access road however there may be issues in inclement weather. As this access road will be privately managed this issue can be addressed by condition.
30. Although no comments have been received from the Highway Authority it is noted that no objections were received from the Highway Authority in respect of the outline application at this site. Given the similarities of the proposed scheme and the approved scheme it is not considered that the proposals will have a highway safety impact.
31. All of the dwellings proposed are 5 bedroom properties which require 3 off road parking spaces each in accordance with Policy ST4 of the Adopted Local Plan. All of the dwellings have a double garage which is large enough to accommodate 2 cars and driveway space sufficient for additional parking. As such the parking provision is considered to be acceptable.

Trees

32. The site is bordered by dense mature vegetation and in this regard the application is supported by a Tree Survey Report. The report identifies no trees of high or exceptional value, but a number of trees are deemed to have moderate value.

33. 36 individual trees, 6 groups of trees and 1 hedgerow have been surveyed. 17 individual trees and 1 group of trees were categorised as retention category B (which are trees of moderate quality with a remaining life expectancy of at least 20 years). The remainder of the individual trees, groups of trees and hedgerow were categorised as retention category C (which are trees of low quality with an estimated life expectancy of at least 10 years, or young trees with a stem diameter below 150mm) apart from 1 which is categorised as retention category U (which is trees of such a condition that they cannot be realistically retained as living trees in the context of the current land use for longer than 10 years.)
34. All of the higher quality trees are located on the periphery of the site and these are detailed to be retained. A TPO (TPO 4 (Eccleston) 2014) was placed on the trees identified as being retention category B. Two of the protected trees are located within the build area of plot 1 and are unlikely to be retained as part of the development. To mitigate for the loss a replacement tree planting condition is attached to the recommendation.

Ecology

35. Due to the extensive tree cover at the site and the proximity of Syd Brook the application is supported by an Ecological Survey and Assessment. This has been reviewed by the Greater Manchester Ecology Unit and the following comments have been made.

Birds

36. The trees, hedgerow and shrubs have the potential to support nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). The Ecologist recommends that works to trees should not be undertaken in the main bird breeding season (March to July inclusive).

Protection of Wildlife

37. A number of reasonable avoidance measures have been recommended within the report in order to protect any wildlife which may enter the site (5.2.1). The Ecologist has recommended that the method statement be adhered to during the construction and development phase.

Watercourses

38. The Ecologist has recommended that Syd Brook and ditch 1 should be protected during the construction and operational phase of the development. No building materials or surface water run-off should be allowed to enter the brook or ditch. The Ecologist has recommended that mitigation measures (following Environment Agency good practice), should be submitted to and agreed by the council and once agreed implemented in full.

Pond

39. Best practice states that there should be no net loss of ponds therefore if the development is allowed then the existing garden pond should be retained. If this is not possible then the Ecologist has recommended that the pond is moved into the new garden curtilage of the retained property. The movement of the pond should take place in the winter months when it would have the least ecological impact.
40. A small (8m²) garden pond was present on site at the time of the survey in March 2014 within the amenity grassland lawn behind the residential property however this has subsequently been removed from the site and notwithstanding this the pond is outside of the application site.

Trees

41. All trees to be retained on the site should be protected from the development to prevent damage to the root system.

Lighting

42. Artificial lighting can affect the feeding and commuting behaviour of bats. Bats are likely to use Syd brook and the retained trees on site for commuting and foraging. The

Ecologist therefore recommends that any lighting (during construction and post development) be directed away from Syd Brook and any of the retained trees. The Ecologist recommends that prior to the commencement of the development a lighting plan should be submitted to and agreed by the council, once agreed the plan should be implemented in full.

Invasive Species

43. Also present on the site was the invasive Himalayan Balsam, Wall cotoneaster and Montbretia. It is an offence under the terms of the Wildlife and Countryside Act to allow these plants to grow in the wild. The Ecologist has recommended a condition to remove the invasive species from the site.

Biodiversity Enhancement

44. In line with Section 11 of the Framework, the Ecologist has recommended that opportunities for biodiversity enhancement be incorporated into the new development. These should include:
- Bat bricks and/or tubes within the new development
 - Bat boxes
 - Bird boxes
 - Native tree and shrub planting
 - Bolstering of hedgerows
45. Following a 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
46. As set out above the Ecologist is satisfied with the content of the submitted reports and considers that a favourable conservation status can be maintained subject to appropriate conditions. As such it is considered that the above tests have been engaged and satisfied.

Open Space

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

Amenity Greenspace

48. Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in Ecclestone in relation to this standard, a contribution towards new provision in the settlement is therefore required from this development. The amount required is £140 per dwelling.

Provision for children/young people

49. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a surplus of provision in Ecclestone in relation to this standard, a contribution towards new provision in the settlement 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.

Parks and Gardens

50. There is no requirement to provide a new park or garden on-site within this development. 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

51. There is no requirement to provide new natural/semi natural greenspace on-site within this development. There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) 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.

Allotments

52. 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 a proposed new allotment site at Station Road, Croston (HW5.4). A contribution towards new allotment provision is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

53. 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.

54. The total financial contribution required from this development is £5,262.

Sustainable Resources

55. 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.”

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

Community Infrastructure Levy

57. 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. This development is CIL liable which is index linked.

Land Ownership

58. Concerns have been raised that part of the application site is outside of the land owners' ownership. The Council's Legal Section have done a land registry search in respect of the application site and confirmed that the proprietors are Paul Thomas Thompson and Sharon Marie Thompson, on which notice has been served by the applicants.

Overall Conclusion

59. In conclusion the proposals are considered to be acceptable. The acceptability of the principle of erecting three dwellings on this site has already been established by the grant of outline planning consent and 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

| Reference | Description | Decision | Date |
|------------------|---|-----------------|-------------|
| 14/00550/OUT | Outline application (all matters reserved) for the erection of up to three detached dwellings. | Approved | August 2014 |
| 14/00551/OUT | Outline application (all matters reserved) for the erection of 2 detached dwellings and the remodelling of the existing dwelling. | Approved | August 2014 |
| 15/00523/FUL | Erection of first floor side extension, single storey rear extension with balcony above and front porch | Approved | July 2015 |
| 15/00656/FUL | Erection of one detached dwellinghouse | Approved | August 2015 |

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 51 of the Planning and Compulsory Purchase Act 2004</p> |
| 2. | <p>Prior to the commencement of the development, due to the sensitive end-use of the development (residential housing with gardens), a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The report should include an initial desk study, site walkover and preliminary risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.</p> <p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.</p> <p>Reason: It is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</p> |
| 3. | <p>The proposed measures given in section 5.2.1 of the ecological survey and assessment by ERAP Ltd (March 2014) for the avoidance of impacts on protected and priority species shall be implemented in full. In the event that great crested newt (or other protected species) is unexpectedly encountered before or during site clearance or development work, then work shall stop until specialist advice has been sought regarding the need for a licence from Natural England and/or the implementation of necessary mitigation measures.</p> <p>Reason: In the interests of maintaining a favourable conservation status of protected species on the site.</p> |
| 4. | <p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the occupation of the any of the dwellings hereby approved. 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 and proposed finished levels. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p> <p>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</p> |

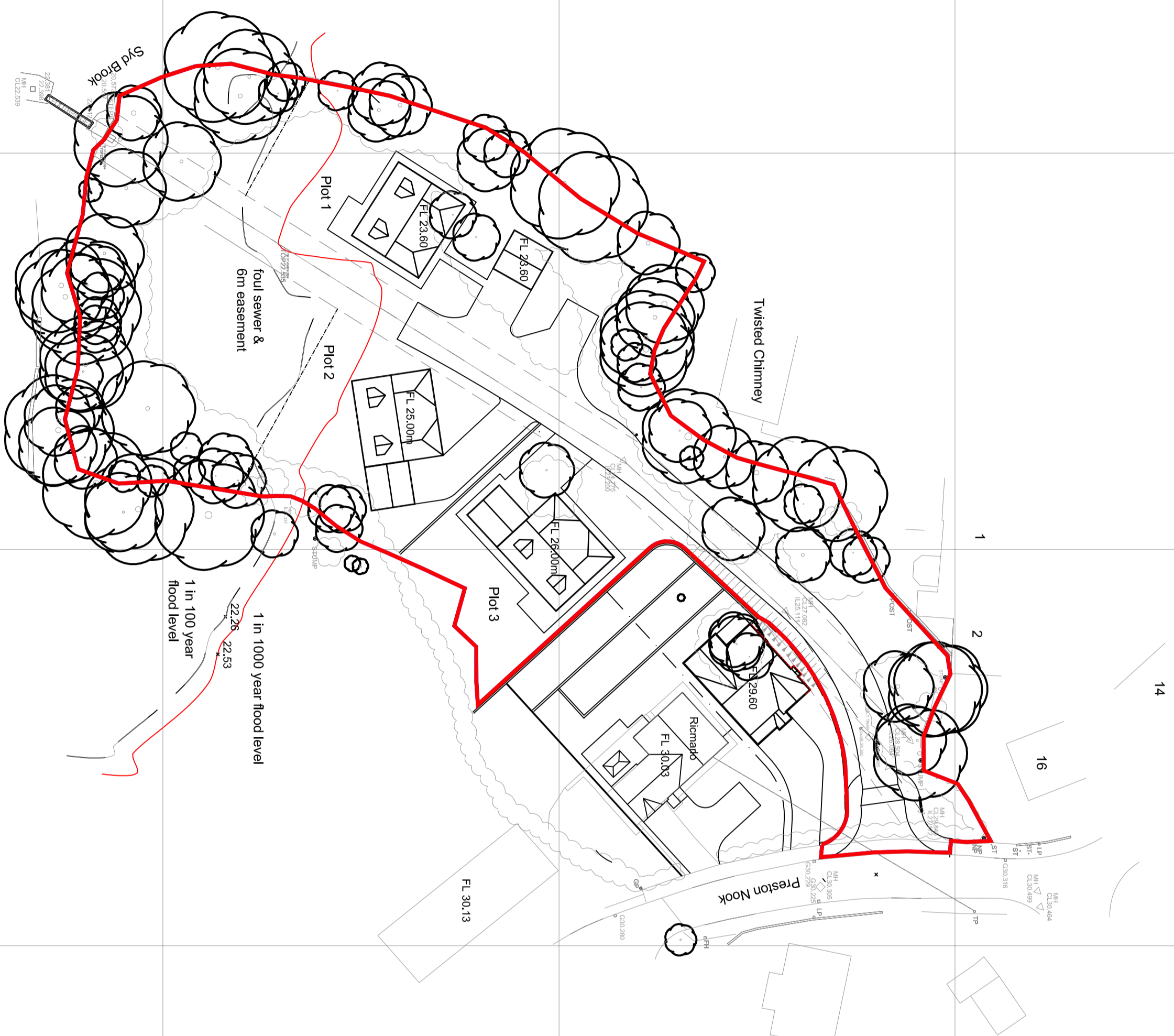
| | |
|-----|---|
| 5. | <p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: In the interest of the appearance of the locality</p> |
| 6. | <p>Plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), including Himalayan Balsam, Wall cotoneaster and Montbretia, which occur on the site 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: In the interests of eradicating and ensuring that Invasive & Injurious Weeds are permanently removed from the site</p> |
| 7. | <p>All trees being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines (e.g. BS5837:2012 Trees in relation to design, demolition and construction - Recommendations).</p> <p>Reason: In the interests of ensuring the continued protection of the trees on the site.</p> |
| 8. | <p>External lighting associated with the development shall be minimal, designed to avoid excessive light spill and shall not illuminate potential bat habitat (e.g. hedgerow, trees) and or/ bird breeding places. In particular, in accordance with the submitted Ecological Assessment, no lighting shall directly illuminate the retained and protected trees and shrubs along the boundaries of the site and there shall be no lighting of the proposed bat habitat e.g. proposed roosting opportunities and proposed planting. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).</p> <p>Reason: In the interests of maintaining a favourable conservation status of bats on the site.</p> |
| 9. | <p>The development hereby permitted shall only be carried out in accordance with the approved FRA (Ref: 738NE Version 1.0, dated 3 April 2014) and the following mitigation measures detailed within the FRA:</p> <p>1. Finished floor levels are set no lower than 22.90 metres above Ordnance Datum (AOD).</p> <p>The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p>REASON: To reduce the risk of flooding to the proposed development and future occupants.</p> |
| 10. | <p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the properties hereby approved shall be</p> |

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| | <p>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>Reason: In the interests of highway safety and to prevent flooding</p> |
| <p>11.</p> | <p>Prior to the commencement of the construction of the dwellings hereby approved samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p> |
| <p>12.</p> | <p>The new dwellings hereby approved 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 impact of the development</p> |
| <p>13.</p> | <p>Prior to the commencement of the construction of the dwellinghouses details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the dwellings 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> |
| <p>14.</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>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</p> |

| | part of new residential schemes in the interests of minimising the environmental impact of the development. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|--------------------------------|-------------------|---------------|---------------|------------|------------------------------|------------------------------|----------|------------------------------|-----------------------------|----------|------------------------------|---|----------|------------------------------|-------------------------------------|----------|------------------------------|--------------------|----------|------------------------------|-----------------------------|----------------|--------------------------------|------------------------------|----------------|--------------------------------|------------------------------|----------------|------------------------------|-----------------------------|----------------|------------------------------|
| 15. | <p>Prior to the occupation of the dwellinghouses hereby approved full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 16. | <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwelling(s), porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.</p> <p>Reason: In the interests of neighbour amenity.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17. | <p>The development hereby approved shall be carried out in accordance with the following plans:</p> <table border="1"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>15-060-1-1</td> <td>10th August 2015</td> </tr> <tr> <td>Proposed Floor Plans- Plot 1</td> <td>15-060-7</td> <td>10th August 2015</td> </tr> <tr> <td>Proposed Elevations- Plot 1</td> <td>15-060-8</td> <td>10th August 2015</td> </tr> <tr> <td>Proposed Floor Plans & Elevations- Plot 1</td> <td>15-060-9</td> <td>10th August 2015</td> </tr> <tr> <td>Foundation/ Chamber Plan & Sections</td> <td>15-060-4</td> <td>10th August 2015</td> </tr> <tr> <td>Proposed Site Plan</td> <td>15-060-1</td> <td>10th August 2015</td> </tr> <tr> <td>Proposed Elevations- Plot 3</td> <td>15-060-3 Rev B</td> <td>9th September 2015</td> </tr> <tr> <td>Proposed Floor Plans- Plot 3</td> <td>15-060-2 Rev B</td> <td>9th September 2015</td> </tr> <tr> <td>Proposed Floor Plans- Plot 2</td> <td>15-060-5 Rev A</td> <td>24th August 2015</td> </tr> <tr> <td>Proposed Elevations- Plot 2</td> <td>15-060-6 Rev A</td> <td>24th August 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 | 15-060-1-1 | 10 th August 2015 | Proposed Floor Plans- Plot 1 | 15-060-7 | 10 th August 2015 | Proposed Elevations- Plot 1 | 15-060-8 | 10 th August 2015 | Proposed Floor Plans & Elevations- Plot 1 | 15-060-9 | 10 th August 2015 | Foundation/ Chamber Plan & Sections | 15-060-4 | 10 th August 2015 | Proposed Site Plan | 15-060-1 | 10 th August 2015 | Proposed Elevations- Plot 3 | 15-060-3 Rev B | 9 th September 2015 | Proposed Floor Plans- Plot 3 | 15-060-2 Rev B | 9 th September 2015 | Proposed Floor Plans- Plot 2 | 15-060-5 Rev A | 24 th August 2015 | Proposed Elevations- Plot 2 | 15-060-6 Rev A | 24 th August 2015 |
| Title | Drawing Reference | Received date | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Location Plan | 15-060-1-1 | 10 th August 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Proposed Floor Plans- Plot 1 | 15-060-7 | 10 th August 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Proposed Elevations- Plot 1 | 15-060-8 | 10 th August 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Proposed Floor Plans & Elevations- Plot 1 | 15-060-9 | 10 th August 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Foundation/ Chamber Plan & Sections | 15-060-4 | 10 th August 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Proposed Site Plan | 15-060-1 | 10 th August 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Proposed Elevations- Plot 3 | 15-060-3 Rev B | 9 th September 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Proposed Floor Plans- Plot 3 | 15-060-2 Rev B | 9 th September 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Proposed Floor Plans- Plot 2 | 15-060-5 Rev A | 24 th August 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Proposed Elevations- Plot 2 | 15-060-6 Rev A | 24 th August 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 18. | <p>Before any tree felling is carried out full details (including species, number, stature and location) of 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> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | Reason: To safeguard the visual amenity of the area |
| 19. | <p>Opportunities for biodiversity enhancement shall be incorporated into the new development. These should include:</p> <ul style="list-style-type: none"> • Bat bricks and/or tubes within the new development • Bat boxes • Bird boxes • Native tree and shrub planting • Bolstering of hedgerows <p>Prior to the commencement of the construction of the first dwellinghouse hereby permitted full details of the measures to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved measures.</p> <p>Reason: to ensure the continued protection of protected and their habitats and to maintain a favourable conservation status at the site</p> |
| 20. | <p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.</p> <p>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</p> |
| 21. | <p>No tree/ vegetation removal shall be undertaken during the bird nesting season (March to July inclusive) unless a survey for nesting birds has been first undertaken, submitted to and approved in writing by the Local Planning Authority which demonstrates the absence of nesting birds.</p> <p>Reason: To ensure the protection of any birds which may be nesting within trees/ vegetation which will be felled/ removed as part of the proposals</p> |
| 22. | <p>During the construction period temporary fencing shall be erected along the bank of Syd Brook and ditch 1 to protect the river corridor and prevent debris and construction material from encroaching into this area. Prior to the commencement of the development full details of the temporary fencing shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall thereafter be retained during the construction and operational phase of the development in accordance with the approved details.</p> <p>Reason: to ensure the protection of Eller Brook during the construction period.</p> |
| 23. | <p>The garages hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation.</p> <p>Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking</p> |
| 24. | All windows in the north east elevation of plot 2 hereby permitted shall be fitted |

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| | <p>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 property.</p> |
| 25. | <p>Prior to the commencement of the development 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> |



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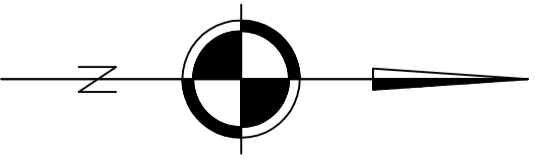
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NOTES AND AMENDMENTS
 ALL DIMENSIONS TO BE CHECKED
 ON SITE BEFORE WORK COMMENCES.
 FIGURED DIMENSIONS TO TAKE PREFERENCE
 OVER THOSE SCALED

REVISIONS

| REV. | DESCRIPTION | DRAWN | CHKD. | DATE |
|------|-------------|-------|-------|------|
| | | | | |
| | | | | |
| | | | | |



DO NOT SCALE from this drawing
 All dimensions must be verified on the site before setting out.
 commencing work, with any discrepancies reported to JLP Design UK Ltd

JLP DESIGN & ENGINEERING LTD
 Suite 25
 Redway House
 King Street
 Wigan
 WN1 1BT
 Tel - 01942 243313
 Fax - 01942 402230
 Mobile - 07917 878010
 EMAIL - jlpdesignuk@googlemail.com

PROJECT
 Preston Nook,
 Eccleston,
 PR7 5TL.

DRAWING TITLE
 Location Plan

| SCALE | SHEET SIZE | No. of SHEETS | DATE | REVISION |
|-----------------------|------------|---------------|----------|----------|
| 1:500 | A2 | 1 | 21.05.15 | |
| DRAWING NUMBER | | | | |
| 15-060-1-1 | | | | |

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| Item 3d | 15/00540/FULMAJ |
| Case Officer | Ian Heywood |
| Ward | Lostock |
| Proposal | Erection of a large single private dwelling including the conversion of the existing stable block, conversion of barn to form swimming pool with link to the main house, creation of sunken garden on the former site of Croston Hall, repair and restoration of the Church of the Holy Cross, the completion of the kennels conversion and the repair of the fishponds, gardens, main gates and Hall Bridge. |
| Location | Croston Hall Estate, Grape Lane, Croston, Leyland |
| Applicant | Mr & Mrs Counce |
| Consultation expiry: | 21 July 2015 |
| Decision due by: | 24 September 2015 (time extension agreed until 2nd October) |

Recommendation

Approve full planning permission subject to the associated legal agreement following referral to the Secretary of State

Executive Summary

The main issues to consider are whether the proposal accords with the policies contained within the adopted Local Plan. For the reasons set out below it is considered that the proposal is consistent with the aims of the development plan and the Framework and represents a sustainable form of development within the Parish of Croston.

Representations

Croston Parish Council: fully supports this application.

In total 1 representation has been received which is summarised below

- The single representation received queries the works required to facilitate access to the site from Grape Lane close to the junction with Syd Brook Lane. Comment is made that the current entrance will need to be widened to accommodate delivery vehicles.

These details have now been supplied and are included within the condition appertaining to 'approved plans'.

Consultees

| Consultee | Summary of Comments received |
|--|---|
| Greater Manchester Ecology Unit | No objections raised, informatives have been suggested. |
| Lancashire County Council Highways | No objections. |
| Lancashire County Council Archaeology | No objections, conditions have been suggested. |
| Lancashire Police Architectural Liaison | No objections, suggestions made regarding design. |
| Lead Flood Authority | No objections subject to suggested conditions. |

Assessment**Planning Policy Position**

1. 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 (2015) 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.
2. 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.

Description of the site

3. Croston Hall Estate is a small fragment of a once expansive country estate that dates back to the Norman Conquest. At least three hall buildings have occupied the site previously, the last being designed by Edward Welby Pugin (son of Augustus Welby Northmore Pugin, the high priest of Gothic Revival in England in the first half of the 19th Century and famous for buildings such as the Palace of Westminster, Scarisbrick Hall and Stoneyhurst College, amongst others) in the Victorian Gothic Revival style. This building was regrettably demolished in the 1960s and all that remains are some piles of rubble that fill the former cellars, the Chapel of the Holy Cross, the former stable block and the former kennel building. Much of the designed landscape, which is of considerable historic significance, remains. This includes a sizeable fish pond, walled garden and formal tree planting.
4. The site lies within the Croston Conservation Area, designated by Chorley Borough Council in 1969 and the Chapel of the Holy Cross is grade II listed. The site is also within the Green Belt and to a large extent is surrounded by open countryside on the south eastern fringe of Croston.
5. The site includes a significant number of mature trees, many of which dating from the original planting scheme. The previous owner undertook considerable work to these trees to weed out self-sown saplings and poorer examples to restore the original splendour of the parkland. The current owner has replanted the historic avenue of lime trees that line the carriage drive (outside the current application site) as part of the wider plan to restore at least some of the magnificence of this fine country estate.
6. Consent has previously been granted for the repair and conversion of the former stable block and kennels to single residential units – i.e. two dwellings in total (00/00480/COU and 00/00488/COU). This permission has been effectively implemented with strengthening and rebuilding works undertaken to the stable block and full repairs to the kennels having been completed.

AssessmentPrinciple of development

7. Policy 1 of the Adopted Core Strategy, which was adopted post Framework and as such is compliant with The Framework, states:

Focus growth and investment on well located brownfield sites and the Strategic Location of Central Preston, the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble, whilst protecting the character of suburban and rural areas. Some greenfield development will be required on the fringes of the main urban areas. To promote vibrant local communities and support services, an appropriate scale of growth and investment will be encouraged in identified Local Service Centres, providing it is in keeping with their local character and setting, and at certain other key locations outside the main urban areas.

Growth and investment will be concentrated in:

- (a) The Preston/South Ribble Urban Area comprising:
- i. The Central Preston Strategic Location and adjacent inner city suburbs, focussing on regeneration opportunities in Inner East Preston, the Tithebarn Regeneration Area and the New Central Business District Area in particular.
 - ii. The northern suburbs of Preston, focussing on Local Centres, with greenfield development within the Cottam Strategic Site and the North West Preston Strategic Location.
 - iii. The settlements south of the River Ribble, comprising:
 - Penwortham, focussing on the regeneration of the District Centre, but with some greenfield development at the South of Penwortham and North of Farington Strategic Location.
 - Lostock Hall, focussing on the regeneration of brownfield sites.
 - Bamber Bridge, focussing on the regeneration of the District Centre and brownfield sites.
 - Walton-le-Dale, Higher Walton, focussing on brownfield sites.
- (b) The Key Service Centres of:
- ii. Leyland / Farington, focussing on regeneration of Leyland Town Centre* and brownfield sites.
 - iii. Chorley Town, focussing on the regeneration of the Town Centre* but with some greenfield development.
 - iv. Longridge, where land within Central Lancashire may be required to support the development of this Key Service Centre in Ribble Valley.
- (c) Strategic Sites allocated at:
- i. BAE Systems, Samesbury – employment
 - ii. Cuerden (Lancashire Central) – employment
 - iii. Buckshaw Village – mixed use
- (d) Some growth and investment will be encouraged at the following Urban Local Service Centres to help meet housing and employment needs:
- i. Adlington
 - ii. Clayton Brook/Green
 - iii. Clayton-le-Woods (Lancaster Lane)
 - iv. Coppull
 - v. Euxton
 - vi. Whittle-le-Woods
- (e) Limited growth and investment will be encouraged at the following Rural Local Service Centres to help meet local housing and employment needs and to support the provision of services to the wider area:
- i. Brinscall / Withnell
 - ii. Eccleston
 - iii. Longton

(f) In other places - smaller villages, substantially built up frontages and Major Developed Sites - development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.

The policy confirms that growth and investment will be focussed on well-located brownfield sites and the Strategic Location of Central Preston, the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble, whilst protecting the character of suburban and rural areas.

8. This part of the Borough is not identified for growth and although Policy 1 does allow for small scale development, limited to appropriate infilling, conversion of buildings and proposals to meet local need, a large scale development as proposed does not meet any of the criteria for such locations.
9. The site is also located within the Green Belt. National guidance on Green Belt is contained in Chapter 9 of the Framework which states:

79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

80. Green Belt serves five purposes:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

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.

*89. A local planning authority should regard the **construction of new buildings as inappropriate** in Green Belt.*

10. There are exceptions to paragraph 89 although the proposed development does not fall into any of the exceptions. The proposed development therefore 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. These are considered further below.
11. The Adopted Central Lancashire Rural development SPD (2012) mirrors paragraph 89 of the Framework.

Applicants Case

12. In this case the agent has suggested the following as very special circumstances.
13. In addition to the Heritage Statement the application is also accompanied by a Heritage Commentary document. This describes the historical development of the site and demonstrates that there has been a long history of development on this site, there

being at least three hall buildings since the time of the Norman Conquest in 1066. In effect this document asserts that the proposed development will re-establish a building on the site of comparable scale to the previous halls and will effectively plug the gaping hole in the historical timeline and heritage of the area as a whole that was created when the last hall was demolished in the 1960s. The current situation is therefore akin to a rural manor bereft of its manor house. This application therefore seeks to rectify this situation with a building of suitable magnitude. It is clear from the public consultation exercises that the applicant has undertaken that many local people empathise with the desire to re-establish a hall building of suitable magnitude on the site and the proposal is widely welcomed.

14. Regeneration of the site will also facilitate the conservation of the historic designed landscape, which until the site was purchased by the current owner, was in very real danger of being lost forever through dereliction and neglect. The assertion is that allowing development and reuse of the site, it will enable the conservation of the heritage assets that remain.
15. Previously the site had been looted of many historic artefacts by opportunist thieves and vandals who removed stonework, statuary and other garden features. The current proposal seeks to restore at least some of these and will provide much needed security for the site and the artefacts that remain.
16. Once again the Croston Hall Estate will become the much missed historic metaphorical anchor that has for so long been missing from the settlement that roots its history back to the 11th Century and will serve to re-establish the communal value of the site.
17. In short the Heritage Commentary concludes that the regeneration of this lost estate will provide benefit to the wider community, which clearly places great importance on conserving heritage assets both now and for future generations.
18. The Special Circumstances document submitted with the application begins by examining the reasons why Green Belt areas are defined as follows:
 - a. To check the unrestricted sprawl of large built-up areas – Croston is not a large built-up area.
 - b. To prevent neighbouring towns merging – Croston and its neighbouring settlements are villages that show no sign of merging.
 - c. To assist in safeguarding the countryside from encroachment – The site in question has been established for over 500 years and has been mapped since at least the earliest maps – 1837 tithe map. The proposal respects these long established boundaries and does not therefore represent encroachment.
 - d. To preserve the setting and character of historic towns – the site forms part of the historic, Medieval, pattern of development in Croston and the proposed development will preserve that setting and character.
 - e. To assist in urban regeneration by encouraging the recycling of derelict and other urban land – In effect this proposal is for the regeneration of derelict land that happens to be in the Green Belt.
19. The Special Circumstances document continues by describing the historical development of the site, that there has been a hall building within the site since the 11th Century. Although the last hall building is no longer extant, many of the ancillary buildings and the designed landscape remain. Indeed historical research demonstrates that the Medieval patterns of field and estate boundaries are well defined in Croston and that the Croston Hall Estate perpetuates these historic boundaries. It is both unfortunate and unusual that the manorial estate, established since the 11th Century has, relatively speaking, only lost its hall in recent times. It is particularly unfortunate as the building survived the immediate post-war period of decline in the numbers of country houses where many were lost to avoid payment of prohibitive death duties.

20. Croston's medieval layout survives remarkably well, with the Croston Hall Estate as an integral feature of this. The current proposal will not only reinstate the missing focal point, the hall, from that layout but will also facilitate the conservation of the designed historic landscape and enable further archaeological research into the previous hall site – which for legal reasons cannot be redeveloped - that will facilitate a greater understanding of the history of the site overall.
21. It is suggested that the potential benefits in repairing and conserving the historic designed landscape will improve the character of the Green Belt at this point and that these benefits outweigh any harm caused.
22. The document provides examples of other similar houses that have been developed in the Green Belt:
 - Hitchambury Farm – Seymour Smith Architects, granted permission at appeal in September 2014. In this case in addition to exemplary design the very special circumstances cited are the use of better than zero carbon construction by exporting energy to the grid and exceeding Passivhaus standards. The Inspector also referred to the enhancement of damaged or derelict land.
 - The Burrows – Paul Tesla Architecture, Stocksbridge near Sheffield, granted in September 2012. Again paragraph 55 and exemplary design were quoted and once again the enhancement of a derelict site was cited as the requisite very special circumstance.
23. The document continues with other 'special circumstances' as outlined in the Framework.
 - Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets. Whilst the remaining structures and landscape are non-designated, they are clearly heritage assets as remaining elements of a surviving historic designed landscape and a medieval pattern of development. The proposed development will secure the surviving historic features and provide them with a sustainable and secure future.
 - Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting – The proposed development will see the re-use of currently redundant buildings and the re-establishment of the historic landscape, thus enhancing the wider conservation area in which the site sits.
24. The statement adds the following information as justification for the proposed development. Paragraph 6 of the Framework states:
The purpose of the planning system is to contribute to the achievement of sustainable development', whereby sustainable development is separated into three categories:
 - Economic – If granted the development will, wherever possible, use local craftsmen who will be employed for approximately two years. Whilst of only a temporary nature this will still have economic benefits for the area and could enhance property values in the area;
 - Social – evidence of public consultation shows overwhelming support for the development. The proposals will allow public access to the Church of the Holy Cross on an albeit limited basis and it is intended to produce an exhibition to showcase the results of the archaeological investigations;
 - Environmental – The proposal will conserve an historic landscape but will also improve biodiversity and ecological significance through the careful reintroduction of native flora and fauna to the site and by improving the water quality of the fish pond which has become seriously degraded.

25. Finally the statement asserts that the building will exceed the Council's stated policy on sustainable development and meet the aspirations of the Framework by the adoption of a 'fabric first' approach, plus the use of ground source heat pumps and solar p.v. which are anticipated to enable excess supply to be sold back to the grid.

Assessment of Very Special Circumstances

26. The two examples put forward by the applicants in respect of similar large dwellings that have been approved in the Green Belt since the publication of the Framework are different to the situation at Croston as the designs are specific to the landscape and the proposals involved the erection of a house constructed to Passivhaus standards.
27. The supporting information considers that the proposal does not result in encroachment into the countryside. However, the main part of the proposal (the large detached dwellinghouse) is located on previously undeveloped land within the walled garden which has always been free of built development. Although there has historically been a house within the grounds, this was located in a different position to the proposed dwelling and subsequently the remains of the permanent structure, or fixed surface structure, have blended into the landscape in the process of time. As such the proposal will result in the encroachment of built development into the countryside contrary to one of the purposes of including land within the Green Belt. Similarly it is not considered that the proposal assists in urban regeneration by encouraging the recycling of derelict and other urban land as suggested by the applicant as the land is not derelict. However, it is important to note that the proposal is specific to this site and would not have the same justification on derelict and other urban land which this purpose relates to.
28. Whilst the sustainability credentials of the proposed dwelling are noted and commended, it is important to note that the proposal does not propose a house constructed to Passivhaus standards (as is the case in the other two approved examples) and it is not considered that the sustainability principles forwarded in support of the proposal outweighs the harm to the Green Belt.
29. The proposal represents inappropriate development and conflicts with the purposes of including land within the Green Belt. Substantial weight is afforded to the harm caused by the development by virtue of its inappropriateness and the harm to the openness of the Green Belt. However in the case of this site it is considered that the following points are material to the consideration of the proposal:
- The proposed development will re-establish a building on the site of comparable scale to the previous halls and will effectively plug the gaping hole in the historical timeline and heritage of the area as a whole that was created when the last hall was demolished in the 1960s.
 - Regeneration of the site will facilitate the conservation of the historic designed landscape. Allowing the development and reuse of the site will enable the conservation of the heritage assets that remain.
 - The current proposal seeks to restore some of the historic artefacts and will provide security for the site and the artefacts that remain.
 - The Croston Hall Estate will become the historic metaphorical anchor that has for so long been missing from the settlement that roots its history back to the 11th Century and will serve to re-establish the communal value of the site.
 - Croston's medieval layout survives remarkably well, with the Croston Hall Estate as an integral feature of this. The current proposal will reinstate the missing focal point, the hall, from that layout but will also facilitate the conservation of the designed historic landscape and enable further archaeological research into the previous hall site.
 - The proposed development will secure the surviving historic features and provide them with a sustainable and secure future.
 - The proposed development will see the re-use of currently redundant buildings and the re-establishment of the historic landscape, thus enhancing the wider conservation area in which the site sits.

30. The scale of the proposed dwelling is quite substantial, however it is comparable to the scale of the Pugin designed hall that was demolished in the 1960s and is considered to be of appropriate magnitude to plug the hole in the historical timeline of development within the site. A manor house, which is in essence what the proposed development will be, needs to be of a certain scale to provide it with the required gravitas. In this case, it is considered that the proposed development meets this requirement, but is not excessive.

Other Considerations

31. Paragraph 55 of the Framework states that, '*...Local authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:(fourth bullet point) The exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
- *Be truly outstanding or innovative, helping raise standards of design more generally in rural areas;*
 - *Reflect the highest standards in architecture*
 - *Significantly enhance its immediate setting; and*
 - *Be sensitive to the defining characteristics of the local area.'*
32. There is no inherent reason why the innovative aspects of the scheme would have to be located in the Green Belt and paragraph 55 of the Framework does not specifically deal with the Green Belt. On the other hand, the Framework does not require a sequential approach when looking at the merits of proposals in the Green Belt and there is nothing to say that the special circumstances in paragraph 55 should not apply in the Green Belt.
33. As the Framework states, great weight should be given to outstanding or innovative designs which help raise the standard more generally, which reflect the highest standards in architecture, which significantly enhance the immediate setting and which are sensitive to the defining characteristics of the local area. This does not automatically mean a good design should result in the relaxation of Green Belt policy. However, truly innovative and exemplar design when taken in combination with the wider impacts on the wider Green Belt may, in very exceptional cases, be justifiable.
34. The issue raised by paragraph 55 of the Framework has been, on the advice of the Council, tested in terms of an assessment of the quality of architecture proposed by opening up the proposal, prior to submission of the application, to independent scrutiny by the Places Matter Design Review Panel. They overwhelmingly support the proposal, praising the quality of the design and agreeing that it is of exceptional quality. It should be stressed that outstanding or innovative design need not always be of a contemporary style. There are a number of similar cases throughout the country where in fact a traditional, classically inspired design has been considered by the local design review panel to be of an equally high quality and innovative nature as any contemporary design. One such design is that for a new dwelling in Warwickshire, where Rugby Borough Council approved a substantial and quite prominent classically designed house in the open countryside (reference R13/2000) in December 2014. It is therefore considered that the requirements of the Framework in respect to paragraph 55 have been met and that the principle of development is acceptable by virtue of the high quality innovative design. The design is also considered to achieve all the design objectives set out in paragraphs 56, 57, and 60 – 65 of the Framework.
35. Pertinent Policies are: Adopted Central Lancashire Core Strategy (2012), Policy 17; Adopted Central Lancashire Design SPD (2012); Adopted Chorley Local Plan (2015), Policy BNE1.
36. A key thrust of these policies is the desire to encourage high quality and innovative design. Paragraph 56 of the Framework states that, '*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute*

positively to making places better for people'. Paragraph 57 continues, 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider development schemes.'

37. Paragraphs 60 – 65 not only reinforce the need for good design and design which responds to context, but also the benefits of using independent design review arrangements to ensure high standards of design. Paragraph 63 states that, *'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'* Paragraph 65 concludes that, *'Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.'*
38. On advice from the Council, the applicant sought the independent advice of the Places Matter Design Review Panel prior to the submission of the application. The comments received from the Design Review Panel confirm that the proposed design is high quality.
39. It is therefore considered that the proposal represents the highest quality of design and that consequently it accords with the aforementioned policies.

Impact on the appearance of Croston Conservation Area and the significance of this designated heritage asset

40. Paragraphs 66 and 72 of the Planning (Listed Buildings 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.
41. In this particular instance Section 72 is pertinent as the site is located within the Croston Conservation Area. Whilst this conservation area was designated in 1969, after the Pugin designed Croston Hall building had been demolished, it was, and still is, recognised that this site was always occupied by a substantial building that was in part framed by the entrance and carriage drive but also by the abundance of trees that continue to maintain the historic sylvan setting.
42. The designed landscape including the fishpond and the former ancillary buildings are key remnants of the historic landscape and this part of the Croston Conservation Area. The sympathetic and informed design process that the applicant's agent has followed, after consultation with the case officer, is considered to preserve the appearance of the conservation area at this point such that the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been met.

43. Paragraphs 129, 132, 133, 134, 136, 137 and 138 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.
44. 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.'
45. 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.'
46. 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.'
47. 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.'
48. Paragraph 136 continues by stating that, 'Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'
49. Paragraph 137 states that, 'Local planning authorities should look for opportunities for new development within Conservation Areas or World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the heritage asset should be treated favourably.'
50. Paragraph 138 states that, 'Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated as either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage site as a whole.'
51. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage

Assets. This policy mirrors that given in the Framework and states that it seeks to, 'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:

- a. Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'
52. The Adopted Chorley Local Plan (2015), 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.'
53. In this case the applicant, via their agent, undertook extensive pre-application discussions with the case officer as regards the design and overall impact of the proposed development upon the significance of the Croston Conservation Area, a designated heritage asset.
54. Furthermore the applicant commissioned and submitted a detailed Heritage Statement drawing upon previously published and unpublished research material. It is clear that the submitted proposal has been informed by the evidence cited within the heritage statement as the key elements that provide the site and the wider conservation area with their significance are recognised, and will be sustained or enhanced as a result of this proposal.
55. The proposal is considered to be sympathetic and respectful to the site and the conservation area as a whole and to enhance the site by providing it with a new and sustainable economic use that will conserve it for future generations.
56. This being the case it is considered that the requirements of the aforementioned policies have been met.

Impact on the amenity of neighbours

57. Pertinent Policies are: Adopted Chorley Local Plan (2015), Policy BNE1. This policy, amongst other things, suggests that any proposed development should not have an unacceptable impact upon the amenity currently enjoyed by neighbouring properties.
58. Given the size and nature of the site, the distance to the nearest neighbouring property, Mill Brow, (140 metres) and the abundance of mature trees within the site it is considered that the amenity currently enjoyed by any neighbouring property will not be adversely affected by the proposed development. As such the proposed development is considered to accord with the aforementioned policies.

Highway Safety and Parking

59. Pertinent Policies are: Adopted Chorley Borough Local Plan (2015), Policy ST4.
60. LCC Highways have commented that they have no objection to the proposed development. Furthermore it meets the parking requirements as set out in the aforementioned policy.
61. The proposed development is consequently considered to accord with the aforementioned policy.

Flood Risk

62. Pertinent policies are: adopted Central Lancashire Core Strategy (2012), policy 29.
63. The Lead Flood Authority has provided comments on the application, including the

submitted Flood Risk Assessment (FRA) and consider the proposal to be acceptable subject to a number of conditions. These have been suggested as pre-commencement conditions and include the implementation of mitigation measures identified in the FRA, the submission of sustainable drainage details and the implementation thereof together with a scheme for their future management. Furthermore the design of the new dwelling has been adapted such that ground floor accommodation has floor levels raised above the required flood risk level.

64. As such the proposed development is considered to accord with the aforementioned policy.

Ecology

65. Pertinent policies are: Adopted Central Lancashire Core Strategy (2012), Policy 22; and Adopted Chorley Local Plan (2015), Policy BNE9. These policies, together with other legislation, seek to safeguard protected and endangered species and their habitats.

66. The Greater Manchester Ecology Unit has commented on the application and the submitted surveys that accompany the application:

- That the proposed development will not affect bat roosts.
- That the proposed development will not affect great crested newts.
- That the proposed development will not affect any sites designated for their nature conservation importance

67. A number of conditions and informatives are recommended that will safeguard these and other species that are not specifically protected but that are on the endangered list.

68. Also included are further conditions and informatives with respect to the potential for enhancement of habitats, which the applicant has already recognised and reflected in the proposed enhancements to wildlife habitats as part of the landscaping plans.

69. Overall the proposed development is considered to accord with the aforementioned policies.

Open Space

70. Pertinent Policies are: Adopted Chorley Local Plan (2015), Policies HS4A and HS4B. Adopted Central Lancashire Open Space and Playing Pitch SPD (2013). A Section 106 Agreement has been requested that seeks the following financial contributions with the associated heads of terms:

Amenity Greenspace

Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.

There is currently a deficit of provision in Lostock 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

Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.

There is currently a deficit of provision in Lostock in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £134 per dwelling.

Allotments

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 a proposed new allotment site at Land East of Station Road Croston (HW5.4). A contribution towards new allotment provision is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

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.

THE TOTAL FINANCIAL CONTRIBUTION REQUIRED FROM THIS DEVELOPMENT IS AS FOLLOWS:

| | |
|----------------------|-----------------|
| Amenity greenspace | = £140 |
| Equipped play area | = £134 |
| Parks/Gardens | = £0 |
| Natural/semi-natural | = £0 |
| Allotments | = £15 |
| Playing Pitches | = £1,599 |
| Total | = £1,888 |

CIL

71. The proposed development is liable for the community infrastructure levy.

Overall Conclusion

72. The purpose of the planning system is to contribute to the achievement of sustainable development. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;
- moving from a net loss of bio-diversity to achieving net gains for nature;
- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure; and
- widening the choice of high quality homes

73. In terms of the three dimensions of sustainable development it is considers that the proposals contribute to these as follows:

| Social Dimension | Economic Dimension | Environmental Dimension |
|--|--|---|
| <ul style="list-style-type: none"> • Conversion of existing buildings and bringing the site back into beneficial use. • Financial contributions towards local education and public services and infrastructure to be made through the CIL charge | <ul style="list-style-type: none"> • Community Infrastructure Levy payment • Off site open space contribution for sports pitches as required by Chorley Council. • The development will provide a high quality, | <ul style="list-style-type: none"> • A high-quality, innovate design in accordance with Paragraph 55 of the Framework • 'Fabric first' approach, plus the use of ground source heat pumps and solar pv • Conservation of the |

| | | |
|--|--|---|
| <ul style="list-style-type: none"> • Contribution to public open space in Croston and Borough wide • Will secure the surviving historic features and provide them with a sustainable and secure future. • Restore some of the historic artefacts • Will re-establish the communal value of the site • Public access to the Church of the Holy Cross | <p style="text-align: center;">innovatively designed house</p> | <p style="text-align: center;">historic designed landscape</p> <ul style="list-style-type: none"> • Will enhance the wider conservation area • Environmental enhancement of the landscape, improved habitats and species diversification. |
|--|--|---|

74. It is considered that the development of the site for a dwellinghouse is inappropriate development that would result in significant harm to the Green Belt. The benefits that have been identified by the applicants do not individually amount to very special circumstances however when taken together, cumulatively, they are material. Accordingly weight can be attached to those positive aspects of the development proposal as set out above.

75. The high quality and innovative design is not considered to be a very special circumstance in terms of Green Belt but does weigh in favour of the proposal in terms of contributing to sustainable development in respect of the proposal.

76. On balance, it is considered that very special circumstances have been demonstrated that outweigh the harm that would be caused to the Green Belt through inappropriateness and any other harm. Accordingly planning permission is recommended subject to the associated legal agreement.

77. If Members are minded to approve the application please note it is not open to Members to determine the application as it will have to be referred to the Secretary of State under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 as the proposal constitutes inappropriate development incorporating the provision of a building where the floor space to be created is 1,000 square metres or more. The Secretary of State will then determine whether he wants to call in the application for determination or whether this can be determined at the local level.

Planning History

| Reference | Description | Decision | Date |
|--------------|--|----------|------------------|
| 00/00480/COU | Change of use and conversion of former kennels to dwelling | Approved | 29 August 2000 |
| 00/00488/COU | Change of use of stables to dwelling | Approved | 29 November 2000 |

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 51 of the Planning and Compulsory Purchase Act 2004</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. | <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="0" data-bbox="379 533 1177 987"> <tr> <td>Drawing:</td> <td>Title:</td> <td>Date:</td> <td></td> </tr> <tr> <td>159-01(02)003</td> <td>Proposed Site Plan</td> <td>02.06.2015</td> <td></td> </tr> <tr> <td>159-01(02)004</td> <td>Estate Landscaping Plan</td> <td>02.06.2015</td> <td></td> </tr> <tr> <td>159-01(02)005</td> <td>Garden Landscaping Plan</td> <td>02.06.2015</td> <td></td> </tr> <tr> <td>159-01(02)210</td> <td>Basement Floor Plan as proposed</td> <td>02.06.2015</td> <td></td> </tr> <tr> <td>159-01(02)211</td> <td>Ground Floor Plan as proposed</td> <td>02.06.2015</td> <td></td> </tr> <tr> <td>159-01(02)212</td> <td>First Floor Plan as proposed</td> <td>02.06.2015</td> <td></td> </tr> <tr> <td>159-01(02)213</td> <td>Second Floor Plan as proposed</td> <td>02.06.2015</td> <td></td> </tr> <tr> <td>159-01(02)214</td> <td>Roof Plan as proposed</td> <td>02.06.2015</td> <td></td> </tr> <tr> <td>159-01(02)215</td> <td>Proposed Kennel Layout</td> <td>02.06.2015</td> <td></td> </tr> <tr> <td>159-01(02)220</td> <td>Elevations as proposed</td> <td>02.06.2015</td> <td></td> </tr> <tr> <td>159-01(02)221</td> <td>Barns elevations as proposed</td> <td>02.06.2015</td> <td></td> </tr> <tr> <td>159-01(02)222</td> <td>Elevations as proposed</td> <td>02.06.2015</td> <td></td> </tr> <tr> <td>159-01(09)010</td> <td>Proposed Secondary Site Access Temporary Works</td> <td>01.09.2015</td> <td></td> </tr> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p> | Drawing: | Title: | Date: | | 159-01(02)003 | Proposed Site Plan | 02.06.2015 | | 159-01(02)004 | Estate Landscaping Plan | 02.06.2015 | | 159-01(02)005 | Garden Landscaping Plan | 02.06.2015 | | 159-01(02)210 | Basement Floor Plan as proposed | 02.06.2015 | | 159-01(02)211 | Ground Floor Plan as proposed | 02.06.2015 | | 159-01(02)212 | First Floor Plan as proposed | 02.06.2015 | | 159-01(02)213 | Second Floor Plan as proposed | 02.06.2015 | | 159-01(02)214 | Roof Plan as proposed | 02.06.2015 | | 159-01(02)215 | Proposed Kennel Layout | 02.06.2015 | | 159-01(02)220 | Elevations as proposed | 02.06.2015 | | 159-01(02)221 | Barns elevations as proposed | 02.06.2015 | | 159-01(02)222 | Elevations as proposed | 02.06.2015 | | 159-01(09)010 | Proposed Secondary Site Access Temporary Works | 01.09.2015 | |
| Drawing: | Title: | Date: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 159-01(02)003 | Proposed Site Plan | 02.06.2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 159-01(02)004 | Estate Landscaping Plan | 02.06.2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 159-01(02)005 | Garden Landscaping Plan | 02.06.2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 159-01(02)210 | Basement Floor Plan as proposed | 02.06.2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 159-01(02)211 | Ground Floor Plan as proposed | 02.06.2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 159-01(02)212 | First Floor Plan as proposed | 02.06.2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 159-01(02)213 | Second Floor Plan as proposed | 02.06.2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 159-01(02)214 | Roof Plan as proposed | 02.06.2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 159-01(02)215 | Proposed Kennel Layout | 02.06.2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 159-01(02)220 | Elevations as proposed | 02.06.2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 159-01(02)221 | Barns elevations as proposed | 02.06.2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 159-01(02)222 | Elevations as proposed | 02.06.2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 159-01(09)010 | Proposed Secondary Site Access Temporary Works | 01.09.2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. | <p>No development to the part of the proposal referred to as the 'sunken garden' on the site of the former Croston Hall shall commence and the dwelling hereby permitted shall not be occupied unless and until the applicant has submitted to and received written approval for:</p> <ol style="list-style-type: none"> 1. A formal scheme of archaeological investigation on the former hall site before; 2. A detailed scheme for the creation of the garden features on the hall site which takes the results of the investigation into account; and 3. A scheme of archaeological recording or other works deemed to be necessary to mitigate the impact of the proposals. <p>Reason: To safeguard the historic site and ensure that appropriate records of any investigations are correctly catalogued.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4. | <p>Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5. | <p>Before the commencement of any works, full details of the proposed rainwater goods, including the eaves detail, to be used on the building shall have been submitted to and been approved in writing by the Local Planning Authority. All works undertaken on site should be strictly in accordance with the approved details.</p> <p>Reason: In the interests of the character and appearance of the building</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6. | <p>Prior to any works commencing details of the proposed fenestration (windows, doors and other joinery), to include full details at a scale of not less than 1:10 shall be submitted to and agreed in writing by the Local Planning Authority. All works shall then be undertaken strictly in accordance with the details as</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

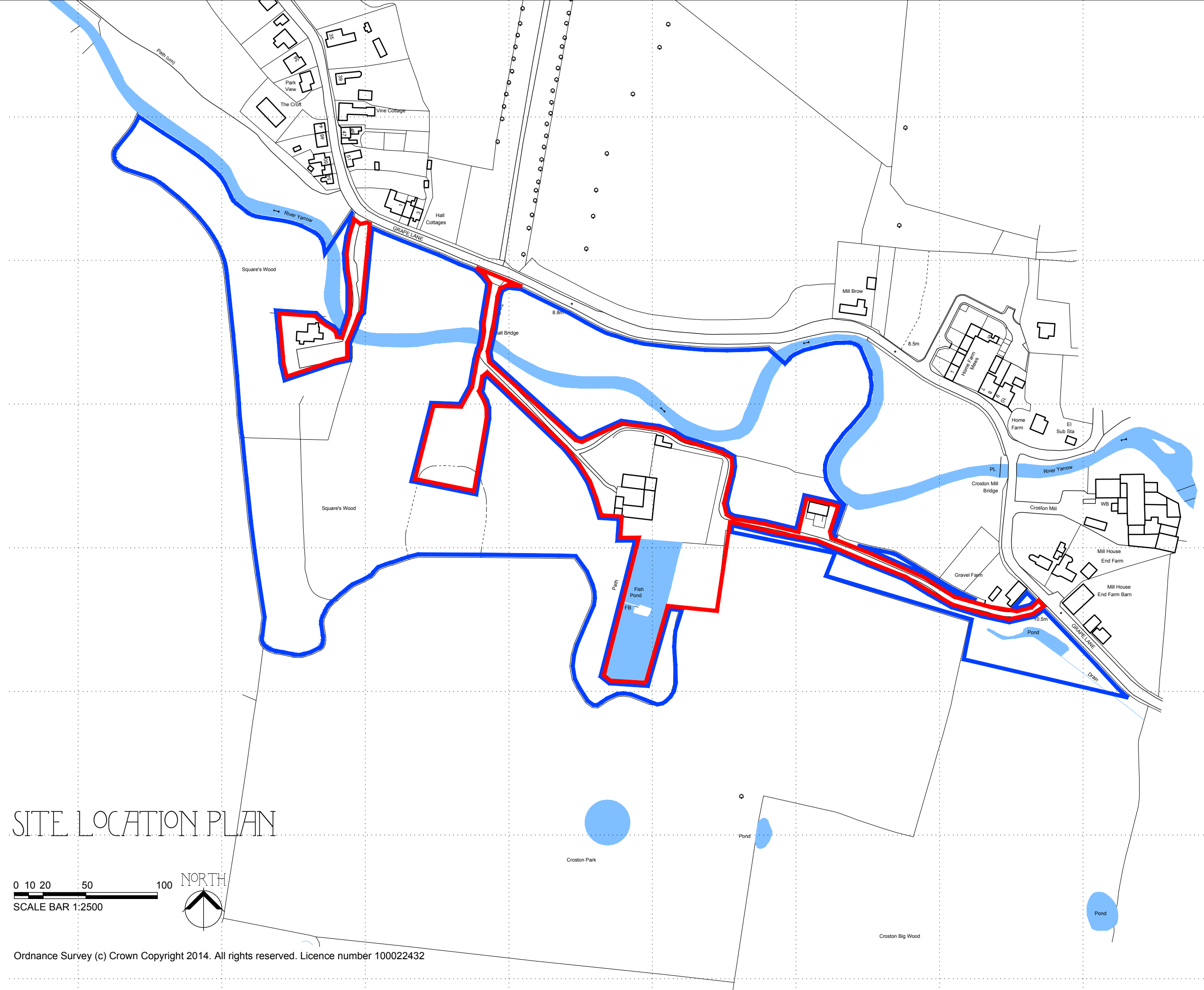
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| | <p>approved.</p> <p>Reason: To maintain the integrity of the historic building</p> |
| 7. | <p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p>Reason: Policy 27 of the Adopted 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 impact of the development.</p> |
| 8. | <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> |
| 9. | <p>The development hereby permitted shall not commence unless and until the applicant has received approval in writing from the Local Planning Authority for the details of a landscaping scheme, including works to the historic planned landscape and fishpond. Details are to include hard and soft landscaping works, planting schedules and method statement.</p> <p>Reason: To safeguard the integrity of the historic landscape.</p> |
| 10. | <p>The development hereby permitted shall not commence unless and until the applicant has received approval in writing from the Local Planning Authority for the details of the proposed works to the two bridges contained within the site boundary. Details are to include materials and method statements.</p> <p>Reason: To safeguard the integrity of the historic landscape and the significance of non-designated heritage assets.</p> |
| 11. | <p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA)(NW/AD/SS/36656-Rp001) and the following mitigation measures detailed within the FRA:</p> <ol style="list-style-type: none"> 1. Limiting the surface water run-off to the proposed 3l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. 2. Provision of compensatory flood storage of 14.4m³ 3. Finished floor levels are set no lower than 9.5 m above Ordnance Datum (AOD). <p>The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.</p> <p>Reason</p> <ol style="list-style-type: none"> 1. To prevent flooding by ensuring the satisfactory storage of/disposal of |

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| | <p>surface water from the site. 2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. 3. To reduce the risk of flooding to the proposed development and future occupants</p> |
| <p>12.</p> | <p>No development shall commence until further 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. Those details shall include, as a minimum: 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; b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate which has been calculated at 10.4 litres per second. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. 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); d) Flood water exceedance routes, both on and off site; e) A timetable for implementation, including phasing as applicable; f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates; g) details of water quality controls, where applicable. 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 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 3. To ensure that water quality is not detrimentally impacted by the development Proposal.</p> |
| <p>13.</p> | <p>No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.</p> |

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| | <p>Reasons</p> <ol style="list-style-type: none"> 1. To ensure that the drainage for the proposed development can be adequately maintained. 2. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system. |
| <p>14.</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> <ol style="list-style-type: none"> a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company 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: <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; c) means of access for maintenance and easements where applicable. <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>15.</p> | <p>External lighting associated with the development shall be minimal, designed to avoid excessive light spill and shall not illuminate potential bat habitat (e.g. hedgerow, trees) and or/ bird breeding places. In particular lighting of or along the River course should be avoided.. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).</p> <p>Reason: In the interests of maintaining a favourable conservation status of bats on the site.</p> |
| <p>16.</p> | <p>No tree/ vegetation removal shall be undertaken during the bird nesting season (March to July inclusive) unless a survey for nesting birds has been first undertaken, submitted to and approved in writing by the Local Planning Authority which demonstrates the absence of nesting birds.</p> <p>Reason: To ensure the protection of any birds which may be nesting within trees/ vegetation which will be felled/ removed as part of the proposals</p> |
| <p>17.</p> | <p>During the construction period temporary fencing shall be erected along the bank of the river course to protect the river corridor and prevent debris and construction material from encroaching into this area. Prior to the</p> |

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| | <p>commencement of the development full details of the temporary fencing shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall thereafter be retained during the construction and operational phase of the development in accordance with the approved details. Reason: to ensure the protection of River Yarrow during the construction period.</p> |
| <p>18.</p> | <p>Opportunities for biodiversity enhancement shall be incorporated into the new development. These should include:</p> <ul style="list-style-type: none"> • installation of bird and bat boxes, • creation of wildflower plantings, • planting of aquatic and marginal plants <p>Prior to the commencement of the construction of the dwellinghouse hereby permitted full details of the measures to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved measures. Reason: to ensure the continued protection of protected and their habitats and to maintain a favourable conservation status at the site</p> |
| <p>19.</p> | <p>Prior to the commencement of the development full details of the works to the Fish Pond shall be submitted to and approved in writing by the Local Planning Authority. In particular the details shall include a Method Statement detailing the proposed works along with:</p> <ul style="list-style-type: none"> • Details of the measures for removing the existing fish prior to the works and their reinstatement into the pond following the works. • Details of new areas of reed within the restored pond • Details of new marginal and aquatic planting to be incorporated into the restored pond. • <p>Thereafter the works to the Fish Pond including the drain down shall be undertaken in late autumn/early winter and the pond shall be fully restored prior to the next spring following the works.</p> <p>Reason: to ensure the protection of common toads, to protect priority habitats for conservation, to ensure suitable habitat is maintained for toads to breed and to conserve and enhance the biodiversity value of the Pond.</p> |
| <p>20.</p> | <p>The development hereby permitted shall not commence unless and until the applicant has received written approval from the Local Planning Authority for a scheme for the arrangements for public access to the Church of the Holy Cross that is located within the application site.</p> <p>Reason: To secure the public benefit proposed by the proposed development.</p> |

- NOTES**
- All dimensions and levels are to be checked on site.
 - Any discrepancies are to be reported to the Shaw & Jagger Architects Ltd before any work commences.
 - This drawing shall not be scaled to ascertain any dimensions. Work to figured dimensions only.
 - This drawing shall not be reproduced without express written permission from Shaw & Jagger Architects Ltd.
 - Title overlay drawings and ownership boundaries are produced using all reasonable endeavors. Shaw & Jagger Architects Ltd cannot be responsible for the accuracy or scale discrepancy of base plans supplied to them.



| rev | date | drawn | checked |
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| A | 24/06/15 | MAB | EJ |

RED LINE BOUNDARY REVISED IN LINE WITH LA COMMENTS

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| drawing stage | FEASIBILITY |
| drawing status | FOR COMMENT |
| client | MR & MRS CAUNCE |

project
NEW HOUSE AT
CROSTON HALL
CROSTON

drawing title
SITE LOCATION PLAN

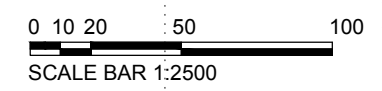
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| date | MAY '15 | drawn | MAB |
| scale | 1:2500@A3 | checked | EJ |

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Job No 159/01 (02)001 A
DWG No
Rev

SITE LOCATION PLAN



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| Item 3e | 15/00528/FULMAJ |
| Case Officer | Caron Taylor |
| Ward | Brindle And Hoghton |
| Proposal | Extension to existing marina by connecting it to the existing disused flooded quarry (known as the Shale Hole), new set of pontoons to create up to 22 new boat berths, new access and access track from Bolton Road, creation of new car park and new facilities building |
| Location | Canal Boat Cruises Riley Green Marina Bolton Road Withnell Preston PR5 0SP |
| Applicant | Canal Boat Cruises |
| Consultation expiry: | 6th August 2015 |
| Decision due by: | 2nd October 2015 |

Recommendation

The application is recommended for approval.

Representations

No representations received.

Consultees

| Consultee | Summary of Comments received |
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| LCC Highways | <p>The proposed extended part of the Marina will not be accessed from the existing access. Instead, a new access is proposed to the A675 Bolton Road about 370m south of the Riley Green Canal Bridge. The proposed access is an existing field access which is to be improved into a 6.0m wide access. The first 10m of the access into the site will be tarmac surfaced, but from this point, a stone track of width varying from 3.5m-6.0m will be constructed through the green belt for approximately 190m to a new car park to be provided at the extended Marina. To allow for vehicles to safely pass each other and as temporary stopping places on the track, the applicant proposes two passing places of length 14m and 15m staggered along the access track.</p> <p>They have no highway concerns for visibility at the proposed access and the applicant's proposal with regard to the access track is acceptable, but the issue as to whether the track is appropriate in the green belt is a matter for the Local Planning Authority to consider. It should however be noted that the applicant has stated in the submitted Design and Access Statement that the stone surface could be removed if use of the access is no longer required.</p> <p>As indicated above, the proposal includes a new car park at the extended Marina with capacity for 23 cars and a facilities building consisting of an office, shower, toilet rooms, a chandlery and a store. The car park will be made of plastic grasscrete to blend with the</p> |

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| | <p>surrounding greenery. The Marina will employ 12 full time staff. Given the rural location of the Marina and the lack of adequate infrastructure in the area to encourage alternative transport modes, it appears travel to the site by employees and visitors will mainly be by private cars. However, considering the scale of the proposed extension; the number of car parking spaces proposed and the proposed number of employees, they do not envisage any significant adverse highways and transportation impacts for the A675 Bolton Road and the surrounding highway network as a result of the proposal.</p> <p>They therefore confirm that the proposal is acceptable from a highways point of view. They suggest an advice note is attached to any approval.</p> |
| <p>Police Architectural Liaison Officer</p> | <p>Crime levels in the vicinity of this rural location are low and give little cause for concern. However criminals are quick to identify potential targets for crime that have weaknesses. In order to reduce the risk of becoming a victim of crime they make the following recommendations for the proposed development:</p> <ul style="list-style-type: none"> • The site in general should be provided with lighting that makes the area a safe place to be with no dark spots; • The area should have good natural surveillance with low level planting not exceeding 1m high. Low tree canopies should be cut back to be no lower than 2m in height from the ground; • A potential target for crime is the wood build facilities building. This should be fitted with a monitored alarm system; • Life belts should be installed at strategic points around the marina. |
| <p>Environment Agency</p> | <p>Have no objection to the application.</p> |
| <p>Council's Conservation Officer</p> | <p>The application site is located on the Leeds – Liverpool Canal. Whilst there are no listed structures on this section of the Canal, it is considered, as a whole, to be a heritage asset. There is a cluster of grade II listed buildings at Brimmicroft Farm, but the nearest of these is located approximately 113 metres south west of the site on the southern side of Bolton Road. It is not possible to see the listed buildings from the application site due to the presence of trees and hedges in the intervening distance.</p> <p>The proposed development is relatively small scale, sympathetic in design to the heritage asset that is the Leeds – Liverpool Canal and in my opinion sympathetic to its rural context. The significance of the Leeds – Liverpool Canal will, in their opinion, be sustained as will the significance of the designated heritage assets at Brimmicroft Farm.</p> <p>The proposed development is therefore considered to accord with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the other heritage policies.</p> |
| <p>Council's Ecology Adviser</p> | <p><u>Birds</u></p> <p>The trees and scrub on the site could be used by nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). They therefore recommend that any works to trees, including pruning and any scrub clearance should not be undertaken in the main bird breeding season (March to July inclusive), unless nesting birds are found to be absent, by a suitably qualified person. They therefore suggest that a condition to this effect be placed on any permission, if granted, in order to protect wild birds.</p> |

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| | <p><u>Bats/Lighting</u> Artificial lighting can affect the feeding and commuting behaviour of bats. Bats will use the canal for commuting and foraging and are likely to use the retained trees on site for commuting. They therefore recommend that any lighting (during construction and post development) be directed away from any of the retained trees. Prior to the commencement of the development a lighting plan should be submitted to and agreed by the council, once agreed the plan should be implemented in full. A condition to this effect should be placed on any permission.</p> <p><u>Badger</u> Badger setts are known to occur within 2km of the site and as badgers are mobile in their habits a number of recommendations have been suggested [in the ecological report] in order to reduce any likely impacts on badgers which may pass through the site. They therefore suggest that the recommendations outlined in the report be followed and a condition to this effect be placed on any permission.</p> <p><u>Trees</u> All trees to be retained on the site should be protected from the development to prevent damage to the root system. Protection should follow guidelines presented within BS 5837:2012 'Trees in relation to design, demolition & construction'. They therefore recommend a condition to this effect should be placed on any permission.</p> <p><u>Biodiversity Enhancement</u> In line with Section 11 of the NPPF, they recommend that opportunities for biodiversity enhancement be incorporated into the new development. These should include:</p> <ul style="list-style-type: none"> • Bat boxes • Bird boxes • Native tree and shrub planting <p>In conclusion they are satisfied that the application can be forwarded for determination and that any permission if granted is supported by the conditions above.</p> |
| Canal and River Trust | See body of report. |

Applicant's Case

1. The business is in a unique position on the Leeds Liverpool Canal. Most of the canal boat companies renting boats are located in east Lancashire or West Yorkshire. Prior to the opening of the Ribble Link and the Stanley Dock Branch most tourism traffic headed east. With the new access to both Preston and Liverpool an increasing number of tourist visitors, on both weekend and week breaks, are heading west. Canal Boat Cruises is the only company servicing this demand.
2. To meet the growth in visitors the business wishes to invest in additional pontoons and boating facilities. This will benefit the business but also tourism provision in west Lancashire by increasing the number of overnight stays to the area.
3. Currently the business operates five luxury narrow boats, a floating restaurant and operates 20 moorings within the existing marina. It employs four full-time staff and one part-time staff member.
4. The business has grown steadily over the last few years with increasing demand for holiday rental boats on the western side of the Leeds Liverpool Canal. The demand for holiday rentals has expanded in the family market with strong growth for the larger six and eight berth boats. At

present there are few facilities within west Lancashire. Limited pontoon space for visiting boats is restricting growth in canal related tourism.

5. The business is in a precarious position as the main site access and parking are leased from a local brewery. Under the lease Canal Boat Cruises only has the right to use two car parking spaces within the pub car park and therefore would still not be enough space for the current proposal.
6. The existing facilities in the marina are also very limited with only a small shed for an office and a series of timber units for storage and maintenance.

Assessment

Proposed Development

7. The applicant runs a canal boat cruise business on the Leeds Liverpool Canal from Riley Green Marina off Bolton Road, Withnell. It is situated behind (to the east) The Boatyard Inn public house.
8. There are two parts to the proposed development:

Additional moorings.

On the eastern side of the existing site is a disused quarry known as the Shale Hole. The quarry is separated from the canal but flooded. The proposal is to reconnect the quarry to the main canal and construct a series of pontoons capable of accommodating up to 22 narrow boats.

A new access, car park and additional facilities.

The current site access and parking are leased from the public house brewery. To secure their long term position the business wishes to develop its own access and parking area to the east of the existing site and a new access track leading from Bolton Road down to the canal. In addition a small facilities block is proposed incorporating toilets an office and chandlery store.

Principle of the Development

9. The whole of the application site is within the Green Belt. The application proposes a new facilities building that will house a small shop, store, office, sluice and toilets. Paragraph 89 of The Framework states that the construction of new buildings is inappropriate development in the Green Belt, but exceptions to this include the provision of appropriate facilities for outdoor sport and recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The building is considered to be only of a size necessary for what is proposed and the facilities need to be located in the Green Belt adjacent to the canal. It is considered an appropriate facility for outdoor recreation. The building will be sited on a small plateau on the banking between the carpark and canal surrounded by trees. Although it will be more visible when the trees are not in leaf, due to the ground levels in the immediate vicinity it will only be readily visible when viewed from the canal itself or its towpath on the opposite side when viewed directly onwards. It is considered it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
10. The application also proposes to connect the disused quarry to the canal which would require the removal of a section of the canal bank and the creation of new pontoons to provide moorings. In addition an upgraded access point from Bolton Road is proposed along with the creation of a new access track to a new car park with steps from the car park down to the canal edge and a new stone path along the side of the canal. The car park and track will be on previously undeveloped agricultural land. These aspects of the application are considered to be an engineering operation in accordance with paragraph 90 of the Framework. This states that certain forms of development are not inappropriate in Green Belt provided they preserve the openness of it and do not conflict with the purposes of including land in Green Belt. These include engineering operations. Whilst the Framework contains no specific definition of 'openness' the creation of a hard surfaced track, car park, steps and path effectively preserves the openness of the Green Belt.

11. In terms of if the proposals conflict with the purposes of including land in the Green Belt paragraph 80 of the Framework sets out the five Green Belt purposes which the scheme is assessed against as below:

Purpose 1 (to check the unrestricted sprawl of large built-up areas):

12. The proposals do not involve any built development and as such will not result in the encroachment of built development into the Green Belt.

Purpose 2 (to prevent neighbouring towns merging into one another):

13. Development of the site would not lead to the coalescence of any neighbouring towns or villages.

Purpose 3 (to assist in safeguarding the countryside from encroachment):

14. The path and steps down to the canal will be situated amongst trees where the land drops away. The car park will be situated at the north boundary of the field just before the land falls away down to the canal. The proposed track will be 3.5m wide with two passing places along its length where it will be increased to 6m wide. The track will not sever the field being sited along the southeast boundary. Farm vehicles and machinery will be able to cross the new access track easily and the land will be able to be mowed. As such it is not considered that the scheme represents encroachment into the countryside.

Purpose 4 (to preserve the setting and special character of historic towns):

15. This does not apply as the site is not located near a historical town.

Purpose 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land):

16. It is not considered that the proposals conflict with this purpose as the proposals do not involve new built development that is not associated with the existing canal as a recreational facility.

17. It is therefore considered that connecting the quarry to the canal, the proposed access track, steps, path, pontoons or car park will preserve the openness of the Green Belt and will not conflict with the purposes of including land in it in accordance with paragraph 90 of the Framework. The proposals therefore do not represent inappropriate development within this Green Belt location and are therefore acceptable in principle.

18. The Framework states at paragraph 28 that to promote a strong rural economy local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing building and well designed new buildings. In addition they should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

19. Policy 13 of the Core Strategy covers the Rural Economy and aims to achieve economic and social improvement for rural areas by sustaining and encouraging appropriate growth of rural businesses in the following ways:
....(b) Supporting rural based tourist attractions, visitor facilities, recreational uses, business and storage activities.

20. Policy HS4 of the Local Plan 2012-2026 relates to The Leeds Liverpool Canal. The pre-amble to this policy states:

The Leeds and Liverpool Canal is an important heritage and recreational resource, and the Canal and Rivers Trust encourages the inclusion of proposals for the conservation and recreational use of canals in Local Plans. Awareness of pleasure boating on canals is increasing, and there is a clear need for additional moorings locally. These would generally be encouraged on off-canal marina developments rather than linear facilities.

21. The policy itself states:

Proposals for tourism or recreational facilities along the canal will be permitted provided that all of the following criteria are satisfied:

- a) The historic character of the waterway will not be damaged.
- b) The water quality or ecological value of the canal will not be damaged.
- c) The design reflects the character and appearance of the surrounding area.

22. The application is for moorings off-canal rather than linear which is preferred by the Canal and Rivers Trust. In addition it is considered that the three criteria of this policy are met.
23. Overall the proposal is therefore not considered inappropriate in the Green Belt and complies with the aims of the Framework, Core Strategy and Local Plan in encouraging tourism and recreational facilities and supporting a rural business. The proposal is therefore considered acceptable in principle.

Highways

24. The new track to the car park will be accessed from Bolton Road. There is an existing field gate at the access point and this will be upgraded to a new vehicular access. LCC highways state that the visibility from the access point is acceptable. Highways also consider that the number of parking spaces proposed is acceptable.
25. The applicant envisages that they will employ the equivalent of 7.5 full-time employees and 23 parking spaces are proposed (please note the LCC highways engineer has mis-read the application form that there will be 12 employees). The Council has parking standards as set out in policy ST4 of the Local Plan 2012-2026 and its associated appendix, however the proposed use does not fall within any of the categories listed which generally require a certain number of spaces based on the floor area of the building proposed. The applicant has however provided justification for the level of parking they are proposing based on a survey of eight other canal marina facilities in Lancashire. The average parking at other marinas is equivalent to 0.8 parking bays per berth. The new marina will have 22 moorings and there are seven existing linear moorings to the east. The proposed car park will serve both but the existing marina will continue to be served by the existing car park at the public house. Based on an average of 0.8 spaces per berth 23 new spaces are required as proposed by the application. The justification provided is considered reasonable. Given the length of the access track to the site from Bolton Road it is considered very unlikely that vehicles would park on Bolton Road should the car park be full which the Council would wish to avoid.
26. The proposal is therefore considered acceptable in terms of the access and parking proposed.

Layout and Design

27. The proposed access track itself will follow the line of trees to the east of the site. The track will be visible when viewed directly onwards from Bolton Road but will be well screened from other directions in the wider landscape due to hedgerows on Bolton Road and trees surrounding the site. The track itself will be constructed of stone which is considered appropriate to the rural area, apart from the first 10m back from the access point which will be laid with tarmac to prevent loose stone being dragged onto Bolton Road by vehicles and possibly causing a highway safety hazard.
28. The creation of the car park will involve 'cut and fill' at the north end of the field to provide a level surface. This will result in a small bund being created to the south boundary of the car park which will provide further screening of the car park in the landscape. The car park itself will be constructed using plastic grass crete so grass should establish itself on parts of the car park to again minimise its impact in design terms and is looked upon favourably.
29. The facilities building will be sited on a small existing plateau on the banking between the carpark area and the canal. It will be constructed of timber with green felt tiles on a concrete base and measure approximately 13.8m by 6.2m and 4m to the ridge. The facilities proposed within it are not considered excessive and its siting will mean it is screened from view in the wider area.
30. The siting and design of the proposals is considered acceptable in the landscape.

Canal and River Trust

31. The Canal and River Trust who operate and manage the Leeds Liverpool Canal have assessed the proposal from a number of perspectives:

32. Impact on Water Resources

They consider the proposal acceptable for leisure craft. They advise there is currently a hydraulic link between the quarry and the canal [water passes through the rock between them] and this has not caused problems in the past and so allays their concerns about connecting the quarry to the canal. They do however comment that future works such as dredging, deepening or expanding of the quarry may interfere with the proposed marina's groundwater interaction with implications for the water resources of the canal. They therefore ask the Council to consider removing permitted development rights for such works in the future so a planning application would be needed and any impacts could be assessed.

33. Operational Matters

They advise that the applicant will require the consent of the Canal and River Trust to connect the proposed marina to their network. As part of this the applicant will need to demonstrate that the marina can be isolated from the canal to allow it to be drained for repair and maintenance purposes. They advise that a wide channel (11.250m) forms the proposed marina entrance and this width is too great to accommodate stop planks which are typically 4.8m wide and the means by which the marina can be isolated from the canal. They also state there should be at least a 24m diameter turning circle between the marina isolation structure and the opposite bank which is now shown on the plans and may result in the loss of a berth. However, they advise that they do consider that, in principle, the requirements for an isolation structure can be satisfied at the site and ask the Council to consider if this matter could be addressed by the imposing of a planning condition. They also advise that the council/applicant may also wish to consider if it would be appropriate to amend the description of the proposal for up to 22 berths to accommodate any change that may be required.

34. They request conditions requiring a lighting scheme, hard and soft landscaping scheme details of materials for the facilities building to be submitted and approved. They also advise that waste water should go to a sealed tank and be disposed of offsite through a commercial waste disposal contract and this should also be secured by a condition. The application details confirm this will be the case for the waste water.

35. It is considered that details of an isolation structure at the entrance to the new marina could be secured and implemented through a planning condition, in addition the applicant has agreed to amend the description so it allows up to 22 berths so that it is still accurate if the isolation structure leads to the loss of any berths. Therefore it is considered that the proposal meets with the requirements of the Canal and River Trust.

Trees and Landscaping

36. The trees on either side of the proposed access track and on the banking down to the canal are protected by Tree Preservation Order 7 (Withnell) 1981. The proposal will result in the removal of three trees covered by the Order to allow for the construction of the facilities building. Whilst the loss of these trees is regrettable, the position chosen for the facilities building is considered the most appropriate on the site, as siting it on the banking down to the canal means it will not be readily visible in the surrounding landscape and for this reason it is considered acceptable. The trees to be removed are within a wooded area so it is not considered that their loss will impact unacceptably on the landscape character of the area. Additional planting is proposed to the southern boundary of the new car park which will mitigate for the loss of the trees. The proposal is therefore considered acceptable in relation to Policy BNE10 of the Local Plan 2012-2026.

Ecology

37. An ecology report has been submitted with the application and the Council's Ecological Adviser has reviewed this and visited the site. They consider that the application is acceptable subject to conditions. The proposal is therefore considered acceptable in relation to BNE9 for the Local Plan 2012-2026.

Drainage

38. As stated above, foul water from the toilets and showers will run to a sealed tank and be disposed of off-site through a commercial waste disposal contract which is acceptable to the Canal and River Trust. Surface water from the roof of the facilities building will run into the neighbouring beck which is also considered acceptable.

Impact on Listed Building/Heritage Assets

39. There are three listed buildings; Brimmicroft Farm, Brimmicroft Cottage and a cottage adjacent to it which are situated down a track almost opposite the proposed access point to the marina on Bolton Road. As noted by the Conservation Officer these are not visible from the site due to screening by vegetation and their distance off Bolton Road. It is not therefore considered that the proposal will have an unacceptable impact on the setting of these buildings.
40. The canal itself is a heritage asset as a whole, however the Council's Conservation Officer considers the proposal sympathetic in its design and rural context and will maintain the significance of the canal in heritage terms.
41. The proposal is therefore considered acceptable in relation to Policy BNE8 of the Local Plan 2012-2026.

Other Issues

42. It is noted that planning permission was granted in 2007 (ref: 07/00794/FUL) for an extension to the car park at the public house. One of the considerations in respect of approving this application was that the car park was directly linked with tourism as it would be linked to the canal. The approval secured 37 additional spaces which could be used by canal users secured via the following condition:

The additional car park hereby permitted shall be available for use by visitors to the Canal without restriction as well as users of the public house. This use shall continue whilst the public house remains in operation.

43. The applicant states however that the car park extension, although allowing free use by canal users did not specify what type of use, in addition, even if Canal Boat Cruises could use this area, which they can't due to their pre-existing lease, there would still not be sufficient space on site to accommodate the additional parking requirements for the new marina. In addition access to the new marina area would be very difficult as the new Shale Hole opening will block access to most of the new berths.
44. Conditions have been requested by consultees relating to hard and soft landscaping and the materials of the proposed facilities building. However, it is considered that there is sufficient detail on the plans submitted in relation to these and they are considered acceptable, it is not therefore considered necessary to impose conditions in relation to these matters.

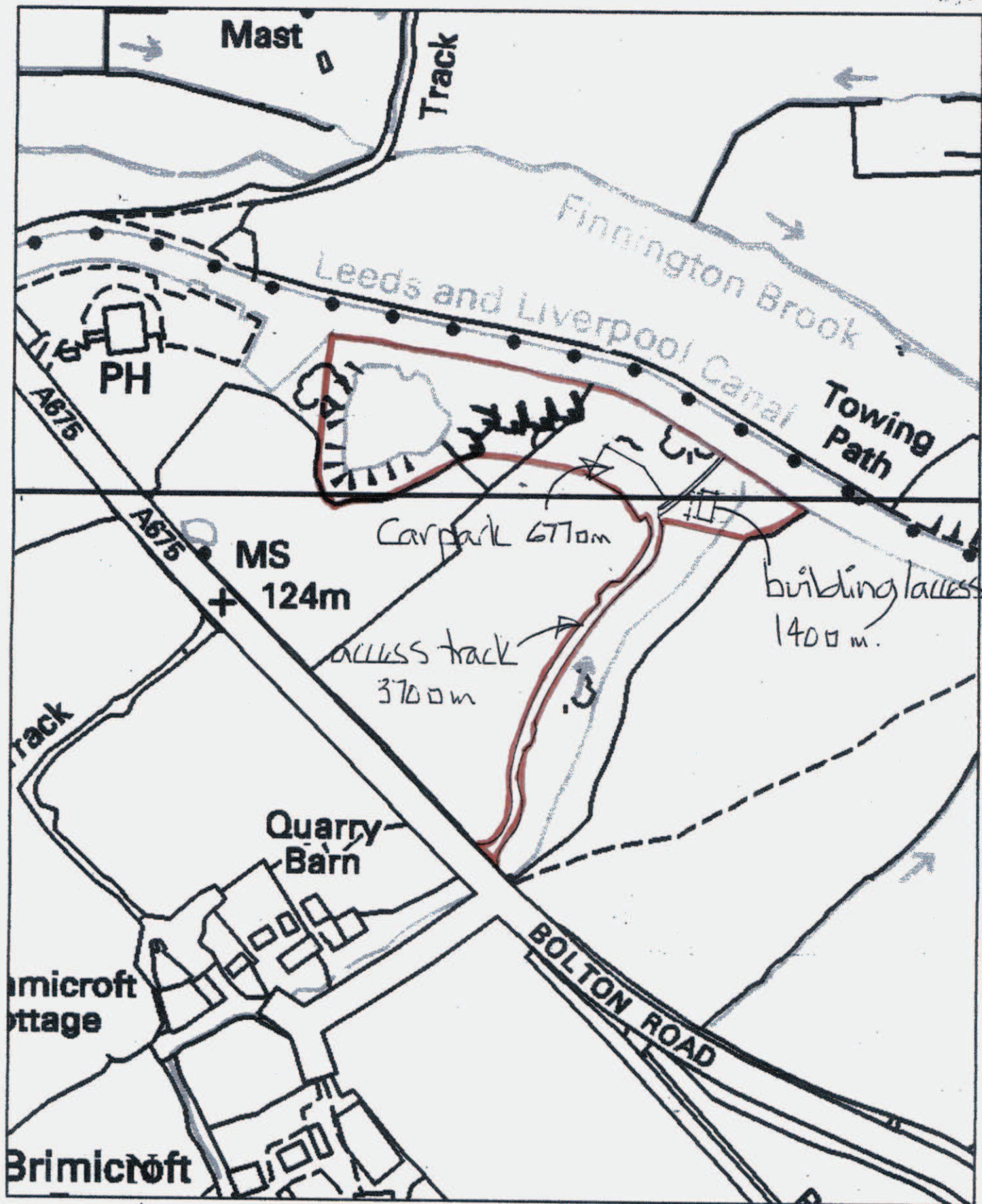
Overall Conclusion


45. The application is considered acceptable in the green belt and the details of the scheme are considered acceptable subject to conditions.

Planning Policies

46. 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.

Location Plan : Canal Boat Cruises



 1:2,500

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Item 3f **15/00675/FULMAJ**

Case Officer **Nicola Hopkins**

Ward **Astley And Buckshaw**

Proposal **Erection of 21 new dwellings with associated garages, parking areas, private amenity space and hard and soft landscaping.**

Location **Plots 1075 - 1093 The Orchard, Ordnance Road, Buckshaw Village**

Applicant **Redrow Homes**

Consultation expiry: **11th August 2015**

Decision due by: **16th October 2015**

Recommendation

Approve full planning permission subject to the associated legal agreement

Representations

| |
|--|
| Parish Council no comments received |
| In total 5 representations have been received which are summarised below |
| Support |
| Total No. received: 5 |
| <ul style="list-style-type: none">• The plans provide a solution to the transition from urban to suburban and will complement the existing developments.• The only minor issue is the fencing on Ordnance Road. The plans show a metal railing which is common in design across Buckshaw, however it is not mirrored on the opposite side of the road and as such will give a lop-sided aspect when using the route.• The plans should include a metal railing to be installed by Redrow on the boundary of their Orchard development to give a more sympathetic and appealing symmetry.• Hopgood Close is a cul-de-sac and frequently gets vehicles driving into the close then using this footpath and bumping down from the pavement onto Ordnance Road. This could become more frequent when these other dwellings are in place.• The speed of traffic and the parking on Ordnance Way has become a great problem.• Suggest that the same railings as that in front of the other dwellings be applied to the remaining houses opposite the proposed new dwellings on Hopgood Close and at the side of number 4 Hopgood Close. This would complement and add to a coming together of the two projects.• One neighbour has written confirming that they do not want railings to be added to the front of their property. |

Consultees

| Consultee | Summary of Comments received |
|----------------------------|--|
| United Utilities | No objection subject to conditions |
| Lead Local Flood Authority | No objection subject to conditions |
| LCC Education | Have requested £48,118 towards primary school places |

Assessment

Proposed Development

1. The application site is an L-shaped site located close to the retail centre for the Buckshaw Village. Two sides of the site front onto Ordnance Road, the main loop road that runs through this area. Part of the site also lies immediately adjacent to Barnes Wallis Way. This forms part of a pedestrian and cycleway that links the northern residential areas, the retail centre and the railway station on the southern edge of the village and was a key principle in the Buckshaw Southern Commercial Area Design Code (November 2006).
2. At present the retail centre consists of a supermarket and associated car parking and a row of shops with apartments above them. A similar row of shops with apartments above is proposed on the opposite side of Barnes Wallis Way but these are yet to be constructed. The shops have been built close to the back of the pavement and have been designed with a mixture of more modern and traditional shop fronts to help to create the feel of a typical high street that has evolved over time. The row of shops are three storeys in height and whilst the supermarket is lower, the towers on its corners add to its scale and height so that it does not appear out of keeping with the other retail development and contributes to the high density character of the centre.
3. The proposed development incorporates the erection of 21 new dwellings with associated garages, parking areas, private amenity space and hard and soft landscaping.

Principle of the development

4. Policy 1 (c) iii of the Adopted Core Strategy identifies Buckshaw Village as a location for strategic growth. The established design concept for the Village is to secure high quality and phased development for purposes appropriate to the concept of an Urban Village.

Background Information

5. When reserved matters approval was granted in January 2009 (08/01100/REMAJ) for the retail elements of the Southern Commercial Area a concurrent application was considered (08/01098/REMAJ) for purely residential properties adjacent to the local retail centre. The approved scheme involved the erection of 84 apartments and 24 dwellinghouses on the site. The land has been subsequently divided between Redrow Homes and Barratt Homes and the part of the land which Redrow retained has permission for 38 dwellings.
6. Following this original reserved matters approval, Redrow Homes submitted a reserved matters application for Parcel N which included their part of the land adjacent to the local retail centre. That application (12/00463/REMAJ) amended part of the previously approved scheme.
7. Since the two previous approvals Redrow have applied for several re-plans all of which have been refused as follows:

| Reserved matters application | One bed apartment | Two bed apartment | Two bed house | Three bed house | Four bed house | Total |
|------------------------------|-------------------|-------------------|---------------|-----------------|----------------|--------------|
| Approved | | | | | | |
| 08/01098/REMAJ | 24 | 0 | 0 | 0 | 14 | 38 |
| 12/00463/REMAJ | 0 | 45 | 4 | 0 | 0 | 49 |
| Withdrawn | | | | | | |
| 12/00148/REMAJ | 0 | 45 | 0 | 4 | 0 | 49 |
| Refused | | | | | | |
| 13/00817/REMAJ | 0 | 4 | 0 | 11 | 3 | 18 |
| 14/00264/REMAJ | 0 | 4 | 6 | 9 | 0 | 19 |
| 14/00662/REMAJ | 0 | 4 | 0 | 11 | 3 | 18 |
| Current Proposal | | | | | | |
| 15/00675/FULMAJ | 0 | 0 | 7 | 8 | 6 | 21 |

8. It is important to note that this is a full planning application as the time period for submitting reserved matters at Buckshaw Village expired on 24th August 2014 (in accordance with planning approval 02/00748/OUTMAJ) and as such no further reserved matters application can be submitted on the Village.

Density

9. The application site covers 0.59 hectares. The proposed scheme equates to a density of 35 dwellings per hectare. The previous approvals equate to 64 and 78 dwellings per hectare respectively, due to the fact that these schemes incorporated apartment accommodation.

Design

10. Within the Masterplan, approved as part of the outline planning permission and the Southern Commercial Design Code, this parcel of land is allocated as a mixed use area including housing. In accordance with the Masterplan it is considered that this parcel should reflect the transition of the area from rural to urban incorporating 2 to 3 storey blocks, principally terraces with individual houses sandwiched in between or attached.
11. The design of the properties on this part of the site has previously been one of the key considerations. The Design Code confirms that the western side of the mixed use core will comprise housing. This is a key frontage and a strong design connection with the housing adjacent to the listed building will be required. The Design Code confirms that there will be no direct vehicular access to the dwellings from the distributor road.
12. The originally approved residential scheme for this parcel of land (along with the parcel directly to the north which Barratt Homes are responsible for developing) incorporated a much more dense form of development. The Committee report set out the following design considerations at that time:

The proposal incorporates a mixture of three storey apartment blocks and 2/2.5 storey terraced/ semi-detached houses. The Ambleside/ Buttermere apartment blocks are located on corner plots with open space and pedestrian access located to the front and side of the building. The buildings incorporate front projections, vertically proportioned windows and dormer style windows in the roof space. The Coniston apartments reflect large three storey dwellinghouses with a mix of brick and render. The dwellinghouses reflect more modern properties with dormer windows and front balconies.

The use of vertically proportioned windows, brick quoins and arched windows with the apartment buildings represent late 18th Century dwellinghouses whereas the more modern dwellinghouses with stone window surrounds and square windows represent mid 19th Century dwellinghouses which accords with the Design Code for this area.

13. The original reserved matters approval was granted to Eden Park Developments, who are responsible for the development of the retail parade, and when Redrow looked at the parcel in more detail amendments were suggested via the submission of reserved matters application 12/00148/REMMAJ. Whilst this reserved matters application related mainly to the land adjacent to Buckshaw Hall this parcel of land adjacent to the retail parade was also included within the red edge. On consideration of the proposals the following concerns were raised in respect of this specific part of the site:

When the design of the properties adjacent to the local retail centre was considered the apartment blocks incorporated front projections, vertically proportioned windows and dormer style windows in the roof space. The dwellinghouses reflected more modern properties with dormer windows and front balconies. It was considered that the use of vertically proportioned windows, brick quoins and arched windows with the apartment buildings represented late 18th Century dwellinghouses whereas the more modern dwellinghouses with stone window surrounds and square windows represent mid-19th Century dwellinghouses. This was considered to be in accordance with the Design Code for this area and reflected the adjacent character of the retail centre. These features appear to have been reduced on the current proposals and I would advise reintroducing

some of these features to ensure that the proposals reflect the aspirations of the Design Code and the character of the area.

14. The application was subsequently withdrawn due to the design and layout concerns and a revised reserved matter application submitted 12/00463/REMMAJ. The amended application incorporated a mixture of three storey apartment blocks and 2 storey maisonettes. The apartment blocks were located on corner plots with open space and pedestrian access located to the side and rear of the buildings. The approved dwelling houses were accessed via Buckshaw Avenue/Ordnance Road and parking was provided in the form of rear parking courts and parking to the front of the Evesham house type. The amended scheme ensured that the scheme reflected the adjacent character of the retail centre and was granted reserved matters approval.
15. This principle is reflected within Policy 17 of the Adopted Central Lancashire Core Strategy and Policy BNE1 of the Local Plan that states:

Planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development:

 - a) The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.
 - b) The development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or overbearing;
 - c) The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;
 - d) The residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction;
 - e) The proposal would not adversely affect the character or setting of a listed building and/or the character of a conservation area and/or any heritage asset including locally important areas;
 - f) The proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features then mitigation measures to replace the feature/s will be required either on or off-site;
 - g) The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses;
 - h) The proposal includes measures to help to prevent crime and promote community safety.
16. This Policy is supported by the Central Lancashire Supplementary Planning Document 'Design Guide' which encourages high quality design of places, buildings and landscaping in the borough.
17. Reserved matters approval (12/01001/REMMAJ) was granted in 2013 for 11 dwellings on the parcel of land immediately to the east of this application site. Formally offices were approved on this site however the land owners applied to erect dwellings on this site. The

design and layout reflects an appropriate design solution for this part of the Village and should be reflected within the parcel of land subject to this application. The design and height of the adjacent dwellings forms a transition from the taller commercial units with apartments above to the lower density housing outside the commercial core.

18. Redrow Homes have previously been advised that the most appropriate solution for this site would be to create a development which fronts directly onto the highway(s), incorporates a rear parking area, reflects the design of the adjacent retail centre utilising corner turning buildings on the corners of the site, utilises 2/2.5/3 storey dwellings directly fronting the highway to create a vertical emphasis and respect an effective transition in density terms from the approved apartments on the retail area to parcel N. The applications which have been submitted on this parcel of land in 2013 and 2014 (13/00817/REMMAJ, 14/00264/REMMAJ and 14/00662/REMMAJ) did not meet the design aspirations for the site and were refused.
19. The applicants appealed the refusal in respect of planning approval 14/00264/REMMAJ which was dismissed by the Inspector. The Inspector made the following comments in her decision, supporting the Council's design principles for this site:

The location of the appeal site between the retail core and Ordnance Road means that it forms a part of this more urban area and it is important that the scale, massing and layout of its development reflects this. The site's frontages to both Ordnance Road and Barnes Wallis Way increases the importance of ensuring that these very visible edges have the distinctive urban character that has been established on the other residential schemes surrounding the retail centre.

20. The current plans incorporate dwellings fronting directly onto the highway along with rear parking courts and garages. Although all of the properties are two storey the plans have been amended during the consideration of the application to increase the height of the roof pitch, create gable ends rather than pitched roof features and have added vertical emphasis in the window detailing. Although it would have been preferable to accommodate turning corner properties on this parcel of land it is considered that the current plans represent a suitable compromise for this piece of land ensuring that the site effectively acts as a transition from the commercial area to the residential areas whilst providing a product which Redrow will build and sell. As such from a design perspective the proposals are considered to be acceptable.

Impact on Neighbours

21. The site is currently occupied by an earth mound which has been produced from the neighbouring parcels of land however when the site is returned to its post-remediation state it is effectively a flat site. In respect of the layout the scheme works purely in respect of the relationship of the proposed properties and the amenities of the future residents.
22. The layout as proposed reflects the approved layout for the adjacent piece of land with dwellings and private rear gardens backing onto a parking court.
23. The properties on plots 6-11 of the adjacent piece of land are sited over 35 metres from the garden boundaries of the proposed dwellings and approximately 48m to the proposed dwellings and even though plots 7-9 incorporate 2nd floor bedroom windows the spacing is considered more than adequate to ensure that no overlooking will be created to the detriment of the future residents.
24. The proposed dwellings on plots 1076 and 1077 are located approximately 23m from the rear garden of plot 1 of the adjacent site which ensures that the proposal will not result in overlooking to the detriment of the neighbours' amenities.
25. Comments have been received from neighbours generally in support of the proposal although requests have been made in respect of erecting railings on the opposite side of Ordnance Road. This cannot be secured as part of this planning application however as it is outside the application site.

Traffic and Transport

26. The scheme incorporates a mix of 2, 3 and 4 bedroom houses. The Council's parking standards require 2 spaces for the 2/3 bed dwellings and 3 parking spaces for the 4 bed dwellings.
27. The garages under the Ashdon apartments are large enough to accommodate a vehicle without storage space however the proposal also includes longer driveways in front of the garages to accommodate parking. Whilst the garages are required for parking, which will be secured by condition, the sustainable nature of this site, adjacent to the local centre and close to public transport, is a key consideration as advocated by Policy ST4 of the Local Plan. Plots 1075, 1086, 1094 and 1095 have a deficit of 1 parking space (a total deficit of 4 parking spaces) when assessed against the requirements of Policy ST4. However, there needs to be a balance on this site given the design considerations detailed elsewhere in this report and as such, particularly given the sustainable nature of this site, it is considered that a deficit of 4 spaces will not adversely impact on highway safety in this area.

Affordable housing

28. 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 21 new dwellings and so in accordance with current policy the scheme should provide 6 affordable units.
29. In respect of affordable housing the supporting Planning Statement makes the following assertions:
The application site represents the last remaining Redrow Homes parcel on the Buckshaw Village development site. It should have been developed some considerable time ago (under 12/00463/REM) but changes in the housing market, specifically continuing issues around the 'saleability' of apartments, forced a rethink about its future.

Although the present application has been submitted as a fresh 'full' application, the original outline planning permission for Buckshaw having expired, this is a purely technical difference and the proposal represents the completion of the Redrow element of the development envisaged as part of the outline permission. Affordable housing requirements generated by the Buckshaw development were to be provided through a Supplemental Section 106 Agreement dated 1 November 2005. That Agreement set aside a sum of £7, 838,831 (indexed), known as 'the Affordable Houses Total Contribution' for the provision of affordable housing across Buckshaw Village, including the subject site. That sum has progressively been drawn down by the Council and its preferred Registered Provider (Progress Housing Group Ltd) to deliver about 100 social rented homes. The scheme has operated so successfully that there is now just £135,000 (indexed) of the Total Contribution remaining to be defrayed against the purchase of affordable housing on the subject site.

Negotiations have already commenced with the Progress Housing Group to acquire 2 no. two bed houses on the subject site (plot Nos. 1094 and 1095), utilising the remaining Total Contribution. Acquisition of the two affordable plots will follow the normal procedures in the 2005 Agreement.

30. The provision of 2 affordable houses on this site however is below the current policy requirements. Affordable housing was secured as part of the original consent at this site (and amended by the supplemental agreement in 2005) and has to be provided in accordance with the original obligation notwithstanding whether they are sited on this plot or not. As this application is not pursuant to the original outline consent and is a full new application affordable housing is required in accordance with the current policy requirements.
31. However, there is a fall back position on this site of a reserved matters consent for 49 dwelling units which could still be constructed with no affordable housing provision.

Taking this into account, Redrow Homes have agreed to provide 4 affordable units on this site, secured by way of a legal agreement, which equates to 20% provision. Whilst this is below the current policy requirements, given the fall back position in respect of this site, the provision of 4 dwellings (which will be 2 bedroom socially rented dwellings) is considered to be acceptable and a positive benefit in respect of this scheme.

Sustainable Resources

32. 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.”

33. As such the dwellings will be required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.

Open Space

34. 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 accordance with Policy HS4B a contribution towards playing pitch provision within the Borough is required from new housing developments.
35. This plot of land however forms part of Buckshaw Village which has been developed over the last decade with areas of open space including, informal open space, equipped play space and playing pitches. Although this application is not pursuant to the original outline consent which secured all of the open space, nevertheless the future home owners will have full access to the facilities which have been provided. It is not considered that the provision of 21 new dwellings on this site, taking into account the fact that this site has an extant consent for 49 dwellings, generates the need for additional/ improved open space within this specific location.

Community Infrastructure Levy

36. 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.
37. 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.

- 38. As such the floorspace of the previous reserved matters approval on this site (12/00463/REMAJ which is extant and could still be constructed) will be deducted from the proposed floorspace to calculate the CIL levy, although it will be taken into account that a number of the approved dwellings on this site were apartments which have a £0 CIL levy and 2 of the proposed units are apartments. As the previous approval on this site is extant in perpetuity standard 3 year consent condition will be attached to this recommendation.
- 39. Lancashire County Council Education Authority has requested £48,118 towards 4 primary school places. Although the comments of the Education Authority are noted this site is allocated for housing development within the Local Plan and as such was taken into account as part of the Council's housing land supply over the plan period which partly led the CIL charging schedule.
- 40. The intention of the CIL charging is to fund infrastructure that is needed as a result of development. The Council's CIL charging schedule includes funding for education provision and as such the additional school places required to accommodate the pupils generated by this development will be funded via the CIL charge attributed to this development. In the case of this site CIL will be applicable on the uplift in residential floorspace proposed.

Overall Conclusion

- 41. The proposal effectively creates a transition between the commercial core and the residential areas adjacent to Buckshaw Hall. The inclusions of dwellings sited at the back of the road/pedestrian frontage effectively creates an enclosed more traditional space which is considered appropriate for this parcel of land.
- 42. The amended proposal creates a vertical emphasis with all of the parking located to the rear of the dwellings reducing its prominence within the streetscene. It is considered that the scheme respects the character of this part of the Village and represents a fluid transition between the commercial and residential parts of the site in accordance with Policy 17 of the Core Strategy.
- 43. It is considered that the amended proposal addresses previous concerns and the Inspector's comments in respect of the dismissed appeal and as such it is recommended that the application is approved subject to conditions and 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

| Reference | Description | Decision | Date |
|--------------|--|----------|-----------|
| 97/00509/OUT | Outline application for mixed use development | Approved | 1999 |
| 02/00748/OUT | Modification of conditions on outline permission for mixed use development | Approved | 2002 |
| 07/00660/FUL | Proposed formation of a | Approved | July 2007 |

| | | | |
|-----------------|---|------------|--------------|
| | detention basin off Central Avenue, Buckshaw Village, Chorley. | | |
| 08/01098/REMMAJ | Reserved matters application for the erection of 84 apartments and 24 dwelling houses at the Southern Commercial Area, Buckshaw Village. | Approved | January 2009 |
| 08/01100/REMMAJ | Reserved Matters Application for the Southern Commercial Area, Buckshaw Village. Including retail uses, residential, car parking, related infrastructure and landscaping. | Approved | January 2009 |
| 10/00237/DIS | Application to discharge condition no. 3 attached to planning approval 08/01100/REMMAJ. | Discharged | April 2010 |
| 10/00334/FULMAJ | Application under Section 73 to vary Conditions 1, 5, 6, 12, 13 and 14 as attached to Planning Permission Reference 08/01100/REMMAJ. | Approved | July 2010 |
| 10/00379/DIS | Discharge of condition nos. 4, 7, 8, 10 and 16 attached to planning approval reference 08/01100/REMMAJ | Discharged | July 2010 |
| 10/00381/MNMA | Application for Minor Non Material Amendments to planning application 08/01100/REMMAJ (Tesco store) and 08/01099/FUL (Tesco filling station). | Approved | May 2010 |
| 10/00591/FULMAJ | Erection of a railway station, access road and associated car parking at Buckshaw Village including parking provision on the south side of the railway. | Approved | August 2010 |
| 11/00141/DIS | Application to discharge the planning condition of planning permission 10/00591/FULMAJ (for erection of a railway station, access road and associated parking and infrastructure at Buckshaw Village). | | |
| 12/00148/REMMAJ | Reserved matters application for the erection of 124 dwellings with associated garaging, bin / cycle stores, parking areas, landscaping, roads, drains, sewers and boundary treatments at the Southern Commercial Area, Buckshaw Village. | Withdrawn | |
| 12/00463/REMMAJ | Reserved matters application for the erection of 123 dwellings with associated garaging, bin / cycle stores, parking areas, | Approved | August 2012 |

| | | | |
|-------------------------------------|---|------------------------------------|---------------------------------|
| | landscaping, roads, drains, sewers and boundary treatments at the Southern Commercial Area, Buckshaw Village (resubmission of application 12/00148/REMMAJ). | | |
| 13/00817/REMMAJ | Reserved matters application for the erection of 14 dwellings and 4 Maisonettes adjacent to the retail area of the Southern Commercial Area (replan of the dwellings approved as part of reserved matters approval 08/01098/REMMAJ and 12/00463/REMMAJ). | Refused | November 2013 |
| 14/00264/REMMAJ | Reserved matters application for the erection of 19 dwellings adjacent to the retail area of the Southern Commercial Area (replan of the dwellings approved as part of reserved matters approval 08/01098/REMMAJ and 12/00463/REMMAJ) | Refused Dismissed at appeal | June 2014 September 2014 |
| 14/00662/REMMAJ | Reserved matters application for the erection of 14 dwellings and 4 Alton Maisonettes adjacent to the retail area of the Southern Commercial Area (replan of the dwellings approved as part of reserved matters approval 08/01098/REMMAJ and 12/00463/REMMAJ) | Refused | September 2014 |
| Adjacent parcels of land | | | |
| <i>Barratts</i> 12/00787/REMMAJ | Proposed residential development comprising 82 dwellings and associated works. | Approved | November 2012 |
| <i>Eden Park</i> 12/01001/REMMAJ | Reserved matters application for the erection of 22 dwellings at the Southern Commercial Area, Buckshaw Village (pursuant to outline permissions 97/00509/OUT and 02/00748/OUTMAJ). | Approved | January 2013 |

Suggested Conditions

| No. | Condition | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1. | The proposed development must be begun not later than three years from the date of this permission. Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. | The development hereby permitted shall be carried out in accordance with the following approved plans: <table border="1" data-bbox="320 533 1206 2022"> <thead> <tr> <th data-bbox="327 542 544 595">Title</th> <th data-bbox="544 542 761 595">Plot</th> <th data-bbox="761 542 978 595">Drawing Reference</th> <th data-bbox="978 542 1200 595">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="327 595 544 627">Location Plan</td> <td data-bbox="544 595 761 627"></td> <td data-bbox="761 595 978 627">395-050</td> <td data-bbox="978 595 1200 627">8th July 2015</td> </tr> <tr> <td data-bbox="327 627 544 680">Site Layout</td> <td data-bbox="544 627 761 680"></td> <td data-bbox="761 627 978 680">395-001 Rev B</td> <td data-bbox="978 627 1200 680">17th September 2015</td> </tr> <tr> <td data-bbox="327 680 544 734">Materials Layout</td> <td data-bbox="544 680 761 734"></td> <td data-bbox="761 680 978 734">395-003 Rev A</td> <td data-bbox="978 680 1200 734">17th September 2015</td> </tr> <tr> <td data-bbox="327 734 544 788">Boundary Treatment Layout</td> <td data-bbox="544 734 761 788"></td> <td data-bbox="761 734 978 788">395-002 Rev B</td> <td data-bbox="978 734 1200 788">17th September 2015</td> </tr> <tr> <td data-bbox="327 788 544 842">Waste Management Layout</td> <td data-bbox="544 788 761 842"></td> <td data-bbox="761 788 978 842">395-004 Rev A</td> <td data-bbox="978 788 1200 842">17th September 2015</td> </tr> <tr> <td data-bbox="327 842 544 896">Planning Dimensions Layout</td> <td data-bbox="544 842 761 896"></td> <td data-bbox="761 842 978 896">395-005 Rev A</td> <td data-bbox="978 842 1200 896">17th September 2015</td> </tr> <tr> <td data-bbox="327 896 544 949">Land disposal layout</td> <td data-bbox="544 896 761 949"></td> <td data-bbox="761 896 978 949">395-006 Rev A</td> <td data-bbox="978 896 1200 949">17th September 2015</td> </tr> <tr> <td data-bbox="327 949 544 1003">Landscape Proposals</td> <td data-bbox="544 949 761 1003"></td> <td data-bbox="761 949 978 1003">5049.01</td> <td data-bbox="978 949 1200 1003">8th July 2015</td> </tr> <tr> <td data-bbox="327 1003 544 1057">Free standing brick walls</td> <td data-bbox="544 1003 761 1057"></td> <td data-bbox="761 1003 978 1057">D-SD0808</td> <td data-bbox="978 1003 1200 1057">8th July 2015</td> </tr> <tr> <td data-bbox="327 1057 544 1111">Free standing brick walls</td> <td data-bbox="544 1057 761 1111"></td> <td data-bbox="761 1057 978 1111">D-SD0810</td> <td data-bbox="978 1057 1200 1111">8th July 2015</td> </tr> <tr> <td data-bbox="327 1111 544 1164">1.8M high close boarded fencing</td> <td data-bbox="544 1111 761 1164"></td> <td data-bbox="761 1111 978 1164">D-SD0906</td> <td data-bbox="978 1111 1200 1164">8th July 2015</td> </tr> <tr> <td data-bbox="327 1164 544 1218">Gate within Close Boarded Fence</td> <td data-bbox="544 1164 761 1218"></td> <td data-bbox="761 1164 978 1218">D-SD0910</td> <td data-bbox="978 1164 1200 1218">8th July 2015</td> </tr> <tr> <td data-bbox="327 1218 544 1272">Boundary Details</td> <td data-bbox="544 1218 761 1272"></td> <td data-bbox="761 1218 978 1272">D-SD0922 Rev A</td> <td data-bbox="978 1218 1200 1272">17th September 2015</td> </tr> <tr> <td data-bbox="327 1272 544 1326">Single Garage</td> <td data-bbox="544 1272 761 1326"></td> <td data-bbox="761 1272 978 1326">D-SG01</td> <td data-bbox="978 1272 1200 1326">8th July 2015</td> </tr> <tr> <td data-bbox="327 1326 544 1379">Drainage Layout</td> <td data-bbox="544 1326 761 1379"></td> <td data-bbox="761 1326 978 1379">4268/ENG001-1</td> <td data-bbox="978 1326 1200 1379">8th July 2015</td> </tr> <tr> <td data-bbox="327 1379 544 1433">Highway Materials Layout</td> <td data-bbox="544 1379 761 1433"></td> <td data-bbox="761 1379 978 1433">4268/ENG025</td> <td data-bbox="978 1379 1200 1433">8th July 2015</td> </tr> <tr> <td data-bbox="327 1433 544 1487">Vehicle Swept Path</td> <td data-bbox="544 1433 761 1487"></td> <td data-bbox="761 1433 978 1487">4268/ENG026</td> <td data-bbox="978 1433 1200 1487">8th July 2015</td> </tr> <tr> <td data-bbox="327 1487 544 1621">Dorset-Finsbury Block A</td> <td data-bbox="544 1487 761 1621">1075-1078 (inclusive) and 1083-1086 (inclusive)</td> <td data-bbox="761 1487 978 1621">395-201 Rev A</td> <td data-bbox="978 1487 1200 1621">17th September 2015</td> </tr> <tr> <td data-bbox="327 1621 544 1756">Dorset-Finsbury Block B</td> <td data-bbox="544 1621 761 1756">1079, 1080, 1081, 1082</td> <td data-bbox="761 1621 978 1756">395-202 Rev A</td> <td data-bbox="978 1621 1200 1756">17th September 2015</td> </tr> <tr> <td data-bbox="327 1756 544 1809">Sheldon 5</td> <td data-bbox="544 1756 761 1809">1089-1093</td> <td data-bbox="761 1756 978 1809">395-203 Rev A</td> <td data-bbox="978 1756 1200 1809">17th September</td> </tr> </tbody> </table> | Title | Plot | Drawing Reference | Received date | Location Plan | | 395-050 | 8th July 2015 | Site Layout | | 395-001 Rev B | 17th September 2015 | Materials Layout | | 395-003 Rev A | 17th September 2015 | Boundary Treatment Layout | | 395-002 Rev B | 17th September 2015 | Waste Management Layout | | 395-004 Rev A | 17th September 2015 | Planning Dimensions Layout | | 395-005 Rev A | 17th September 2015 | Land disposal layout | | 395-006 Rev A | 17th September 2015 | Landscape Proposals | | 5049.01 | 8th July 2015 | Free standing brick walls | | D-SD0808 | 8th July 2015 | Free standing brick walls | | D-SD0810 | 8th July 2015 | 1.8M high close boarded fencing | | D-SD0906 | 8th July 2015 | Gate within Close Boarded Fence | | D-SD0910 | 8th July 2015 | Boundary Details | | D-SD0922 Rev A | 17th September 2015 | Single Garage | | D-SG01 | 8th July 2015 | Drainage Layout | | 4268/ENG001-1 | 8th July 2015 | Highway Materials Layout | | 4268/ENG025 | 8th July 2015 | Vehicle Swept Path | | 4268/ENG026 | 8th July 2015 | Dorset-Finsbury Block A | 1075-1078 (inclusive) and 1083-1086 (inclusive) | 395-201 Rev A | 17th September 2015 | Dorset-Finsbury Block B | 1079, 1080, 1081, 1082 | 395-202 Rev A | 17th September 2015 | Sheldon 5 | 1089-1093 | 395-203 Rev A | 17th September |
| Title | Plot | Drawing Reference | Received date | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Location Plan | | 395-050 | 8th July 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Site Layout | | 395-001 Rev B | 17th September 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Materials Layout | | 395-003 Rev A | 17th September 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Boundary Treatment Layout | | 395-002 Rev B | 17th September 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Waste Management Layout | | 395-004 Rev A | 17th September 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Planning Dimensions Layout | | 395-005 Rev A | 17th September 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Land disposal layout | | 395-006 Rev A | 17th September 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Landscape Proposals | | 5049.01 | 8th July 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Free standing brick walls | | D-SD0808 | 8th July 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Free standing brick walls | | D-SD0810 | 8th July 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1.8M high close boarded fencing | | D-SD0906 | 8th July 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Gate within Close Boarded Fence | | D-SD0910 | 8th July 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Boundary Details | | D-SD0922 Rev A | 17th September 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Single Garage | | D-SG01 | 8th July 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Drainage Layout | | 4268/ENG001-1 | 8th July 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Highway Materials Layout | | 4268/ENG025 | 8th July 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Vehicle Swept Path | | 4268/ENG026 | 8th July 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Dorset-Finsbury Block A | 1075-1078 (inclusive) and 1083-1086 (inclusive) | 395-201 Rev A | 17th September 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Dorset-Finsbury Block B | 1079, 1080, 1081, 1082 | 395-202 Rev A | 17th September 2015 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sheldon 5 | 1089-1093 | 395-203 Rev A | 17th September | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

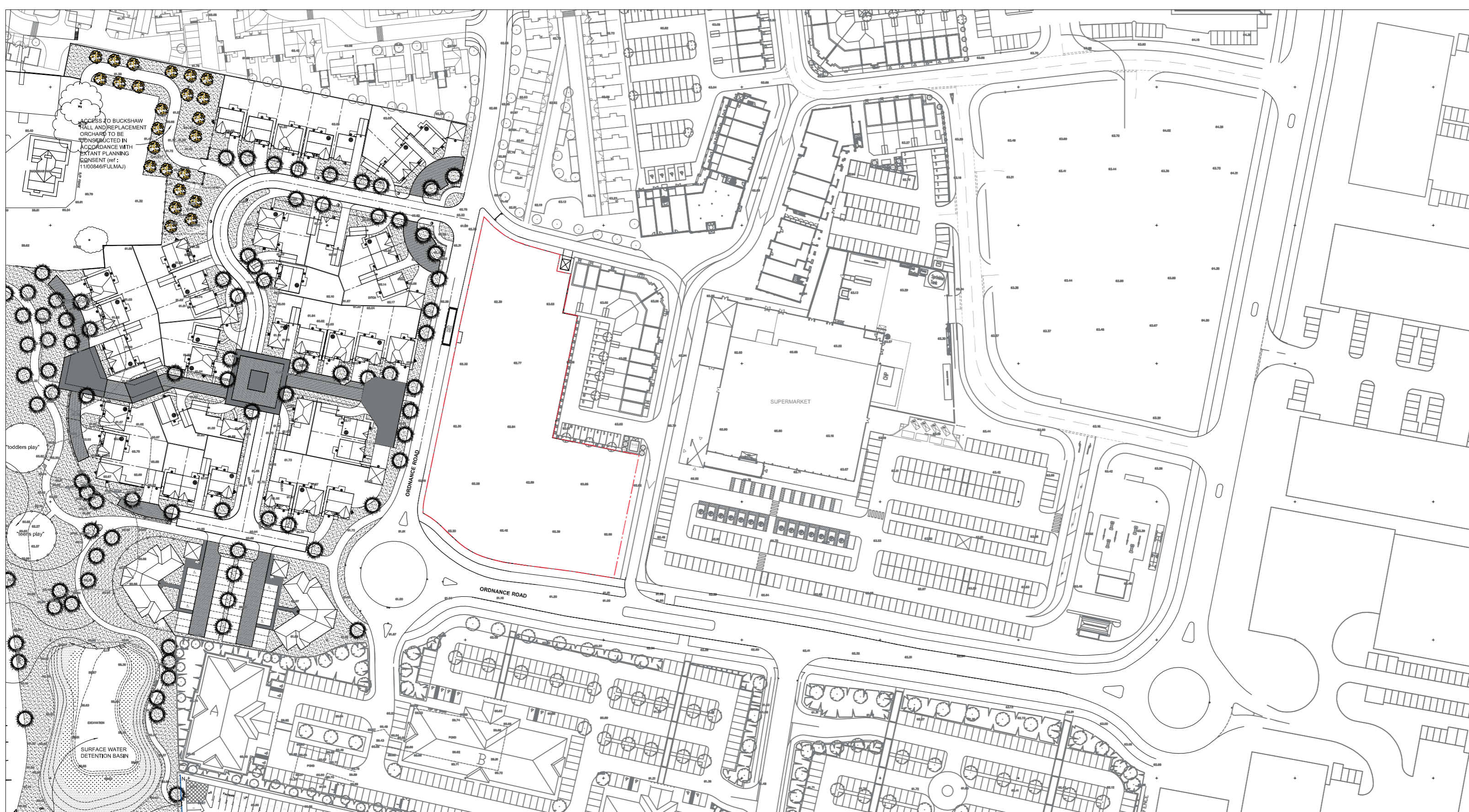
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|---------------------------------|---|---------------|---------------------|--|------|---------------------------------|------------------------|---------------|---------------------|
| | <table border="1"> <tr> <td>Block</td> <td>inclusive</td> <td></td> <td>2015</td> </tr> <tr> <td>Ashdon Semi-Block and Tavy Semi</td> <td>1087, 1088, 1094, 1095</td> <td>395-204 Rev A</td> <td>17th September 2015</td> </tr> </table> | Block | inclusive | | 2015 | Ashdon Semi-Block and Tavy Semi | 1087, 1088, 1094, 1095 | 395-204 Rev A | 17th September 2015 |
| Block | inclusive | | 2015 | | | | | | |
| Ashdon Semi-Block and Tavy Semi | 1087, 1088, 1094, 1095 | 395-204 Rev A | 17th September 2015 | | | | | | |
| | Reason: For the avoidance of doubt and in the interests of proper planning | | | | | | | | |
| 3. | <p>Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.</p> <p>Reason: To secure proper drainage</p> | | | | | | | | |
| 4. | <p>The external facing materials, detailed on the approved plans, shall be used and no others substituted.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p> | | | | | | | | |
| 5. | <p>The garages hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation.</p> <p>Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking</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 buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: In the interest of the appearance of the locality</p> | | | | | | | | |
| 7. | <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 impact of the development.</p> | | | | | | | | |
| 8. | <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> | | | | | | | | |
| 9. | <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</p> | | | | | | | | |

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| | <p>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> |
| <p>10.</p> | <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. The surface water drainage scheme must be restricted to existing runoff rates.</p> <p>Those details shall include, as a minimum:</p> <ul style="list-style-type: none"> 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 AOD; b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. 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); d) Flood water exceedance routes, both on and off site; e) A timetable for implementation, including phasing as applicable; f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates; g) details of water quality controls, where applicable. <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> <ul 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 3. To ensure that water quality is not detrimentally impacted by the development proposal |
| <p>11.</p> | <p>No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details.</p> <p>The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.</p> |

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| | <p>Reasons</p> <ol style="list-style-type: none"> 1. To ensure that the drainage for the proposed development can be adequately maintained. 2. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system. |
| <p>12.</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> <ol style="list-style-type: none"> a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company 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: <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; c) means of access for maintenance and easements where applicable. <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>13.</p> | <p>Prior to the commencement of any development, details of the foul drainage 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 adequate drainage is secured early on in the construction process in respect of the dwellings hereby approved.</p> |

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| 14. | <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> |
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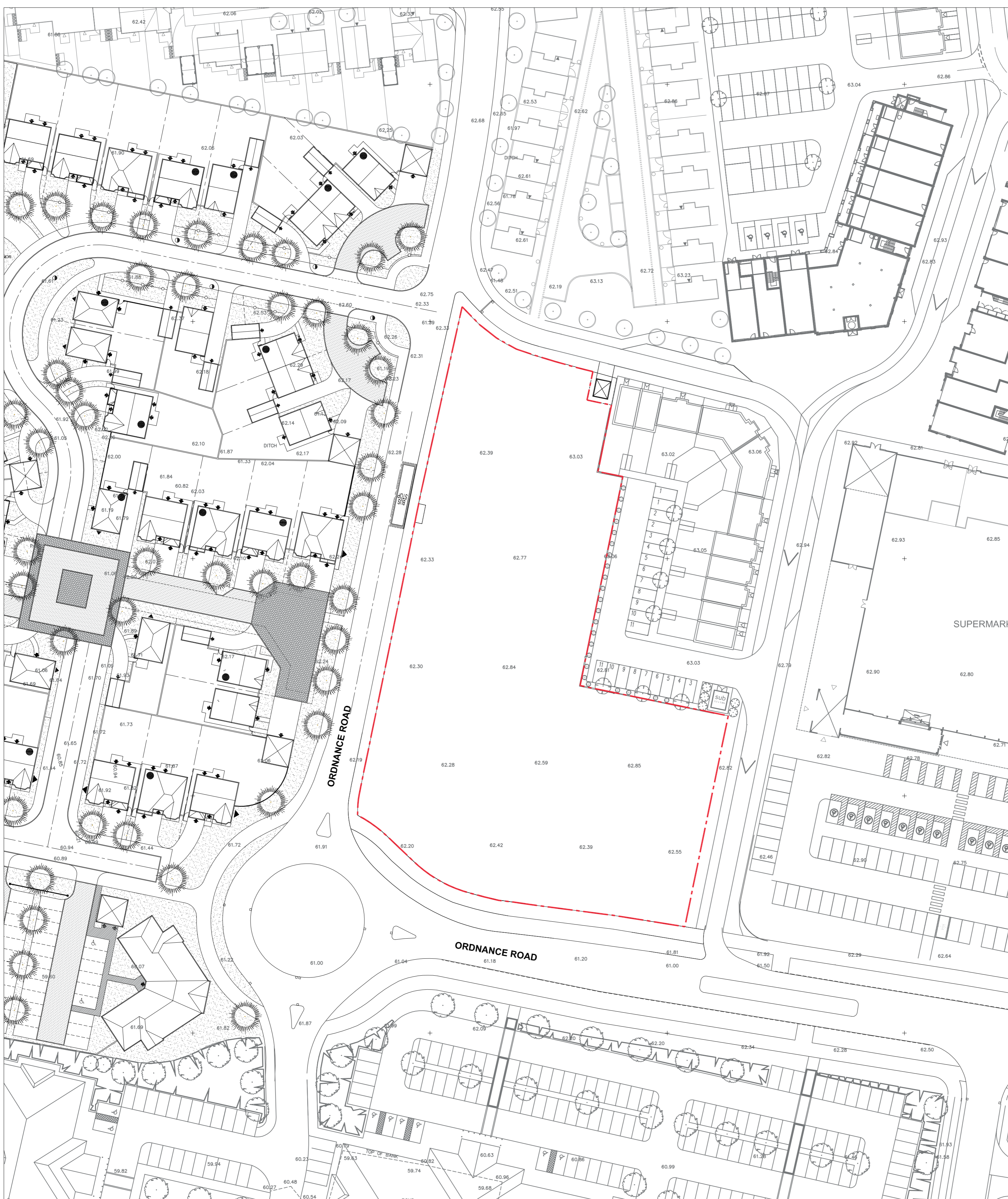
Residential Development: Western Fringe



Site Location Plan

Scale 1:1250 @ A1

Line to delineate Application Boundary



Site Block Plan

Scale 1:500 @ A1

Line to delineate Application Boundary



| Rev | Date | Amendment | By/Date |
|-----|------|-----------|---------|
| | | | |

| | |
|----------------|-------------------------------------|
| Development | Buckshaw Southern Commercial |
| Location | Buckshaw Southern Commercial |
| Marketing Name | Western Fringe |
| Drawing Title | Site Location & Block Plan |
| Drawing Number | 395 - 050 |
| Revision | Scale Varies @A1 |
| Drawn By | TB Date Started June 2015 |
| Checked by | Date |



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

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|-----------------------------|--|
| Item 3g | 15/00833/FUL |
| Case Officer | Iain Crossland |
| Ward | Brindle and Hoghton Ward |
| Proposal | Conversion of series of barns to 4 dwellings and erection of 3 single garages |
| Location | Leigh Farm Marsh Lane Brindle Chorley PR6 8NY |
| Applicant | Mr K Ormisher |
| Consultation expiry: | 24 September 2015 |
| Decision due by: | 22 October 2015 |

Recommendation

Permit Planning Permission subject to S106 legal agreement

Executive Summary

The main issues to consider are whether the change of use of the existing building are acceptable in principle, the impact of the development on the openness of the Green Belt, on the amenities of neighbours, the impact of the alterations on the appearance of the buildings and character of the area, parking provision and highway safety. For the reasons set out below, it is considered that the proposed development is consistent with the aims of the Framework and in accordance with the provisions of the development plan.

Representations

Brindle Parish Council – no comments received

Consultees

| Consultee | Summary of Comments received |
|---------------------------------|---|
| Greater Manchester Ecology Unit | <p>The Bat and Barn Owl surveys that have been carried out in support of the application have been undertaken by a suitably qualified consultant and are generally to appropriate and proportionate standards. No further surveys need to be conducted prior to deciding the application.</p> <p>The surveys did not record any signs of Bats or Barn Owls using the barns to be converted but the buildings did support breeding Swallows.</p> <p>I have no overall objections to the application on nature conservation grounds but I would recommend that no works that could potentially disturb nesting Swallows should commence during the optimum period for nesting (April to August inclusive). If works are likely to need to begin during this period then alternative nesting provision for Swallows will need to be provided on nearby buildings before any possible access points for birds are blocked up.</p> <p>All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).</p> <p>Swallows are in decline in the UK, partly as a result of the loss of suitable nesting sites. I would therefore recommend that, should permission be granted to the scheme, alternative artificial Swallow nest cups are provided elsewhere on the farm as compensation for the lost nest sites.</p> |

AssessmentThe Site

1. The application site forms part of an active farm holding, located off Marsh Lane, immediately to the south of the M65 motorway, in a rural part of Brindle that is washed over by Green Belt. The site comprises a series of original stone barn buildings that are currently used for storage.
2. The buildings are of a traditional design and have a number of interesting features around the window and door openings, however, the buildings are displaying signs of disrepair as the farming operation has migrated into more modern units on the site. In addition to this functional repairs and maintenance has been carried out in the past, which detract from the overall appearance. The barn buildings that are subject to this application are faced in natural stone and have slate roofs.
3. The site is accessed via a private drive with a track running to the front of the barns and more modern agricultural buildings and structures to the rear. It is noted that a recent permission (ref. 14/00242/FUL) has been granted to create a new farm access, which means that the original farm access can now be used for residential access only, separating this from the main farm vehicle access.
4. The character of the area is predominantly open agricultural land with agricultural buildings and isolated dwellings.

The Proposal

5. The proposed development is for the change of use of an existing agricultural building consisting of a series of traditional barns to four residential dwellinghouses. The only external alterations would be in relation to window and door openings. The proposal also includes a parking area with three single garages that would be allocated amongst the dwellings and would define the garden curtilage.

Assessment

The main issues are as follows:-

Issue 1 – Impact on the Green Belt

Issue 2 – Neighbour amenity

Issue 3 – Impact on character and appearance

Issue 4 – Impact on highways/access

Issue 5 – Public Open Space (POS)

Principle of the Development

6. The Central Lancashire Core Strategy Policy 1: Locating Growth, criteria f) states that development ‘in other places’ – will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need.
7. Paragraph 55 of the Framework states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. This includes where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. In this respect the proposal is in accordance with the Framework.
8. Paragraph 90 of the Framework states that certain forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This includes the re-use of buildings provided that they are of permanent and substantial construction.
9. Chorley Local Plan Policy HS9 covers the Conversion of Rural Buildings in the Green Belt. This states that proposals for the re-use of buildings in the Green Belt will be allowed provided that all of the following criteria are met:

- a) The proposal does not have a materially greater impact on the openness of the Green Belt and the purposes of including land in it;
 - b) The proposal would not harm the character or quality of the countryside or landscape;
 - c) The re-use of the building must not be likely to result in additional farm buildings which would have a harmful effect on the openness of the Green Belt;
 - d) If an agricultural building, it is not one substantially completed within ten years of the date of the application;
 - e) The building is of permanent and substantial construction and capable of conversion without more than 30% reconstruction;
 - f) The building must be capable of conversion without the need for additions or alterations which would change its existing form and character. Particular attention will be given to curtilage formation which should be drawn tightly around the building footprint and the requirement for outbuildings, which should be minimal;
 - g) The building must already have, or there exists the capability of creating, a reasonable vehicular access to a public highway that is available for use without creating traffic hazards and without the need for road improvements which would have an undue environmental impact;
 - h) The development would not result in the loss of or damage to any important wildlife habitat or protected species.
10. The Central Lancashire Rural Development SPD (Oct 2012) provides additional information regarding the re-use of existing buildings in the Green Belt for residential use. It says that re-use for business, community or tourism purposes will usually be preferable to residential use because they typically require less alteration. Where business, community or tourism uses are not feasible, residential conversions may be more appropriate in some locations and for some types of building. In these instances, the Councils will require the submission of a report demonstrating that it is not practical or financially viable to use the building for business, community or tourism purposes or where there is an amenity or environmental reason why these uses are not acceptable.

Impact on the Green Belt

11. The proposed conversion scheme would develop the existing buildings without the need to add any extensions. The buildings themselves are of permanent and substantial construction and are of sound structural integrity, as evidenced by a structural survey submitted as part of the application. The scheme is designed to utilise all the existing openings to best effect and apart from a few new roof lights no new openings need to be formed. As such the character of the existing building would be retained with no impact on the openness of the Green Belt.
12. The buildings themselves are currently underused as storage and have become increasingly redundant as more modern agricultural buildings have been developed on the farm. As such the re-use of the buildings is unlikely to result in the need to develop other additional buildings to replace lost capacity.
13. The curtilage boundary would be drawn tightly around the property allowing for a reasonable degree of amenity space without resulting in encroachment into the Green Belt and the building itself is of permanent and substantial construction.
14. Vehicular access already exists to the barn, along with the added benefit that a new access serving the remaining agricultural buildings is under construction following a recent planning permission (ref. 14/00242/FUL). This would avoid the potential hazards of a shared domestic and agricultural access, and no additional new access would be required. A designated parking area would be created on an area of hardstanding on the site of a previous building.
15. An ecological survey has been submitted in support of the application. The surveys did not record any signs of Bats or Barn Owls using the barns to be converted but the buildings did support breeding Swallows. The Greater Manchester Ecology Unit raised no

overall objections to the application on nature conservation grounds subject to recommendations being carried out to mitigate the impact on breeding Swallows. It is therefore recommended that conditions are attached to secure these mitigation measures.

16. Although the application has not been submitted in relation to the provision of an agricultural workers dwelling it is noted that the applicant, who farms the land, currently lives with his with his parents in the farm house. He and his family would move into one of the proposed dwellings, thereby enabling him to remain close to the farm. This adds further weight in support of the proposal.
17. Three single garages would be developed to supporting parking provision for the development. Although Policy HS6 makes no reference to domestic outbuildings, which are inappropriate in the Green Belt, the Council takes a pragmatic approach to the development of outbuildings at residential properties in the Green Belt and allows for the equivalent of a double garage. On this basis, and considering there would be one single garage for three of the proposed dwellings this is considered to be acceptable.
18. On the basis of the above it is considered that the proposal would not result in any inappropriate development in the Green Belt.

Impact on Neighbour Amenity

19. The application building is located approximately 10m from the dwellinghouse at Leigh Farm, which is within the ownership of the applicant. There would be no windows in the gable elevation facing this dwelling. There would be windows to habitable rooms in the north-west elevation of an outrigger element facing the dwelling at Leigh Farm, however, these would be located at least 22m away. As a result there would be no impact on privacy. As the barn is already in situ and would not be extended that would be no additional impact on light or outlook.
20. The relationship between the proposed dwellings is determined by the form of the existing building, and the openings that already exist and would be utilised as window and door openings. The dwellings all have gardens to the front and rear, although those to the rear vary in size and shape, resulting in an unconventional format. This reduces any urbanisation effect which can be resultant from providing private garden areas for converted barns.
21. There would be a shared courtyard between plots 2 and 3 in the centre of the development. Clearly this would be overlooked from both properties, however, as this would not be the only private amenity space available to those properties and future occupiers would have full knowledge of the arrangement this situation is considered to be acceptable. The windows between the two dwellings have been arranged and obscured so as not to present any direct overlooking from parallel facing windows.
22. The main south west facing windows to the rear of the proposed development would be located at least 21m from the existing store building following demolition of the lean to shed element as indicated on the proposed plans. The scale of the remaining barn and degree of separation are such that the impact on the living conditions of future occupiers, and in particular light, is considered to be acceptable.
23. There are no other concerns regarding the proposed layout of the dwellings, and it is considered to result in an acceptable relationship for future occupiers.

Impact on character and appearance

24. The proposed development would convert a series of traditional agricultural buildings into four dwellings. One of the units would be two storey, whilst two of the units are part two storey part single storey and the other unit is single storey only.
25. The original structural configuration of the barns readily lends themselves to subdivision into four units, requiring little structural modification and no additions or extensions

necessary to convert the barns. The scheme is designed to utilise all the existing openings to best effect and apart from a few new roof lights no new openings need to be formed.

26. The barns are generally random rubble walling with some punched faced stone to the stone pillars on the west elevation. The third unit single storey element is a red Accrington brick whilst the old cart store is rendered brick and stone. The roof is all local slate, which will be retained and repaired, apart from the old cart store, which will be replaced with a slate roof.
27. The original cart store has two original stone columns which it is intended to re-expose by removing the infill to reflect their original character. On the north elevation, rather than utilising the main cart door opening as an entrance, a side door is left open with a recessed front door and glazed screen to form a sheltered entrance area. This style of opening is also reflected in plot 3. It is proposed to re-render the existing cart store but all other areas will be re-pointed with a lime mortar. To the south there are large openings with incongruous and rusting steel beams, which it is proposed to replace with re-claimed stone lintels.
28. The curtilage would be tightly defined around the property with a vehicular access, driveway and parking to the north west side, hardstanding to the south west side and a lawn and garden to the south east side, with a hedge to the boundary.
29. The barns are generally well screened by other farm buildings to the south and east; by the original farmhouse to the west and; by the motorway mounding and tree planting to the north. The area to be utilised for curtilage is all currently a mixture of concrete and compacted stone hardstanding (to the new drive garaging/carport area). This will be landscaped to form stone walled garden areas, whilst the drive will be tarmac falling to gravel soakaway margins. The whole curtilage to the north will be bounded by a new local native mixed hedge and stock proof fence. A small area of tree planting is identified to the north. To the rear/south the small yard areas will be hard paved and drained to soakaways.
30. The three proposed single garages will be of matching design and will be timber framed with Yorkshire boarded timber cladding and corrugated powder coated aluminium roof. This would have an agricultural character in keeping with the character of the site and locality.
31. The proposed development would secure the future of a building of character and would retain and enhance the original features of the building through sympathetic repair and replacements. As such the physical alterations would not alter the existing form and character of the building and would rejuvenate the building to the benefit of the local area in retaining its distinctiveness.
32. The overall changes to the building would improve the appearance of this characterful building and would contribute positively to the character of the area. The development is therefore considered to be in accordance with Policy BNE1 of the Chorley Local Plan 2012 – 2026.

Impact on highways/access

33. The proposed development would result in the provision of a five bedroom dwelling, two three bedroom dwellings and a two bedroom dwelling. There would be a designated off street car parking area to the front of the barn providing at least two parking spaces each for plots 1 to 3. There would be a driveway adjacent to the 5 bedroom plot 4 with space to accommodate at least three cars. This meets with the adopted parking standards set out in relation to policy ST4 of the Chorley Local Plan 2012 – 2026.
34. The existing vehicular access would be retained to the front of the barn building, and would provide domestic vehicular access only, following the creation of a new farm business access to the south of the site approved under application ref. 14/00242/FUL.

Public Open Space

35. In line with Local Plan policy HS4 the applicant will need to enter into a Section 106 legal agreement requiring a payment of £7,552 towards amenity greenspace, equipped play areas, 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

36. The development is CIL liable, however, in line with the adopted CIL charges and associated regulations the applicant has indicated that they will claim a self- build exemption against part of the development.

Overall Conclusion

37. The 'principle' of the proposed conversion is considered to be an acceptable one and in accordance with the Framework given the proposal involves the re-use of an existing building in the Green Belt. It is not considered that the proposed use of the building and the associated car parking spaces will have a harmful impact on the openness of the Green Belt.

38. In terms of neighbour amenity, there are no concerns arising from the conversion of the building to dwellings and adequate car parking provision would be made.

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 |
|------------------|---|-----------------|-------------|
| 14/00242/FUL | New access road to existing farm | Approved | 01.05.2014 |
| 05/00470/OUT | Outline application for the erection of an agricultural dwelling | Withdrawn | 24.06.2005 |
| 94/00314/FUL | Demolition and rebuilding of part of building due to structural instability | Approved | 27.06.1994 |

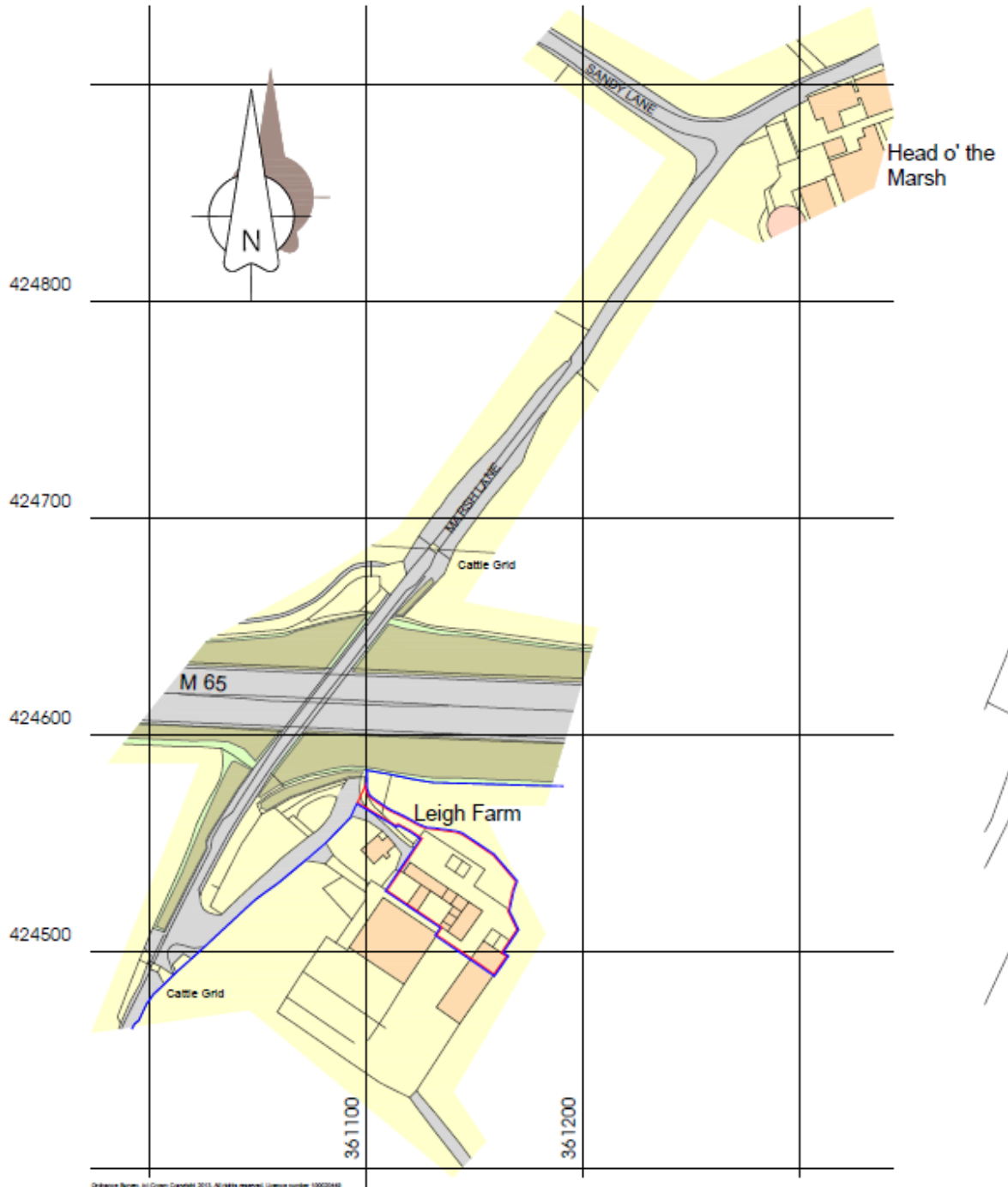
Suggested Conditions

| No. | Condition |
|------------|---|
| 1. | The proposed development must be begun not later than three years from the date of this permission. Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004. |
| 2. | Notwithstanding the details shown on the submitted plans, the proposed car parking and driveway to the side of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority. Reason: In the interests of highway safety and to prevent flooding |
| 3. | The external facing materials, detailed on the approved plans and application form, shall be used and no others substituted. Reason: To ensure that the materials used are visually appropriate to the locality. |
| 4. | The windows identified as 'obscure glazed' on the proposed plan no.60 rev. A submitted on 18 th August 2015 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. <i>Reason: In the interests of the privacy of occupiers of neighbouring property.</i> |
| 5. | No works that could potentially disturb nesting Swallows should commence during the optimum period for nesting (April to August inclusive). If works are likely to need to begin during this period then alternative nesting provision for Swallows will need to be provided on nearby buildings before any possible access points for birds are blocked up. Reason: All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended). |
| 6. | Before the development hereby permitted is first commenced alternative artificial Swallow nest cups should be provided elsewhere on the farm as compensation for the lost nest sites. Reason: The application buildings supports breeding Swallows, which are in decline in the UK, partly as a result of the loss of suitable nesting sites and are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended). |
| 7. | The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the first occupation of the dwelling hereby permitted and such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015). Reason: To ensure provision of adequate off-street parking facilities within the site |
| 8. | All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.. <i>Reason: In the interest of the appearance of the locality</i> |
| 9. | No dwelling shall be occupied until all fences and walls shown in the approved |

| | <p>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>10.</p> | <p>The development shall be carried out in accordance with the following plans:</p> <table border="0"> <thead> <tr> <th data-bbox="320 443 502 472">Plan Ref.</th> <th data-bbox="608 443 774 472">Received On:</th> <th data-bbox="842 443 911 472">Title:</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 472 502 501">2692-10 Rev A</td> <td data-bbox="608 472 774 501">18 August 2015</td> <td data-bbox="842 472 997 501">Location Plan</td> </tr> <tr> <td data-bbox="320 501 422 530">2692-20</td> <td data-bbox="608 501 774 530">18 August 2015</td> <td data-bbox="842 501 1230 530">Proposed Site Plan and Garages</td> </tr> <tr> <td data-bbox="320 530 422 560">2692-30</td> <td data-bbox="608 530 774 560">18 August 2015</td> <td data-bbox="842 530 1189 560">Existing Plans and Elevations</td> </tr> <tr> <td data-bbox="320 560 422 589">2692-40</td> <td data-bbox="608 560 774 589">18 August 2015</td> <td data-bbox="842 560 1189 589">Existing Plans and Elevations</td> </tr> <tr> <td data-bbox="320 589 422 618">2692-50</td> <td data-bbox="608 589 774 618">18 August 2015</td> <td data-bbox="842 589 1061 618">Existing Elevations</td> </tr> <tr> <td data-bbox="320 618 502 647">2692-60 Rev A</td> <td data-bbox="608 618 774 647">18 August 2015</td> <td data-bbox="842 618 1262 647">Proposed G/F Plans and Elevations</td> </tr> <tr> <td data-bbox="320 647 502 676">2692-70 Rev A</td> <td data-bbox="608 647 774 676">18 August 2015</td> <td data-bbox="842 647 1262 676">Proposed F/F Plans and Elevations</td> </tr> <tr> <td data-bbox="320 676 502 705">2692-80 Rev A</td> <td data-bbox="608 676 774 705">18 August 2015</td> <td data-bbox="842 676 1082 705">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: | 2692-10 Rev A | 18 August 2015 | Location Plan | 2692-20 | 18 August 2015 | Proposed Site Plan and Garages | 2692-30 | 18 August 2015 | Existing Plans and Elevations | 2692-40 | 18 August 2015 | Existing Plans and Elevations | 2692-50 | 18 August 2015 | Existing Elevations | 2692-60 Rev A | 18 August 2015 | Proposed G/F Plans and Elevations | 2692-70 Rev A | 18 August 2015 | Proposed F/F Plans and Elevations | 2692-80 Rev A | 18 August 2015 | Proposed Elevations |
| Plan Ref. | Received On: | Title: | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2692-10 Rev A | 18 August 2015 | Location Plan | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2692-20 | 18 August 2015 | Proposed Site Plan and Garages | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2692-30 | 18 August 2015 | Existing Plans and Elevations | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2692-40 | 18 August 2015 | Existing Plans and Elevations | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2692-50 | 18 August 2015 | Existing Elevations | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2692-60 Rev A | 18 August 2015 | Proposed G/F Plans and Elevations | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2692-70 Rev A | 18 August 2015 | Proposed F/F Plans and Elevations | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2692-80 Rev A | 18 August 2015 | Proposed Elevations | | | | | | | | | | | | | | | | | | | | | | | | | | |

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Location Plan



Location plan
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|-----------------------------|--|
| Item 3 | 15/00787/FUL |
| Case Officer | James Appleton |
| Ward | Whittle –Le - Woods |
| Proposal | Re-submission of 14/00617/FUL : Erection of detached garage to front of dwelling. (Retrospective) |
| Location | 1 Jubilee Close Whittle-Le-Woods Chorley PR6 7FS |
| Applicant | Mr Tim Maden |
| Consultation expiry: | 1 September 2015 |
| Decision due by: | 29 September 2015 (extension of time agreed to 6 October 2015) |

Recommendation

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

Executive Summary

The main issues to consider are whether the proposal is acceptable in terms of its impact on the amenities of neighbours, the character and appearance of the locality and highway safety.

Representations

Whittle-le-Woods Parish Council have made the following comments :

- The structure should have been created in brick (or cladded in brick), as original permission stated brick.
- Potential fire risk of the plastic material used.
- The material used is not in keeping with the house, or with the area the house is situated in.
- Parish Councillors have received a large number of complaints about this structure.

Request from Cllr Bell that the application be determined by the Development Control Committee.

In total 4 representations have been received which are summarised below:

Objection

- The garage is not in keeping with the building or surrounding area
- The materials are not in keeping with the surrounding properties
- Not in proportion to the dwelling
- Eyesore
- Neighbours only notified after erection of the garage
- Too big and too high
- Close to the boundary
- Not constructed in accordance with the approved permission

Consultees

| Consultee | Summary of Comments received |
|--------------------|-------------------------------------|
| The Coal Authority | Standing Advice |

AssessmentThe Site

1. The application property is a detached bungalow of traditional design and character located within Whittle-le-woods off Chorley Old Road. It is faced with red brick and has a brown slate roof and white UPVC window frames. There is a detached garage to the front of the property with an area of hard standing.
2. The area is characterised by residential properties of varying design and style.

The Proposal

3. This application seeks retrospective planning consent for the erection of a detached double garage constructed in grey UPVC cladding.
4. The proposed detached garage will measure approximately 6m wide and have a length of approximately 6.6m. It will have a dual pitched roof with a ridge and eaves height of approximately 3.6m and 2.2m respectively.
5. The detached garage will be built with grey UPVC cladding with a brown tiled roof.

Background Information

6. The original planning approval (ref : 14/00617/FUL) at this site related to the a erection of a detached double garage constructed out of red brick and concrete tiled roof. This was approved in March 2015. However following an enforcement enquiry it was identified that the garage had been constructed out of grey UPVC clad structure with a pitched roof and a window inserted in the rear elevation. This was not in accordance with the approved plans and this application seeks to regularise the situation at the site.

Principle of the Development**Assessment**

The main issues are as follows :-

Issue 1 – Impact on character and appearance of the locality

Issue 2 – Impact on neighbour amenity

Issue 3 - Impact on highways/access

Impact on character and appearance of locality

7. *Policy BNE1 of the Adopted Chorley Local Plan 2012-2026 states that the proposal must not have a significantly detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, materials, orientation, use of materials.*
8. *The Householder Design Guidance SPD also states that outbuildings should appear subordinate and be commensurate in scale and function to the original house. Outbuildings should normally be sited close to the house. In addition, the size of any outbuilding should be commensurate with the scale of any replaced or extended property.*
9. The applicant obtained planning approval last year to a build a detached garage, however this was for a detached garage with a pitched roof and for the exterior materials to match the existing dwelling. The applicant has constructed the garage in grey clad UPVC materials with a dual pitched roof.
10. The site is located in a residential area characterised by a diverse range of architectural styles and property types such as a mixture of red brick detached and semi- detached bungalows, two storey detached red brick houses. The area includes a modern residential development and stone built cottage style houses with stone built semi-detached bungalows with white render features, there is no strong prevailing character or specific local distinctiveness. In addition to this the site is not located in a conservation area or covered by an article 4 direction.

11. Although prominent in the street scene, it is considered that there is no distinctive building line within the street scene due to the layout of the properties and layout of the road which ensures that the garage would not dominate the arrangement of buildings in the immediate area. It is noted that the approved permission in 2014 included a ridge height at approximately 3.9m high and the garage as constructed has an approximate ridge height of 3.6m, lower than the approved garage on this site, and as such the size and scale is therefore deemed acceptable.
12. There is no other available provisional space to construct a double garage within the residential curtilage of the property, due to alimentionation of the properties, land levels and the recent residential development to the east of the property comprising of Jubilee Close.
13. Whilst the materials used do not match the existing dwelling, the substitute materials are deemed appropriate for the plot and location as the materials used on the exterior provides a less prominent feature than if the garage was built with red brick.
14. Given the above it is considered that the detached garage would not be so harmful in terms of its impact on the street scene, furthermore there is an example of an existing detached garage of similar size nearby.
15. The proposed detached garage will not have a detrimental impact on the character and appearance of the locality given its location.

Impact on neighbours

16. *Policy BNE1 of the Adopted Chorley Local Plan 2012-2026 states that developments must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or overbearing.*
17. *The Chorley Borough Council Householder Design Guidance SPD asserts that outbuildings should not lead to an unacceptable level of overshadowing of neighbouring properties, disturbance or loss of privacy.*
18. The proposed garage is located approximately 12.5m from no.3 Chorley Old Road. It is accepted that the proposed garage will be visible from 3 Chorley Old Road however there is a red brick wall at an approximate height of 2m which screens part of the garage facing 3 Chorley Old Road and the garage is located to the north of 3 Chorley Old Road. In addition to this the land levels at the application site are approximately 2m higher than the land levels of 3 Chorley Old Road and is approximately 1m higher from the road. This results in a garage which is elevated when viewed from 3 Chorley Old Road however given the screening, siting of the proposed garage and the fact that a higher garage has consent on this site it is not considered that the proposed garage will have an unacceptable impact on the neighbours amenities which would warrant refusal.
19. There is one window proposed in the rear elevation of the garage facing 3 Chorley Old Road however this will serve a garage which is not a habitable room ensuring there will be no loss of amenity as a result of this window. Additionally this window is obscurely glazed.
20. The proposed garage is located approximately 18.5m from the properties at no's 4 and 6 Chorley Old road to the west and it is considered that the resultant relationship will be acceptable.
21. Having regard to the above, the proposed development will not have an unacceptable impact upon any neighbouring properties.

Impact on highways/access

22. *Policy HS5 of the Adopted Chorley Local Plan 2012 – 2026 states that house extensions will be permitted provided that the proposal does not have an unacceptable adverse effect on highway safety.*

- 23. *The Householder Design Guidance SPD states that off-street parking should generally be provided at a ratio of 1 space for a single bed dwelling, 2 spaces for a two or three bed dwelling, and 3 spaces for a larger property, including garages. It also states that car parking spaces occupy a space of 2.5m by 5.5 m and spaces in front of a garage should be 2.5m by 6m. Relaxation of the parking standards may be accepted in highly accessible locations.*
- 24. No additional bedrooms will be created as part of the development and the application property will have a driveway and garage of sufficient size to provide at least three off-street parking spaces, in addition it is not considered that the addition of the garage will result in a significant increase in vehicle movements to the detriment of the living conditions of local residents.
- 25. As a result the proposal would not cause any significant harm to highway safety.

Other matters

- 26. Adjoining neighbours were consulted on the original permission and a site notice was displayed. The same neighbours were consulted about the amended application and a site notice was displayed on Jubilee Close.
- 27. The fire risk of a building is taken into account when a building regulation application is submitted. This garage already has building regulations approval.

Overall Conclusion

- 28. It is considered that the proposal accords with National Planning Policy and the provisions of the Adopted Chorley Local Plan. It is therefore recommended that the application is approved.
- 29. The ‘principle’ of the proposal is an acceptable one and it is not considered that this will have a harmful impact on the amenities of local residents.
- 30. From a design perspective, the proposal is considered to be acceptable with regards to the choice of materials and given the location of the site; it is not considered that the works will have a harmful impact on the character and appearance of the streetscene.

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.

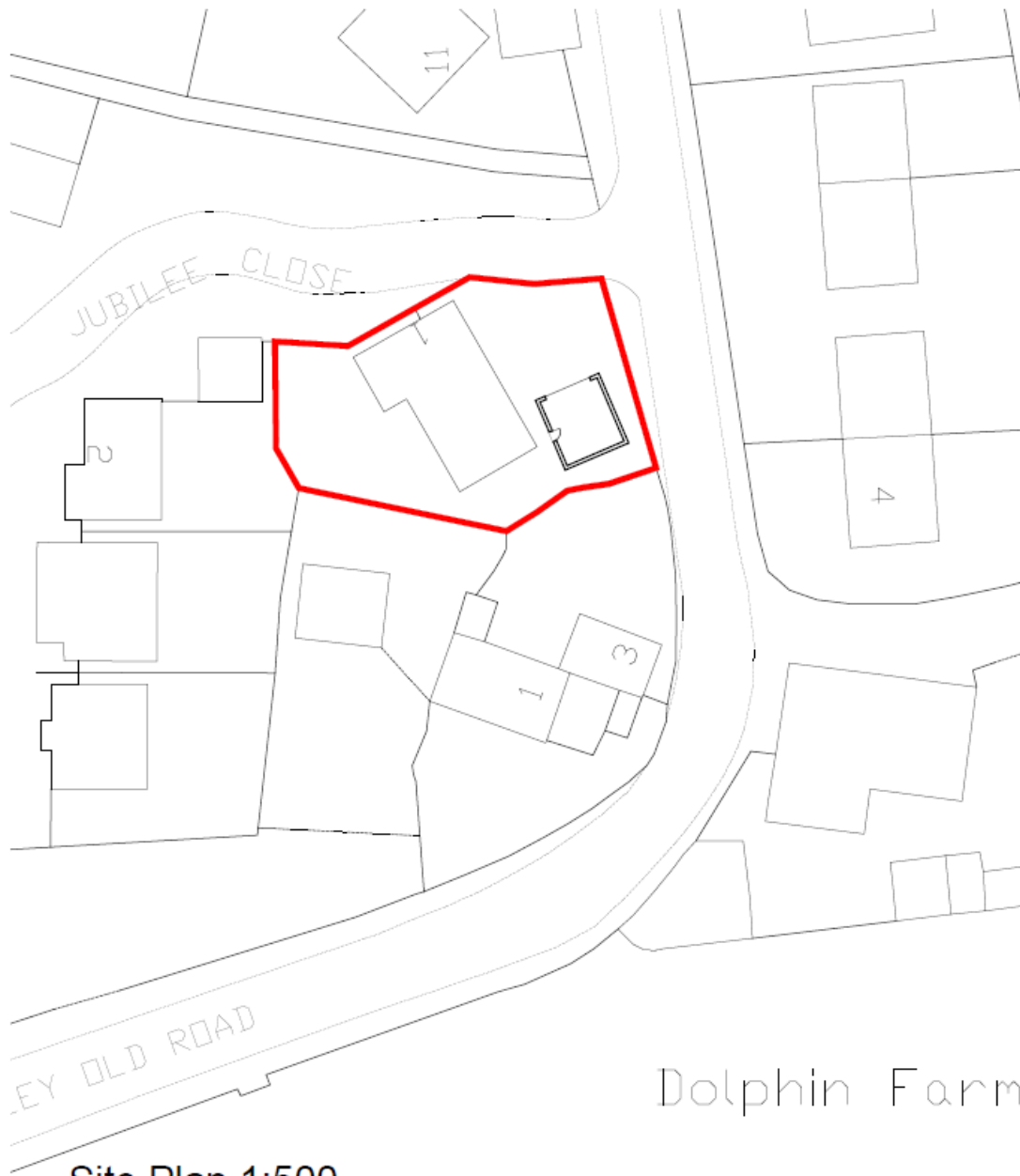
Planning History

| Reference | Description | Decision | Date |
|--------------|---|----------|---------------|
| 14/00617/FUL | Erection of detached garage to front of dwelling | Approved | 6 August 2014 |
| 11/00327/FUL | Demolition of 7 Chorley Old Road together with associated outbuildings and construction of 8 No. residential dwellings (some with detached garages) and associated works including amendments to the access to 5 Chorley Old Road and erection of single detached garage to serve this property | Approved | 29 June 2011 |
| 10/00238/FUL | Demolition of No. 7 Chorley Old Road together with associated outbuildings. Construction of 9 No. residential dwellings and | Refused | 2 July 2010 |

| | | | |
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| | associated works and amendments to the access into No. 5 Chorley Old Road with new garage provision/location. | | |
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Suggested Conditions

| No. | Condition | | | | | | |
|--|--|-----------------|-------------------|---------------|--|------------|-----------------|
| 1. | <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 562 1294 689"> <thead> <tr> <th data-bbox="325 562 643 589">Title</th> <th data-bbox="643 562 970 589">Drawing Reference</th> <th data-bbox="970 562 1289 589">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="325 589 643 689">Location plan, site plan, proposed floor and elevation plans</td> <td data-bbox="643 589 970 689">100/COR/PL</td> <td data-bbox="970 589 1289 689">4th August 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, site plan, proposed floor and elevation plans | 100/COR/PL | 4th August 2015 |
| Title | Drawing Reference | Received date | | | | | |
| Location plan, site plan, proposed floor and elevation plans | 100/COR/PL | 4th August 2015 | | | | | |
| 2. | <p>The external facing materials, detailed on the approved plans, shall be used and no others substituted. Reason: To ensure that the materials used are visually appropriate to the locality.</p> | | | | | | |



Site Plan 1:500

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| Item 3i | 15/00691/S106A |
| Case Officer | Nicola Hopkins |
| Ward | Chorley South East |
| Proposal | Application under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to modify a planning obligation (Affordable Housing) dated 10 April 2013 |
| Location | Site Of Former Social And Athletic Club, Duke Street, Chorley |
| Applicant | Fellows Homes & Northern Trust Ltd |
| Consultation expiry: | N/A |
| Decision due by: | 13TH October 2015 |
| Recommendation | |
| Approve modification of the S106 obligations | |

Proposal

1. The site is the former Social and Athletic Club located on the corner of Duke Street and Brindle Street. Full planning permission was granted in April 2013 for the redevelopment of the site with the erection of 70 dwellings and associated infrastructure (12/01247/FULMAJ). Permission was granted subject to a number of conditions and obligations contained within a Section 106 Agreement. The development is well underway.
2. This is an application submitted under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to modify the planning obligation insofar as it relates to the percentage of market units which can be occupied prior to the affordable units being ready for occupation.
3. The delivery of the affordable housing clauses is set out in the S106 Agreement signed 10th April 2013 (Schedule 4, Part 3) in the following clauses:

A Construction of the Affordable Units

1. To provide on the Land 20% affordable housing comprising of 14 Affordable Units a mixture of Social Rented Units and Intermediate Units as more particularly set out below and agreed with the Council.
 2. Prior to the construction of the Affordable Units to provide and agree in writing with the Council a programme and timetable ("the Programme") for the provision of the Affordable Units (such agreement not to be unreasonably withheld or delayed by the Council).
 3. Subject as hereinafter provided the Affordable Units shall be used solely for the purpose of providing Affordable Housing to be occupied as the sole residence of households in need of Affordable Housing within the Borough
 4. The Owner and/or Developer shall serve notice on the Council within fifteen [15] Working Days after the completion of the construction of the Affordable Units
 5. The Owner and/or Developer shall not occupy or allow more than 50% of the Market Units to be Occupied until all of the Affordable Units have been constructed in accordance with the Planning Permission (and for the avoidance of doubt construction of the Affordable Units shall not be achieved unless all the services are connected and operating and the Affordable Units are accessible by both vehicles and pedestrians) and they are ready to be transferred for Occupation by a person or persons who meet the applicable Eligibility Criteria.
4. The developer has requested that the wording of clause 5 of the original S106 be amended to increase the number of market units which can be occupied prior to the construction of the affordable units as follows:

The Owner and/or Developer shall not occupy or allow more than 80% of the Market Units to be Occupied until all of the Affordable Units have been constructed in accordance with the Planning Permission (and for the avoidance of doubt construction of the Affordable Units shall not be achieved unless all the services are connected and operating and the Affordable Units are accessible by both vehicles and pedestrians) and they are ready to be transferred for Occupation by a person or persons who meet the applicable Eligibility Criteria.
 5. All of the other obligations within the original Agreement are not affected by this application.

Background

6. To date 21 market houses on the site have been completed and are occupied, 8 market houses are exchanged and near completion, 14 market houses have been reserved and the foundations have commenced.

7. In respect of the affordable houses the ground has been remediated and the site cleared for commencement.
8. The current clause only allows for 28 of the market dwellings to be occupied until the affordable houses have been constructed which is close to occurring on site. The proposed modification to the S106 obligation would allow 45 market units (total number of market units is 56 on this site) to be occupied before the affordable units have been constructed.

Assessment

9. The Town and Country Planning Act allows Local Authorities to determine:
 - (a) that the planning obligation shall continue to have effect without modification;
 - (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or
 - (c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.
10. The applicant has provided evidence of discussions they have had with affordable housing providers which include Symphony Housing Group, Progress Group and Adactus Housing. The applicant intended to go with Symphony Housing Group (Contour Homes) in respect of the affordable units on this site and it was on this basis that the application was submitted. However on 17th August this Registered Provider confirmed the following:
At present Contour Homes are reconsidering their business plan, in the light of the budget changes announced after the 2015 general election and are therefore not in a position to make an immediate decision about whether to pursue this s106 proposal.
11. The applicant has confirmed that the other offers received from the other registered providers were very similar to the original offer from Symphony. These offers are considered to be more than reasonable for this scheme and given the position from Symphony detailed above, the applicant initially confirmed that they would make further contact with Progress Group and Adactus Housing to take forward one of their offers.
12. The Council's Strategic Housing Officer has raised concerns that the submitted application forms cite *not being able to obtain a viable offer* as a reason for the request to amend the planning obligation. The evidence submitted details 3 viable offers from registered providers and as such it is clear that finding a willing provider is not an issue. If the issue is the amount the registered providers are offering, which as stated previously is considered to be reasonable, then viability of the scheme does appear to be an issue.
13. In this regard the applicant has provided further correspondence from Symphony on 27th August which states that *things have moved on more quickly than anticipated and they should be able to give us a definite decision about the go ahead within the next few weeks.*
14. The main consideration in respect of this site is ensuring the delivery of affordable housing. Although issues of viability appear to have factored into the delay in the provision of the affordable housing on this site no viability information has been submitted in support of this application. In order to secure a reasonable timescale for the delivery of affordable housing on this site and to provide assistance to the developers if they cannot secure a Registered Provider (RP) by assisting and opening up discussions between the Council and RPs the following additional clauses have been suggested to the applicants:

The operative parts of the Principal Deed dated 10th April 2013 shall be amended as follows:

In Schedule 4, Part 1 there shall be added a new clause 2.4 "Within two months of the date of this letter the Owner and/or Developer shall provide written evidence of the negotiations with Affordable Housing Providers to secure the transfer of the Affordable Units along with confirmation of the Owner and/or Developer's preferred Affordable Housing Provider and a timetable for the transfer of the Units."

In Schedule 4, Part 1 there shall be added a new clause 2.5 "In the event that the Owner and/or Developer has not identified an Affordable Housing Provider for the disposal of all of the Affordable Units in accordance with clause 2.4 within three months of the date of

this letter the Council shall then use reasonable endeavours to identify a suitable Affordable Housing Provider which is ready able and willing to exchange contracts for the purchase of all of the Affordable Units.”

15. The Solicitor acting on behalf of the applicant has confirmed the following points in respect of this site and the request to modify the planning obligation:
 1. To ensure the timely delivery of the development as a whole, the margin needs to be increased from 50% to 80%;
 2. This needs to be done by deed of variation, which in turn, will need the approval of the freehold owner of course; and
 3. The further clauses/amendments put forward by yourself concerning time frame and delivery are noted and there is no problem in principle, but ultimately my client must have the final say as to whether any offers made (whether via the Council or otherwise) are acceptable to it/actually viable.

16. Although the applicant has not accepted the clauses set out above it is considered that a suitable agreement can be come to so as to ensure that affordable housing is delivered on this site within a timely manner. The precise wording of the additional clauses will be addressed within the addendum.

Overall Conclusion

17. It is considered preferable to ensure that the development of this site is completed and as set out above increasing the number of market houses which can be occupied to 80% will enable the development to continue whilst further negotiations take place with affordable housing providers. One of the important elements of this scheme is the delivery of on-site affordable housing and whilst the changes pushes this delivery further back into the development timetable it is considered that suitable additional clauses can be contained within the Deed of Variation to assist with securing the delivery of affordable housing on this site in a timely manner. As such the modification of the obligation is recommended for approval.

Planning Policies

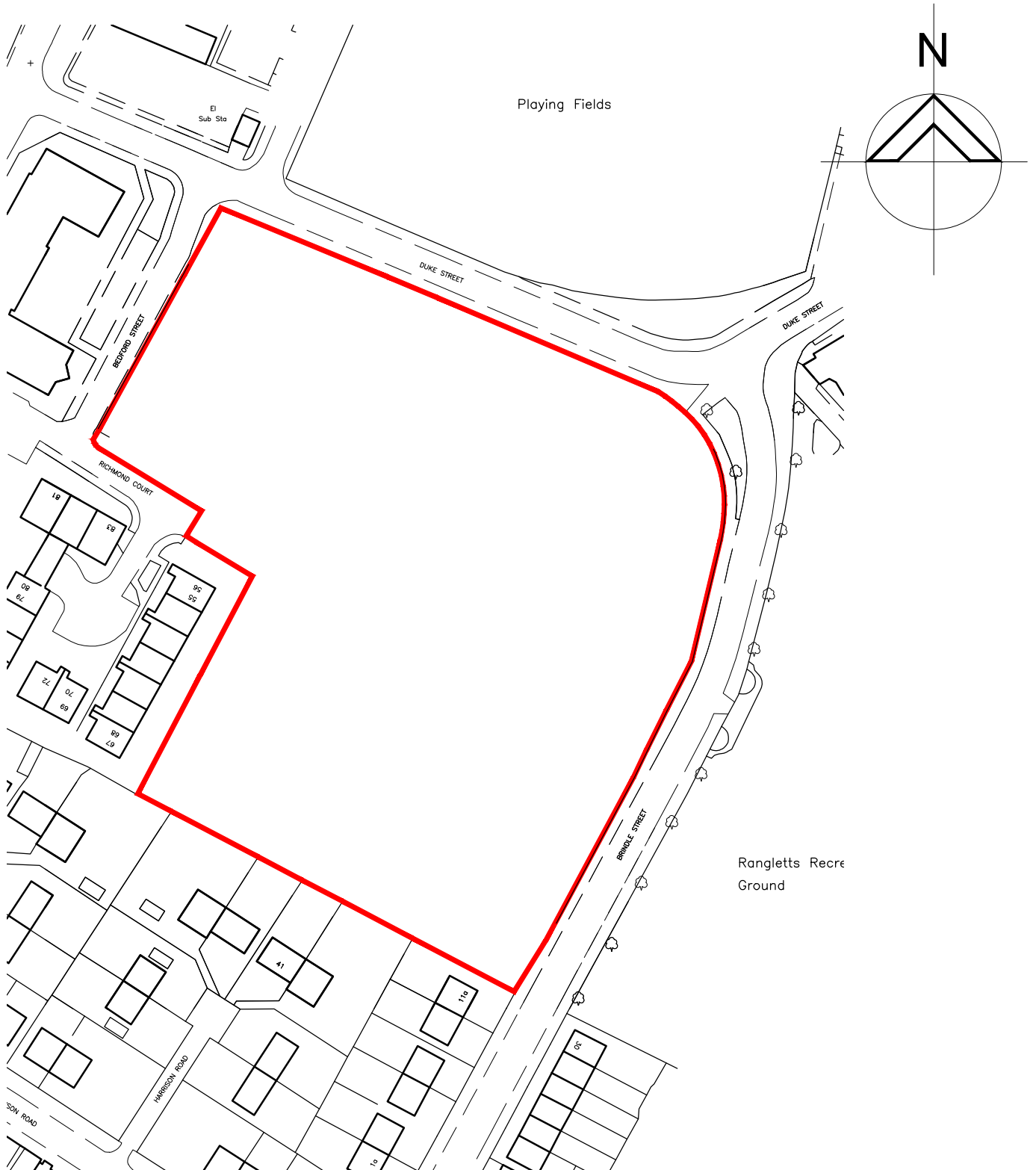
In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations 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 |
|-----------------|--|------------|---------------|
| 97/00747/FUL | Demolition of existing pavilion building and erection of 57 two storey houses. | Refused | November 1997 |
| 97/00756/FUL | Demolition of existing pavilion building and erection of 57 two storey houses | Withdrawn | January 1999 |
| 05/01146/OUTMAJ | Outline application for the redevelopment of 1.5ha of land for residential use and bowling green. | Withdrawn | January 2006 |
| 08/01170/OUTMAJ | Outline application for the erection of 71 dwellings including access and scale | Withdrawn | April 2013 |
| 12/01247/FULMAJ | Development of 70 dwellings and associated infrastructure | Approved | April 2013 |
| 13/00786/DIS | Application to discharge conditions 5 (external facing materials), 6 (hard surfacing materials), 8 (landscaping), 10 | Discharged | November 2013 |

| | | | |
|--------------|---|------------|---------------|
| | (replacement tree planting), 19 (ground contamination), 21 (gas protection measures), 24 (foul and surface water drainage), 26 (Construction Method Statement) and 27 (Boundary fence details) attached to planning approval 12/01247/FULMAJ | | |
| 13/01022/DIS | Application to discharge conditions 8 (landscaping), 10 (replacement tree planting), 14 (Code for Sustainable Homes), Condition 16 (Carbon Reduction), Condition 18 (Cotoneaster eradication), Condition 22 (SUDs) and 24 (foul and surface water drainage) attached to planning approval 12/01247/FULMAJ | Discharged | December 2013 |

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Location Plan 1:1250

0m 25m 50m



Scale Bar 1:1250

JRM 22:03:13

A Red edge adjusted in accordance with title plan

CLIENT
Fellows Homes Ltd.

PROJECT
Proposed Residential Development at Duke Street/Brindle Street, Chorley.

DRAWING TITLE
Location Plan.

DATE
22:12:11

SCALE
1:1250 @ A4

DRAWN
JRM

DRWG No.
11/060/L01

REV
A



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