

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 9TH FEBRUARY 2016, 6.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

- 1 MINUTES OF MEETING THURSDAY, 14 JANUARY 2016 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 eight items for planning applications to be determined (enclosed).

Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website.

<https://planning.chorley.gov.uk/online-applications/search.do?action=simple&searchType=Application>

- A 15/00686/FULMAJ - CROWN STAGE AND THEATRE SERVICES LTD, BROCK MILL, BROCK ROAD, CHORLEY**

(Pages 7 - 20)

- B 14/01214/FULMAJ - GILLIBRAND ARMS, COLLINGWOOD ROAD, CHORLEY, PR7 2PT**

(Pages 21 - 40)

- C 15/01145/FUL - DUTCH BARN CLOSE, CHORLEY**

(Pages 41 - 48)

- D 15/01143/FUL - DUTCH BARN CLOSE, CHORLEY**

(Pages 49 - 56)

E	15/01144/FUL - DUTCH BARN CLOSE, CHORLEY	(Pages 57 - 64)
F	15/01092/OUT - LAND NORTH OF THE RAILWAY PUBLIC HOUSE, WIGAN ROAD, EUXTON	(Pages 65 - 76)
G	15/01222/FUL - HIGHER DERBYSHIRES, GILSBROOK, RIVINGTON LANE, RIVINGTON, BOLTON, BL6 7SA	(Pages 77 - 82)
H	15/01168/FUL - 59 SCHOOL LANE, BRINSCALL, CHORLEY, PR6 8QS	(Pages 83 - 92)

4 APPEALS AND OTHER DECISIONS

Report of the Director of Public Protection, Streetscene and Community (report to follow).

5 ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Development Control Committee Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, Charlie Bromilow, Henry 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.

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

To view the procedure for public questions/ speaking click here

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



MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE Thursday, 14 January 2016

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

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

16.DC.171 Minutes of meeting Tuesday, 15 December 2015 of Development Control Committee

RESOLVED - That the minutes of the Development Control Committee held on 15 December 2015 be approved as a correct record for signature by the Chair.

16.DC.172 Declarations of Any Interests

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

16.DC.173 Planning applications to be determined

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

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

16.DC.173a 15/00961/FUL - Towngate Stables, Dark Lane, Mawdesley

Registered speaker: Andrew Mawdesley (applicant).

A motion was put forward to refuse the application, which was seconded. When put to the vote, the motion was lost (3:12:0).

RESOLVED (13:2:0) – That full planning permission be approved, subject to conditions detailed in the report and the addendum. An additional condition

was added at the meeting in relation to the provision of a field suitable for the horses.

16.DC.173b 15/00824/FUL - 90 Preston Road, Whittle-le-Woods

Registered speaker: Emma Lloyd (applicant).

Cllr Whittaker left the meeting before the discussion was concluded and a vote was taken.

RESOLVED (unanimously) - That full planning permission be approved subject to conditions detailed within the report in the agenda. Delegated power was granted to officers in consultation with the Chair and Vice-Chair to approve additional conditions following consultation with the applicant in relation to the provision of a fence in front of the kitchen windows for 15 Royton Drive, appropriate lighting and working hours.

16.DC.173c 15/01116/FUL - Five Acres Plant Centre, Five Acres, Dawbers Lane, Euxton

Registered speaker: Paul Shipley (applicant).

RESOLVED (unanimously) – That retrospective planning permission be refused, for the reasons set out below. The previously agreed enforcement action to be deferred for a period of three months; to allow the applicant to take advice from officers and submit a new application.

Reason: The car park/ area of hardstanding represents further encroachment into the Green Belt than the existing built development at the site in conflict with one of the five Green Belt purposes. It is considered that there is sufficient space within the confines of the existing built development at this site to accommodate parking without the need for this additional car park and there is no justification as to why hardstanding for agricultural storage is required at this site, as such it has not been demonstrated that the land is genuinely required for agricultural purposes. The proposal represents inappropriate development which is harmful to the Green Belt and it is not considered that sufficient very special circumstances have been provided which outweigh the harm the development will have on the Green Belt.

16.DC.173d 15/00686/FULMAJ - Crown Stage and Theatre Services Ltd, Brock Mill, Brock Road, Chorley.

Registered speaker: Paul Holden (objector).

RESOLVED (unanimously) – That the decision be deferred to allow members of the Development Control Committee the opportunity to visit the site of the proposals. An LCC Highways officer would be invited to attend the site visit.

16.DC.173e 15/01147/FULMAJ - Chorley Fire Station, Weldbank Lane, Chorley, PR7 3NQ

Registered speaker: Steven Gallagher (agent).

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

16.DC.173f 15/01196/S106A - Royal Ordnance Site Including Land Between Dawson Lane and Euxton Lane, Euxton Lane, Euxton

Cllr Clark left the meeting before the discussion and the vote.

RESOLVED (unanimously) – That modification of the Section 106 agreement relating to affordable housing obligations within the report on the agenda be approved.

16.DC.173g 15/01121/ADV - Phoenix Works, Steeley Lane, Chorley

RESOLVED (unanimously) – That advertisement consent be granted, subject to conditions detailed within the report on the agenda.

16.DC.174 Appeals and other decisions

The report was withdrawn from the agenda for technical reasons.

Chair

Date

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Item 3a	15/00686/FULMAJ
Case Officer	Adele Hayes
Ward	Chorley North East
Proposal	Erection of 12no. dwellings consisting of 6no. houses and 6no.apartments with associated landscaping, car parking and adopted access road following demolition of the existing factory.
Location	Crown Stage And Theatre Services Ltd, Brock Mill, Brock Road, Chorley.
Applicant	Progress Housing
Consultation expiry:	5 January 2016
Application expiry:	15 January 2016

UPDATE

This application was deferred for a site visit at the Development Control Committee meeting on 14th January 2016. This site visit took place 27th January and the recommendation remains as per the original report which has been updated to incorporate information reported on the addendum.

In addition the applicant's agent has revised the proposed site layout to include an additional 4no. car parking spaces. Consequently, a total of 18no. spaces will be provided and this level of provision complies with the Council's policy requirements for the development proposed.

Recommendation

It is recommended that this application is approved.

Proposal

1. This application seeks full planning permission for a residential development comprising 12no. dwellings consisting of 6no. two bedroomed houses and 6no. one bedroomed apartments with associated landscaping, car parking and adopted access road on the site of Brock Mill which was demolished last year.
2. The northern boundary of the site fronts Brock Road whilst it is adjoined by existing warehouses on the southern and western boundaries with housing located to the east. The site was formerly occupied by an industrial building.
3. The site is within close proximity of the A6 Road and Market Street is approximately 0.9 miles to the south where facilities such as retail stores, restaurants and supermarkets are located. The Parish Church of Saint Peter is also close by, located at the north of the site about 0.3 miles away. Schools such as St. Joseph's Catholic Primary School and Highfield Primary School are also close by within a 10 minute walk. Chorley and South Ribble District General Hospital is 1.1 miles away.

Representations

4. Representations have been received from 8 local residents citing the following grounds of objection:
 - The proposed 2100mm high fence is directly adjacent to an existing property and the gable wall of this house contains a ground floor window. The fence would completely cover the window obliterating any light.
 - The boundary fence would prevent the neighbouring occupier from maintaining their home.
 - There will be an unacceptable increase in traffic to an already busy, dangerous and inadequate road. A one way traffic system is suggested.
 - Many children play around and walk to school across the proposed access junction and the increased traffic and the necessary dog legged road infrastructure would affect their safety.
 - There will be increased noise and disturbance from the traffic and existing parking problems will be exacerbated.
 - There will be a loss of privacy.
 - The site of Brock Mill is not suited for housing development and this application should be rejected.
 - There is insufficient parking provision.
 - The planting of shrubs to the side of 2 Brock Road will cause collection of litter and vermin and without a maintenance program in place there would be no way to control this and the height of the shrubs.
 - The planting of shrubs close to a neighbouring property will affect the integrity of the foundations eventually leading to subsidence.
 - The height of the boundary wall adjacent to properties on Briercliffe Road should be left at 3m so that privacy levels are retained.
 - No. 2 Brock Road is listed as part of this application and this is a misrepresentation made by the applicant.
 - The increase in housing, without proper maintenance of the surrounding area is likely to generate litter and vermin.
 - A local resident has requested that the wall adjacent to their property has bushes planted against it so as to stop children football against it.
5. Councillors Marion and Adrian Lowe have commented that they are amazed that the access is deemed to be appropriate as there are horrendous traffic problems particularly when the chip shop is open. They also state that there is a high volume of traffic that uses that end of Railway Road and parking is a nightmare. They despair at the comments of the highways authority who do not seem to understand the narrowness of the roads leading to this site. Comment is also made that the footpath leading to Rylands crossing is well used and is affected by the proposed access.

Consultations

6. Lancashire County Council (Highways) - recommend conditions
7. Lead Local Flood Authority - recommend conditions
8. Chorley's Waste & Contaminated Land Officer - recommend condition
9. Environmental Health - no objections
10. Lancashire County Council (Education) – confirm that an education contribution is not required.
11. United Utilities - recommend conditions
12. Strategic Housing – Comment that the application reflects the current need demonstrated by the Housing Register for 1 and 2 bedroom Social Housing, as well as being in a suitable location close to the town centre.

AssessmentPrinciple of the development

13. Policy 10 of the Central Lancashire Core Strategy seeks to protect all existing employment premises and sites last used for employment. This policy covers Class B1, B2 and B8 uses. Proposals on all employment sites/premises for re-use or redevelopment other than for Class B employment purposes will be assessed under Policy 10 criteria a – h) in relation to proposed housing use. This includes criterion g) that requires a convincing evidence of lack of demand through a rigorous and active 12 months marketing period for employment re-use and employment redevelopment and criterion h) that requires an assessment of the viability of employment development including re-use and employment redevelopment.
14. The Central Lancashire Supplementary Planning Document Controlling Re-use of Employment Premises (SPD) (adopted 2012) provides additional information on this policy.
15. The Council assesses all applications for the redevelopment of employment sites on their individual merits and the starting point is to retain all employment sites to support sustainable economic growth. Consideration will only be given to alternative uses where an applicant can clearly demonstrate that the criteria in Policy 10 have been fully met. This includes both changes of use and redevelopment from employment to non- employment uses.
16. The application site has been appropriately marketed since February 2012 and the submitted evidence confirms that there is no current demand for employment use. Colleagues in the Council's Economic Development Team have confirmed that the site has been on Evolutive and the application is also supported by an assessment of the viability of employment development including employment re-use and employment redevelopment.
17. The development of the site for housing purposes is, therefore, considered to be acceptable in principle.

Ecology

18. Sufficiently detailed ecological assessments have been supplied with the planning application and no further surveys or information are required prior to determination of the application. The ecological constraints identified can be resolved via informatives or conditions.
19. The buildings that have been demolished were surveyed for bat roosting potential by suitably experienced bat workers and determined to have negligible bat roosting potential. The conclusions of the assessment are accepted. The exterior of one of the buildings was covered in ivy, which was assessed as having low bat roosting potential and an emergence survey was carried out. This found no evidence of emergence and only recorded low levels of common

pipistrelle in the vicinity of the development site. The overall risk regarding bats was concluded as low.

20. A number of trees will be lost as a result of the development and although these were not assessed for bat roosting potential, those to be lost, goat willows and leyland cypress, would have negligible risk owing to size and condition.
21. The development will result in the loss of a moderate amount of semi-natural regeneration and bird nesting habitat and without mitigation could result in a net loss of biodiversity contrary to guidance within the Framework. The ecological assessment makes a number of recommendations on how to mitigate for this loss including tree planting, bird boxes and bat boxes. Suitable conditions are recommended.

Highway safety

22. The proposal requires a total of 18no. car parking spaces, but while parking provision is met for the proposed apartments, only half the spaces required for the houses are proposed. However, the site is located in a highly sustainable urban location that is well served by public transport and where local amenities are within close proximity. Good quality footways and footpaths exist in the area to facilitate walking and although there are no dedicated cycle routes/lanes, the existing road network accommodates cyclists without difficulties. Chorley Town Centre is within the recommended cycling distance of 5km of the site.
23. Therefore, notwithstanding the shortfall in the applicant's parking provision, it is not considered unreasonable to accept the proposed lower level of parking provision. The applicant has been asked to widen one of the 'visitor parking' spaces into that of the disabled with the necessary markings dedicating it as such.
24. It is noted from the Design and Access Statement that each dwelling will be provided with an individual garden and shed with bicycle storage facilities. As noted on the planning application form, secure storage will be provided for a total of 24 cycles.
25. Given the number of proposed dwellings, the site access should be provided to a width of either 4.8m to allow safe passage of a large and a small vehicle at a time or 5.5m to allow safe passage of two large vehicles at a time. Should widening of the access result in the existing lamp column currently at the entrance being affected, any relocation of the lamp column will be at the applicant's expense. The applicant has been asked to confirm whether this will be necessary.

Design and layout

26. The proposed block of flats and the semi-detached dwellings would be traditionally constructed and finished with brick walls and tiled roofs. The development would be two storey in keeping with the scale of other dwellings in the area and would be of a similar density.
27. The property adjacent to the site access, at 2 Brock Road, has an existing ground floor window to a dining room in the gable elevation and the originally proposed 2.1m high boundary fence has been deleted from the scheme to ensure that the outlook from this window is not adversely affected. This property is not included within the application site edged red.
28. The relationship of the proposed houses with existing properties Briercliffe Road is considered to be acceptable and the boundary treatment along the rear gardens of these properties is to be retained as a 3metre high wall for privacy and security reasons rather than being replaced by a 2.1 metre high fence as originally proposed.
29. The surrounding housing is higher density with small gardens. The proposed development shows that adequate privacy distances can be maintained in relation to the surrounding development. It is not considered that this proposal will have a detrimental impact on the neighbouring amenity.

Viability

30. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Therefore, Local Plan Policies HS4A and HS4B, and the approach in the SPD, apply.
31. The Council's Planning Policy Officer advises that there is justification for a total payment to public open space from the site of £26,895.
32. In addition, since the Deregulation Act 2015 received Royal Assent on 26th March 2015, the Council has implemented transitional arrangements relating to the Code for Sustainable Homes that has been withdrawn, to continue to require dwellings to achieve an energy efficiency equivalent to Code for Sustainable Homes Level 4, in excess of current Building Control requirements.
33. However, the applicant has submitted a viability assessment with the application that includes all sums necessary for the development of a scheme of 12 affordable homes within the usual anticipated market range of development costs. This has been assessed by the Council's Property Services Team and they advise that the impact of further costs in excess of current Building Control requirements and S106 sums make the scheme unviable.
34. The viability is therefore accepted and no contribution to public open space is requested. The dwellings will need to be built to current Building Regulations requirements.

Noise

35. Usually, the main concern with this type of development, are issues concerning the impact of noise. The applicant has submitted an acoustic report (No 10315 (Braiden Acoustics LTD) which seeks to quantify any impact and offers mitigation measures. The report is acceptable and the required mitigation measures should seek to protect the prospective residents. Conditions are, therefore, recommend to ensure that the measures outlined within the report are followed. Glazing recommendations are the main way of dealing with noise, according to the report. In addition to this, the report refers to a close boarded timber boundary fence but there is no specific detail about this. The fence is to provide additional protection for amenity areas from the impact of noise and again the boundary treatments would be dealt with by condition.

Flood Risk Assessment

36. An important part of the planning application process is consideration of flood risk as detailed under Footnote 20 of Paragraph 103 of the National Planning Policy Framework (NPPF). This is usually facilitated through a site-specific flood risk assessment (FRA). A site specific FRA is not required for this application however, the LLFA advises that flooding from local sources should be appropriately assessed in addition to flood risk from fluvial and coastal sources.
37. In line with the Environment Agency's 'Climate Change Allowance for Planners' guidance, the LLFA expects flood risk to be calculated for the following flood events:
 - 1 in 1 year
 - 1 in 2.2 year (Qbar)
 - 1 in 30 year
 - 1 in 100 year PLUS the applicable climate change allowance
38. It is noted from the consultation response provided by United Utilities that a maximum discharge rate of 15 l/s has been agreed for the surface water sewer. The LLFA require confirmation that this rate does not increase the current run off rate for the developed site, and where possible offers a betterment of that rate, as close to the greenfield run off rate as possible. The LLFA will

also require attenuation calculations to evidence the designed system can accommodate any additional surface water. These matters will be dealt with by condition.

Community Infrastructure Levy

39. The development is CIL liable but the developer can apply for an exemption as the development is for affordable housing.

Overall Conclusion

40. It is considered that the proposed development is acceptable in that it will provide housing on a currently derelict site.

41. As such, the proposed development is recommended for approval subject to planning conditions.

Planning Policies

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

Site History

The site history of the property is as follows:

Ref: 14/01254/FULMAJ **Decision:** WDN **Decision Date:** 3 March 2015
Description: Erection of 12no. dwellings consisting of 6no. houses and 6no.apartments with associated landscaping, car parking and adopted access road following demolition of the existing factory.

Ref: 08/00178/FUL **Decision:** WDN **Decision Date:** 26 March 2008
Description: Demolition of existing factory building and erection of 4 no. office blocks with associated car parking, landscaping and access via new Stump Lane access road

Ref: 01/00918/COU **Decision:** REFFPP **Decision Date:** 19 December 2001
Description: Change of Use from sewing factory to auction centre for selling of antiques and household furniture,

Ref: 84/00672/FUL **Decision:** REFFPP **Decision Date:** 13 November 1984
Description: Change of use to welding fabrication manufacturing of parts for machinery

The following conditions are recommended:

No.	Condition						
1.	<p>The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters.</p> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>						
2.	<p>The hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="395 1973 1299 2029"> <thead> <tr> <th data-bbox="395 1973 788 2002">Title</th> <th data-bbox="793 1973 1018 2029">Drawing Reference</th> <th data-bbox="1023 1973 1299 2002">Received date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Title	Drawing Reference	Received date			
Title	Drawing Reference	Received date					

	Location Plan	P100	13 July 2015
	Proposed Site Plan Option 2	P102 Rev F	29 January 2016
	Site Section	P104 Rev A	15 December 2015
	House Type Elevation	P107	13 July 2015
	House Type Plan	P106	13 July 2015
	1B2P Elevations	P111 Rev A	13 July 2015
	Flat Plans	P110 Rev A	13 July 2015
	Proposed Boundary Details	P108	13 July 2015
	<i>Reason: To define the permission and in the interests of the proper development of the site.</i>		
3.	The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans. <i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i>		
4.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>		
5.	Prior to excavation of the foundations for the development hereby approved 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. <i>Reason: To ensure that the materials used are visually appropriate to the locality.</i>		
6.	Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained. <i>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</i>		
7.	Due to the nature of the industry/processes carried out at the above site, there is a potential for ground contamination. Due to the size of development and sensitive end-use (residential housing with gardens), no development shall take place until: a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;		

	<p>b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;</p> <p>c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.</p> <p>Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.</p> <p>Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</i></p>
<p>8.</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.</p> <p>Those details shall include, as a minimum:</p> <p>a) Information about the lifetime of the development, 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;</p> <p>b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate which has not yet been calculated. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.</p> <p>c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);</p> <p>d) Flood water exceedance routes, both on and off site;</p> <p>e) A timetable for implementation, including phasing as applicable;</p> <p>f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;</p> <p>g) Details of water quality controls, where applicable.</p>

	<p>The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.</p> <p><i>Reason:</i></p> <ol style="list-style-type: none"> 1. <i>To ensure that the proposed development can be adequately drained.</i> 2. <i>To ensure that there is no flood risk on or off the site resulting from the proposed development</i> 3. <i>To ensure that water quality is not detrimentally impacted by the development proposal.</i>
<p>9.</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> <p><i>Reason:</i></p> <ol style="list-style-type: none"> 1. <i>To ensure that the drainage for the proposed development can be adequately maintained.</i> 2. <i>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.</i>
<p>10.</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 have been submitted 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><i>Reason:</i></p> <ol style="list-style-type: none"> 1. <i>To ensure that appropriate and sufficient funding and maintenance</i>

	<p><i>mechanisms are put in place for the lifetime of the development</i></p> <ol style="list-style-type: none"> 2. <i>To reduce the flood risk to the development as a result of inadequate maintenance</i> 3. <i>To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.</i>
<p>11.</p>	<p>No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> 1. the parking of vehicles of site operatives and visitors 2. hours of operation (including deliveries) during construction 3. loading and unloading of plant and materials 4. storage of plant and materials used in constructing the development 5. siting of cabins 6. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate 7. wheel washing facilities 8. measures to control the emission of dust and dirt during construction 9. a scheme for recycling/disposing of waste resulting from demolition and construction works <p><i>Reason: In the interests of highway safety and to protect the amenities of the nearby residents.</i></p>
<p>12.</p>	<p>No trees or shrubs will be removed or soil stripping commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no bird nests are present which has been agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure the protection of nesting birds during the construction period.</i></p>
<p>13.</p>	<p>An ecological mitigation plan shall be submitted to and approved in writing by the LPA, prior to commencement of development. The content of the plan should include details of location and species of replacement trees & shrubs and details of design and location of bird nesting and bat roosting opportunities. The approved plan will be implemented in accordance with the approved details.</p> <p><i>Reason: To mitigate for the loss of ecological habitat.</i></p>
<p>14.</p>	<p>A scheme for the landscaping of the development and its surroundings shall</p>

	<p>be submitted prior to the commencement of the development. These details shall indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures.</p> <p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p><i>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</i></p>
<p>15.</p>	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
<p>16.</p>	<p>No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.</p> <p><i>Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.</i></p>
<p>17.</p>	<p>No dwelling or dwellings shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Lancashire County Council Specification for Construction of Estate Roads.</p> <p><i>Reason: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</i></p>
<p>18.</p>	<p>No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been 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><i>Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the</i></p>

	<p><i>interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.</i></p>
<p>19.</p>	<p>No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved</p> <p>No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.</p> <p><i>Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</i></p>
<p>20.</p>	<p>Prior to construction, a construction plan shall be submitted to and approved in writing by the local planning authority. The plan to include method and details of construction including vehicle routing to the site, construction traffic parking and any proposed temporary closing of roads or streets. No construction traffic or deliveries to enter/exit during traffic peak periods or to wait on the public highway. Such construction plan to be implemented and adhered to during the construction of the development.</p> <p><i>Reason: To maintain the operation of local streets and through routes in the area during construction, particularly during peak periods.</i></p>
<p>21.</p>	<p>No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.</p> <p><i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</i></p>

DO NOT SCALE FROM THIS DRAWING
ALL DIMENSIONS MUST BE CHECKED ON SITE BY CONTRACTOR PRIOR TO CONSTRUCTION




Brock Mill,
Brock Road,
Chorley,
PR6 0DB

Site Area:
Approx **1,947m²**
(0.1947h)

Existing Factory Area:
Approx **967m²**

Rev	Date	Int	Description
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	<h2>Brock Mill Location Plan</h2>			Job No:	Scale @ A4:
				<h1>2687</h1>	
<h2>Progress Housing</h2>	Drawn By:	Checked By:	Date:	Drawing No:	Rev:
	PC	VS	26/09/14	<h1>P100</h1>	

Item 3b	14/01214/FULMAJ
Case Officer	Iain Crossland
Ward	Chorley North West Ward
Proposal	Demolition of existing public house and erection of 12 no. two storey houses and 10 no. flats with associated car parking, access formation and landscaping
Location	Gillibrand Arms Collingwood Road Chorley PR7 2PT
Applicant	Chorley Community Housing
Consultation expiry:	28 January 2016
Decision due by:	25th February 2015

Recommendation

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

Executive Summary

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

Representations

In total 93 representations have been received from 87 addresses which are summarised below	
Objection	
<ul style="list-style-type: none"> • The pub is a valued community asset • Lack of off street parking provision • Impact on highway safety • Impact on character of the area through density, form • Impact on privacy • Loss of light • Impact through noise and disturbance • Impact of lighting on bat activity • Unstable ground and contamination issues – further survey work would be required. • There is no undersupply of housing in Chorley • Loss of trees • Impact on school places • No need for social housing • Low cost housing and associated anti-social issues • Danger from gas migration to nearby properties • These plans will just turn a highly dignified respectable sort after area into a run-down council estate • The development will devalue neighbouring properties • The area should be made into a car park 	
Two petitions of 22 signatures and 110 signatures objecting to the loss of the public house have been received	

Consultees

Consultee	Summary of Comments received
The Coal Authority	The Coal Authority concurs with the recommendations of the Phase 1 Geoenvironmental Assessment and Preliminary Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that following the demolition of the existing building intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site.

	<p>The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works following the demolition of the existing building.</p> <p>In the event that the site investigations confirm the need for remedial works to treat the mine entries/areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to the commencement of development (excluding the demolition of the existing building).</p> <p>The Coal Authority considers that the content and conclusions of the Phase 1 Geoenvironmental Assessment and Preliminary Coal Mining Risk Assessment are sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.</p>
LCC Highways Officer	<p>The proposal was subject to previous Highways comments. 35no car parking spaces are required, however 32no is proposed with provision for secure and covered cycle storage. Notwithstanding the reduced level of parking, the site seems sustainable enough for this level to be accepted.</p> <p>The main access to the site is located on Whitworth Drive with two other vehicle accesses to Mountbatten Road to serve plots 1-8 and 9-12. An existing vehicle access further up Mountbatten Road is to be closed. The development has no vehicular access to Collingwood Road. The access proposal and the general layout of the site seems acceptable, but the development should be constructed to the Lancashire County Council Specification for Construction of Estate Roads to ensure satisfactory access and in order to be acceptable for adoption under the Section 38 agreement of the Highways Act 1980.</p> <p>I can confirm that the proposed development is acceptable from highway perspective;</p>
Lead Local Flood Authority	The Lead Local Flood Authority does not object to the proposed development
GMEU Ecology	<p>The ecological surveys submitted as part of the application are of appropriate and proportionate standards. No further level of survey is required prior to determining the application.</p> <p>The application site itself is not of substantive nature conservation value but it is adjacent to 'Walletts Wood, Copper Works Wood and Big Wood' Biological Heritage Site. Mature broadleaved trees on the boundary between the BHS</p>

	<p>and the application site may come under some pressure from the development both during the construction period and following occupation of the houses when the trees in the woodland may overshadow some gardens.</p>
LCC Education	<p>This consultation response seeks to draw the Council's attention to impacts associated with the above development and propose mitigation for these impacts through a planning obligation. The contribution described is directly linked to the development described above and would be used in order to provide education places within a reasonable distance of the development (within 3 miles) for the children expected to live on the development.</p> <p>The latest information available at this time was based upon the 2014 annual pupil census and resulting projections.</p> <p>Based upon the latest assessment, LCC will be seeking a contribution for 1 primary school place. However LCC will not be seeking a contribution for secondary school places.</p>

AssessmentThe Site

1. The application site is a disused public house with a large car park located within the core settlement area of Chorley. The site is positioned on Collingwood Road on a plot between Mountbatten Road and Whitworth Drive and is bound by a steep wooded valley to the west. There is existing vehicular access to both Mountbatten Road and Whitworth Drive from the car park.
2. The site comprises a vacant public house of modern design faced in buff brick. There is a large car parking area and peripheral landscaping with semi mature trees. The area is characterised predominantly by residential dwellings in a variety of designs and styles, which result in a typical suburban character.
3. The topography of the site is fairly flat with an approximate 1m difference in levels between Whitworth Drive and Mountbatten Road sloping roughly north to south.

The Proposal

4. The proposed development is for the erection of 12 No. two storey terraced dwellinghouses with 2 No. flats and a building comprising 8 No. flats to provide affordable housing with associated curtilage, car parking area and some small areas of landscaping. There would be access to parking areas from Whitworth Drive and Mountbatten Road with some directly accessible spaces from Whitworth Drive and Mountbatten Road.
5. The proposed dwellinghouses would be split across three terraces. Two of the terraces would face Collingwood Road and Mountbatten Road with the other terrace facing the main access drive from Whitworth Drive. The end unit of the terrace immediately adjacent to Whitworth Drive would comprise two flats, one at ground floor and one at first floor.
6. The terraced dwellings would have a fairly standard modern appearance with dual pitched roofs and door canopy's. There would be open frontages with parking to the fronts of plots 9 to 16 with gardens to the rear. Plots 19 to 22 would face Collingwood Road and would have front gardens facing the road. Parking would be contained to the rear.
7. The flats at plot 17 and 18 would replicate the appearance of the dwellings in the terrace and would be accessed from the side facing Highfield Drive.
8. The building containing eight apartments (plots 1 to 8) would be located on the corner of Collingwood Road and Mountbatten Road and would be spread over three floors. The building would have the appearance of a two storey building from Collingwood Road and Mountbatten Road with dormers contained to the rear. There would be landscaping facing Collingwood Road and a car parking court facing Mountbatten Road.

Assessment

The main issues are as follows:-

Issue 1 – Loss of the public house

Issue 2 – Impact on character and appearance of the locality

Issue 3 – Impact on neighbour amenity

Issue 4 – Impact on highways/access

Issue 5 – Loss of trees

Issue 6 – Ecology

Issue 7 – Land contamination and coal mining risk

Issue 8 – Public Open Space

Issue 9 – CIL

Issue 10 – Other matters

Principle of the Development

9. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of

sustainable development. This means that development proposals that accord with the development plan should be approved without delay.

10. There is particular support for the provision of affordable housing in the Framework and through Policy 7 of the Central Lancashire Core Strategy. This requires an affordable housing target of 30% in the urban parts of Chorley. The proposal is for all the 22 properties to be available for affordable rent. As the whole site is to be made available for affordable housing this would be acceptable from a policy perspective and weighs in favour of the proposed development.
11. The application site is located in the core settlement area of Chorley. The Core Strategy Policy 1 is concerned with located growth and identifies Chorley Town as a Key Service Centre where growth and investment should be concentrated.
12. The site is not allocated for any specific use within the Chorley Local Plan 2012 - 2026 and the Local Plan states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
13. The application site is a disused public house. The Framework, section 28, provides support for pubs that are important for tourism or necessary as village facilities. This facility is not within a village but a neighbourhood of Chorley. The Gillibrand Arms is not within the boundary of the Collingwood Road Local Centre protected by Local Plan Policy EP7.
14. The Framework section 70 stipulates that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
 - Guard against the unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day to day needs;
 - Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.
15. Core Strategy Policy 25 (Community Facilities) ensures that local communities have sufficient community facilities provision by (c) resisting the loss of existing facilities by requiring evidence that they are no longer viable or relevant to local needs.
16. Policy HW6 of the Chorley Local Plan 2012 - 2026 reflects this and specifically seeks to protect public houses from redevelopment. This policy states that the loss of a public house will be permitted where it can be demonstrated that:
 - a) The facility no longer serves the local needs of the community in which it is located;
 - b) Adequate alternative provision has been made, or is already available, in the settlement or local area; and
 - c) The use is no longer financially viable; and
 - d) The facility is in an isolated location remote from public transport routes; or
 - e) There is an amenity or environmental reason why the facility is no longer acceptable.
 The loss of the pub is assessed below.

Loss of the public house

17. The public house on the application site has become vacant since the time that the application was submitted. Its loss is assessed against the criteria of Policy HW6 of the Chorley Local Plan 2012-2026.
18. a) The facility no longer serves the local needs of the community in which it is located; The information submitted by the applicant demonstrates that a significant decline in beer volumes from its peak suggesting that the Gillibrand Arms has become less well used by the community. Nonetheless, this planning application has generated some objection from a section of the community who use the public house and wish for it to be retained. This led to a campaign for the Gillibrand Arms to be registered as a Community Asset, and the Gillibrand Arms was added to the Council's register as a community asset on 27th February 2015.

Thereafter the Save the Gillibrand Group had six weeks to confirm that they wished to be treated as a potential bidder. The Group confirmed their intention to bid on 10th April 2015, however, wrote to the Council on 14th August 2014 advising that they had failed to secure funding and would not be progressing the matter further. As it stands the landowner can now sell the pub to whomever they chose.

It is acknowledged that there is some support for the retention of a public house on the site from the local community however the current brewery do not wish to retain the facility and the premises has stood empty for some time now and as such does not serve the needs to the community in which it is located.

19. b) Adequate alternative provision has been made, or is already available, in the settlement or local area
There are public houses located on Pall Mall and Moor Road and further away at Foxhole Road and in Chorley town centre. These would realistically cater for any latent demand as a result of the loss of the Gillibrand Arms facility.
20. c) The use is no longer financially viable
Information submitted by the applicant states that the Gillibrand Arms was offered for sale in August 2012. Little interest and no offers were received from parties wishing to run a public house facility from the premises. The accounts provided by the owner Thwaites Brewery demonstrate declining beer sales and dwindling levels of income. A series of different operators support the suggestion that trade has been difficult from the premises. In assessing the most recent accounts from the public house the Council's Property Services confirms that no profits were being made from the operation of the public house. These factors suggest that the operation of a public house on the site is no longer financially viable.
21. d) The facility is in an isolated location remote from public transport routes
The facility is not in an isolated location and is easily accessible.
22. e) There is an amenity or environmental reason why the facility is no longer acceptable.
At the time the application was submitted there was no amenity or environmental reasons why the facility would be no longer acceptable. The public house has since closed to the public, has been boarded up rather unsympathetically, and suffered from some antisocial behaviour. The site is no longer maintained and is clearly suffering a sense of abandonment, which detracts from the amenity of the local area. Based on the re-establishment of a public house facility on site appearing unlikely and the declining visual amenity of the site it is considered that there are amenity reasons for the existing facility no longer being acceptable.
23. On the basis of the factors assessed above it is considered that the loss of the public house as a community facility should be accepted in this instance.

Design and impact on the character of the area

24. The proposal is for the erection of twelve dwellinghouses set within three terraces, and ten flats, two of which would occupy a unit at the end of one of the terraces and eight of which would be contained within a separate building. The proposed dwellings would be of a fairly standard modern design set over two storeys.
25. There are a range of properties types and styles in the area that have been developed over different periods of time resulting in mix of designs across the locality. There are semi-detached dwellings of standard modern design on Whitworth Drive, a detached dwelling on the corner of Mountbatten Road and Collingwood Road, and detached and semi-detached bungalows on Mountbatten Road and Collingwood Road opposite the site. Beyond the immediate area of the site there are a plethora of design styles and layouts with an abundance of dormer bungalows, terraced dwellings on Letchworth Drive and a courtyard development of flats and houses at Rookery Close.

26. It is noted that there is a fairly uniform street pattern in the immediate area of the site with mainly semi-detached and detached units. The proposed development would differ from this arrangement, however, it would introduce an active street frontage on this side of Collingwood Road with a terrace and apartment building facing the highway. There would also be a terrace aligned with Mountbatten Road. These buildings would be separated from the highway by gardens reflecting other properties in the area. Although the form of development would differ from the immediate dwellings and streets the site would be as well integrated into the street scene as it could be given the constraints of the site area.
27. The apartment building would appear as a two storey building with accommodation in the roof space. This would have a similar height to the proposed houses and would have a design that reflects the proposed dwellings. The position of this building on the corner of Mountbatten Road and Collingwood Road would provide a focal point of proportionate scale in the context of the locality. The appearance of the overall development in the street scene would not be unduly harmful and would retain the suburban residential character with a frontage along Collingwood Road.
28. It is noted that the density of the scheme would be around 69 dwellings per hectare. The preamble to Policy 5 in the Central Lancashire Core Strategy states that inner urban locations are typically built at 80-90 dwellings per hectare (dph), and suburban and rural locations at 25-35 dph and different densities are appropriate across different areas. The policy itself is more general in that it seeks to secure densities in keeping with local character, whilst also considering the efficient use of land. The 69 dph density of the proposed development is denser than that typically associated with suburban locations but would be comparable with the density of nearby Rookery Close, Old Wood Close and development beyond Letchworth Drive. On this basis the proposed development would not be out of keeping with the character and distinctiveness of the area in terms of its density and would balance with a relatively efficient use of land.
29. The proposed development would provide a physical improvement to the appearance of the site, which currently appears somewhat abandoned and rather dilapidated. The existing building is of a modern design and is faced in buff brick which is out of keeping with the character of the area and the building itself has a negative impact on the street scene appearing somewhat outdated and alien. The public house is now vacant resulting in a sense of abandonment, which detracts from the character of the area. It is acknowledged that an active use needs to be established on the site to address this. The proposal would result in the demolition and removal of the public house to make way for the proposed dwellings and associated, access, parking areas and landscaping. The proposed development would therefore result in an overall improvement in the appearance of the site and would subsequently enhance the character of the area.
30. The development is therefore considered to be in accordance with Policy BNE1 of the Chorley Local Plan 2012 - 2026 and has overcome the concerns regarding the impact on the street scene.

Impact on neighbour amenity

31. The application site is bounded by Mountbatten Road, Collingwood Road and Whitworth Drive, with dwellings on the opposite side of these roads facing the application site. The site is bound by a steep wooded clough to the south west side.
32. The proposed terrace aligned with Mountbatten Road would be positioned roughly parallel with the dwellings at 1 and 3 Mountbatten Road. The terrace would be located approximately 22.5m from these dwellings at the nearest point and positioned to the north west of these dwellings on the opposite side of Mountbatten Road. The scale of development, degree of separation and relative positioning are such that there would be no adverse impact on the outlook, privacy or light levels of the occupiers of 1 and 3 Mountbatten Road.

33. The proposed apartment building would be located approximately 28m from the dwelling on 71 Collingwood Road, which occupies a corner plot to the south east of the site and is positioned at an angle. The scale of development, degree of separation and relative positioning are such that there would be no adverse impact on the outlook, privacy or light levels of the occupiers at 71 Collingwood Road.
34. The proposed terrace and apartment building facing Collingwood Road would be positioned parallel with the dwellings at 90 to 98 Collingwood Road. The buildings would be located approximately 23m from these dwellings at the nearest point and positioned to the south west of these dwellings on the opposite side of Collingwood Road. The scale of development and degree of separation are such that there would be no adverse impact on the outlook, privacy or light levels of the occupiers of 90 to 98 Collingwood Road.
35. There is a car park, garages and the gable end of a parade of shops facing the development on Whitworth Drive. The closest property at 2 Whitworth Drive would be positioned at an angle to the gable end of the pair of flats at plots 17 and 18. The gable end would be located approximately 23m from this dwelling at the nearest point and positioned to the south east of this dwelling on the opposite side of Whitworth Drive. The scale of development, degree of separation and relative positioning are such that there would be no adverse impact on the outlook, privacy or light levels of the occupiers of 2 Whitworth Drive or any other property on this road.
36. In terms of the impact on noise and disturbance dwellinghouses are generally more compatible in a residential area than public houses. Although the house and flats would be in use at all times of day they would not generate the same degree of coming and going in the evenings at times when disturbance from noise can be most acute. In addition to this the noise and disturbance generally associated with public houses can be problematic in residential area from a neighbour amenity perspective. As such it is considered that the proposed development of 12 houses and 10 flats would have less impact on the amenity of neighbouring occupiers from noise and disturbance than a public house.

Impact on highways/access

37. The proposed development would result in thirteen two bedroom dwellings and nine one bedroom dwellings. Off street car parking has been identified on the proposed site plan for thirty two vehicles provided by designated parking spaces within the site and provision for secure and covered cycle storage. This falls slightly short of the thirty five spaces required in line with the adopted parking standards set out in relation to policy ST4 of the Chorley Local Plan 2012 – 2026.
38. Although the ideal number of car parking spaces would not be met in this case it is noted that Policy ST4 of the Local Plan 2012 – 2026 allows for lower levels of provision to be considered in locations that are considered to be more sustainable and well served by public transport. The application site is located within the core settlement area of Chorley, within walking distance of a parade of shops forming a small local centre (approximately 25m away) and of the local centre at Pall Mall (approximately 600m away), which support a variety of local amenities. There is also a bus service along Collingwood Road and Pall Mall / Moor Road. As such the site is in a sustainable location, and it is therefore considered that under the circumstances a reduced level of car parking would be acceptable, due to the sustainable nature of the location.
39. The main access to the site is located on Whitworth Drive with two other vehicle accesses to Mountbatten Road to serve Plots 1-8 and 9-12. The development has no vehicular access to Collingwood Road. The site currently has existing vehicular access points to Whitworth Drive and further up Mountbatten Road. These would be replaced within the proposed development. This impact on highway safety would therefore be similar to the existing situation with vehicles carrying out similar manoeuvres.

40. The LCC highways officer states that the access proposals and the general layout of the site are acceptable and that notwithstanding the reduced level of parking, the site seems sustainable enough for this level to be accepted. It is therefore considered that there would be no harm to Highway Safety as a result of the proposed development, and that the site is in an accessible location.

Ecology

41. The site consists of a public house structure, hard surfaced car park, and some landscaping with trees and shrubs. The site is in an urban area, although there is a steep wooded valley to the south west of the site. The application commissioned an ecology survey the results of which found no evidence of protected species on the site.
42. The ecological surveys submitted as part of the application are of appropriate and proportionate standards. No further level of survey is required prior to determining the application.
43. The application site itself is not of substantive nature conservation value but it is adjacent to 'Walleys Wood, Copper Works Wood and Big Wood' Biological Heritage Site. Mature broadleaved trees on the boundary between the BHS and the application site may come under some pressure from the development both during the construction period and following occupation of the houses when the trees in the woodland may overshadow some gardens. The trees within the woodland are in the ownership of Chorley Council and therefore the Council can control their management appropriately as circumstances require over time. It is recommended that a condition is attached to protect trees to be retained during the development of the site.

Loss of Trees

44. There are a number of trees located across the site that contribute positively towards the character to the site and immediate locality. These are mostly located around the periphery of the site and are fairly prominent but not worthy of protection by TPO. The proposal seeks to retain the best examples where possible, which is considered to be a sensible approach.
45. The tree screen on the junction of Mountbatten Road and Collingwood Rd was originally planted as sorbus and cherry some of which self-seeded and were invaded by sycamore. The invaded trees are to be removed and the best trees retained.
46. The tree line to the west close to the dell and small woodland would be retained with the exception of a willow in a poor and collapsed condition.
47. The trees close to Whitworth Drive and the proposed access would be reduced by three to enable the required parking spaces and access to be created. The overall quality of these trees is considered to be low, with one being of poor condition.
48. There are two large Cypress which dominate the Collinwood Road frontage of the site. These are growing as a pair with several included part unions and a likelihood of wind failure in the future. These do not make a positive contribution to the amenity of the area and appear somewhat rampant therefore their removal in favour of the development would not harm the character of the area.
49. The Sugar maple has been poorly pruned in the past but has a canopy of good colour. It is proposed to remove the tree in favour of the development, which is regrettable but is not worthy of protection and would not warrant the level of scheme redesign that would be required to accommodate it.
50. In consideration of these matters the proposed tree works are considered to be proportionate and acceptable. The number of trees to be retained would ensure that a reasonable level of character is retained and would help the proposed development to blend in.

Land contamination and coal mining risk

51. The applicant commissioned and a Phase I Geoenvironmental Assessment and Preliminary Coal Mining Risk Assessment in relation to the potential contaminated land and coal mining risks at the site and the site lies within an area affected by coal mining.
52. The report identified risks associated with the mining legacy relating to mine entries and shallow coal seams which may have been worked in the past. The report states that if untreated mine entries are found on the Site then stabilisation works will be required, as will be the case for any shallow mine workings identified, depending upon their depth below surface.
53. There is also evidence of subsidence having occurred to the building at the site with underpinning undertaken in 2001. At this stage the geotechnical issues on this Site are considered complex and subsidence/ground movement could be attributed to one or more of the factors such as the mine entries, possible shallow coal workings, unconsolidated Made Ground or poor workmanship.
54. The report recommends that an intrusive ground investigation should be undertaken for environmental and geotechnical purposes to further assess the significant risks posed by potential ground conditions at the site. Further assessment of the risks of mine gas will be undertaken as part of an environmental assessment of the site.
55. It is noted that the Coal Authority confirms that the applicant has obtained appropriate and up-to-date coal mining information which has been used to inform the Phase 1 Geoenvironmental Assessment and Preliminary Coal Mining Risk Assessment. The Coal Authority states that the Report correctly identifies the risks to the development posed by historic unrecorded underground shallow coal mine workings and also identifies all of the mine entries, making the distinction between those outside of the site and that within it.
56. It concurs with the recommendations of the Phase 1 Geoenvironmental Assessment and Preliminary Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that following the demolition of the existing building intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. As such, the Coal Authority recommends that the LPA impose a planning condition should planning permission be granted for the proposed development requiring these site investigation works following the demolition of the existing building.
57. The Council's Contaminated Land Officer has no objection to the development but requires further survey work to be undertaken to assess and identify the nature and extent of contamination present to the site, the risks to receptors and the potential for migration within and beyond the site boundary. It is recommended that a condition is attached to any grant of planning permission requiring this further survey work and for appropriate remediation proposals to render the site capable of development be submitted to the Local Planning Authority, with a further validation report containing any validation sampling results upon completion of the remediation works.

Public Open Space

58. In line with Local Plan Policy HS4 a contribution towards the provision or improvement of public open space (POS) would be required to address local needs. The applicant has submitted a viability assessment that demonstrates only a small profit would have been made after 30 years after taking into account all the building costs, fees, management, voids, rents during that period. After that time, the development would be ready for refurbishment. On that basis a contribution to POS would damage the viability of the scheme to such an extent that the development would be unviable. This report has been assessed and corroborated by the Council's Property Services team. On this basis it is considered that a contribution towards the provision or improvement of public open space (POS) should be waived in this instance.

Sustainability

59. 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:
60. *“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.”*
61. *“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.”*
62. The applicant has submitted a viability assessment that demonstrates only a small profit would have been made after 30 years after taking into account all the building costs, fees, management, voids, rents during that period. After that time, the development would be ready for refurbishment. On that basis developing to a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations would damage the viability of the scheme to such an extent that the development would be unviable. This report has been assessed and corroborated by the Council’s Property Services team. On this basis it is considered that the imposition of a condition requiring all the new dwellings to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations can be waived in this instance.

CIL

63. It is noted that Lancashire County Council has requested a contribution for education from the application. However, since the 1st September 2013 this has been covered by the Community Infrastructure Levy (CIL) and the Council cannot ‘double charge’ by asking for a contribution through a legal agreement, in accordance with the CIL Regulations.
64. The development is CIL liable but the developer can apply for an exemption as the development is for affordable housing. This however does not allow the Council to alternatively secure a contribution through a legal agreement.
65. Notwithstanding the above, a viability argument has been put forward with the application and accepted by the Council, therefore even if education could be secured by a legal agreement the request could not be supported within the viability of the scheme.

Other matters

66. Impact of lighting on bat activity: The level of light spillage from the interior lighting of properties and any external lighting that may be installed would be negligible in relation to the woodland area to the south west. The impact of light spillage on bats that may live or feed in the area is unlikely to be harmful to them.
67. There is no undersupply of housing in Chorley: Chorley does have a five year plus housing land supply, however, this does not preclude the development of housing on non-allocated sites, sometimes referred to as windfall sites. Indeed in settlement areas excluded from the Green Belt there is a presumption in favour of appropriate sustainable development.

68. No need for social housing: There is support for the provision of affordable housing in the Framework and through Policy 7 of the Central Lancashire Core Strategy. This requires an affordable housing target of 30% in the urban parts of Chorley. The proposal is for all the 22 properties to be available for affordable rent. As the whole site is to be made available for affordable housing this would be acceptable from a policy perspective and weighs in favour of the proposed development.
69. Low cost housing and associated anti-social issues: There has been no robust evidence provided to demonstrate that low cost housing contributes to incidents of anti-social behaviour and this cannot be considered as a material planning matter in this instance.
70. These plans will just turn a highly dignified respectable sort after area into a run-down council estate: It is not considered that the proposed development would lead to any degeneration of the local area.
71. The development will devalue neighbouring properties: There is no evidence to support this theory and this is not a material planning matter.
72. The area should be made into a car park: There is no alternative proposal for a car park to consider.

Overall Conclusion

73. The proposed development would have no unacceptable detrimental impact on the amenity of neighbouring occupiers and would result in an overall improvement in the appearance of the site and character of the area. In addition there is adequate parking given the sustainability of the location. The provision of affordable housing weighs heavily in support of the proposed development and on the basis of the above, it is recommended that planning permission be granted.

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
07/00494/FUL	Formation of external covered areas to front and side of public house	Approved	08 June 2007
00/00886/FUL	Erection of entrance porch	Approved	18 December 2000
75/00436/ADV	Illuminated signs	Approved	30 September 1975
5/1/03208	Outline application for public house	Approved	03 January 1969

Suggested Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>Due to the size of development and sensitive end-use (residential housing with gardens), no development shall take place until:</p> <ul style="list-style-type: none"> a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary; b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority; c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority. <p>Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.</p> <p>Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</i></p>
3.	<p>On completion of the demolition of the existing building intrusive site investigation works shall be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. The results of the investigation and risk assessment, together with remediation proposals to render the site capable of development shall be submitted to and approved in writing by the Local Planning Authority. In the event that the site investigations confirm the need for remedial works to treat the mine entries/areas of shallow mine workings to ensure the safety and stability of the proposed development any remedial works identified by the site investigation shall be undertaken prior to the commencement of development (excluding the demolition of the existing building).</p> <p><i>Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</i></p>
4.	<p>No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local</p>

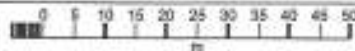
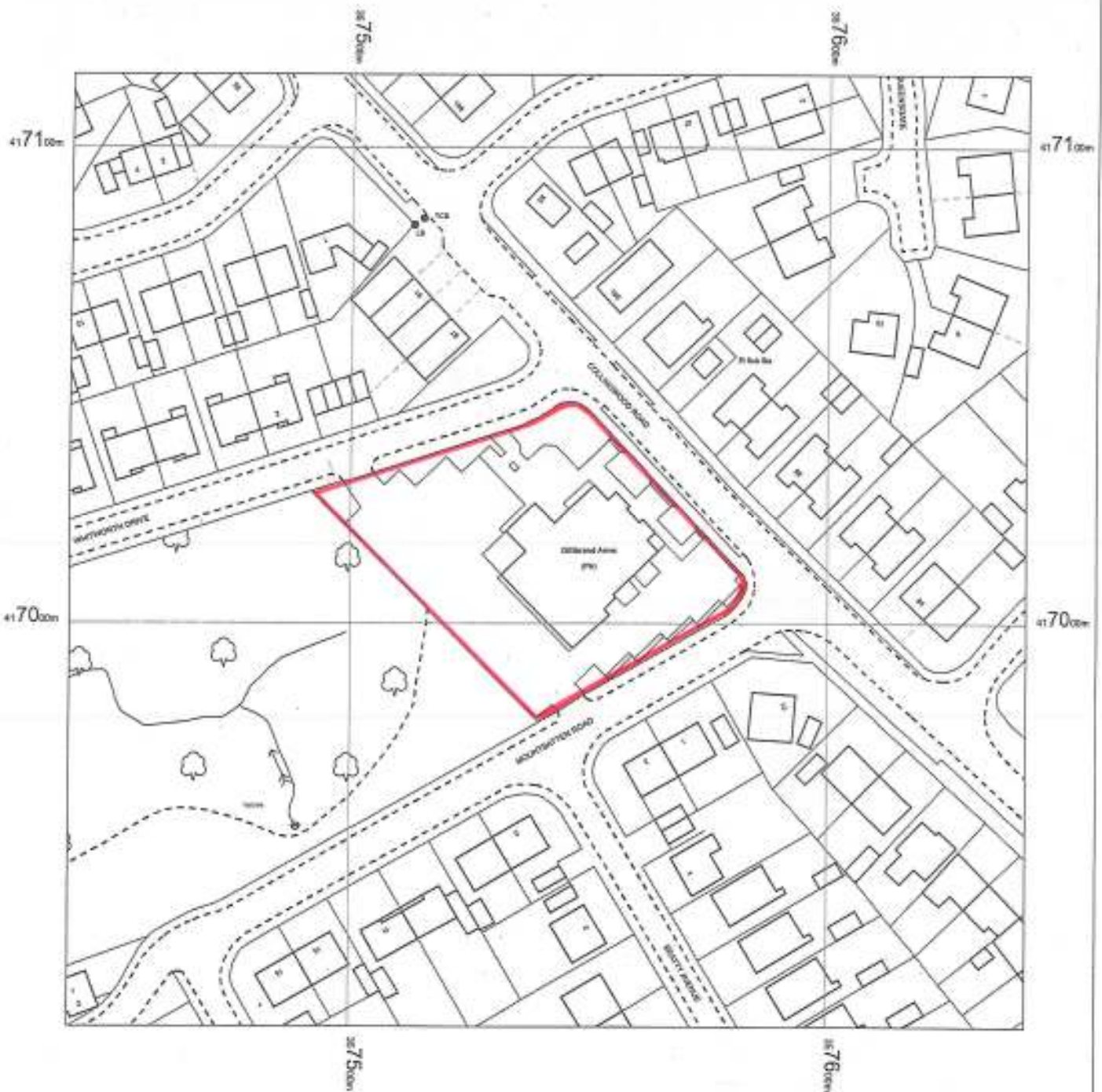
	<p>Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.</p> <p>Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.</p>
5.	<p>No dwelling or dwellings shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Lancashire County Council Specification for Construction of Estate Roads.</p> <p>Reasons: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</p>
6.	<p>No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been 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>
7.	<p>No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</p>
8.	<p>Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.</p> <p>Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.</p>
9.	<p>No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.</p> <p>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</p>
10.	<p>The existing accesses to Mountbatten Road and Whitworth Drive shall be physically and permanently closed and the existing kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads concurrent with the construction of the new footway.</p> <p>Reason: To limit the number of access points to, and to maintain the proper construction of the highway.</p>
11.	<p>A drainage strategy is submitted to and approved in writing by the Local Planning Authority or Sustainable Drainage System Approval Body, dependent on changes</p>

	<p>to the drainage approval process Reason: To ensure that the drainage system is adequate and designed to the necessary standards.</p>
12.	<p>All existing trees shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority and relevant British Standards (eg BS 5837: 2012), for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.</p> <p>Reason: To ensure the continuity of amenity afforded by existing trees.</p>
13.	<p>Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.</p> <p>The development shall be completed, maintained and managed in accordance with the approved details.</p> <p>Reason: This information was not supplied at application stage and is required to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</p>
14.	<p>Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. The surface water must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority and no surface water shall discharge to the public sewerage system either directly or indirectly.</p> <p><i>Reason: To secure proper drainage of the site.</i></p>
15.	<p>Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: No details were supplied at with the application and are required to ensure that the materials used are visually appropriate to the locality</i></p>
16.	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents</i></p>

<p>17.</p>	<p>Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> • the parking of vehicles of site operatives and visitors • hours of operation (including deliveries) during construction • loading and unloading of plant and materials • storage of plant and materials used in constructing the development • wheel washing facilities • measures to control the emission of dust and dirt during construction • a scheme for recycling/disposing of waste resulting from construction works • Full details of the pruning works required to the crown of the protected tree at the entrance to the application site <p><i>Reason: in the interests of highway safety, to protect the amenities of the nearby residents and to ensure that the construction traffic does not damage the protected tree at the entrance to the application site.</i></p>																																				
<p>18.</p>	<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><i>Reason: In the interest of the appearance of the locality</i></p>																																				
<p>19.</p>	<p>Notwithstanding the details shown on the submitted plans, the proposed car parking and turning areas shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety and to prevent flooding</i></p>																																				
<p>20.</p>	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>																																				
<p>21.</p>	<p>The development shall be carried out in accordance with the following plans:</p> <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Plan Ref.</th> <th style="text-align: left;">Received On:</th> <th style="text-align: left;">Title:</th> </tr> </thead> <tbody> <tr> <td></td> <td>24 November 2014</td> <td>Location Plan</td> </tr> <tr> <td>0015 Rev C</td> <td>24 November 2014</td> <td>Site Layout Plan</td> </tr> <tr> <td>0023</td> <td>24 November 2014</td> <td>Existing Plans</td> </tr> <tr> <td>0016</td> <td>24 November 2014</td> <td>Plots 1 - 8</td> </tr> <tr> <td>0017</td> <td>24 November 2014</td> <td>Plots 9 - 12</td> </tr> <tr> <td>0018</td> <td>24 November 2014</td> <td>Plots 13 – 18</td> </tr> <tr> <td>0019</td> <td>24 November 2014</td> <td>Plots 19 – 22</td> </tr> <tr> <td>0020</td> <td>24 November 2014</td> <td>Boundary Treatments/Hardscape</td> </tr> <tr> <td>0021</td> <td>24 November 2014</td> <td>Cross Sections</td> </tr> <tr> <td>GR/05/14/01</td> <td>24 November 2014</td> <td>Soft Landscape Proposals</td> </tr> <tr> <td>40714/TOP</td> <td>24 November 2014</td> <td>Topographical Survey</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:		24 November 2014	Location Plan	0015 Rev C	24 November 2014	Site Layout Plan	0023	24 November 2014	Existing Plans	0016	24 November 2014	Plots 1 - 8	0017	24 November 2014	Plots 9 - 12	0018	24 November 2014	Plots 13 – 18	0019	24 November 2014	Plots 19 – 22	0020	24 November 2014	Boundary Treatments/Hardscape	0021	24 November 2014	Cross Sections	GR/05/14/01	24 November 2014	Soft Landscape Proposals	40714/TOP	24 November 2014	Topographical Survey
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<p>22.</p>	<p>All the dwellings hereby permitted shall be provided as affordable dwellings (as defined in the Central Lancashire Affordable Housing Supplementary Planning Document) to be managed by a Registered Provider. <i>Reason: Weight has been</i></p>																																				

	given to the case put forward by the applicant as a Registered Provider in terms of the viability of the site in relation to the normal sustainability and public open space requirements.
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Gillibrand Arms



OS MasterMap 1250/2500/10000 scale
 14 November 2014, ID: BLJT-00377871
www.planningapplicationmaps.co.uk

1:1250 scale print at A4, Centre: 357541 E, 417015 N

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Item 3c	15/01145/FUL
Case Officer	Adele Hayes
Ward	Chorley North West
Proposal	Construction of new access road from Dutch Barn Close onto Edgefield / Foxcote
Location	Dutch Barn Close Chorley
Applicant	Your Housing Group (Frontis Homes)
Consultation expiry:	7 January 2016
Decision due by:	10 February 2016

Recommendation

1. It is recommended that this application is refused for the following reason:

The proposed development would encourage increased demand for on street parking on existing roads and the associated comings and goings of cars generated by staff, patients and visitors to the hospital seeking an on street parking space would result in additional noise, disturbance and increased levels of general activity, particularly at times when residents on Edgefield, Foxcote and other nearby roads could reasonably expect the quiet enjoyment of their homes. The proposed development is, therefore, contrary to one of the twelve core planning principles of the National Planning Policy Framework that requires a good standard of amenity for all existing and future occupants of land and buildings.

Background

2. Turley Planning Associates have submitted three separate applications on behalf of their client Your Housing Group (Frontis Homes). Members will recall that three applications were approved last year that authorised the removal of conditions attached to previous planning permissions that restricted occupancy of the existing housing at Dutch Barn Close to key workers.
3. This application now seeks full planning permission for the construction of a new access road to link Dutch Barn Close to Edgefield and Foxcote to allow the properties to be accessed from the existing road network rather than through the hospital site.
4. Two further applications to remove condition no. 8 of the original outline planning application on the site (Ref. 94/00808/OUT) and condition no. 11 of the reserved matters application on the site (Ref. 95/00128/REM, that essentially prohibit access from Edgefield/Foxcote and Dutch Barn Close, have also been submitted and are reported elsewhere on the agenda. (See 15/01143/FUL and 15/01144/FUL).

Proposal

5. Dutch Barn Close is located within the wider Chorley and South Ribble District Hospital site. In general terms the residential properties are bordered by the Busy Bees children's day nursery and a multi-storey car park to the north, the hospital and associated buildings to the east and the Foxcote, Edgefield and Long Croft Meadows residential estates to the south and west.

6. Between Euxton Lane and the hospital there is a footpath that follows the perimeter of the hospital grounds. None of the surrounding roads to the south of the hospital provides vehicular or pedestrian access to the hospital or the footpath.
7. The proposal involves the construction of a new access road to link Edgefield and Dutch Barn Close to serve as an alternative access for the existing 34 residential dwellings located on Dutch Barn Close and the existing day nursery located north of the residential development.
8. The dwellings and the nursery are both within the Chorley and South Ribble Hospital site and are currently accessed via Dutch Barn Close from the hospital roads. Edgefield is an adopted highway, but Dutch Barn Close is not and is currently privately maintained.
9. The residential development of the site was originally approved solely for the accommodation of staff employed or working for the hospital as the site was previously allocated in the Local Plan as a site for hospital development and as such was not considered appropriate for a residential development opened to non-hospital staff. Consequently, the permitted means of access to the dwellings was only from within the site of the hospital.
10. However, the dwellings are no longer subject to a local plan allocation for hospital expansion following the removal of this provision from the Local Plan. Subsequently, planning permissions were granted last year to remove conditions attached to the original approval of the residential development that restricted occupation of the dwellings to hospital staff only. As a result, the dwellings can now be occupied by non-hospital workers.
11. As the dwellings are now available for purchase or rental in the open market and not limited to only the hospital staff, the applicant considers that a direct access from Edgefield would be more convenient than the existing access through the hospital. The applicant therefore proposes to construct a new 2-way access road to link Edgefield and Dutch Barn Close with footways on both sides. The proposed new two-way carriageway would require the removal of several of the existing shrubs and bushes from the site and it is proposed that additional planting would be provided elsewhere on the wider site.
12. The existing use of Dutch Barn Close would not cease as a result of the current proposal, but would continue to be used as access to the nursery from the hospital with an electronic barrier installed at a location east of No 1 Dutch Barn Close to ensure that vehicular access from the hospital site is only granted to staff and parents of children of the nursery.
13. The accompanying Transport Statement (TS) that has been submitted in support of the proposal has assessed the likely traffic generation levels along Edgefield/Foxcote from Dutch Barn Close and the existing nursery. In summary, it contends that the vehicular traffic is highly likely to already exist on the local highway network and that the new road would generate only a very limited number of additional trips (less than one additional car per minute as a worst case scenario). In addition, a new fob or touchpad controlled barrier system is also proposed between the hospital and Dutch Barn Close entrance which would enable staff and parents of the nursery to continue to gain direct access from the hospital.
14. The TS concludes that the new access arrangements would not have a material impact on the safe or efficient operation of the local highway network.

Representations

15. The application has been publicised by way of individual letters and site notices have been displayed. As a result of this publicity representations have been received from 54 local residents citing the follow grounds of objection:
 - The proposed development would exacerbate existing on street parking problems
 - The proposed development would result in additional traffic through small residential roads to the detriment of highway safety and would endanger children who may be playing

- The proposed development would result in additional congestion
- The whole village was designed to end with cul-de-sacs with some, including Foxcote, only having one path on one side and only one road in and out which bypassed the main route
- The proposed development would result in additional noise and pollution
- The proposed development would result in security problems
- The proposed development would have a detrimental impact on the quiet residential village streets and everyday life of everyone in Astley Village.
- The proposal involves carving through the middle of a nature trail which supports a large amount of wildlife. Building this road would ruin the peace that encouraged this wildlife to thrive due to the increased traffic and parking by hospital users avoiding the car parking charges
- The proposed development is not necessary to provide access to the development in Dutch Barn Close
- There are currently restrictions on parking on Dutch Barn Close, which is mentioned as a positive point in the application. When the NHS trust has no further interest in this road the restrictions would be removed or their officers would no longer enforce them. Without strictly enforced parking controls the houses on this road would be much less attractive to prospective tenants
- The current access to Dutch Barn Close would be controlled by an electronic barrier. When the barrier eventually fails, is left in the open position or the key code inevitably becomes widely known, then a classic rat run would be created that allows vehicles to exit the site to the south, through a residential area clogged by indiscriminate parking, thus avoiding the carefully controlled exits points to the north
- Once access has been established, the hospital would then close off the existing access to Dutch Barn Close in order to secure their boundary

Councillor Mark Perks has submitted an objection commenting that the proposed development would result in additional traffic through residential streets to the detriment of highway safety and would endanger children that may be playing. He is also concerned that the proposal would create noise and pollution.

Consultations

16. Astley Village Parish Council objects to the planning applications on the following grounds:
 - The original planning application decision denied access to Edgefield. Edgefield is a quiet and narrow residential cul-de-sac area and the opening up of the cul-de-sac would bring increased traffic, would open up the area to parking problems and through traffic problems. Increased parking and traffic would come from the Dutch Barn Close residents, the close-by businesses and users of the hospital
 - The residents of Edgefield park vehicles at the roadside, which is narrow and the increased traffic may cause residents problems and blockages
 - If parking restrictions were used to prevent parking in Edgefield, the current residents who bought homes in a closed cul-de-sac would suffer and the question is whether any restrictions would in fact be enforced
 - The layout of Astley Village was designed to have one through road (Chancery Road) with all residential streets coming from that – by opening up this road end this gives a third access to the village which could be used by the hospital traffic to avoid Euxton Lane, traffic using it as a cut through the village or if there was a blockage use as a through road to Euxton and beyond
 - There is a high risk that this area would become a car parking area for hospital staff and visitors not wishing to use car parks – as previously with Rookwood Avenue entrance/exit.
 - There is a potential risk of further development on the hospital land of further properties and this would further increase traffic in this narrowly winding estate – which was designed this way for residential peace and quiet and not suited to through traffic
17. Lancashire County Council Highways – have confirmed that they have no objections to the application.
18. The Coal Authority recommends standing advice.

19. United Utilities have no objection to the proposal and have not recommended any conditions.
20. The Council's Tree Officer has commented that the two trees adjacent to the proposed access road are an early mature silver birch and a semi mature field maple. They are considered to unremarkable trees of limited merit. Future tree management maybe required due to the close location to existing properties and the trees do not warrant protection.

Assessment

Impact on highway safety

21. The applications are supported by a TS and an assessment of the impact of the proposal on the local highway network has been carried out. The assessment includes trip generation of the residential dwellings and the nursery and its re-distribution on the local highway network. The assessment shows that during the AM and PM peaks hours of 8am-9am and 5pm-6pm, the nursery and the residential houses would generate a total of 41 and 37 two-way vehicular movements respectively. As the dwellings and the nursery are existing developments, the applicant noted that traffic movements to be generated would not be new, but may have already existed on the highway network. However, if the new link access road is provided, they suggest that trips would be re-distributed with the greater proportion of trips associated with the nursery likely to continue using the existing access from the hospital via Dutch Barn Close. The applicant therefore estimates that as a worst case scenario, in addition to the total of 41 and 37 two-way movements, the new link access road would lead to less than one vehicle movement being generated per minute. The applicant therefore concludes that the proposed link access road would not significantly impact on the local highway network.
22. Having initially considered the TS, the Highway Authority was unable to accept the proposal for the link access road as they had a number of concerns with the proposal and fundamental elements of the TS. In particular, the Highway Authority was concerned that in assessing the trip generation and distribution, trip rates based on 33 dwellings were applied instead of 34. For the nursery, a lower figure of 60 pupils was used instead of the higher number 70. As a result of the lower figures used, the total trip generation figures submitted may therefore appear lower than they should be.
23. Concern was also expressed that the applicant did not appear to have adequately considered the proportion of parents/staff trips that would potentially use Edgefield to and from the nursery as the TS assumed that the majority of the nursery children have parents who work at the hospital and as such would park at the multi storey car park (MSCP) and walk down to the nursery.
24. While this may currently be the case, it was felt that the situation might change once the new access is in place as parents/staff choose to access Dutch Barn Close from Edgefield.
25. Further highway concerns related to possible use of the proposed link access road as a shortcut to the hospital by traffic from the estates south of the application site and possible traffic rat-runs between Chancery Road and Euxton Lane via the proposed link access road. Notwithstanding the proposed electronic control barrier, the Highway Authority considered that the proposal seemed to lack certainty that the barrier alone would be able to always prevent use of the site as a rat-run.
26. In response to these concerns, the applicant's agent has accepted that the assessment of the impact of the proposal on the local highway network was incorrectly based on 33 dwellings rather than 34 and that a lower figure of 60 children was used rather than the higher number of 70. Although it is acknowledged that the higher figure of 34 units should be used, the applicant's agent contends that given this very small change, it would make no material difference to the assessment. At most it is suggested that the trip generation would increase by 1 two way vehicle in each peak hour.

27. The applicant's agent also states that the assertion by the Highway Authority that 70 pupils should be considered is incorrect. The nursery is registered for a maximum occupancy of 60 children on the Early Years Register and although the roll may be bigger, it is due to part time attendance by children. The maximum occupancy is 60 children at any one time.
28. The revised number of trips as a result of the increase of 1 residential unit would be 42 and 38 two way movements in the AM and PM peak hours respectively as a worse case. Again this equates to less than 1 vehicle a minute.
29. The TS that has been submitted in support of the application concludes that this level of trip generation is unlikely given that a significant proportion of the trips associated with the Busy Bees nursery are likely to continue on their existing routes through the hospital owing to the fact that controlled vehicular access from the hospital's network of access roads and pedestrian access from the MSCP shall be retained.
30. In response to concerns expressed about the location of the turning heads, the applicant's agent has commented that there is an existing turning head on the northerly arm of Dutch Barn Close adjacent to the nursery with a new turning head provided on the easterly arm. Comment is also made that the provision of these turning facilities would provide a road safety enhancement given that currently Edgefield does not have turning head provision and as such large vehicles currently cannot enter and leave in a forward gear.
31. The applicant's agent has confirmed that the proposed barrier would be fob controlled and only allow access for users of the nursery to prevent them from having to access via Edgefield. No other access would be allowed and this has been confirmed in writing by the NHS Trust. Further to this, details of the barrier have been submitted and the submitted information indicates that it would be a large sliding gate system which would prevent through access would be possible.
32. After consideration, the Highway Authority now accept that the proposal would have negligible changes in traffic flows and the proposed development would not have a severe effect on the safety or operation of the local highway network and thus accords with the requirements of local and national policy in terms of potential highways impacts.
33. Whilst there is some concern that the internal roads within the hospital do not have footway provision for pedestrians, and the proposed development would encourage pedestrian access without suitable access arrangements, there are no overriding highways or transport reasons why planning permission for the proposal should not be granted and the Highway Authority have removed their initial objection.

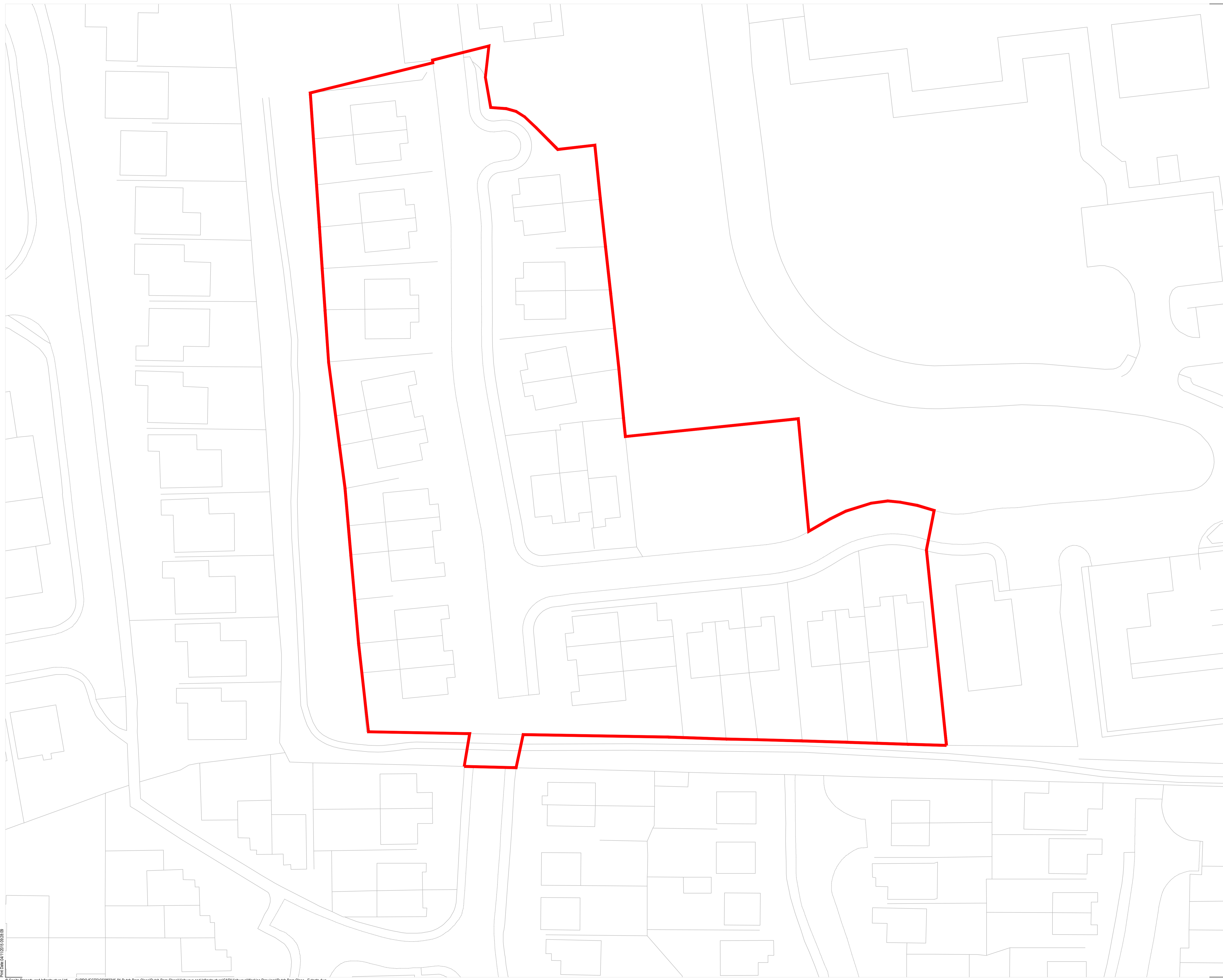
Impact on residential amenity

34. One of the twelve core planning principles of the National Planning Policy Framework is that planning should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
35. Whilst it is accepted that the proposed new highway link would provide a more convenient route for occupiers of the dwellings on Dutch Barn Close, the opening up of a new access point from the established residential areas into the hospital would undoubtedly encourage more on street car parking on the residential roads by staff, patients and visitors to the hospital as they endeavour to avoid hospital parking charges.
36. The surrounding roads are not suitable for higher numbers of vehicles manoeuvring to find spaces and indeed it is clear from site visits carried out by officers, and from the objections raised by local residents, that competition for on street parking is already high as staff and visitors choose to park on local roads to avoid paying parking charges. Rockwood Avenue, Fairway and other roads in the vicinity have already had to have parking restrictions placed on them.

37. It is considered that the additional traffic that may choose to access Dutch Barn Close from Edgefield and the additional trips associated with the existing 34 dwellings, together with increased levels of comings and goings of cars generated by staff, patients and visitors to the hospital seeking an on street parking space would result in additional noise, disturbance and increased levels of general activity and on street parking, particularly at times when residents could reasonably expect the quiet enjoyment of their homes.
38. The imposition of parking restrictions to overcome the harm that would be caused by 24 hour use of surrounding roads by vehicles searching for an available on street parking space cannot be achieved by condition through the planning system. The proposed development would undoubtedly adversely affect not only the level of residential amenity currently enjoyed by local residents but the character of this quiet residential area as well and the resultant harm that would be caused by the proposal cannot be overcome through the imposition of conditions.

Conclusion

- 36 In summary, whilst it is accepted that the development of the new road may be acceptable in highway safety terms, it is considered that the creation of a new access route through to the hospital would result in increased demand for on street parking and the associated comings and goings of cars would harm the level of residential amenity currently enjoyed by the residents of nearby residential dwellings on Edgefield, Foxcote and other nearby roads.



Rev	Drawn	Chkd	App'd	Description	Date
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Purpose of Issue
FOR INFORMATION

Classification
Commercial in Confidence

Client

Project
DUTCH BARN CLOSE

Drawing
**EXTENTS OF WORKS
ACCESS PROPOSED LINK ROAD**

Scale @ A1	Drawn	Checked	Approved
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1:500 LAH

Project No.	Date
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CS082745 03-NOV-15

Drawing Identifier	BS1192 Compliant
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Project - Originator - Zone - Level - File Type - Role - Number
082745-CAP-0000-PW-DR-C-0001 101

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Item 3d	15/01143/FUL
Case Officer	Adele Hayes
Ward	Chorley North West
Proposal	Section 73 application to remove condition no. 8 of planning permission no. 94/00808/OUT to allow for an alternative means of access to the development
Location	Dutch Barn Close Chorley
Applicant	Your Housing Group (Frontis Homes)
Consultation expiry:	7 January 2016
Decision due by:	10 February 2016

Recommendation

1. It is recommended that this application is refused for the following reason:

The removal of Condition no. 8 of outline planning permission Ref. 94/00808/OUT would allow vehicular access to be gained to Dutch Barn Close from Edgefield or Foxcote. This would encourage increased demand for on street parking on existing roads and the associated comings and goings of cars generated by staff, patients and visitors to the hospital seeking an on street parking space would result in additional noise, disturbance and increased levels of general activity, particularly at times when residents on Edgefield, Foxcote and other nearby roads could reasonably expect the quiet enjoyment of their homes. The proposed development is, therefore, contrary to one of the twelve core planning principles of the National Planning Policy Framework that requires a good standard of amenity for all existing and future occupants of land and buildings.

Background

2. Turley Planning Associates have submitted three separate applications on behalf of their client Your Housing Group (Frontis Homes). Members will recall that three applications were approved last year that authorised the removal of conditions attached to previous planning permissions that restricted occupancy of the existing housing at Dutch Barn Close to key workers.
3. The original outline planning permission (Ref. 94/00808/OUT) for the dwellings on Dutch Barn Close was granted subject to various conditions including Condition no. 8 that states that *"the means of vehicular access to the development hereby permitted shall be from within the site of Chorley Hospital and, in particular, no vehicular access shall be from Edgefield or Foxcote."* This application now seeks to remove this condition.
4. An application to remove condition no. 11 of the associated reserved matters application on the site (Ref. 95/00128/REM) that also prohibits access between Edgefield and Foxcote and Dutch Barn Close and for planning permission to construct a new link road have also been submitted and are reported elsewhere on the agenda. (See 15/01144/FUL and 15/01145/FUL).

Proposal

5. Dutch Barn Close is located within the wider Chorley and South Ribble District Hospital site. In general terms the residential properties are bordered by the Busy Bees children's day

nursery and a multi-storey car park to the north, the hospital and associated buildings to the east and the Foxcote, Edgefield and Long Croft Meadows residential estates to the south and west.

6. Between Euxton Lane and the hospital there is a footpath that follows the perimeter of the hospital grounds. None of the surrounding roads to the south of the hospital provides vehicular or pedestrian access to the hospital or the footpath.
7. The proposal involves the construction of a new access road to link Edgefield and Dutch Barn Close to serve as an alternative access for the existing 34 residential dwellings located on Dutch Barn Close and the existing day nursery located north of the residential development.
8. The dwellings and the nursery are both within the Chorley and South Ribble Hospital site and are currently accessed via Dutch Barn Close from the hospital roads. Edgefield is an adopted highway, but Dutch Barn Close is not and is currently privately maintained.
9. The residential development of the site was originally approved solely for the accommodation of staff employed or working for the hospital as the site was previously allocated in the Local Plan as a site for hospital development and as such was not considered appropriate for a residential development opened to non-hospital staff. Consequently, the permitted means of access to the dwellings was only from within the site of the hospital.
10. However, the dwellings are no longer subject to a local plan allocation for hospital expansion following the removal of this provision from the Local Plan. Subsequently, planning permissions were granted last year to remove conditions attached to the original approval of the residential development that restricted occupation of the dwellings to hospital staff only. As a result, the dwellings can now be occupied by non-hospital workers.
11. As the dwellings are now available for purchase or rental in the open market and not limited to only the hospital staff, the applicant considers that a direct access from Edgefield would be more convenient than the existing access through the hospital. The applicant therefore proposes to construct a new 2-way access road to link Edgefield and Dutch Barn Close with footways on both sides. The proposed new two-way carriageway would require the removal of several of the existing shrubs and bushes from the site and it is proposed that additional planting would be provided elsewhere on the wider site.
12. The existing use of Dutch Barn Close would not cease as a result of the current proposal, but would continue to be used as access to the nursery from the hospital with an electronic barrier installed at a location east of No 1 Dutch Barn Close to ensure that vehicular access from the hospital site is only granted to staff and parents of children of the nursery.
13. The accompanying Transport Statement (TS) that has been submitted in support of the proposal has assessed the likely traffic generation levels along Edgefield/Foxcote from Dutch Barn Close and the existing nursery. In summary, it contends that the vehicular traffic is highly likely to already exist on the local highway network and that the new road would generate only a very limited number of additional trips (less than one additional car per minute as a worst case scenario). In addition, a new fob or touchpad controlled barrier system is also proposed between the hospital and Dutch Barn Close entrance which would enable staff and parents of the nursery to continue to gain direct access from the hospital.
14. The TS concludes that the new access arrangements would not have a material impact on the safe or efficient operation of the local highway network.

Representations

15. The application has been publicised by way of individual letters and site notices have been displayed. As a result of this publicity representations have been received from 54 local residents citing the follow grounds of objection:

- The proposed development would exacerbate existing on street parking problems
- The proposed development would result in additional traffic through small residential roads to the detriment of highway safety and would endanger children who may be playing
- The proposed development would result in additional congestion
- The whole village was designed to end with cul-de-sacs with some, including Foxcote, only having one path on one side and only one road in and out which bypassed the main route
- The proposed development would result in additional noise and pollution
- The proposed development would result in security problems
- The proposed development would have a detrimental impact on the quiet residential village streets and everyday life of everyone in Astley Village.
- The proposal involves carving through the middle of a nature trail which supports a large amount of wildlife. Building this road would ruin the peace that encouraged this wildlife to thrive due to the increased traffic and parking by hospital users avoiding the car parking charges
- The proposed development is not necessary to provide access to the development in Dutch Barn Close
- There are currently restrictions on parking on Dutch Barn Close, which is mentioned as a positive point in the application. When the NHS trust has no further interest in this road the restrictions would be removed or their officers would no longer enforce them. Without strictly enforced parking controls the houses on this road would be much less attractive to prospective tenants
- The current access to Dutch Barn Close would be controlled by an electronic barrier. When the barrier eventually fails, is left in the open position or the key code inevitably becomes widely known, then a classic rat run would be created that allows vehicles to exit the site to the south, through a residential area clogged by indiscriminate parking, thus avoiding the carefully controlled exits points to the north
- Once access has been established, the hospital would then close off the existing access to Dutch Barn Close in order to secure their boundary

Councillor Mark Perks has submitted an objection commenting that the proposed development would result in additional traffic through residential streets to the detriment of highway safety and would endanger children that may be playing. He is also concerned that the proposal would create noise and pollution.

Consultations

16. Astley Village Parish Council objects to the planning applications on the following grounds:
- The original planning application decision denied access to Edgefield. Edgefield is a quiet and narrow residential cul-de-sac area and the opening up of the cul-de-sac would bring increased traffic, would open up the area to parking problems and through traffic problems. Increased parking and traffic would come from the Dutch Barn Close residents, the close-by businesses and users of the hospital
 - The residents of Edgefield park vehicles at the roadside, which is narrow and the increased traffic may cause residents problems and blockages
 - If parking restrictions were used to prevent parking in Edgefield, the current residents who bought homes in a closed cul-de-sac would suffer and the question is whether any restrictions would in fact be enforced
 - The layout of Astley Village was designed to have one through road (Chancery Road) with all residential streets coming from that – by opening up this road end this gives a third access to the village which could be used by the hospital traffic to avoid Euxton Lane, traffic using it as a cut through the village or if there was a blockage use as a through road to Euxton and beyond
 - There is a high risk that this area would become a car parking area for hospital staff and visitors not wishing to use car parks – as previously with Rookwood Avenue entrance/exit.
 - There is a potential risk of further development on the hospital land of further properties and this would further increase traffic in this narrowly winding estate – which was designed this way for residential peace and quiet and not suited to through traffic

17. Lancashire County Council Highways – have confirmed that they have no objections to the application.
18. The Coal Authority recommends standing advice.
19. United Utilities have no objection to the proposal and have not recommended any conditions.
20. The Council's Tree Officer has commented that the two trees adjacent to the proposed access road are an early mature silver birch and a semi mature field maple. They are considered to unremarkable trees of limited merit. Future tree management maybe required due to the close location to existing properties and the trees do not warrant protection.

Assessment

Impact on highway safety

21. The applications are supported by a TS and an assessment of the impact of the proposal on the local highway network has been carried out. The assessment includes trip generation of the residential dwellings and the nursery and its re-distribution on the local highway network. The assessment shows that during the AM and PM peaks hours of 8am-9am and 5pm-6pm, the nursery and the residential houses would generate a total of 41 and 37 two-way vehicular movements respectively. As the dwellings and the nursery are existing developments, the applicant noted that traffic movements to be generated would not be new, but may have already existed on the highway network. However, if the new link access road is provided, they suggest that trips would be re-distributed with the greater proportion of trips associated with the nursery likely to continue using the existing access from the hospital via Dutch Barn Close. The applicant therefore estimates that as a worst case scenario, in addition to the total of 41 and 37 two-way movements, the new link access road would lead to less than one vehicle movement being generated per minute. The applicant therefore concludes that the proposed link access road would not significantly impact on the local highway network.
22. Having initially considered the TS, the Highway Authority was unable to accept the proposal for the link access road as they had a number of concerns with the proposal and fundamental elements of the TS. In particular, the Highway Authority was concerned that in assessing the trip generation and distribution, trip rates based on 33 dwellings were applied instead of 34. For the nursery, a lower figure of 60 pupils was used instead of the higher number 70. As a result of the lower figures used, the total trip generation figures submitted may therefore appear lower than they should be.
23. Concern was also expressed that the applicant did not appear to have adequately considered the proportion of parents/staff trips that would potentially use Edgefield to and from the nursery as the TS assumed that the majority of the nursery children have parents who work at the hospital and as such would park at the multi storey car park (MSCP) and walk down to the nursery.
24. While this may currently be the case, it was felt that the situation might change once the new access is in place as parents/staff choose to access Dutch Barn Close from Edgefield.
25. Further highway concerns related to possible use of the proposed link access road as a shortcut to the hospital by traffic from the estates south of the application site and possible traffic rat-runs between Chancery Road and Euxton Lane via the proposed link access road. Notwithstanding the proposed electronic control barrier, the Highway Authority considered that the proposal seemed to lack certainty that the barrier alone would be able to always prevent use of the site as a rat-run.
26. In response to these concerns, the applicant's agent has accepted that the assessment of the impact of the proposal on the local highway network was incorrectly based on 33 dwellings rather than 34 and that a lower figure of 60 children was used rather than the

higher number of 70. Although it is acknowledged that the higher figure of 34 units should be used, the applicant's agent contends that given this very small change, it would make no material difference to the assessment. At most it is suggested that the trip generation would increase by 1 two way vehicle in each peak hour.

27. The applicant's agent also states that the assertion by the Highway Authority that 70 pupils should be considered is incorrect. The nursery is registered for a maximum occupancy of 60 children on the Early Years Register and although the roll may be bigger, it is due to part time attendance by children. The maximum occupancy is 60 children at any one time.
28. The revised number of trips as a result of the increase of 1 residential unit would be 42 and 38 two way movements in the AM and PM peak hours respectively as a worse case. Again this equates to less than 1 vehicle a minute.
29. The TS that has been submitted in support of the application concludes that this level of trip generation is unlikely given that a significant proportion of the trips associated with the Busy Bees nursery are likely to continue on their existing routes through the hospital owing to the fact that controlled vehicular access from the hospital's network of access roads and pedestrian access from the MSCP shall be retained.
30. In response to concerns expressed about the location of the turning heads, the applicant's agent has commented that there is an existing turning head on the northerly arm of Dutch Barn Close adjacent to the nursery with a new turning head provided on the easterly arm. Comment is also made that the provision of these turning facilities would provide a road safety enhancement given that currently Edgefield does not have turning head provision and as such large vehicles currently cannot enter and leave in a forward gear.
31. The applicant's agent has confirmed that the proposed barrier would be fob controlled and only allow access for users of the nursery to prevent them from having to access via Edgefield. No other access would be allowed and this has been confirmed in writing by the NHS Trust. Further to this, details of the barrier have been submitted and the submitted information indicates that it would be a large sliding gate system which would prevent through access would be possible.
32. After consideration, the Highway Authority now accept that the proposal would have negligible changes in traffic flows and the proposed development would not have a severe effect on the safety or operation of the local highway network and thus accords with the requirements of local and national policy in terms of potential highways impacts.
33. Whilst there is some concern that the internal roads within the hospital do not have footway provision for pedestrians, and the proposed development would encourage pedestrian access without suitable access arrangements, there are no overriding highways or transport reasons why planning permission for the proposal should not be granted and the Highway Authority have removed their initial objection.

Impact on residential amenity

34. One of the twelve core planning principles of the National Planning Policy Framework is that planning should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
35. Whilst it is accepted that the proposed new highway link would provide a more convenient route for occupiers of the dwellings on Dutch Barn Close, the opening up of a new access point from the established residential areas into the hospital would undoubtedly encourage more on street car parking on the residential roads by staff, patients and visitors to the hospital as they endeavour to avoid hospital parking charges.
36. The surrounding roads are not suitable for higher numbers of vehicles manoeuvring to find spaces and indeed it is clear from site visits carried out by officers, and from the objections raised by local residents, that competition for on street parking is already high as staff and

visitors choose to park on local roads to avoid paying parking charges. Rockwood Avenue, Fairway and other roads in the vicinity have already had to have parking restrictions placed on them.

37. It is considered that the additional traffic that may choose to access Dutch Barn Close from Edgefield and the additional trips associated with the existing 34 dwellings, together with increased levels of comings and goings of cars generated by staff, patients and visitors to the hospital seeking an on street parking space would result in additional noise, disturbance and increased levels of general activity and on street parking, particularly at times when residents could reasonably expect the quiet enjoyment of their homes.
38. The imposition of parking restrictions to overcome the harm that would be caused by 24 hour use of surrounding roads by vehicles searching for an available on street parking space cannot be achieved by condition through the planning system. The proposed development would undoubtedly adversely affect not only the level of residential amenity currently enjoyed by local residents but the character of this quiet residential area as well and the resultant harm that would be caused by the proposal cannot be overcome through the imposition of conditions.

Conclusion

- 36 In summary, whilst it is accepted that the development of the new road may be acceptable in highway safety terms, it is considered that the creation of a new access route through to the hospital would result in increased demand for on street parking and the associated comings and goings of cars would harm the level of residential amenity currently enjoyed by the residents of nearby residential dwellings on Edgefield, Foxcote and other nearby roads.

Rev	Drawn	Chkd	App'd	Description	Date
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Purpose of Issue
FOR INFORMATION

Classification
Commercial in Confidence

Client

Project
DUTCH BARN CLOSE

Drawing
**EXTENTS OF WORKS
ACCESS PROPOSED LINK ROAD**

Scale @ A1	Drawn	Checked	Approved
1:500	LAH		

Project No.	Date
CS082745	03-NOV-15

Drawing Identifier	BS1192 Compliant
Project - Originator - Zone - Level - File Type - Role - Number 082745-CAP-0000-PW-DR-C-0001	revision 101

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Item 3e	15/01144/FUL
Case Officer	Adele Hayes
Ward	Chorley North West
Proposal	Section 73 application to remove condition no. 11 of reserved matters consent no. 95/00128/REM to allow for an alternative means of access to the development
Location	Dutch Barn Close Chorley
Applicant	Your Housing Group (Frontis Homes)
Consultation expiry:	7 January 2016
Decision due by:	10 February 2016

Recommendation

1. It is recommended that this application is refused for the following reason:

The removal of Condition no. 11 of reserved matters consent no. 95/00128/REM would allow vehicular access to be gained to Dutch Barn Close from Edgefield or Foxcote. This would encourage increased demand for on street parking on existing roads and the associated comings and goings of cars generated by staff, patients and visitors to the hospital seeking an on street parking space would result in additional noise, disturbance and increased levels of general activity, particularly at times when residents on Edgefield, Foxcote and other nearby roads could reasonably expect the quiet enjoyment of their homes. The proposed development is, therefore, contrary to one of the twelve core planning principles of the National Planning Policy Framework that requires a good standard of amenity for all existing and future occupants of land and buildings.

Background

2. Turley Planning Associates have submitted three separate applications on behalf of their client Your Housing Group (Frontis Homes). Members will recall that three applications were approved last year that authorised the removal of conditions attached to previous planning permissions that restricted occupancy of the existing housing at Dutch Barn Close to key workers.
3. The reserved matters application (Ref. 95/00128/REM) for the dwellings on Dutch Barn Close was granted subject to various conditions including Condition no.11 that reflects the wording on the original outline permission with regards access. This application now seeks to remove this condition.
4. An application to remove condition no. 8 of the associated outline permission on the site (Ref. 94/00808/OUT) that also prohibits access between Edgefield and Foxcote and Dutch Barn Close and for planning permission to construct a new link road have also been submitted and are reported elsewhere on the agenda. (See 15/01143/FUL and 15/01145/FUL).

Proposal

5. Dutch Barn Close is located within the wider Chorley and South Ribble District Hospital site. In general terms the residential properties are bordered by the Busy Bees children's day nursery and a multi-storey car park to the north, the hospital and associated buildings to the

east and the Foxcote, Edgefield and Long Croft Meadows residential estates to the south and west.

6. Between Euxton Lane and the hospital there is a footpath that follows the perimeter of the hospital grounds. None of the surrounding roads to the south of the hospital provides vehicular or pedestrian access to the hospital or the footpath.
7. The proposal involves the construction of a new access road to link Edgefield and Dutch Barn Close to serve as an alternative access for the existing 34 residential dwellings located on Dutch Barn Close and the existing day nursery located north of the residential development.
8. The dwellings and the nursery are both within the Chorley and South Ribble Hospital site and are currently accessed via Dutch Barn Close from the hospital roads. Edgefield is an adopted highway, but Dutch Barn Close is not and is currently privately maintained.
9. The residential development of the site was originally approved solely for the accommodation of staff employed or working for the hospital as the site was previously allocated in the Local Plan as a site for hospital development and as such was not considered appropriate for a residential development opened to non-hospital staff. Consequently, the permitted means of access to the dwellings was only from within the site of the hospital.
10. However, the dwellings are no longer subject to a local plan allocation for hospital expansion following the removal of this provision from the Local Plan. Subsequently, planning permissions were granted last year to remove conditions attached to the original approval of the residential development that restricted occupation of the dwellings to hospital staff only. As a result, the dwellings can now be occupied by non-hospital workers.
11. As the dwellings are now available for purchase or rental in the open market and not limited to only the hospital staff, the applicant considers that a direct access from Edgefield would be more convenient than the existing access through the hospital. The applicant therefore proposes to construct a new 2-way access road to link Edgefield and Dutch Barn Close with footways on both sides. The proposed new two-way carriageway would require the removal of several of the existing shrubs and bushes from the site and it is proposed that additional planting would be provided elsewhere on the wider site.
12. The existing use of Dutch Barn Close would not cease as a result of the current proposal, but would continue to be used as access to the nursery from the hospital with an electronic barrier installed at a location east of No 1 Dutch Barn Close to ensure that vehicular access from the hospital site is only granted to staff and parents of children of the nursery.
13. The accompanying Transport Statement (TS) that has been submitted in support of the proposal has assessed the likely traffic generation levels along Edgefield/Foxcote from Dutch Barn Close and the existing nursery. In summary, it contends that the vehicular traffic is highly likely to already exist on the local highway network and that the new road would generate only a very limited number of additional trips (less than one additional car per minute as a worst case scenario). In addition, a new fob or touchpad controlled barrier system is also proposed between the hospital and Dutch Barn Close entrance which would enable staff and parents of the nursery to continue to gain direct access from the hospital.
14. The TS concludes that the new access arrangements would not have a material impact on the safe or efficient operation of the local highway network.

Representations

15. The application has been publicised by way of individual letters and site notices have been displayed. As a result of this publicity representations have been received from 54 local residents citing the follow grounds of objection:
 - The proposed development would exacerbate existing on street parking problems

- The proposed development would result in additional traffic through small residential roads to the detriment of highway safety and would endanger children who may be playing
- The proposed development would result in additional congestion
- The whole village was designed to end with cul-de-sacs with some, including Foxcote, only having one path on one side and only one road in and out which bypassed the main route
- The proposed development would result in additional noise and pollution
- The proposed development would result in security problems
- The proposed development would have a detrimental impact on the quiet residential village streets and everyday life of everyone in Astley Village.
- The proposal involves carving through the middle of a nature trail which supports a large amount of wildlife. Building this road would ruin the peace that encouraged this wildlife to thrive due to the increased traffic and parking by hospital users avoiding the car parking charges
- The proposed development is not necessary to provide access to the development in Dutch Barn Close
- There are currently restrictions on parking on Dutch Barn Close, which is mentioned as a positive point in the application. When the NHS trust has no further interest in this road the restrictions would be removed or their officers would no longer enforce them. Without strictly enforced parking controls the houses on this road would be much less attractive to prospective tenants
- The current access to Dutch Barn Close would be controlled by an electronic barrier. When the barrier eventually fails, is left in the open position or the key code inevitably becomes widely known, then a classic rat run would be created that allows vehicles to exit the site to the south, through a residential area clogged by indiscriminate parking, thus avoiding the carefully controlled exits points to the north
- Once access has been established, the hospital would then close off the existing access to Dutch Barn Close in order to secure their boundary

Councillor Mark Perks has submitted an objection commenting that the proposed development would result in additional traffic through residential streets to the detriment of highway safety and would endanger children that may be playing. He is also concerned that the proposal would create noise and pollution.

Consultations

16. Astley Village Parish Council objects to the planning applications on the following grounds:
 - The original planning application decision denied access to Edgefield. Edgefield is a quiet and narrow residential cul-de-sac area and the opening up of the cul-de-sac would bring increased traffic, would open up the area to parking problems and through traffic problems. Increased parking and traffic would come from the Dutch Barn Close residents, the close-by businesses and users of the hospital
 - The residents of Edgefield park vehicles at the roadside, which is narrow and the increased traffic may cause residents problems and blockages
 - If parking restrictions were used to prevent parking in Edgefield, the current residents who bought homes in a closed cul-de-sac would suffer and the question is whether any restrictions would in fact be enforced
 - The layout of Astley Village was designed to have one through road (Chancery Road) with all residential streets coming from that – by opening up this road end this gives a third access to the village which could be used by the hospital traffic to avoid Euxton Lane, traffic using it as a cut through the village or if there was a blockage use as a through road to Euxton and beyond
 - There is a high risk that this area would become a car parking area for hospital staff and visitors not wishing to use car parks – as previously with Rookwood Avenue entrance/exit.
 - There is a potential risk of further development on the hospital land of further properties and this would further increase traffic in this narrowly winding estate – which was designed this way for residential peace and quiet and not suited to through traffic

17. Lancashire County Council Highways – have confirmed that they have no objections to the application.
18. The Coal Authority recommends standing advice.
19. United Utilities have no objection to the proposal and have not recommended any conditions.
20. The Council's Tree Officer has commented that the two trees adjacent to the proposed access road are an early mature silver birch and a semi mature field maple. They are considered to unremarkable trees of limited merit. Future tree management maybe required due to the close location to existing properties and the trees do not warrant protection.

Assessment

Impact on highway safety

21. The applications are supported by a TS and an assessment of the impact of the proposal on the local highway network has been carried out. The assessment includes trip generation of the residential dwellings and the nursery and its re-distribution on the local highway network. The assessment shows that during the AM and PM peaks hours of 8am-9am and 5pm-6pm, the nursery and the residential houses would generate a total of 41 and 37 two-way vehicular movements respectively. As the dwellings and the nursery are existing developments, the applicant noted that traffic movements to be generated would not be new, but may have already existed on the highway network. However, if the new link access road is provided, they suggest that trips would be re-distributed with the greater proportion of trips associated with the nursery likely to continue using the existing access from the hospital via Dutch Barn Close. The applicant therefore estimates that as a worst case scenario, in addition to the total of 41 and 37 two-way movements, the new link access road would lead to less than one vehicle movement being generated per minute. The applicant therefore concludes that the proposed link access road would not significantly impact on the local highway network.
22. Having initially considered the TS, the Highway Authority was unable to accept the proposal for the link access road as they had a number of concerns with the proposal and fundamental elements of the TS. In particular, the Highway Authority was concerned that in assessing the trip generation and distribution, trip rates based on 33 dwellings were applied instead of 34. For the nursery, a lower figure of 60 pupils was used instead of the higher number 70. As a result of the lower figures used, the total trip generation figures submitted may therefore appear lower than they should be.
23. Concern was also expressed that the applicant did not appear to have adequately considered the proportion of parents/staff trips that would potentially use Edgefield to and from the nursery as the TS assumed that the majority of the nursery children have parents who work at the hospital and as such would park at the multi storey car park (MSCP) and walk down to the nursery.
24. While this may currently be the case, it was felt that the situation might change once the new access is in place as parents/staff choose to access Dutch Barn Close from Edgefield.
25. Further highway concerns related to possible use of the proposed link access road as a shortcut to the hospital by traffic from the estates south of the application site and possible traffic rat-runs between Chancery Road and Euxton Lane via the proposed link access road. Notwithstanding the proposed electronic control barrier, the Highway Authority considered that the proposal seemed to lack certainty that the barrier alone would be able to always prevent use of the site as a rat-run.
26. In response to these concerns, the applicant's agent has accepted that the assessment of the impact of the proposal on the local highway network was incorrectly based on 33 dwellings rather than 34 and that a lower figure of 60 children was used rather than the

higher number of 70. Although it is acknowledged that the higher figure of 34 units should be used, the applicant's agent contends that given this very small change, it would make no material difference to the assessment. At most it is suggested that the trip generation would increase by 1 two way vehicle in each peak hour.

27. The applicant's agent also states that the assertion by the Highway Authority that 70 pupils should be considered is incorrect. The nursery is registered for a maximum occupancy of 60 children on the Early Years Register and although the roll may be bigger, it is due to part time attendance by children. The maximum occupancy is 60 children at any one time.
28. The revised number of trips as a result of the increase of 1 residential unit would be 42 and 38 two way movements in the AM and PM peak hours respectively as a worse case. Again this equates to less than 1 vehicle a minute.
29. The TS that has been submitted in support of the application concludes that this level of trip generation is unlikely given that a significant proportion of the trips associated with the Busy Bees nursery are likely to continue on their existing routes through the hospital owing to the fact that controlled vehicular access from the hospital's network of access roads and pedestrian access from the MSCP shall be retained.
30. In response to concerns expressed about the location of the turning heads, the applicant's agent has commented that there is an existing turning head on the northerly arm of Dutch Barn Close adjacent to the nursery with a new turning head provided on the easterly arm. Comment is also made that the provision of these turning facilities would provide a road safety enhancement given that currently Edgefield does not have turning head provision and as such large vehicles currently cannot enter and leave in a forward gear.
31. The applicant's agent has confirmed that the proposed barrier would be fob controlled and only allow access for users of the nursery to prevent them from having to access via Edgefield. No other access would be allowed and this has been confirmed in writing by the NHS Trust. Further to this, details of the barrier have been submitted and the submitted information indicates that it would be a large sliding gate system which would prevent through access would be possible.
32. After consideration, the Highway Authority now accept that the proposal would have negligible changes in traffic flows and the proposed development would not have a severe effect on the safety or operation of the local highway network and thus accords with the requirements of local and national policy in terms of potential highways impacts.
33. Whilst there is some concern that the internal roads within the hospital do not have footway provision for pedestrians, and the proposed development would encourage pedestrian access without suitable access arrangements, there are no overriding highways or transport reasons why planning permission for the proposal should not be granted and the Highway Authority have removed their initial objection.

Impact on residential amenity

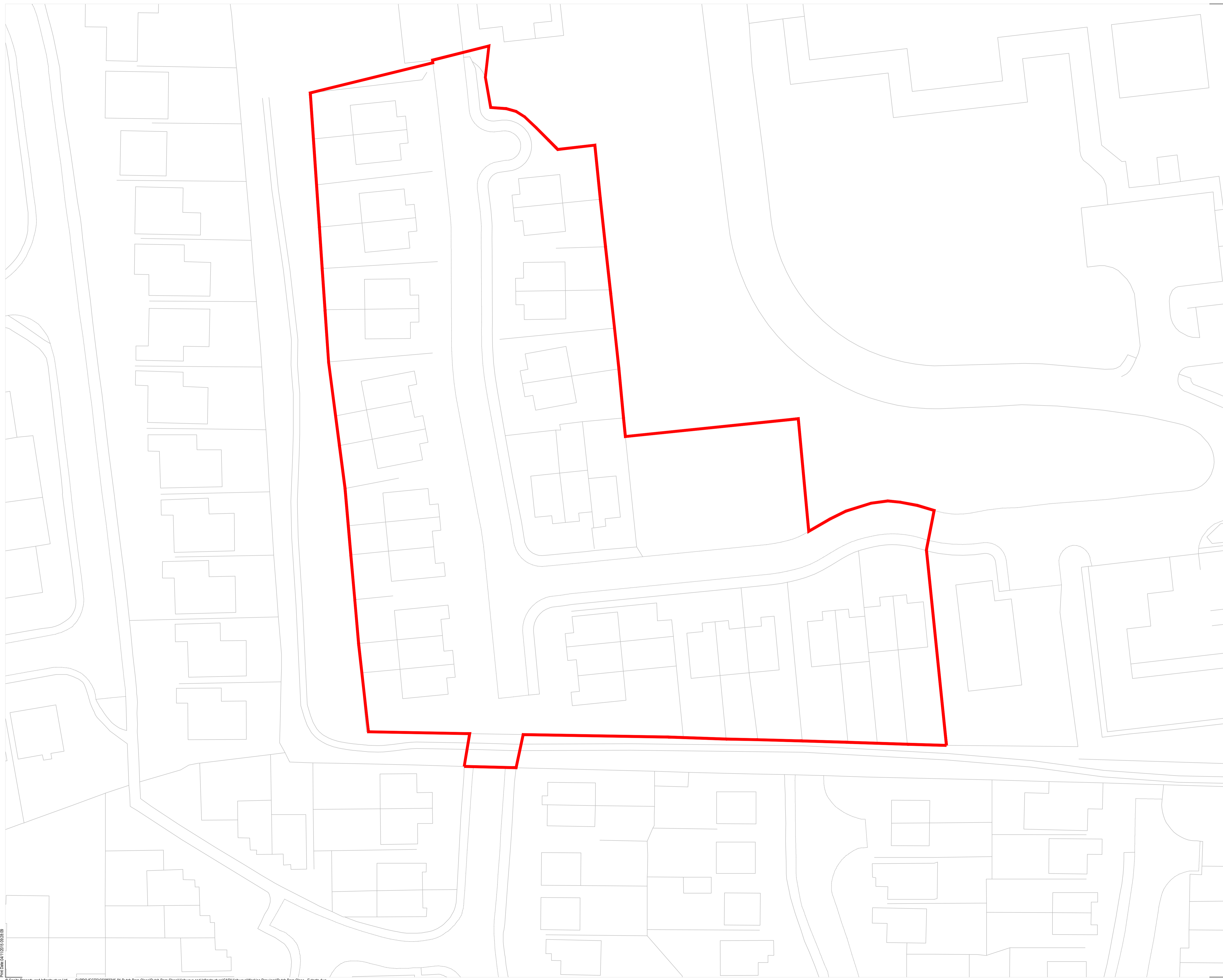
34. One of the twelve core planning principles of the National Planning Policy Framework is that planning should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
35. Whilst it is accepted that the proposed new highway link would provide a more convenient route for occupiers of the dwellings on Dutch Barn Close, the opening up of a new access point from the established residential areas into the hospital would undoubtedly encourage more on street car parking on the residential roads by staff, patients and visitors to the hospital as they endeavour to avoid hospital parking charges.
36. The surrounding roads are not suitable for higher numbers of vehicles manoeuvring to find spaces and indeed it is clear from site visits carried out by officers, and from the objections raised by local residents, that competition for on street parking is already high as staff and

visitors choose to park on local roads to avoid paying parking charges. Rockwood Avenue, Fairway and other roads in the vicinity have already had to have parking restrictions placed on them.

37. It is considered that the additional traffic that may choose to access Dutch Barn Close from Edgefield and the additional trips associated with the existing 34 dwellings, together with increased levels of comings and goings of cars generated by staff, patients and visitors to the hospital seeking an on street parking space would result in additional noise, disturbance and increased levels of general activity and on street parking, particularly at times when residents could reasonably expect the quiet enjoyment of their homes.
38. The imposition of parking restrictions to overcome the harm that would be caused by 24 hour use of surrounding roads by vehicles searching for an available on street parking space cannot be achieved by condition through the planning system. The proposed development would undoubtedly adversely affect not only the level of residential amenity currently enjoyed by local residents but the character of this quiet residential area as well and the resultant harm that would be caused by the proposal cannot be overcome through the imposition of conditions.

Conclusion

- 36 In summary, whilst it is accepted that the development of the new road may be acceptable in highway safety terms, it is considered that the creation of a new access route through to the hospital would result in increased demand for on street parking and the associated comings and goings of cars would harm the level of residential amenity currently enjoyed by the residents of nearby residential dwellings on Edgefield, Foxcote and other nearby roads.



Rev	Drawn	Chkd	App'd	Description	Date
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Purpose of Issue
FOR INFORMATION

Classification
Commercial in Confidence

Client

Project
DUTCH BARN CLOSE

Drawing
**EXTENTS OF WORKS
ACCESS PROPOSED LINK ROAD**

Scale @ A1	Drawn	Checked	Approved
1:500	LAH		

Project No.	Date
CS082745	03-NOV-15

Drawing Identifier	BS1192 Compliant
Project - Originator - Zone - Level - File Type - Role - Number 082745-CAP-0000-PW-DR-C-0001	revision 101

CAPITA
Highways & Infrastructure
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Capita Property and Infrastructure Ltd.

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Item 3f	15/01092/OUT
Case Officer	Nicola Hopkins
Ward	Euxton North
Proposal	Outline application for the erection of up to 9 dwellings all matters reserved save for access
Location	Land North Of The Railway Public House, Wigan Road, Euxton
Applicant	Newriver Property Unit Trust No 4
Consultation expiry:	9th December 2015
Decision due by:	28th December 2015 (time extension agreed until 12th February 2016)
 Recommendation	
Approve outline planning permission	

Representations

Euxton Parish Council have no objection in principle although they have made the following comments:

- The Council is concerned that the proposed parking arrangements are inadequate. The proposed housing has minimum off road parking proposed for each dwelling and only a single visitor space serving the nine houses. The proposed parking for the public house is 38 spaces whereas the Chorley Local Plan baseline standard for a public house of this size would be 49 spaces.
- There is no satisfactory alternative location for parking displaced if the public house is busy (e.g. for functions) or the housing is particularly busy (e.g. private party). Even though the A49 does not have waiting restrictions it is not a suitable location for parking and, if parking did regularly take place, waiting restrictions would inevitably be introduced.
- EPC therefore suggests that the number of houses be reduced and the size of the public house car park increased above the currently proposed levels.

Consultees

Consultee	Summary of Comments received
CBC Waste and Contaminated Land Officer	No objection subject to condition
United Utilities	No objection subject to conditions
CBC Tree Officer	A site visit was carried at land adjacent The Railway Public House on 10/11/2015. No objections raised to the proposal.
CBC Environmental Health	Have provided advice in respect of noise
LCC Highways	Have raised concerns about the parking arrangements for both the houses and the public house

AssessmentProposed Development

1. This is an outline application to establish the acceptability of the principle of constructing up to 9 dwellings on this site. Consent is sought at this stage for the means of access to the site. All other matters are reserved for subsequent approval.
2. The site is an existing car park associated with the Railway Public House which is accessed off Wigan Road with the land level rising slightly from the road level.
3. The site is partly laid out formally for parking, with areas also used informally for parking, associated with the public house. There are two vehicular access points into the site to serve the car park. The site is located within the settlement adjacent to the Green Belt boundary and is bounded to the east by the railway line.

Principle of the Development

4. The site is located within the settlement area of Euxton as identified within the 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 Euxton is identified as an Urban Local Service Centre where some growth and investment will be encouraged to help meet local housing and employment needs. As such, in principle, developing the site for housing is considered to be acceptable.

Impact on the Neighbours

5. Although consent is not sought for layout as part of this outline application, an indicative layout plan has been provided to demonstrate that 9 dwellings can be accommodated on the site. The proposed layout details a mixture of detached, semi-detached and terraced properties; 7 two bedroom dwellings and 2 four bedroom dwellings. All are indicatively shown to be two storey.
6. The site is bordered to the east by the railway line, to the south by the retained car park for the public house, to the west by Wigan Road and to the north by the Green Belt. To the north of the site are 21-23 Wigan Road, the only immediate residential neighbours to the site. The properties are a pair of semi-detached dwellings located approximately 20m away from the application site. given the distance maintained and the fact that there are no habitable room windows in the side gable of the nearest dwelling ensures that a suitable layout could be achieved on this site without adversely impacting on the amenity of either the existing or future residents.
7. Internally within the site plots 3-7 are indicatively shown to face the rear elevations of plots 1 and 2. However the layout retains over 21m window to window distance and over 10m to the rear gardens of plots 1 and 2 to ensure that there is no loss of privacy created for the future residents.

Highways and Access

8. It is proposed to access the site via the existing access from Wigan Road which serves the existing car park. As set out above the car park currently has two access points from Wigan Road. It is proposed to retain the southern access (closest to the public house) to serve the car park for the public house and use the northern access for the proposed dwellings.
9. The Highway Engineer has reviewed the proposal and confirmed that the proposed residential development is acceptable in principle; however, the current layout would need to be re-drawn to scale to enable an assessment to be made as to whether there is adequate space on site to accommodate parking and reversing of vehicles. The layout shows varying sizes of parking spaces with the available space for reversing for instance between parking spaces nos. 3-6 and those of the 4-bedroomed dwellings seemingly less than the 6m required for safe reversing manoeuvres to be undertaken. The layout is indicative and there is sufficient space within the site to provide parking and sufficient

manoeuvring space, this can be addressed at reserved matters stage however the agent for the application has also provided a tracking plan which details that the parking spaces can be accessed and exited adequately to serve the needs of the future residents.

10. The proposed development indicatively includes a mixture of 2 and 4 bedroom dwellings. In accordance with Policy ST4 of the Adopted Local Plan, two off road parking spaces are required for the two bedroom dwellings which are detailed on the indicative layout. In respect of the 4 bedroom dwellings, three off road parking spaces are required which are detailed on the indicative layout in the form of double driveways and attached garage accommodation. For the garages to 'count' as a parking space they will need to meet the Manual for Streets dimensions of 6x3 metres however it is considered that sufficient parking can be provided and this would be addressed in detail at reserved matters stage.
11. The Parish Council are concerned about the parking arrangements for the public house as the proposal would result in the loss of part of the existing parking area and there are no alternative parking arrangements in the area. It is proposed to reconfigure the parking for the public house, which can be secured by condition as it is included within the blue edge, to provide 38 parking spaces. Policy ST4 of the Adopted Local Plan confirms that 1 parking space per 5m² is required for this public house along with 3 disabled parking bays.
12. The supporting information confirms that the net public floorspace of the public house is 243m² which generates a need for 49 parking spaces plus three disabled parking spaces. This is not achieved on the proposed indicative layout with a deficit of 14 spaces. The supporting information asserts that due to the location of the public house within the settlement boundary, there is a large potential for customers to walk and therefore the applicants consider the level of parking provision is adequate.
13. The Highway Engineer has stated, based on the existing internal gross floor area of 243m² provided by the applicant, the public house should have 52 parking spaces (49 spaces plus 3 for the disabled) in place. However, this number is proposed to be reduced to a total of 38 resulting in a deficit of 14 parking spaces. Highways would find this unacceptable as the site is in an area of low accessibility where public transport is not readily available to customers of the public house. There are no public car parks in the area and the section of the A49 Wigan Road within the immediate vicinity of the site only has a narrow footway on one side. Any parked vehicles on this section of road would therefore prevent use of one of the lanes which, given that the A49 Wigan Road in road hierarchy terms is categorised as a main distributor and provides for traffic movements in and out of town and links major residential and commercial districts, may lead to major delays. In the same way, parked vehicles would severely hinder pedestrian use of the footway.
14. Following receipt of these concerns the applicants have carried out a Car Park Survey Analysis to demonstrate the actual usage of the car park. The survey was undertaken on Friday 15th January 2016 and Saturday 16th January 2016 between the hours of 10:00 – 21:00 and also Sunday 17th January 2016 between the hours of 10:00 – 18:00. The survey notes that the peak accumulation during the Friday survey was observed to be 24 vehicles, on the Saturday the peak accumulation was surveyed as 21 vehicles and for the Sunday the peak accumulation recorded was 22 vehicles. The survey concludes that the proposed public house car park provision of 38 spaces is sufficient for the proposed development. This survey has been forwarded to the Highway Engineer at LCC and his comments will be reported on the addendum.

Public Open Space

15. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013 and open space requirements relating to new housing schemes need to accord with Local Plan Policies HS4A and HS4B and the approach in the SPD.

16. The supporting information asserts that the adopted SPD pre-dates Government guidance which resists the pooling of Section 106 contributions and there is not an open space deficiency in the area. As such a S106 Agreement has not been submitted with the application.
17. The Council is aware of the pooling restrictions set out within regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) and any requirement in terms of POS would be fully in accordance with the regulations.
18. In respect of this part of the Borough, a financial contribution towards the improvement of existing playing pitches is required from this development. The amount required is £1,599 per dwelling and the necessary scheme will be secured by condition.

Trees

19. There are two young self set ash trees, a young multi stemmed self set willow and a number of shrubs along a section of boundary railings with the railway on the eastern side of the site. The Council's Tree Officer has visited the site and confirmed that the trees are of low quality, with no material conservation or other cultural value. As such the trees on site are not considered worthy of protection and any tree loss to facilitate the development would need to be fully mitigated for by the landscaping of the site.

Noise

20. The proposed development is located adjacent to the railway line with the indicative layout showing houses and gardens backing onto the railway line. As such in this regard the application is supported by a Noise and Vibration Assessment which sets out a mitigation strategy in the form of barrier fencing as follows:
 - Along the northern, eastern and southern boundaries of the site fences of 2.5m in height.
 - To the rear of plots 1 and 2 garden fences of a minimum 2m in height.
 - Garden fences in between plots 3 to 9 of a minimum height of 1.5m.
21. The assessment confirms that with these proposed barrier fences in place, noise levels in the gardens would not exceed LAeq,16 hour 55dB across the development. This has been viewed by the Council's Environmental Health Section who have confirmed that from a noise perspective the mitigation is acceptable.
22. From a visual perspective the need for 2.5m high along the whole length of the northern and southern boundary was queried as the site is relatively open and this would have created a 'hemmed in' appearance out of character with the area. Following further discussions with the applicant's agent, it has been agreed that 2.5m high fencing is not required in the areas where private rear gardens are not proposed. This will ensure that the site can be maintained with a more open feel although this would need to be detailed further at reserved matters stage (as the layout is illustrative at this stage).

Sustainable Resources

23. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 6. 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.”

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

Community Infrastructure Levy

25. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Overall Conclusion

26. This site is located within the settlement area of Euxton where some growth and investment will be encouraged to help meet local housing and employment needs. As such it is considered that the development of this site for housing is acceptable.

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.

Suggested Conditions

No.	Condition									
1.	<p>An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>									
2.	<p>The development hereby permitted for up to 9 dwellings shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 685 1238 904"> <thead> <tr> <th data-bbox="320 685 628 716">Title</th> <th data-bbox="628 685 916 716">Reference</th> <th data-bbox="916 685 1238 716">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 716 628 748">Location Plan</td> <td data-bbox="628 716 916 748"></td> <td data-bbox="916 716 1238 748">2nd November 2015</td> </tr> <tr> <td data-bbox="320 748 628 904">Site Layout Option A (wholly in respect of the access and the retained car park for the public house)</td> <td data-bbox="628 748 916 904">RT-SK002 Rev F</td> <td data-bbox="916 748 1238 904">2nd November 2015</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>	Title	Reference	Received date	Location Plan		2nd November 2015	Site Layout Option A (wholly in respect of the access and the retained car park for the public house)	RT-SK002 Rev F	2nd November 2015
Title	Reference	Received date								
Location Plan		2nd November 2015								
Site Layout Option A (wholly in respect of the access and the retained car park for the public house)	RT-SK002 Rev F	2nd November 2015								
3.	<p>As part of the application for reserved matters or 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: Full details of the proposed external facing materials were not provided as part of the application and in order to ensure that the materials used are visually appropriate to the locality samples are required.</p>									
4.	<p>As part of the first application for reserved matters or prior to the commencement of development 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: Full details of the proposed fences/walls were not provided as part of the application and in order to ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents the details are required.</p>									
5.	<p>The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.</p> <p>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</p>									
6.	<p>As part of the first application for reserved matters or prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.</p>									

	Reason: The submitted information did not include details of the hard surfacing materials and to ensure that the materials used are visually appropriate to the locality samples are required.
7.	All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.
8.	Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details. Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate
9.	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. 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.
10.	No development shall take place until a Construction Method Statement has first been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: <ul style="list-style-type: none"> • the parking of vehicles of site operatives and visitors wholly within the application site • hours of operation (including deliveries) during construction and demolition • loading and unloading of plant and materials wholly within the application site • storage of plant and materials used in constructing the development wholly within the application site • measures to control the emission of dust and dirt during construction • a scheme for recycling/disposing of waste resulting from construction works Reason: The site is located off a main route in Euxton. The specified information is required in the interests of highway safety, to ensure that the adjacent car park is left free for patrons of the public house and to protect the amenities of the nearby residents. This information is required prior to commencement to ensure that the entire project adheres to appropriate procedures.
11.	The vehicular access to the site shall be constructed in accordance with submitted plan RT-SK002 Rev F received 2nd November 2015 and shall be completed in accordance with the approved plans prior to the occupation of the dwellings hereby approved.

	Reason: In order to satisfy the Local Planning Authority and Highway Authority that a suitable access is provided into the site.
12.	<p>Prior to the occupation of the first dwellinghouse hereby approved full details of the proposed arrangements for future management and maintenance of the communal areas within the development shall be submitted to and approved by the local planning authority. The communal areas shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and Maintenance Company has been established.</p> <p>Reason: To ensure that the communal areas serving the development are maintained to an acceptable standard in the interest of residential / highway safety.</p>
13.	<p>Prior to the commencement of the development full details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details</p> <p>Reason: To secure proper drainage and to manage the risk of flooding and pollution.</p>
14.	<p>Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 5l/s.</p> <p>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. Drainage is an early activity in the construction process and it is in the interest of all stakeholders to ensure the approach is agreed before development commences. This condition is imposed in light of policies within the Framework and NPPG.</p>
15.	<p>Due to the size of development, the proposed sensitive end-use (residential housing with gardens), and the proximity to railway land, the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.</p> <p>The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study and site investigation must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. 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 and to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012). A Desk Study Report should include a desk study and site reconnaissance (walk over) and preliminary risk assessment as defined in 'CLR 11: Model Procedures for the Management of Land Contamination' (Environment Agency, 2004). Further guidance and advice on producing the report can be obtained from the Contaminated Land Officer.</p>
16.	<p>No development shall commence until a Scheme for the provision of off-site public open space in accordance with the principles of Policies HS4A and HS4B of the Adopted Chorley Local Plan 2012-2026 has been submitted to and approved in writing by the Local Planning Authority. The dwellings hereby approved shall not be occupied until the approved Scheme has been implemented.</p>

	<p>Reason:- The provision of off-site public open space is a requirement of the Development Plan and therefore a scheme or mechanism to deliver the requirements of the development plan are essential to make the development acceptable. A suitable scheme has not been submitted as part of the application and is needed prior to the commencement of the development to ensure a suitable scheme can be agreed.</p>
<p>17.</p>	<p>A scheme for the landscaping of the development and its surroundings shall be submitted as part of the reserved matters application. 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 and paved or hard landscaped. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p> <p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>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>
<p>18.</p>	<p>Prior to the occupation of the dwellings hereby approved the noise mitigation measures shall be implemented in accordance with the submitted Planning Noise and Vibration Assessment dated September 2015. In particular the mitigation shall include:</p> <ul style="list-style-type: none"> • Along the northern, eastern and southern boundaries of the private rear garden areas of the dwellings which immediately back onto the railway line fences of 2.5m in height shall be erected • To the rear of the plots which are not immediately adjacent to the railway line garden fences of 2m in height shall be erected. • Rear garden fences in between the plots shall be 1.8m in height <p>Reason: in the interest of noise to ensure that the amenities of the future residents are not affected by noise from the railway line, in the interests of privacy to provide private rear garden areas and to maintain a feeling of openness to enable the inclusion of lower more rural types of boundary treatments where private rear gardens are not proposed.</p>
<p>19.</p>	<p>The parking spaces shown for the Railway public house 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 commencement of the construction of the dwellings hereby approved. Such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).</p> <p>Reason: To ensure provision of adequate off-street parking facilities for the public house prior to work on the dwellings commencing that will reduce the existing parking provision at the site.</p>

Site Location Plan
Land adjacent to The Railway Tavern Public House, Wigan Road, Chorley



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Item 3g **15/01222/FUL**

Case Officer **Caron Taylor**

Ward **Heath Charnock And Rivington**

Proposal **Change of use of existing double detached garage to a tea room (including external alterations)**

Location **Higher Derbyshires
Gilsbrook
Rivington Lane
Rivington
Bolton
BL6 7SA**

Applicant **Mrs Caroline Jones**

Consultation expiry: **29th January 2016**

Decision due by: **8th February 2016**

Recommendation
That the application is approved.

Representations

In total 6 representations has been received which are summarised below	
Objection	Support
Total No. received: 1	Total No. received: 5
<ul style="list-style-type: none"> • The lane to Higher Derbyshires is quieter and more relaxed than much of Rivington. It is a private road, footpath and bridleway which is locked and gated at the Horwich end. There is therefore only the occasional farm or residents vehicle; • It would attract more traffic which cannot be guaranteed to park elsewhere which in any case would bring yet more pressure to existing parking; • There are enough tea rooms already; • The existing road surface will take more traffic, and who is to deter people driving up there; • If a change of use is granted will this lead to further development in the future? 	<ul style="list-style-type: none"> • The other tearooms in the area are often too busy to get a seat; • It will give people more choice; • The area is frequented by many walkers, cyclists etc. and an additional tea room will be beneficial and enable people to appreciate the tranquillity of such a beautiful area; • It is ideally located.

Consultees

Consultee	Summary of Comments received
The Coal Authority	Standing advice – low risk area.

Assessment

Principle of the Development

1. The application site is situated in the Green Belt. It is accessed by a private track (owned by United Utilities) from Rivington Lane. It is not within Lever Park (Historic Park and Garden). The property is in an isolated position with no immediate neighbours.
2. Higher Derbysheires is a detached property set back from the track which is a public bridleway. The current property is a replacement dwelling permitted in 2010. It has a detached double garage to the front of the property to the left of the access from the bridleway/track, which is at a lower level than the house. The boundary at the front of the property is a close boarded fence with double electric wooden gates. The garage is sited behind a fence when viewed from the track so only the roof and approximately 0.5m of the walls are visible.
3. The application is to convert the garage to a tea room. This will not involve any extension to the building. Paragraph 90 of the National Planning Policy Framework (the Framework) states that the re-use of buildings is not inappropriate in the Green Belt provided the buildings are of permanent and substantial construction and the proposal preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt. The garage is of substantial block construction (the render has not been finished) with a slate roof. It is therefore considered that the proposal is acceptable in principle in the Green Belt.

Design

4. The proposal will involve making some external alterations to the garage. The existing garage door will be replaced with windows and a pedestrian entrance door. The garage measures 7m by 7m and will have a small internal seating area, a small kitchen area and a WC internally. The 'red edge' of the application is around the garden of the property, so on fine days chairs and tables may be outside in the garden area. This is considered acceptable subject to a condition that chairs and tables are not put out outside the garden of the property so as not to obstruct the bridleway.
5. The applicant advises that they will either open the double gates to allow access for customers, or they may install a small pedestrian gate in the fence next to the gates (this would not require planning permission providing it is not more than 2m high). The garage is currently blockwork – it has not been finished since built. The applicant advises it will be rendered, which is considered acceptable.

Neighbour Amenity

6. There are no immediate neighbours to the property. Gilsbrook House is situated approximately 300m to the north and is passed if the application property is approached from this direction. The nearest properties to the west are those on Rivington Lane over 180m away. Due to the distance to other properties it is not considered the proposal will have a detrimental impact on the amenities of them.

Highways

7. The property is accessed via a private track off Rivington Lane on land owned by United Utilities. The track is marked as a private road so it not open to public vehicles (it is not a public highway) but occasionally vehicles do use it e.g. United Utilities vehicles, residents accessing properties and farmers. The track is however a public bridleway so the tea room could be accessed by the public on foot, horseback and bicycle, not by car. The applicant intends walkers, horse riders and cyclists passing the property to visit the tea room and any vehicular traffic generated by the proposal may be considered as trespass by United Utilities as the land owner. The road is gated at the Horwich end which reduces the potential for unauthorised vehicles.
8. The access to the property and garage to be converted to a tea room are set back form the bridleway by approximately 17m. Therefore the proposed use, even with chairs and tables outside will not be readily visible until viewed from near to the access point, and the use will be contained within the existing garden area. It is not considered that the size or nature of the use will impact unacceptably on the immediate area or in itself attract significantly more traffic to the area.

Overall Conclusion

9. The proposal is considered acceptable subject to conditions including that chairs and tables should not be sited outside the garden of the property.

Planning Policies

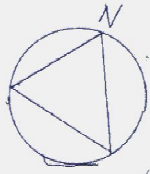
In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations 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
10/00286/FUL	Demolition of the existing dwelling and erection of new dwelling and detached garage	Permitted	21 st June 2010
10/00802/FUL	Demolition of the existing dwelling and erection of new dwelling and detached garage - amendment to approval 10/00286/FUL	Permitted	22 nd November 2010
12/01192/MNMA	Application for a minor non-material amendment to allow the garage to be built of block and render with stone quoins, rather than all stone as approved under permission 10/00286/FUL (which was for demolition of the existing dwelling and erection of new dwelling and detached garage).	Permitted	13 th December 2012
13/00098/FUL	Two-storey side extension, full height to existing dwelling	Permitted	18 th April 2013

Suggested Conditions

No.	Condition												
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>												
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 528 1303 781"> <thead> <tr> <th data-bbox="327 528 651 589">Title</th> <th data-bbox="651 528 970 589">Drawing Reference</th> <th data-bbox="970 528 1297 589">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="327 589 651 651">Location Plan</td> <td data-bbox="651 589 970 651">N/A</td> <td data-bbox="970 589 1297 651">14th December 2015</td> </tr> <tr> <td data-bbox="327 651 651 714">Site and Location Plan</td> <td data-bbox="651 651 970 714">SJ/HDTR/002 Rev 0</td> <td data-bbox="970 651 1297 714">14th December 2015</td> </tr> <tr> <td data-bbox="327 714 651 781">Garage Plan</td> <td data-bbox="651 714 970 781">SJ/HDTR/001 Rev 0</td> <td data-bbox="970 714 1297 781">14th December 2015</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Location Plan	N/A	14 th December 2015	Site and Location Plan	SJ/HDTR/002 Rev 0	14 th December 2015	Garage Plan	SJ/HDTR/001 Rev 0	14 th December 2015
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Location Plan	N/A	14 th December 2015											
Site and Location Plan	SJ/HDTR/002 Rev 0	14 th December 2015											
Garage Plan	SJ/HDTR/001 Rev 0	14 th December 2015											
3.	<p>The change of use to a tea room applies to the garage of the property shown on the approved plans only (not the dwelling). Any chairs and tables placed outside the former garage associated with the tea room, must be contained within the garden of the property (within the red edge as shown on the approved location plan).</p> <p><i>Reason: To clarify the permission and ensure the use does not spill out of the grounds of the property onto the public bridleway which may cause an obstruction or may impact on the character of the area.</i></p>												



15/01/22/ku
DRC

Higher Derbyshire
Location Plan

Scale 1:2500 @ A2



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Item 3h **15/01168/FUL**

Case Officer **James Appleton**

Ward **Brinscall**

Proposal **Erection of detached store to the rear alleyway. (Retrospective)**

Location **59 School Lane**
Brinscall
Chorley
PR6 8QS

Applicant **Mr Simon Atkinson**

Consultation expiry: **7 January 2016**

Decision due by: **16 February 2016**

Delegated		Delegated following Chairs Brief		Committee	x
Date: 9 th February 2016					

	Case Officer	Authorising Officer
	JA	
Date	27 th January 2016	

Recommendation
Refuse retrospective planning permission.

Executive Summary

The main issues to consider are whether the proposal is acceptable in terms of its impact on the character and appearance of the locality, the amenities of neighbours and highway safety. It is considered that the design of the outbuilding is harmful to the character of this location.

Representations

Withnell Parish Council – No comments received

In total 4 representations have been received which are summarised below

Objections

- Prevents residents' adequate access to the rear of their properties.
- Prevents residents from carrying out any maintenance works.
- Dangerous and unsafe structure.
- A neighbour has injured themselves on the structure
- Impossible to see the structure in the dark due to the colour of materials and no street lighting.
- How can a tenant build a permanent structure on land they don't own.
- There is a legal covenant stating that there has to be access at all times for vehicles in the rear alley of school lane and the alleyway must be kept unobstructed and unbuilt upon.
- Restricts access for emergency services, utility and telecommunication companies to carry out repairs or maintenance works.
- Power is running to the structure.

Consultees

Consultee	Summary of Comments received
The Coal Authority	Standing Advice

The Site

1. The application site is to the rear of no.59 School Lane off the square which is a private access alleyway which serves the rear of the properties along School Lane. The alleyway is an unclassified road and an un-adopted highway.
2. The application property is a mid- terraced two storey property of traditional design and character located on School Lane, Brinscall. It is faced with stone, has as a grey slate roof and green timber window frames and door. There is a yard area to the rear.
3. The area is characterised by residential properties of similar traditional design and style.
4. There is a gravelled track to the rear of the properties with grass verges either side of this. Many of the residents along this strip store their bins and there are plots of vegetation along the back of the rear boundary treatments.

The Proposal

5. This application seeks retrospective planning consent for the erection of a detached store to the rear alleyway.
6. The proposed detached store measures approximately 2.1m wide and has a length of approximately 6m. It will have a sloping roof with a ridge height of approximately 1.7m to the front and approximately 1.6m to the rear.
7. The detached store is built with green metal cladding with a green metal cladded corrugated roof supported by six timber posts and is located in the rear alleyway to the properties along school lane. The building is built to very basic construction and design standards.
8. The outbuilding will be used to store coal, logs and the applicant's bikes.

Background Information

9. Following an enforcement enquiry it was identified that the store had been constructed without planning permission 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

10. *One of the core principles in The National Planning Policy Framework is to secure high quality design.*
11. *Paragraph 64 of The National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*
12. *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.*
13. *Policy 17 of the Adopted Core Strategy states that the design of new buildings will be expected to take account of the character and appearance of the local area and the siting, layout, massing, scale, design, materials, building to plot ratio and landscaping. In addition to this new buildings*

should be sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area.

14. *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.*
15. The detached store is constructed of green metal cladding with a green metal cladded corrugated roof supported by six timber posts. The materials used do not match the application property or surrounding area. The proposal is of an unsympathetic design to the character of the rear alley that does not contribute to the wider character and has the look and feel of a more communal space. It is noted that the building in question is of relatively low significance and does not appear disproportionate to its stated function. However it would result in the development of an unusual feature that is conspicuous in this location for users and residents of School Lane. In addition to this, outbuildings are not a common feature of the surrounding area and as such the proposals warrants refusal and approval of this development would create a precedent for further development.
16. The proposal also fails to accord with the Framework, one of the core principles of which is to always seek to secure high quality design. Good design is a key aspect of sustainable development and is indivisible from good planning. While the Framework discourages the imposition of particular styles or tastes, it states that it is proper to seek to promote or reinforce local distinctiveness. The proposed wood store is of a poorly designed construction and in accordance with the National Planning Policy Framework would warrant refusal.
17. The proposal isn't prominent in the street scene and is not visible from School Lane itself. The outbuilding is located approximately 11m from the application property and is not located within a domestic garden curtilage and it is noted that there is alternative available space to construct a similar structure within the residential curtilage of the property. The store is located in an area that has not been developed in this way and the area remains undeveloped hereby retaining a character of a typical rear alleyway used for access for the residents and an area of shrubbery.
18. The proposed detached outbuilding will have a detrimental impact on the character and appearance of the locality given its design and location. And as a result is contrary to the National Planning Policy Framework, Policy BNE1 of the adopted Chorley Local Plan 2012-2026, Adopted Central Lancashire Core Strategy and the householder design guidance.

Impact on neighbours

19. *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.*
20. *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.*
21. The proposed detached outbuilding is located approximately 10.5m from no.57 School Lane. It is accepted that the proposed store will be visible from no.57 School Lane however there is a stone wall at an approximate height of 1.4m which screens part of the store facing 57 School Lane
22. The proposed detached store is located approximately 6m from the property to the south at no. 9 Larch Drive and it is considered that the resultant relationship will be acceptable as the proposal cannot be viewed from this property and due to the scale of the proposal, its positioning and degree of separation there would be no impact on light, outlook or privacy in relation to this property.

23. Having regard to the above, it is not considered that the proposed store will have an unacceptable impact on the neighbour amenity and is therefore considered acceptable.

Impact on Parking Provision and Highway Safety

24. *Policy HS5 of the adopted Chorley Local Plan 2012 – 2026 states that permission will be granted provided that the proposal does not have an unacceptable adverse effect on highway safety.*
25. *The Householder Design Guidance SPD states that off-street parking should generally be provided at a ratio of 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 2.5 metres by 5.5 metres and spaces in front of a garage should be 2.5 metres by 6 metres.*
26. Parking provision will not be comprised by the development.
27. The proposal is located on an unclassified and un-adopted highway. There is a distance of approximately 2.6m from the side elevation of the store to the edge of the existing alleyway.
28. Whilst it is appreciated that the proposal may cause difficulties for drivers to access through the alleyway. However it is noted that following a site visit it was clear that there are two properties that require vehicular access to the rear of their properties. However there would be space at a width of approximately 2.6m remaining, however with the mix of wheelie bins and greenery with the alley, any restriction to the feeling of openness of the alleyway will have an adverse impact.
29. As a result it is accepted that that the proposal will not cause any significant harm to highway safety.

Other matters

30. A restrictive covenant is not a material planning consideration and cannot be taken into account when assessing a planning application.
31. The applicant has completed certificate B and served notice on the landowner and has therefore signed the correct certificate of ownership.
32. The maintenance of a boundary treatment is private legal matter and cannot be taken into account when assessing a planning application.
33. Access to the rear of neighbouring properties and access for vehicles for emergency services, utility and telecommunication companies to carry out repairs or maintenance works are private legal matters and cannot be taken into account when assessing a planning application.
34. There is no street lighting in the alleyway, however it is noted that the council has not received any complaints of unsafe or dangerous structures at this location.
35. It is noted following a site visit there was no electrical power or insulation of electricity to the structure.

Overall Conclusion

36. It is considered that the proposal doesn't accord with National Planning Policy and the provisions of the Adopted Chorley Local Plan and Adopted Central Lancashire Core Strategy and the guidance set out in the Householder Design Guidance SPD. It is therefore recommended that the application is refused.
37. The 'principle' of the proposal is an unacceptable one and whilst it is considered that this will not have a direct harmful impact on the amenities of neighbouring residents, the development will harm the character and feel of the communal space. From a design perspective, the proposal is considered to be unacceptable with regards to the choice of materials, design and given the

location of the site; it is considered that the works will have a harmful impact on the character and appearance of the area.

Planning Policies

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

Planning History

There is no relevant planning history at this property.

Reason for Refusal

No.	Reason
1.	The outbuilding is considered unacceptable by virtue of its siting and design and will have a detrimental impact upon the character and appearance of the locality. The proposal is therefore contrary to The Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy BNE1 of the adopted Chorley Local Plan 2012 – 2026 and the Council’s adopted Householder Design Guidance Supplementary Planning Document.

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