

## **DEVELOPMENT CONTROL COMMITTEE**

TUESDAY, 5TH APRIL 2016, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

### **AGENDA**

#### **APOLOGIES**

- 1 **MINUTES OF MEETING TUESDAY, 15 MARCH 2016 OF DEVELOPMENT CONTROL COMMITTEE**

(Pages 3 - 4)

- 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 three 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 **15/01185/FUL - WATERSTONE HOUSE, 1A DARK LANE, WHITTLE-LE-WOODS, CHORLEY, PR6 8AE**

(Pages 5 - 20)

- B **15/01246/FUL - LAND ADJACENT TO 75 TOWNGATE, ECCLESTON**

(Pages 21 - 34)

- C **15/01057/FUL - 145 TOWN LANE, WHITTLE LE WOODS, CHORLEY, PR6 8AG**

(Pages 35 - 50)

- 4 **ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR**

GARY HALL  
CHIEF EXECUTIVE

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

Electronic agendas sent to Development Control Committee reserves for information.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or [chorley.gov.uk](http://chorley.gov.uk)

To view the procedure for public questions/ speaking click here

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



**MINUTES OF DEVELOPMENT CONTROL COMMITTEE**

**MEETING DATE** Tuesday, 15 March 2016

**MEMBERS PRESENT:** Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Martin Boardman, Henry Counce, Paul Clark, John Dalton, Danny Gee, Mick Muncaster and Paul Walmsley

**RESERVES:** Councillors Jean Cronshaw and Gordon France

**OFFICERS:** Jamie Carson (Director of Public Protection, Streetscene and Community), Adele Hayes (Principal Planning Officer), Alex Jackson (Legal Services Team Leader), Ruth Rimmington (Democratic and Member Services Officer) and Helen Lowe (Planning Officer)

**APOLOGIES:** Councillors Aaron Beaver, Charlie Bromilow, Keith Iddon, Alistair Morwood, Richard Toon and Alan Whittaker

**16.DC.179 Minutes of meeting Tuesday, 9 February 2016 of Development Control Committee**

**RESOLVED - That the minutes of the Development Control Committee held on 9 February 2016 be approved as a correct record for signature by the Chair.**

**16.DC.180 Declarations of Any Interests**

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

**16.DC.181 Planning applications to be determined**

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

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

**a 15/01185/FUL - Waterstone House, 1A Dark Lane, Whittle-Le-Woods, Chorley, PR6 8AE**

Registered speakers: Matt Wyatt (objector), Helen Fothergill (supporter) and Katie Lewis-Pierpoint (applicant).

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

**b 16/00098/TEL - Land 35M North West Of Billinge House, Euxton Lane, Euxton**

Registered speakers: Mark Flaherty (agent).

**RESOLVED (unanimously) - The application was approved.**

**c 16/00045/FUL - Post Office, 60 Park Road, Chorley, PR7 1QU**

**RESOLVED (unanimously) - That full planning permission be approved, subject to conditions detailed in the addendum.**

**d 16/00075/FUL - Land 20 Metres West Of 6 Ellerbeck View, Castle House Lane, Adlington**

**RESOLVED (unanimously) - That full planning permission be approved, subject to conditions detailed in the addendum.**

**16.DC.182 Tree Preservation Order Number 6 (Chorley) 2015**

Members of the Development Control Committee considered a report of the Chief Executive which sought formal confirmation of Tree Preservation Order No. 6 (Chorley) 2015 without modification.

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

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

Chair

Date

**Item 3a**                                 **15/01185/FUL**

**Case Officer**                       **Caron Taylor**

**Ward**                                   **Pennine**

**Proposal**                           **Proposed erection of two new dwelling houses on land between 1A and 3 Dark Lane**

**Location**                           **Waterstone House  
1A Dark Lane  
Whittle-Le-Woods  
Chorley  
PR6 8AE**

**Applicant**                           **SDA Architecture Ltd**

**Consultation expiry:**   **31<sup>st</sup> December 2015**

**Decision due by:**           **27<sup>th</sup> January 2016**

**Recommendation**

It is recommended that the application is approved.

Members will recall this application was deferred at the committee on 15<sup>th</sup> March to allow Members to undertake a site visit.

This report has been updated with the items that were on the previous committee addendum.

**Representations**

<b>Whittle-le-Woods Parish Council</b> state they have concern only regarding appropriate neighbour consultation.	
<b>In total 22 representations have been received which are summarised below</b>	
<b>Objection</b>	<b>Support</b>
Total No. received: 11 (8 to the initial consultation and a further 3 following notification on amended plans):	Total No. received: 11 (9 to the initial consultation and a further 2 following notification on amended plans):
<ul style="list-style-type: none"> <li>• The land is in the Green Belt;</li> <li>• The appeal inspector only suggested a single dwelling would be possible;</li> <li>• The scale of the houses and their impact on loss of light should be considered</li> <li>• Loss of light and negative impact on living conditions to the side windows of nos. 1A and 3 Dark;</li> <li>• Loss of light and heat afforded by the sun to no. 3 Dark Lane, both to house, garden and greenhouse;</li> <li>• By virtue of the proximity to neighbouring properties, the proposal generates a harmful impact on residential amenity;</li> <li>• It represents a gross over-development of the land which fails to maintain the established building line</li> </ul>	<ul style="list-style-type: none"> <li>• The designs put forward are excellent;</li> <li>• Unique homes such as this add to the experience for canal users as the existing properties on Dark Lane currently do;</li> <li>• The proposal is actually much more in character with the other properties than the proposal for one property was;</li> <li>• They are very in keeping and the application shows how the designs have evolved from existing characteristics of the canal homes along Dark Lane. They have different levels as do the other houses;</li> <li>• The site is currently overgrown, untidy and detracts from the</li> </ul>

<p>along Dark Lane and is cramped in appearance;</p> <ul style="list-style-type: none"> <li>• The proposal does not comply with Core Strategy policy 5, Local Plan policies HS7 and BNE1 and the separation distances in the Council’s Design SPG and the NPPF;</li> <li>• Views across it will disappear;</li> <li>• It will block natural light to houses opposite and cast a shadow;</li> <li>• The land is a break in the run of houses along Dark Lane and gives a feeling of openness;</li> <li>• Noise and general disturbance of construction;</li> <li>• There is a streetlight at the entrance to the proposed properties which may need to be removed and therefore cease to illuminate the bend which may cause an accident;</li> <li>• One dwelling allowed on appeal was more in keeping with Dark Lane and had less impact on the immediate houses at nos. 1a and 3, which were built with habitable rooms overlooking the land;</li> <li>• The proposed houses are close to the boundary with no. 3 and closer to the road than the other houses on Dark Lane;</li> <li>• The development could cause hazards to pedestrian, cyclists and traffic;</li> <li>• Loss of roadside parking causing further hazards;</li> <li>• There is considerable flooding at the proposed entrances to the driveways when there is heavy rain which causes a hazard for traffic and residents;</li> <li>• The amendments do nothing to counteract their objections.</li> </ul>	<p>enjoyment of the canal. The new from the towpath is blighted by the land;</p> <ul style="list-style-type: none"> <li>• The land is currently not being used or enjoyed by anyone. It is not open for public use;</li> <li>• The proposal is much improved from the existing planning consent for one dwelling which is not in keeping;</li> <li>• The proposal will address the flooding issues;</li> <li>• The proposal is for two properties. Given the size of the other plots on the canal side of Dark Lane, the proposal is entirely consistent with the existing development;</li> <li>• The proposed properties meet the separation distances and ensure neighbours can enjoy views and privacy;</li> <li>• Photographs are enclosed showing windows in some of the existing properties overlooking each other but with sensitive fencing and planting there is a high degree of privacy;</li> <li>• It will result in a long needed and sensitive completion of the site;</li> </ul>
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**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
The Canal and River Trust	Have no objections subject to conditions.
The Coal Authority	Standing advice
LCC Highways	State the proposal is acceptable from a highways perspective. They ask for conditions and an advice note be attached to any permission.
Planning Policy on Public Open Space	<u>Amenity Greenspace</u> There is an area of amenity greenspace within the accessibility catchment that is identified as being low quality in the Open Space Study (site 1428 – Orchard Drive Play Area, Whittle-le-Woods). A contribution towards improvements to this site is therefore required from this development of £140 per dwelling.

	<p><u>Playing Pitches</u>  A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.</p> <p>The total financial contribution required is therefore £3,478.</p>
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## **Assessment**

### Background information and planning history of the site

1. The application site was created when the dwellings either side were built, leaving the site as currently exists. The existing houses erected on the canal side to the north and south of the site were permitted under two permissions: 91/00119/OUT (to the north) and 92/00772/FUL (to the south). These sites were previously in industrial use and at the time of the permissions it was considered that the planning gain of removing industrial uses and buildings outweighed the presumption against new residential development in the Green Belt. The application site had been an open section of land when the rest of the site was in industrial use and the Council sought to ensure this would remain when the residential properties were built.
2. The Local Planning Authority refused applications for a dwelling in 2001 (ref: 01/00433/FUL) and change of use of part of the land to domestic curtilage (ref: 01/00530/COU). Appeals made against these refusals were dismissed. The appeal Inspector in 2001 stated that the land had not been previously developed and forms the major part of a considerable and significant gap in the Dark Land streetscene. In addition, it does not constitute a substantial group of houses with a continuous road frontage, so would not constitute an infill plot in the Green Belt and therefore it was inappropriate development. The Inspector also stated that there are views from Dark Lane across the appeal site to the west and the site also provides visual relief from the built up nature of the residential development to the north and south and from the east. They therefore concluded that the proposal would also harm the openness of the Green Belt so would be contrary to policy.
3. In 2013 an application was made for the erection of a single dwelling and change of use of the strip of land to the north of 1A Dark Lane as additional residential curtilage for the existing property (ref: 13/00489/FUL). The Council refused the application on two grounds. The first was that the proposal would have an unacceptable relationship with no. 3 Dark Lane in that the windows in this property would result in overlooking to the rear garden of the proposed property. The second was that the site was not in a substantial built up frontage and therefore was not an infill plot in the Green Belt and therefore inappropriate development.
4. An appeal was made against this refusal and was dismissed on 10<sup>th</sup> March 2014. Although it was dismissed, the Inspector noted that since the appeal was refused in 2001 both national and local policies had changed and that the site would now meet the policy definition of infilling in a village. It would not therefore be inappropriate development in the Green Belt as set out in the National Planning Policy Framework (the Framework) and policy HS7 of the emerging Local Plan 2012-2026 that covers rural infilling.
5. The Inspector dismissed the appeal on the grounds of overlooking from the existing property at no. 3 Dark Lane into the small garden and decking of the proposed property and overlooking from no. 1a Dark Lane into the side garden because such a relationship would significantly prejudice the living conditions of residents of the new house with regard to privacy.
6. Following the acceptability of the principle of a dwelling on the site being established by the appeal decision, permission was granted for a single dwelling under permission ref: 14/00966/FUL that overcame the overlooking issues.

### Principle of the development

7. The previous permission on the site was for one dwelling. The current application is for two. The acceptability of the principle of the development in terms of the site being an infill plot in a village under the provisions of the Framework has already been established by the appeal decision in March 2014.
8. Policy HS7 of the Local Plan 2012-2026 covers Rural Infilling. It states:

*Within smaller villages limited infilling for housing will be permitted providing the applicant can demonstrate that the following criteria are met:*

- a) The existing buildings form a clearly identifiable built-up frontage;*
- b) The site lies within the frontage, with buildings on either side, and its development does not extend the frontage;*
- c) The proposal would complement the character and setting of the existing buildings.*

*Infill is the filling of a small gap in an otherwise built-up street frontage, e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.*

*When assessing applications for rural infill sites, the Council will also have regard to site sustainability, including access to public transport, schools, businesses and local services and facilities.*

9. The policy definition of an infill plot includes sites that could be filled by one or possibly two houses and therefore the addition of another property on the site is considered acceptable in principle subject to the properties being a type in keeping with the character of the street frontage which will be assessed below.

#### Design and Layout

10. The scheme as originally submitted was considered to be unacceptable because of the impact on the neighbouring properties. In response to the concerns raised by the case officer the applicant's architect revised the scheme.
11. The site slopes down from east to west from Dark Lane to the canal. The adjacent properties have been built to take advantage of the change in levels on the west side of Dark Lane with terraces and split level dwellings. The various split levels, styles, and designs result in a positive interesting character when the properties are viewed from the canal tow path. The differences in the designs are successfully drawn together by the properties being constructed of stone.
12. In terms of layout two properties on the site will result in each of them having a similar sized plot to the existing properties on the west side of Dark Lane, so it not considered that from Dark Lane the properties will appear cramped. Several of the existing properties, notably number 3 and The Maltings fill a very large proportion of their plots and are positioned close together, so it is not considered the proposal will appear as overdevelopment of the site. The proposal is considered to be at a density in keeping with the local area in terms of policy 5 of the Core Strategy. The other aspects of this policy are considered as part of the rest of this report.
13. The proposed properties on the site also take advantage of the change in levels between Dark Lane and the canal being two-storey at the front and three-storey at the rear (with room in the roof also used for accommodation). The lower floor is a large drive-in garage accessed from the side driveway towards the rear of each property. The garaging is therefore underneath the property and allows a raised garden to be created above it overlooking the canal.
14. Both the proposed properties are sited close to the road frontage of Dark Lane, however this layout is considered acceptable. As stated above, the existing properties on the west side of Dark Lane are all different in their design, this includes the way they are laid out on the site and the amount they are set back from the road. Several of the properties have single storey elements close to the pavement of Dark Lane. Although the two-storey elements of both properties will be nearer to Dark Lane than the other properties it is considered that because the designs and layout of the properties along the road vary so much, the positions of the properties would not be viewed as out of character in the streetscene. The agent has undertaken a street scene assessment of



the existing properties on Dark Lane from the front and rear showing the variation of designs and layout from both Dark Lane and the canal.

15. From the front, plot 1 is viewed as two-storey and has a single storey part flat/part pitched roof entrance porch. The roof ridge is the same height as 1a Dark Lane, the property immediately adjacent to the south. The proposed property has a small cantilever gable at first floor (with driveway below). As the land drops away to the canal, the rear of the property is equivalent to three-storey as it allows a lower ground floor to be created. There is also accommodation in the roof served by rooflights. This will form a large undercroft garage to serve the property accessed down a single driveway to the side. The living accommodation will be at ground and first floor levels (when viewed from Dark Lane) with a garden created on top of undercroft garage with a stone wall/safety screen to the canal. A single storey element will project from the ground floor rear of the house with a mono-pitched roof, which will be viewed as being at first floor from the canal.
16. Plot 2 is also viewed as two-storey from the front and three-storey from the rear, again with undercroft parking accessed by a single side driveway with a garden on top and a stone wall/safety screen to the canal. A single storey element will also project from the ground floor rear of the property, which will partly have a mono-pitched roof and partly a flat roof, which will be viewed as being at first floor from the canal. This property will also have a patio area at lower ground floor level adjacent to the canal in the corner of the plot nearest to no. 3 Dark Lane. The north side of this property has a lower ridge height that matches the height of no. 3 Dark Lane, the existing property immediately adjacent. It has a dual-pitched single storey entrance porch to the front.
17. The design of the front elevations of the existing properties is relatively traditional when viewed from Dark Lane apart from Cuckoo Lodge, the most southerly of the properties, which due to its design being stepped results in a prominent view of a mono-pitched roof from Dark Lane and The Maltings that has a more striking triangular dormer window on the front. The proposed properties are also largely traditional in their design from the front, replicating many of the design features used in the existing properties such as single storey elements side on to the road, varying roof levels and a round feature window.
18. To the rear the design of the properties will be less traditional, plot 1 having a raised patio garden and plot 2 having a part raised patio area and also a lower patio at canal level. Both properties will have single storey elements projecting from the rear at the equivalent of first floor level with mono-pitched roof, a reflection of the roof design of Cuckoo Lodge.
19. It is considered the various levels and roof profiles of the proposed properties will ensure they will blend with the varying designs of the existing properties drawn together by the materials used.
20. The properties will be constructed of random natural stone with a natural slate roof as per the other properties on the canal side of Dark Lane, apart from the single storey elements on the rear of the properties. These will be faced in natural random slate. It is understandable that the architect wishes to use a different material on these elements. Although most of the other properties backing onto the canal do not have elements faced in slate, the top of the mono-pitch gable of Cuckoo Lodge is white rendered. It is considered that natural slate is preferable to a rendered finish as it will give a softer, more natural appearance and blend with the other properties better as many of them have large areas of slate roof facing the canal. The windows of the properties will be aluminium in quartz grey. Although the other properties mainly use brown wood windows and doors, the proposed aluminium will ensure that the thickness of the frames is reduced, and dark grey works well against stone properties. It is not considered that the Council could reasonably control the window colour once the properties were built anyway as residents may change the windows and doors in their properties as they wish.
21. In terms of outside space, the existing properties are largely hard landscaped with off-street parking to the front and patios at various levels to the rear. Although the proposed properties will have a lawned area to the rear this will effectively be at first floor level as it will be on top of the garage space so will largely be viewed as a raised patio area from the canal tow path. Property 2 also has a lower patio at canal level as per most of the existing properties.

22. The front boundaries of the existing properties are mainly characterised by stone walls, although some are open with the garage gable wall forming the boundary with planting in front. The heights and design of these varies between the properties, some with taller stone gate pillars. The proposed properties will have a similar random natural stone wall to the front to be in-keeping with the others in the street with higher gateposts similar to number 17 Dark Lane. There will be galvanised wires between the stone pillars with climber plants growing up to the front of each property.
23. The properties have been designed to take account of the setting and immediate surrounding properties and their design and layout is considered acceptable in terms of policies HS7 and BNE1 of the Local Plan.

#### Impact on the neighbours

24. One of the main issues to consider with the application is the impact of the proposal on neighbouring properties, and also whether the relationship of the existing properties to the proposed dwelling allows a reasonable level of amenity for any future occupiers of the proposed properties.
25. The Inspector who dealt with the appeal in March 2014 dismissed the previous proposal on the grounds of overlooking from the existing property at no. 3 Dark Lane into the small garden and decking of the proposed property and overlooking from no. 1a Dark Lane into its side garden. They considered this would significantly prejudice the living conditions of residents of the new house with regard to privacy.
26. The layout of the properties and the nature of the land dropping away to the canal means that the relationships between the existing properties on the canal side of Dark Lane are not traditional. Views are afforded into private areas both from other properties and from the canal tow path on the other side of the canal.
27. The properties will be sited between numbers 1a and 3 Dark Lane.
28. Plot 1 will be sited next to no. 1a Dark Lane. The proposed property has been designed so that the two storey element sits further forward on its plot than no. 1a does. This existing property has a number of windows in its side elevation that will face towards the proposed property. Nearest to the canal there are two windows at a low level that are secondary windows to a lounge that has a large main window facing the canal. Towards the middle of the property is a kitchen window, though this room also has patio doors overlooking the canal. Due to the level changes on the site this window is higher than ground floor and will face towards the mono-pitched roof of the single storey rear projection on plot 1. As the line of sight from this window is towards the top of the roof (there will be approximately 12m between the window and the top of the roof) and the roof hips away from this window the relationship is considered acceptable.
29. There are two other windows in the side elevation of no. 1a nearer to the front of the property serving bedrooms. There will be approximately 5.7m between these windows and the first floor cantilever gable on the side of plot 1. The higher of these windows will however look onto the top of the apex of this gable and there is then approximately 7.2m to the main side wall of the house. The lower window is at the equivalent of ground floor level so there is also approximately 7.2m to the side wall of plot 1. Although this is less than the Council's interface guideline of 12m to a two-storey blank wall, it should be noted that the windows will look towards the southwest corner of plot 1 and also partly onto the single storey element of plot 1, rather than facing a continuous unbroken wall when looking out of the windows in no. 1a. A shadowing and sun path assessment has been submitted with the application showing the impact the proposal would have in terms of shadowing to nos. 1a and 3 Dark Lane at different times of the day at different times of the year. As no. 1a is due south of plot 1 it will not be directly shadowed by plot 1 at any time or day or time of year. The relationship between these properties is therefore considered acceptable.
30. Plot 2 will be sited next to no. 3 Dark Lane. This property has a number of windows that serve habitable rooms in its south elevation which will face the side of plot 2. At ground floor there is a conservatory along with a utility room window and at first floor there are two bedroom windows

and a bathroom window. Due to the level differences the conservatory is at the equivalent of first floor level – the same level as the single storey element on the rear of plot 2. Therefore although there will only be approximately 3.8m between the conservatory and the side of the single storey element on plot 2 (and 2.4m between the conservatory and the boundary planting), due to the levels of the existing and proposed properties these two elements are at the same level. Originally the plans showed the patio in front of the single-storey element on plot 2 to be at the same level, however amended plans have been received reducing the level of this patio to the same level as the canal. This reduces the impact on the southwest elevation of the conservatory and allows it to maintain some views over the canal across the application site.

31. No. 3 Dark Lane is due north of the proposed property on plot 2 so will be more affected by shadowing, particularly the conservatory being the closest part. The conservatory and part of the side gable of no. 3 will be most affected in the winter months when the sun is lower in the sky. The main shadowing impact will be in the morning when the sun will be behind the two-storey element of the proposed property but the impact will reduce into the afternoon as the sun moves round behind the single storey rear projection on plot 2. During the spring (and therefore also autumn months), the shadowing assessment shows less impact on the conservatory and hardly any impact on the side elevation of no. 3. When the sun is at its highest point in its path across the sky in the height of summer there is no shadowing to no. 3 or its conservatory.
32. Although the proposed dwelling on plot 2 will have some impact on the conservatory and side windows of no. 3a Dark Lane, taking this impact as a whole, on balance it is considered acceptable.
33. In terms of the privacy of the owners of the proposed properties the design of both of the properties incorporates a single storey mono-pitched element projecting for the rear of both of the properties. This design solution allows the properties to benefit from an area of private rear garden due to the height of the mono-pitched roofs preventing direct views into it from neighbouring windows (one of the reasons the appeal for one dwelling on the site was dismissed was because of overlooking from neighbouring windows would have prejudiced the living conditions of the residents of the new house with regard to privacy). The raised gardens of plots 1 and 2 will be separated by a lower driveway and will be screened by planting between them as they will be at the same level. Although there will be views into some parts of the outside space between the existing and proposed properties this is a relationship common with all the properties backing onto this stretch of the canal as the rear outside space of all the properties is open to the canal and allows both passing boats and users of the canal tow path opposite open views into the rear amenity space. The rear gardens of the properties along the canal are not therefore traditional in their relationships with one another and are not mainly private spaces that would ordinarily be found to the rear of a property. The relationship between the rear outside spaces of the existing and proposed properties are therefore considered acceptable.
34. The comments made regarding loss of light and casting a shadow over the properties that face the site opposite are noted, however given the width of Dark Lane it is not considered that the proposed properties will have an unacceptable impact in this respect.
35. In terms of the relationship between the facing properties, the properties opposite the site are 6-12 Dark Lane. Numbers 6 and 8 are a pair of semi-detached bungalows, no. 8 having a first floor dormer extension. These bungalows are elevated above Dark Lane so the ground floor windows are approximately at the equivalent of first floor level. No. 6 faces onto the existing property 1a Dark Lane. No. 8 will face partly towards the property on plot 1.
36. Numbers 10 and 12 are three storey properties (the top floor windows being set in the eaves line). No. 10 has a balcony at first floor looking across the application site to the canal. These properties will lose the majority of their views of the canal, however the planning system cannot protect private views so this would not be a reason for refusal of the application. The existing balcony on no. 10 would however retain some restricted views between the two proposed properties, towards the canal.
37. The front windows in no. 10 at first floor level will look towards the front elevation of plot 1 while some of the windows in no. 12 will face towards plot 2.

38. Originally the first floor windows in the proposed properties were to serve a mixture of habitable and non-habitable rooms (bedrooms, bathrooms, dressing rooms and studies). The architect has amended the internal layout of the properties prior to committee so that the first floor front windows now only serve a landing/corridor or bathrooms. These are not habitable rooms and therefore the interface distances with the properties opposite do not need to be applied. The habitable rooms of the proposed properties at first floor will be in their rear elevations overlooking the canal and the fields beyond. The relationship with the properties opposite is therefore considered acceptable.
39. There are no properties on the other side of the canal.

#### Trees, landscape and Ecology

40. The site has become overgrown, but it is not considered there are any trees on the site that would warrant a Tree Preservation Order.
41. The site is largely covered in areas of nettles. The Natural England Standing Advice has been used to assess the application and it is not considered that the site has features listed in their Decision Tree. The standing advice therefore recommends an informative note be attached on what to do if protected species are found during development.

#### Flood Risk and Drainage

42. The site is not within Flood Zone 2 or 3 as identified by the Environment Agency and is not more than 1 hectare in size, therefore a Flood Risk Assessment is not required. Comments have been made about Dark Lane flooding at the application site. The application proposes new storm drains to be installed under the proposed driveways to allow water to flow from Dark Lane into the drains and then be directed into the canal therefore it is considered the proposed properties will improve the drainage to Dark Lane. It is considered that acceptable foul and surface water drainage schemes can be achieved on the site and can be controlled by condition.

#### Traffic and Transport

43. Two new driveway openings and pedestrian gates would be created in the existing stone wall fronting the site and the existing opening in the wall closed up. Dark Lane is relatively straight outside the site and all the surrounding properties have driveways onto it. It is not considered that two additional driveways will result in highway safety hazards.
44. The proposal shows parking for at least three vehicles to be provided on the driveways of the properties or in the undercroft garaging. The proposed parking provision is therefore acceptable in accordance with policy ST4 of the Local Plan.
45. There is a lamp post outside the property that would have required moving as part of previous schemes proposed. The current scheme shows this to be retained in its current position.

#### Sustainable Resources

46. The Ministerial Statement on the 25th March 2015 announced that the Code for Sustainable Homes had been withdrawn, however, it also sets out transitional arrangements which includes local planning authorities being able to continue to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations (but not above a Code Level 4 equivalent) until commencement of amendments to the Planning and Energy Act 2008. Compliance with the Code can therefore no longer be required however in accordance with the transitional arrangements the Council will still require an energy efficiency standard equivalent to Code Level 4 which is a 19% improvement over 2013 Building Regulations. This can be secured by conditions.

#### Public Open Space

47. There is justification for a financial contribution towards public open space under policies HS4A and HS4B and the Open Space and Playing Pitch Supplementary Planning Document of £3,478.

48. The applicant has indicated they are willing to make a direct payment of this amount should the application be approved prior to a decision notice being issued. There would therefore not be a requirement for a legal agreement or planning condition to secure this.

#### Community Infrastructure Levy

49. 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 chargeable development (unless an exemption could be applied for) and the charge is subject to indexation in accordance with the Council's Charging Schedule.

#### Other issues

50. The area is not designated as an 'amenity area' in the Local Plan. Looking at the history of the site it appears the land was not developed at the same time as the other houses backing onto the canal as it was undeveloped when the previous industrial use was on the site and the re-development with houses retained it as such. However, an appeal Inspector has found the site to be an infill plot in the Green Belt under current planning policy.
51. The noise and disturbance caused by construction of the properties would only be temporary and cannot be a reason for refusal. If this did become a statutory nuisance there are powers available under Environmental Health legislation.
52. It is noted that the Canal & River Trust would like to see the chain and bollards removed from along the proposed canal side ledge as they consider that this could encourage illegal mooring at this location. It is not considered that this is an unacceptable design detail for the scheme and boats could still moor illegally if another boundary design was used. It is not therefore considered a matter that the Council can police through the design of the properties. There is a condition requiring details of fences walls and gates to be submitted for approval, so the final details may change from that shown on the current plans.

#### **Overall Conclusion**

53. The proposal is considered to be in keeping with the density of the other properties on Dark Lane that back onto the canal. The existing properties on Dark Lane are individually designed properties and that create a high quality frontage to both Dark Lane and the canal. It is considered the design of the proposed properties have been carefully considered to add to the unique character of the immediate area.
54. It is considered the scheme complies with policy 5 of the Core Strategy and is in accordance with policy HS7 of the Local Plan. The scheme has been individually designed for the plots, and although it will have some impact on nos. 1a and 3 Dark Lane on either side, on balance, it is considered acceptable and in accordance with policy BNE1 of the Local Plan.
55. The application is recommended for approval subject to conditions and the financial contribution towards public open space.

#### **Planning Policies**

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

#### **Planning History**

Reference	Description	Decision	Date
91/00119/OUT	Outline application for the erection of seven dwellings	Permitted	21 May 1991
92/00772/FUL	Erection of two detached	Permitted	30 March 1993

	dwelling		
01/00433/FUL	Erection of one dwelling	Refused	28 November 2001
01/00530/COU	Extension of garden area	Refused	28 November 2001
13/00489/FUL	Proposed erection of single dwelling and change of use of strip of land to the north of 1A Dark Lane as additional residential curtilage for existing property.	Refused Appeal dismissed	13 September 2013
14/00966/FUL	Proposed erection of single dwelling and change of use of strip of land to the north of 1A Dark Lane as additional residential curtilage for existing property (resubmission of previously refused application ref: 13/00489/FUL).	Permitted	4 <sup>th</sup> December 2014

**Suggested Conditions**

No.	Condition																														
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>																														
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Site Plan as Existing</td> <td>0235 (A)4-01-PP</td> <td>2<sup>nd</sup> December 2015</td> </tr> <tr> <td>Site Plan as Proposed</td> <td>0235 (A)4-02-PP Rev A</td> <td>29<sup>th</sup> January 2016</td> </tr> <tr> <td>Floor Plans, Front &amp; Rear Elevations as Proposed Plot 1 Waterside House</td> <td>0235(A)1-02-PP Rev A</td> <td>7<sup>th</sup> March 2016</td> </tr> <tr> <td>Floor Plans, Front &amp; Rear Elevations as Proposed Plot 2 Springwater House</td> <td>0234 (A)1-06-PP Rev B</td> <td>7<sup>th</sup> March 2016</td> </tr> <tr> <td>Site Sections as Proposed Plots 1 &amp; 2</td> <td>0235 (A)1-04-PP Rev A</td> <td>29<sup>th</sup> January 2016</td> </tr> <tr> <td>Floor Plans as Proposed Plot 1 Springwater House</td> <td>0235 (A)1-05-PP Rev A</td> <td>28<sup>th</sup> January 2016</td> </tr> <tr> <td>Side Elevations as Proposed Plot 2 Springwater House</td> <td>0235 (A)1-07-PP Rev A</td> <td>28<sup>th</sup> January 2016</td> </tr> <tr> <td>Floor Plans as Proposed Plot 1 Waterside House</td> <td>0235 (A)1-01-PP Rev A</td> <td>28<sup>th</sup> January 2016</td> </tr> <tr> <td>Side Elevations as Proposed Plot 1 Waterside House</td> <td>0235 (A)1-03-PP Rev A</td> <td>28<sup>th</sup> January 2016</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Drawing Reference	Received date	Site Plan as Existing	0235 (A)4-01-PP	2 <sup>nd</sup> December 2015	Site Plan as Proposed	0235 (A)4-02-PP Rev A	29 <sup>th</sup> January 2016	Floor Plans, Front & Rear Elevations as Proposed Plot 1 Waterside House	0235(A)1-02-PP Rev A	7 <sup>th</sup> March 2016	Floor Plans, Front & Rear Elevations as Proposed Plot 2 Springwater House	0234 (A)1-06-PP Rev B	7 <sup>th</sup> March 2016	Site Sections as Proposed Plots 1 & 2	0235 (A)1-04-PP Rev A	29 <sup>th</sup> January 2016	Floor Plans as Proposed Plot 1 Springwater House	0235 (A)1-05-PP Rev A	28 <sup>th</sup> January 2016	Side Elevations as Proposed Plot 2 Springwater House	0235 (A)1-07-PP Rev A	28 <sup>th</sup> January 2016	Floor Plans as Proposed Plot 1 Waterside House	0235 (A)1-01-PP Rev A	28 <sup>th</sup> January 2016	Side Elevations as Proposed Plot 1 Waterside House	0235 (A)1-03-PP Rev A	28 <sup>th</sup> January 2016
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3.	Prior to the construction of either plot samples of all external facing and roofing materials for that plot (including the type, coursing and jointing of the natural stone to be used in the construction of the external faces of the dwelling), 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 to that plot shall be undertaken strictly in accordance with the																														

	<p>details as approved.  <i>Reason: To ensure that the materials used are visually appropriate to the locality. These details need to be provided prior to construction commencing to ensure the materials are acceptable.</i></p>
4.	<p>Prior to the laying of any hard landscaping on either plot full details of the colour, form and texture of all hard landscaping for that plot (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 for that plot, and shall be completed in all respects before the final completion of the plot and thereafter retained.  <i>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</i></p>
5.	<p>Before any fences, walls or gates are erected on either plot, full details of the alignment, height and appearance of all fences and walls and gates to be erected for that plot (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. The plot shall not be occupied until all fences and walls shown in the approved details have been erected in conformity with the approved details.  <i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
6.	<p>Before the construction of either plot hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority for that plot, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details for that plot.  <i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents. This information is required to be submitted prior to commencement of either plot to ensure satisfactory levels are agreed prior to construction commencing.</i></p>
7.	<p>Neither of the plots hereby permitted shall be occupied or used until the vehicular access, parking and manoeuvring areas have been constructed in accordance with the approved plans for the plot that they serve.  <i>Reason: In the interests of highway safety.</i></p>
8.	<p>A scheme for the landscaping of the either plot shall be submitted prior to the occupation of that plot. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform and proposed finished levels. All soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of the dwelling 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.  <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>
9.	<p>Notwithstanding Schedule 2 Part 1 Class A, B and E and Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof no extensions or alterations to the dwellings,</p>

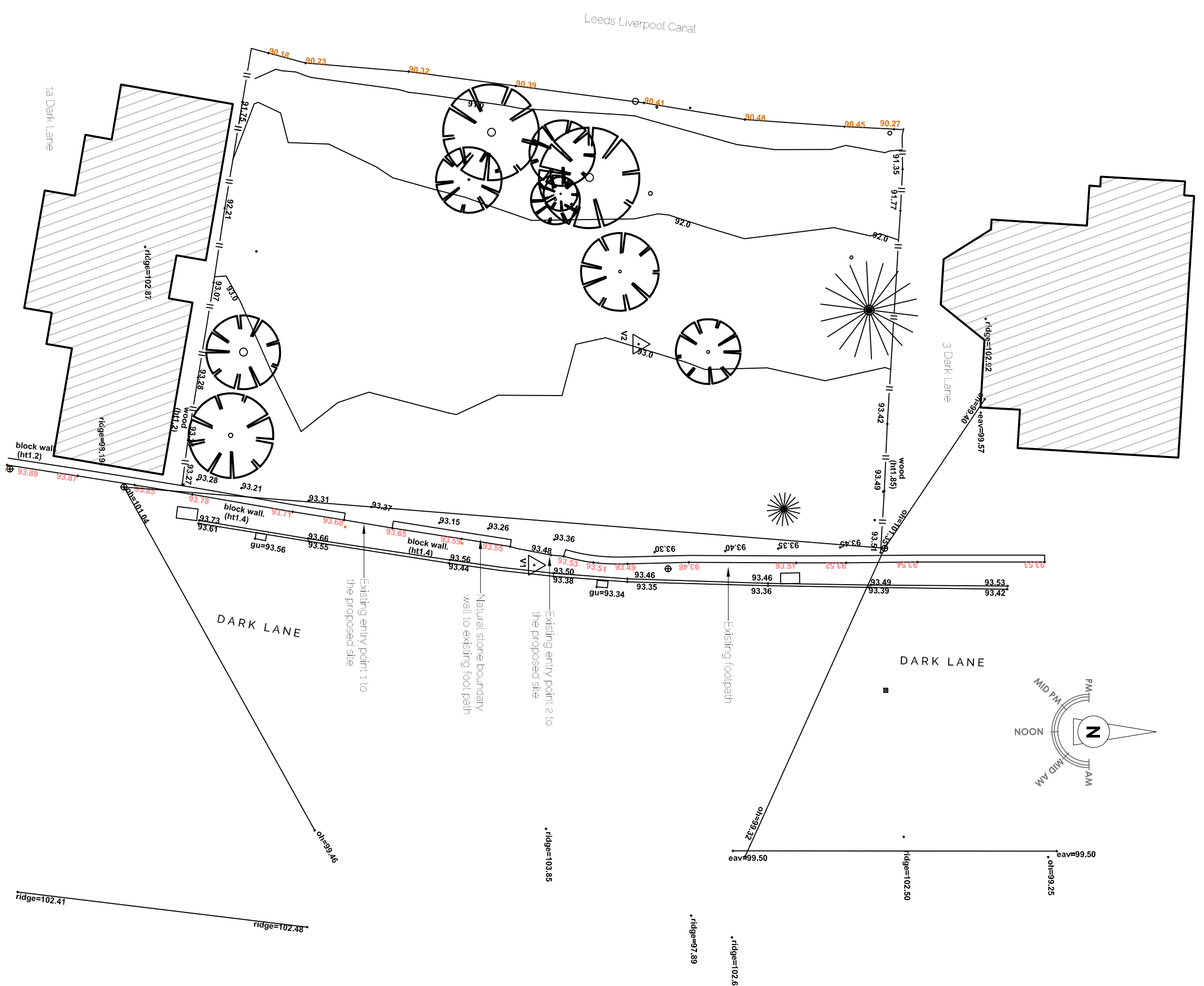
	<p>outbuildings (including sheds, garages, and greenhouses), walls and fences, or any other works permitted by the aforementioned classes shall be constructed or erected other than those expressly authorised by this permission.</p> <p><i>Reason: The design of the property has been carefully considered, both in design terms and its impact on neighbouring properties. The rear of the property is also open to public views. These classes of permitted development have been removed so that any subsequent extensions under these classes can be controlled to ensure they are acceptable in design terms and in terms of impact on the neighbouring properties. Also, to enable the Local Planning Authority to assess the impact of such proposals on the stability of the canal wall on the western boundary of the application site in the interests of minimising the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction works.</i></p>
<p>10.</p>	<p>All the dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
<p>11.</p>	<p>Prior to the commencement of either plot details shall be submitted to and approved in writing by the Local Planning Authority demonstrating how that plot will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal 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.</i></p>
<p>12.</p>	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance for that plot (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal 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.</i></p>
<p>13.</p>	<p>Prior to the commencement of construction of either plot, plans and particulars showing a scheme of foul sewers and surface water drains serving that plot, shall be submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the construction of the plot and in any event shall be finished before the plot is occupied.</p> <p><i>Reason: To ensure a satisfactory means of drainage. The details are required to be submitted prior to commencement of construction to ensure satisfactory details can be agreed. Also, surface water discharge agreements must be in place prior to</i></p>



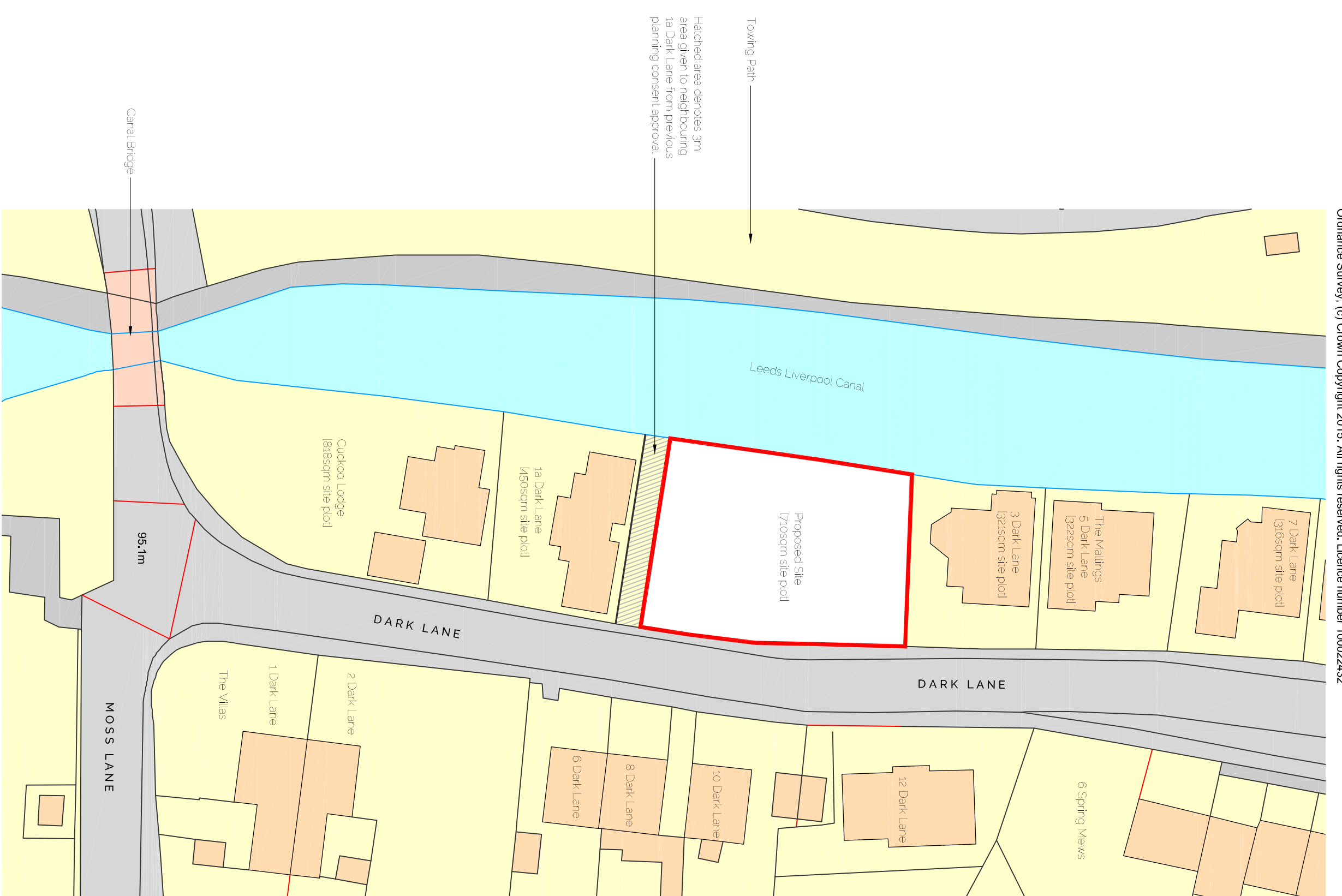
	<i>any construction work in order to prevent the risk of pollution/flood into the waterway and to ensure that the development is drained in a satisfactory manner.</i>
14.	<p>No works on or adjacent to the existing canal wall on the western site boundary shall take place until the Applicant has secured and implemented a scheme of investigation (the content of which to be first approved in writing by the Local Planning Authority) to establish the structural condition of the canal wall, the extent to which any works will increase loadings on the wall and the need for any rebuilding or strengthening works as may be necessary to ensure that the structural integrity of the canal wall can be maintained. Any works on or adjacent to the canal wall shall thereafter only be carried out in accordance with the recommendations set out in the approved scheme of investigation.</p> <p><i>Reason: To establish whether mitigation works are necessary in order to ensure that the development does not adversely affect the adjacent Leeds Liverpool Canal by weakening the wall of the canal and to secure any mitigation works as may be required and to accord with the advice and guidance relating to land stability contained in Paragraphs 120 and 121 of the National Planning Policy Framework March 2012.</i></p>
15.	<p>No development shall take place until a Method Statement detailing the design and means of construction of the foundations of the buildings, together with any other proposed earthmoving and excavation works required in connection with construction of the buildings has first been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the agreed Method Statement.</p> <p><i>Reason: In the interests of minimising the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction works upon the structural integrity of the Leeds Liverpool canal Pool adjacent to the western boundary of the application site, in accordance with the advice and guidance on land stability contained in paragraphs 120-121 of the National Planning Policy Framework 2012 and in the National Planning Practice Guidance. It is necessary to agree the Method Statement before development commences as it is required to inform development and construction operations from the outset.</i></p>
16.	<p>Notwithstanding the plans submitted prior to the occupation of either plot details of any proposed lighting for that plot shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.</p> <p><i>Reason: The lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure.</i></p>
17.	<p>Before construction on the site commences, details of facilities by which means the wheels of vehicles may be cleaned before leaving the site shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be retained during the full period of construction.</p> <p><i>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.</i></p>

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EXISTING SITE TOPOGRAPHICAL PLAN



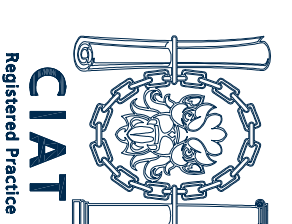
EXISTING SITE LOCATION PLAN



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Inspirational places aspirational spaces



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g Churchills  
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Company Registration: 0348587  
VAT Registration: B3 9057 53

Project Information:

Client: 19 and 191 Limited/part  
Project Title: New Build Homes  
Project Address: Dark Lane, Kirkstall, Leeds, Cheery, PR8 5AE  
Project Stage: Planning Consent Application  
Date of Drawing: 04th October 2015

Drawn By: J.P.  
Drawing Sheet Size: A1 (841 x 594)  
Drawing Scale: 1:500

Site Plan as Existing

Job Number:	Drawing Number:	Revision:
0235	(A)4-01-PP	-

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Drawing Revisions		
Rev.	Date	Description

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<b>Item 3b</b>	<b>15/01246/FUL</b>
<b>Case Officer</b>	<b>Caron Taylor</b>
<b>Ward</b>	<b>Eccleston And Mawdesley</b>
<b>Proposal</b>	<b>Proposed erection of 7 no. residential dwellings and associated works</b>
<b>Location</b>	<b>Land Adjacent To 75 Towngate Eccleston</b>
<b>Applicant</b>	<b>Westchurch Homes</b>
<b>Consultation expiry:</b>	<b>15<sup>th</sup> March 2016</b>
<b>Decision due by:</b>	<b>25<sup>th</sup> March 2016</b>

**Recommendation**

That the application is approved.

**Representations**

**Eccleston Parish Council** - has no objections to the application however a metal gate has been installed which has resulted in the creation of an unauthorised access over land owned by the Parish Council, at the entrance to The Hawthorns. The Parish Council would request a condition be imposed to remove this access and reinstate the boundary hedge to the rear of property no.2 (as described on the proposed site layout - document no. AL-001).

**In total 14 representation has been received which is summarised below**

**Objections**

Total No. received: 14

Eleven objections were received to the initial notification of the application:

- The proposed access would have very limited visibility on a bad bend and be a road safety hazard, no provision has been made for a footpath for pedestrians. A better access would be from The Hawthorns;
- The bend is already a hazard to the current properties along the land and would be made a greater risk with the added obstacle of an entrance on the opposite side of the road. The stopping distance from the bend to the entrance is surely unsafe and should be investigated in more detail. There have been numerous near misses on the road. The visibility splays are not sufficient;
- The site should be monitored by real people over a period of time before any sensible decision based on pedestrian and vehicles use of Tincklers Lane is made;
- There is a double driveway to Plot 7 that leads directly onto the roadway- traffic safety concerns;
- Tincklers Lane is a fast rural road with dangerous bends. The volume of traffic is bad enough already including by tractors during the summer to transport hundreds of tonnes of hay and other crops;
- The volume of traffic on Tincklers Lane seems to have increased in recent times since traffic calming measures were introduced on Doctors Lane;
- Tincklers Lane is one of the last remaining country lane in Eccleston and the new development would take this away, making it just another road in an increasingly overcrowded village;
- The trees and hedgerow on Tincklers Lane should not be removed. They are a defining feature and an important habitat for wildlife;
- Overlooking
- The parking is insufficient – it isn't clear from the plans as to whether there is enough parking

to accommodate such large family homes;

- The development will take away the little greenery left in the village;
- It is not necessary to build any more houses in the village. There are existing new developments with properties still for sale. Over 120 new homes have been built in Eccleston over the last five years, with no improvements made to the existing infrastructure;
- Flood risk – there is flooding in gardens and on the bend during heavy rain. The loss of a green field will only exacerbate this problem. United Utilities should be liaised with;
- Plot 1 should be re-orientated so that only one window is overlooking the rear of 75 Towngate;
- There has been water stood at the back door of no. 75 in the past few weeks and therefore need to know that the builder will put in a holding tank or similar to remedy this situation;
- There are several trees and shrubs along the border of 75 Towngate and in their garden and they do not want them removed or trimming;
- Prefer hedges instead of wooden fencing to the boundaries of the proposed houses;
- Extra pressure on the poor drainage on Tincklers Lane;
- It doesn't look like Plot 1 and the access will fit on the site in reality;

A further three objections have been received following a notification of amended plans:

- Maintain original objection;
- Concerns regarding the landscaping at the southern edge of Plot 1 to the front. Details new planting outside of the red edge this potentially could obstruct pedestrians;
- Although there have been some improvements it still does not address the most important issue of road safety. The access is still dangerously placed on a blind, busy bend. If the access cannot be moved to The Hawthorns the houses on plots 1, 6 and 7 should be moved away from the road in order to create the land necessary to make the access point safer;
- The change from a fence to a hedgerow on Tincklers Lane is welcomed but could this be improved by retaining or replacing the trees on the boundary of Plot 1 and Tincklers Lane.

**Consultees**

Consultee	Summary of Comments received
Council's Ecology Advisor	<p>The application site is not designated for its nature conservation value and is considered to have only low potential to support any specially protected species, except for a single mature tree that has some limited potential to support roosting bats, and the hedgerows that will provide some useful bat foraging habitat.</p> <p>It cannot therefore be said to have <i>substantive</i> ecological value and they therefore have no overall objections to the scheme on nature conservation grounds. The hedgerows and broad-leaved trees on the site do however have some local wildlife value. They have some concerns that the hedgerow along Tincklers Lane will be lost to the scheme and replacement landscaping opportunities within the site are somewhat limited to provide compensation for the loss. They would ask whether consideration has been given to setting the hedgerow back from the roadside, which may allow for necessary highway visibility splays while retaining some of the value of the hedge.</p> <p>They also request conditions regarding inspection for bats before the tree along the boundary with Tincklers Lane is removed and that vegetation and tree felling should not be undertaken during the optimum bird breeding season.</p>
LCC Highways	<p>State the amended plans are acceptable, however, to prevent an overrun of the individual driveways, the boundary between no. 1 and 7 should be extended up to the edge of carriageway to align with the proposed footway. Any feature such as a buildout, dwarf wall with planters, raised kerbs etc. will be acceptable. If dwarf wall is proposed, the walls together with the planters should not exceed 0.6m in height in</p>

	order not to interfere with visibility.
United Utilities	Have no objection to the development subject to conditions on foul and surface water drainage.
Council's Contaminated Land Officer	Recommend a site investigation condition, which is proposed.

**Assessment**

Principle of the Development

1. The application site is an allocated housing site under Policy HS1.49 of the Local Plan 2012-2026. Housing on the site is therefore acceptable in principle.

Affordable Housing and Viability

2. Policy 7 of the adopted Core Strategy requires affordable housing to be provided on sites of 5 or more dwellings or 0.15 hectares in size at a level of 35% in rural area such as this, however it does state that this is subject to considerations such as financial viability.
3. A viability assessment has been submitted with the application on the basis that any affordable housing required by Policy 7 would make the scheme unviable (although the Public Open Space figure can still be paid).
4. Paragraph 173 of the National Planning Policy Framework (the Framework) states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
5. This has been considered by the Council's surveyors and they advise that the values and costs appear usual for the current market, type of build and type of location. The Council's surveyor has undertaken an exercise to see the impact of one of the units being low cost, however even if this was a small unit the developers return would be lower than usual market standards. They therefore concur with the developer's view that having regard to the sales and costs in the appraisal, the impact of affordable housing will make the scheme unviable to the developer and the funding requirements.
6. The site is an allocated housing site in the Local Plan which the Council wish to see come forward. Paragraph 205 of the Framework states that where obligations are being sought local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.
7. It is considered that affordable housing requirements would make the development unviable and therefore only a public open space payment is proposed to be made (which is discussed later in this report).

Design and Layout

8. Policy BNE1 of the Local Plan 2012-2026 related to Design Criteria for New Development. In terms of design and layout criteria a) and c) of this policy state:
  - a) *The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.*
  - c) *The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;*

9. The application site is situated on the edge of the village of Ecclestone. To the northwest it bounds with Tincklers Lane (with existing properties opposite the site), to the north with no. 75 Towngate and its garden, to the west is the access road to The Hawthorns with an intervening grass verge between and to the south the site bounds with the rear gardens of the properties on The Hawthorns and no. 1 Tincklers Lane.
10. The proposal is for seven detached 4 and 5 bedroom two-storey properties set around a small cul-de-sac created from Tincklers Lane. Although plots 1, 6 and 7 would front Tincklers Lane only plot 7 would be accessed by vehicles directly from it as plots 1 and 6 would have garages to the rear accessed from the proposed cul-de-sac.
11. It is considered that the proposal would respond well to Tincklers Lane. As stated above plots 1, 6 and 7 would front Tincklers Lane with the house type on plots 1 and 6 being situated on the corner of the access point. The house types on these two plots would be dual-fronted in their design so that elevations facing both Tincklers Lane and into the site have visual interest in terms of two-storey gables.
12. The application site is also highly visible from The Hawthorns and is also from visible from Towngate. Originally the house types proposed on plots 2 and 3 were an 'L' shape, wrapping around the head of the cul-de-sac when viewed from Tincklers Lane. This resulted in the two-storey side elevations of these properties being highly visible from The Hawthorns and the development would have been viewed as 'turning its back' on The Hawthorns rather than responding to it. Amended plans have been received at the request of the case officer amending the house types on these two plots so that they are no longer 'L' shape but rather are flat fronted with front gables. This allows the front elevations of the properties to be viewed from The Hawthorns and also increases the visual gap at first floor level between these plots giving a more open feel to the layout when viewed from The Hawthorns. Although there will be a set of four garages between plots 2 and 3 these will only be single storey and will be separated from the properties themselves.
13. The density of the proposal is equivalent to 17.5 dwellings per hectare. There are a range of properties in the immediate and wider vicinity of the property, including bungalows, semi-detached houses and detached properties. The density of the scheme and the height of the proposed properties are considered acceptable in relation to its surroundings.
14. In terms of materials the proposed plans indicate the properties would be constructed of red brick with areas of render. There are a range of materials used on the surrounding properties and it is considered that acceptable materials can be secured via a planning condition.
15. In terms of boundary treatments there is a hedgerow along the site boundary with The Hawthorns which would be retained as part of the proposal. The existing gate in this hedge would be removed and replaced with hedging species to match the existing. There is an existing hedgerow along the site frontage with Tincklers Lane which gives it a semi-rural feel, however this would need to be removed to achieve the necessary visibility splays from the site access. Originally the application proposed to leave the site frontage open but at the request of the case officer a new hedgerow to be planted has been added to the site frontage between the driveway and pedestrian access points of the proposed properties. It is considered the specific details of the hedge (e.g. species mix) along with the internal landscaping of the site can be secured by a condition.
16. The proposal is therefore considered acceptable in relation to criteria a) and c) of Policy BNE1 of the Local Plan.

#### Neighbour Amenity

17. In terms of neighbour amenity criterion b) of policy BNE1 states that new development should not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or creating an overbearing impact.



18. Opposite the site on the other side of Tincklers Lane are semi-detached dormer bungalows and Hedgerow Cottage (6 Tincklers Lane a detached property with a large garden). The proposed layout complies with the Council's interface distances to these properties and their boundaries.
19. Number 1 Tincklers Lane is a detached property bounding with the application site to the southwest. This is a detached property with a rear conservatory and has a detached single garage in the corner of its rear garden that bounds with the application site. The main windows of this property face towards the front and rear of the property and comply with the interface distances in terms of the proposed properties.
20. Numbers 21 – 27 The Hawthorns back onto the application site. Numbers 25 and 27 are a pair of semi-detached bungalows with small dormer windows in the rear elevation of the roof. Numbers 21 and 23 are true bungalows. The proposal complies with the interface distances in relation to these properties.
21. Number 75 Towngate is a detached former farmhouse situated prominently on the corner of Towngate and Tincklers Lane with a detached outbuilding. It is on the Council's list of Locally Important Buildings and was extended under a 2007 planning permission. The main windows of this property are in the front and rear elevations facing east and west and comply with the Council's interface distances in terms of the distance to the boundary with the proposed property on Plot 1. The main windows of Plot 1 do not look directly over the garden of 75 Towngate, however this proposed property is positioned so that part of the garden of 75 Towngate is at an angle to it. There is however, a detached pitched roof brick outbuilding in the garden of no. 75 on the boundary with the garden of Plot 1 which will act as a partial screen and therefore the relationship between these properties is considered acceptable.
22. Plot 2 would back onto the garden of no. 75 Towngate and its rear elevation would face towards the side elevation of this property. The property on Plot 2 would meet the interface distance from the first floor windows to the boundary with no. 75. Although there would only be approximately 18m from the rear first floor windows in Plot 2 to the first floor window in the side elevation of no. 74, less than the 21m guideline, this is considered an acceptable relationship as this is a secondary window to this room, the main window facing the front of the property.
23. Within the site the proposals comply with the interface distances apart from between the first floor facing windows of plots 2 and 3 which is approximately 16.5m. This is considered acceptable as it is weighed against the need to have house types on these plots whose front elevations are viewed from The Hawthorns. In addition these house types are at the end of the cul-de-sac and therefore the properties together with their garages provide a 'rounding off' of the development when viewed from Tincklers Lane.
24. The proposal is therefore considered acceptable in terms of neighbour amenity.

#### Highways

25. Criterion d) of Policy BNE1 states that planning permission will be granted for new development provided that: *'the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.'*
26. Lancashire County Council Highways do not object to the application and find the amended plans acceptable. Amendments they requested have been secured through the amended plans received, in the form of the footway in front of the site being extended to the south boundary with no. 1 Tincklers Lane.
27. They do however request, to prevent an overrun of the individual driveways, that the boundary between no. 1 Ticklers Lane and Plot 7 is extended up to the edge of carriageway to align with the proposed footway using any feature such as a buildout, dwarf wall with planters, raised kerbs etc. though it should not exceed 0.6m in height in order not to interfere with visibility.

28. These comments regarding creating a boundary between the driveways of Plot 7 and no. 1 Tincklers Lane are noted. Although this area is located outside the red edge of the application, it is within the adopted highway according to the County Council's adoption maps. LCC Highways request that there is a boundary built out to the carriageway, however it is considered that this would result in pedestrians exiting no. 1 Tincklers Lane having to walk in the road to get around it before they came to the new footway across the frontage of the site, as it noted by one of the objectors. It is not considered this would be acceptable and therefore it is not considered necessary to secure this through a planning condition.
29. Policy ST4 of the Local Plan 2012-2026 and its associated appendix sets out the Council's parking standards. The proposed properties all have four or five bedrooms and therefore in line with the standards require three off road parking spaces. House types B and C all have detached double garages, of a size that would be classed as two parking spaces. House type D has an integral double garage, also of a size that would be classed as two parking spaces. Properties on Plots 1, 4, 6 and 7 also have two parking spaces available to them as well as a double garage. Conversion of the garages or use for non-parking purposes would result in only two spaces being available to these properties, although conversion on one half of the garage would be acceptable. A condition is therefore proposed that one half of the garages must be retained for parking to ensure they meet the parking standards. Plots 2, 3 and 5 have a double garage and at least three other parking spaces available to them, therefore no condition is required controlling the use/conversion of these garages as the parking standards are met on these plots.
30. Subject to conditions the application is considered acceptable in terms of highways and parking and meets criterion d) of Policy BNE1.

#### Locally Important Building

31. 75 Towngate is on the Council's list of Locally Important Buildings. Criterion e) of Policy BNE1 requires that proposals must not adversely affect the character or setting of a listed building and/or the character of a conservation area and/or any heritage asset including locally important areas. The main and most important view of 75 Towngate are considered to be from Towngate and its junction with Tincklers Lane. It is not considered that the proposal would not adversely affect the character or setting of this property in line with BNE1 as the development would be positioned behind the building from Towngate and it is considered would retain its prominence on the main road through the village.

#### Landscaping and Ecology

32. Criterion f) of Policy BNE1 requires that the proposal '*would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features then mitigation measures to replace the feature/s will be required either on or off-site*'.
33. The Council's Ecology Advisor stated they had some concerns that the hedgerow along Tincklers Lane would be lost to the scheme and asked if it could be set back from the roadside outside the visibility splays. As discussed above, amended plans have been received which show a hedgerow to be replanted along the frontage of Tincklers Lane between the accesses and driveway as requested by the ecologist.
34. The Ecologist also requests a condition regarding inspection for bats before the tree along the boundary with Tincklers Lane is removed and that vegetation and tree felling should not be undertaken during the optimum bird breeding season. These conditions are proposed.
35. The existing hedgerow to The Hawthorns is to be retained which is looked upon favourably and shrub planting is proposed within the site.
36. There is currently a metal field gate in the hedgerow facing The Hawthorns at the side of the property proposed on Plot 2. The Parish Council advise this has resulted in the creation of an unauthorised access over land owned by the Parish Council, at the entrance to The Hawthorns and they request a condition be imposed to remove this access and reinstate the boundary hedge. The agent has requested that such a condition not be imposed and the reinstatement of the hedge

is shown on the proposed plan. It is however considered necessary to impose a condition securing that the hedge is reinstated prior to the occupation of Plot 2 as otherwise there would be no timeframe for the reinstatement works and to leave the gate as exists would not provide an acceptable level of privacy to the side garden of Plot 2.

37. A tree survey accompanies the application. In terms of trees there are a number on the site that are to be removed. The main tree to be removed is a large sycamore on the boundary with Tincklers Lane, however this tree has been categorised as 'U' – it has significant internal decay and there is a high probability that it will fail and fall into the road. The arborist who inspected the tree advised that the tree owner should be notified and arrangements should be made for the tree to be removed as soon as possible due to the high likelihood of whole stem failure. Tree T9 is a Silver Birch that is a Category B tree. The loss of this tree, though regrettable is unavoidable due to its location on the site and is considered to be outweighed by bringing forward an allocated housing site. The other trees to be removed are smaller and either category 'C' (trees of low quality and value) or category 'U'. To protect trees the Council would need to make a Tree Preservation Order, however it would not be expedient of the Council to protect trees in these categories.
38. Full details of the landscaping can be secured by a planning condition and subject to this the scheme is considered acceptable in terms of landscaping and ecology in accordance with criterion f) of Policy BNE1.

#### Contaminated Land

39. The Council's Contaminated Land Officer has reviewed the application and states the development requires a minimum of a Phase 1 desk study report, which has been submitted (Desk Study Report, Land off Tincklers Lane, Ecclestone, Chorley December 2015 REPORT NO: 15RSA012/DS). They have reviewed this report and agree with the recommendations made in section 7 for basic ground investigation work to determine if any remedial works are required to render the site suitable for development. They therefore recommend a site investigation condition, which is proposed.

#### Flooding and Drainage

40. The site is not in Flood Zone 2 or 3 and is not over 1 hectare in size. A Flood Risk Assessment is not therefore required.
41. United Utilities have no objection to the application subject to conditions. Conditions are proposed requiring details of the foul and surface water drainage to be submitted and approved.

#### Sustainable Resources

42. The Ministerial Statement on the 25th March 2015 announced that the Code for Sustainable Homes had been withdrawn, however, it also sets out transitional arrangements which includes local planning authorities being able to continue to set and apply policies in their development plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations (but not above a Code Level 4 equivalent) until commencement of amendments to the Planning and Energy Act (from then onwards energy performance requirements will be set in Building Regulations).
43. Compliance with the Code can therefore no longer be required however in accordance with the transitional arrangements the Council will still require an energy efficiency standard equivalent to Code Level 4 which is a 19% improvement over 2013 Building Regulations. This will be secured via a condition.

#### Open Space

44. Planning Policy advise that there is a requirement for a contribution towards Public Open Space in the form of natural/semi-natural green space and playing pitches in accordance with Local Plan Policy HS4A and HS4B.
45. The site is within the accessibility catchment (800m) of an area of natural/semi-natural greenspace that is identified as being low quality and/or low value in the Open Space Study (site 1669 – Rear

of Larkfield), a contribution towards improving this site is therefore required. The amount required is £557 per dwelling.

46. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.
47. The total financial contribution required from this development is therefore £15,092. This could be secured through a Section 106 legal agreement or via a condition. The agent has been asked which procedure they wish this to be secured through and this will be updated on the addendum.

#### Community Infrastructure Levy (CIL)

48. 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.

#### Other Issues

49. The surrounding uses are residential properties and it is not considered that the dwellings proposed would cause an unacceptable degree of noise disturbance to surrounding land uses.
50. The Police Architectural Liaison Officer has been consulted on the application but no response has been received. It is considered however that the layout will help to prevent crime and promote community safety as the properties all have their own secure gardens and private parking area. There are no alleyways required as the properties all have side access to their rear gardens to store bins in.
51. The application is therefore considered acceptable in relation to criteria g) and h) of Policy BNE1.

#### **Overall Conclusion**

52. The site is an allocated housing site in the Local Plan 2012-2026. The amended plans are considered to comply with all the criteria of Policy BNE1 which sets out the design criteria for new development. The application is therefore considered acceptable and is recommended for approval.

#### **Planning Policies**

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

#### **Planning History**

There is no planning history relevant to the current application.

**Suggested Conditions**

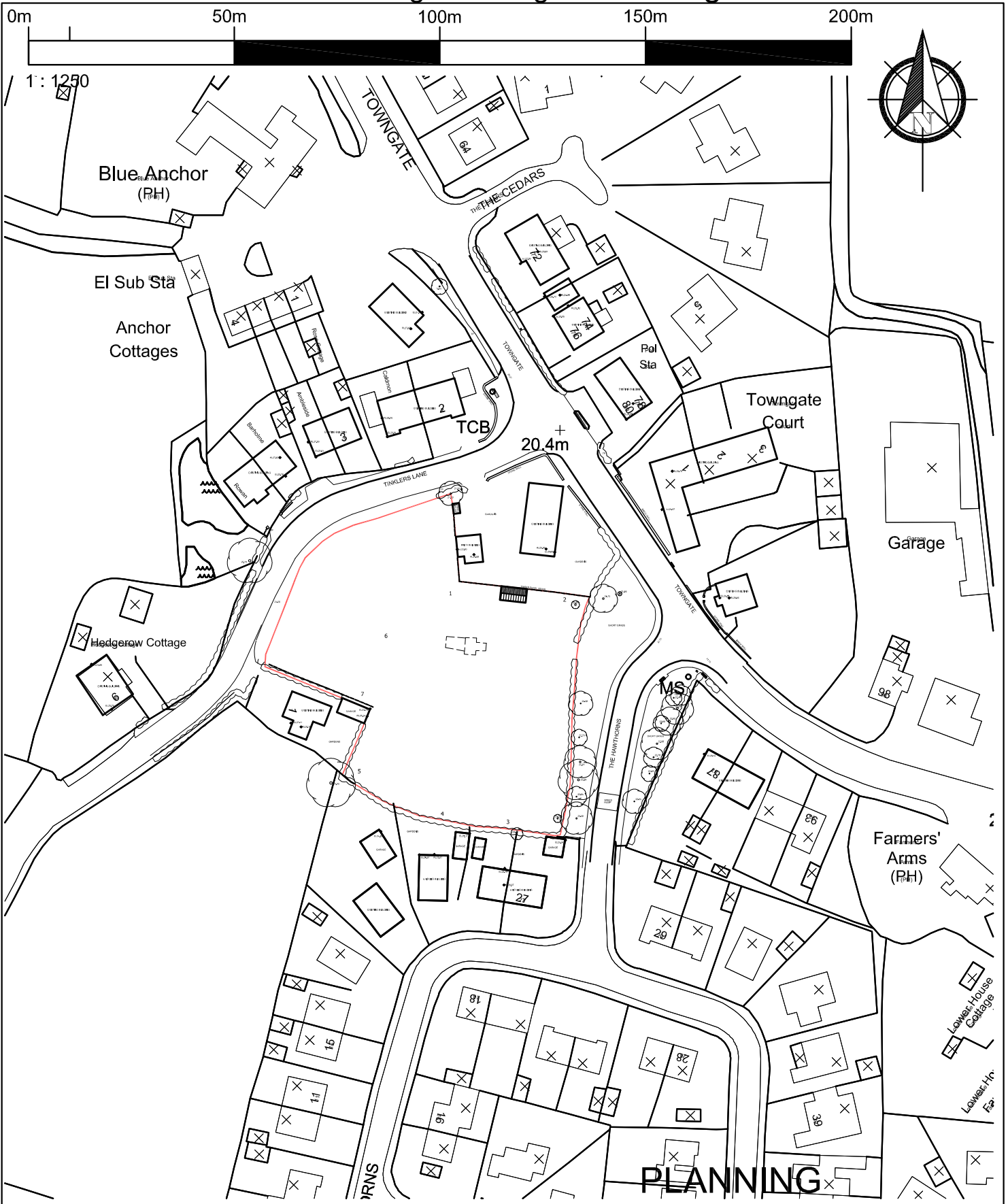
<b>No.</b>	<b>Condition</b>
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal 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.</i></p>
3.	<p>Prior to the construction of any of the dwellings or garages details of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
4.	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved plans. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
5.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be submitted to and agreed in writing with the Local Planning Authority before any dwelling is commenced.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
6.	<p>A scheme for the landscaping of the development shall be submitted prior to the construction of any of the dwellings commencing. These details shall include details of any existing trees and hedgerows on the land; show any to be retained, together with measures for their protection in the course of development and show the types and numbers of trees, shrubs and hedges to be planted and their distribution on the site. The details shall also specifically include details of how the existing opening within the hedgerow adjacent to the east elevation of Plot 2 will be closed off with hedging species to match the existing hedge, which shall take place in the first planting season following the commencement of the development.</p> <p>All other 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 dwellings or the completion of the development, whichever is the sooner, and any trees, plants or hedges 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</i></p>

	<i>carried out to mitigate the impact of the development and secure a high quality design.</i>
7.	<p>At least one of garages (one half of the double garage) hereby approved on plots 1, 4, 6 and 7 shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation.</p> <p><i>Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards and nuisance caused by on-street parking, as one half of the double garage is required to ensure each dwelling has sufficient parking in accordance with the Council's parking standards.</i></p>
8.	<p>Due to the proposed sensitive end-use (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; 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. Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.</p> <p><i>Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use. This is required to be a pre-commencement condition to ensure that any contamination has been identified and any remediation proposal agreed prior to the development commencing as the investigation works may not be possible after development has commenced.</i></p>
9.	<p>Before felling, the mature sycamore tree along the boundary with Tincklers Lane should first be inspected by a suitably qualified person for its potential to support bats. Should bats be found then advice will need to be sought from a suitably qualified person about how best to proceed, and compensation for lost roosting potential shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.</p> <p><i>Reason: To ensure mitigation measures are secured if bats are found.</i></p>
10.	<p>No vegetation clearance or tree felling required to facilitate an approved scheme should be undertaken during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person.</p> <p><i>Reason: Breeding birds are protected under the Wildlife and Countryside Act 1981 (as amended).</i></p>
11.	<p>No dwelling hereby permitted shall be occupied until that part of the access road which provides access to it from the adopted highway has been constructed in accordance with the approved plans.</p> <p><i>Reason: In the interests of highway safety.</i></p>

12.	<p>The parking, garaging and associated manoeuvring facilities shown on the plans hereby approved for each dwelling shall be surfaced or paved and made available in accordance with the approved plan prior to the occupation of that dwelling; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site.</i></p>
13.	<p>Prior to the commencement of the development a scheme for the provision of a footway along the site frontage of Tinklers Lane up to its junction with Towngate shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any of the dwellings.</p> <p><i>Reason: To ensure a satisfactory footway is secured across the site frontage. This condition is required to be a pre-commencement conditions to ensure an acceptable scheme is agreed prior to the development commencing.</i></p>
14.	<p>Prior to the commencement of any development, other than site investigation works, 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 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. The development shall be completed, maintained and managed in accordance with the approved details.</p> <p><i>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This is required to be pre-commencement condition to ensure a satisfactory scheme is incorporated into the development from the very start of the construction process.</i></p>
15.	<p>Before any development hereby permitted is first commenced, other than site investigation works, full details of the means of foul water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal for that dwelling have been completed in accordance with the approved details.</p> <p><i>Reason: To ensure a satisfactory means of drainage. This is required to be pre-commencement condition to ensure a satisfactory scheme is incorporated into the development from the very start of the construction process.</i></p>
16.	<p>Prior to the laying of any hard surfacing 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> <p><i>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</i></p>
17.	<p>All the dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as</i></p>

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19.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1"> <thead> <tr> <th><b>Title</b></th> <th><b>Drawing Reference</b></th> <th><b>Received date</b></th> </tr> </thead> <tbody> <tr> <td>Proposed Site Layout</td> <td>AL-001 Rev H</td> <td>11<sup>th</sup> March 2016</td> </tr> <tr> <td>Quad Garage Block</td> <td>G-101</td> <td>11<sup>th</sup> March 2016</td> </tr> <tr> <td>Planning Elevations &amp; Floor Plans House Type B Plot 5</td> <td>2005 Rev A</td> <td>19<sup>th</sup> December 2015</td> </tr> <tr> <td>Planning Elevations &amp; Floor Plans House Type C Plot 6</td> <td>3005-1 Rev C</td> <td>19<sup>th</sup> December 2015</td> </tr> <tr> <td>Planning Elevations &amp; Floor Plans House Type C Plot 1</td> <td>3005 Rev D</td> <td>19<sup>th</sup> December 2015</td> </tr> <tr> <td>Planning Elevations &amp; Floor Plans House Type D Plot 4 &amp; 7</td> <td>4005-1 Rev A</td> <td>19<sup>th</sup> December 2015</td> </tr> <tr> <td>Proposed Enclosure Details</td> <td>E-001</td> <td>19<sup>th</sup> December 2015</td> </tr> <tr> <td>Proposed Double Garage</td> <td>GAR-001</td> <td>19<sup>th</sup> December 2015</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>			<b>Title</b>	<b>Drawing Reference</b>	<b>Received date</b>	Proposed Site Layout	AL-001 Rev H	11 <sup>th</sup> March 2016	Quad Garage Block	G-101	11 <sup>th</sup> March 2016	Planning Elevations & Floor Plans House Type B Plot 5	2005 Rev A	19 <sup>th</sup> December 2015	Planning Elevations & Floor Plans House Type C Plot 6	3005-1 Rev C	19 <sup>th</sup> December 2015	Planning Elevations & Floor Plans House Type C Plot 1	3005 Rev D	19 <sup>th</sup> December 2015	Planning Elevations & Floor Plans House Type D Plot 4 & 7	4005-1 Rev A	19 <sup>th</sup> December 2015	Proposed Enclosure Details	E-001	19 <sup>th</sup> December 2015	Proposed Double Garage	GAR-001	19 <sup>th</sup> December 2015
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Client: Westchurch Homes

Project: Residential Development at Tinklers Lane, Ecclestone

Drawing Title: Site Location Plan



**associates limited**

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<b>Item 3c</b>	<b>15/01057/FUL</b>
<b>Case Officer</b>	<b>Helen Lowe</b>
<b>Ward</b>	<b>Pennine</b>
<b>Proposal</b>	<b>Proposed dwelling in lieu of existing extensions to be demolished including off-road parking provision for existing and proposed dwelling.</b>
<b>Location</b>	<b>145 Town Lane, Whittle le Woods</b>
<b>Applicant</b>	<b>Mr David Connor</b>
<b>Consultation expiry:</b>	<b>5<sup>th</sup> February 2016</b>
<b>Decision due by:</b>	<b>8<sup>th</sup> April 2016</b>
<b>Recommendation</b>	<b>Approve</b>
<b>Executive Summary</b>	<b>The proposal would involve the redevelopment of a previously developed site within the Green Belt and it is not considered that the proposed development would have a significantly greater impact upon the openness of the Green Belt than the existing building. The proposal is recommended for approval.</b>

**Representations**

**Whittle le Woods Parish Council** made the following comments in response to the original submission:

- The proposed development is on Green Belt land, no other new house has been built on Town Lane totally separate from the original building as this would be. It would set an undesirable precedents;
- Though the build’s footprint is less than the current footprint the volume remains the same;
- The dwelling will be much taller than before, meaning significant loss of privacy for neighbouring cottages and loss of views;
- The proposed new build is not in keeping with the original house or the area;
- Reversing from the access point would not be safe due to the narrowness of the road and lack of visibility;
- The development will also increase parking on Town Lane;
- The house will not be connected to mains drainage and the site is waterlogged.

They have since made the following additional comments in response to amended plans being received:

- The height of the proposed dwelling means that the existing residences will be substantially overlooked, the dwelling has been moved to the left by 1.5m impinging even more on existing residents;
- The site is too small for the necessary parking and parked cars will block each other in;
- There is already a lot of flooding on this narrow lane and the lack of provision for surface water drainage will add to this;
- This land was not originally used for a dwelling in the first place, therefore it will not have maintained original use;
- Query the scale of the plan provided. If the plan showed the building to scale the road would actually be 4m wide, in fact the road is 2.5m wide.

Finally in response to further amendments the following additional comments were made:

- The Parish Council still consider it strange that a separate building of greater volume than the existing can be considered to be permitted in the Green Belt;
- The original garden is reduced as result of the parking spaces on the received plan so the development is more than double the existing building and would have a far greater impact than the current building;
- The increasing areas of hard standing, and the reducing areas of garden will make worse the already troublesome flooding issue;
- There are still a number of concerns with regard to parking arrangements – cars from the two properties blocking each other in, tall 4 car spaces are to be located close to the accident black spot Town Lane Junction, there is no provision for delivery parking;

**In total 15 representations have been received which are summarised below**

<b>Objection</b>	<b>Support</b>
Total No. received: 13 (from 6 households)	Total No. received: 2 (from one person)
<ul style="list-style-type: none"> <li>• The appearance and modern design of the new build is not in keeping with the original house, nor the cottages which were built in 1726;</li> </ul>	<ul style="list-style-type: none"> <li>• The existing buildings are of poor quality construction and incongruous with the original residence;</li> </ul>

- The new build will be considerably higher than the cottages opposite which means there would be a loss of privacy, loss of views and loss of light;
- The original garden will be much reduced in size and the site will be overdeveloped;
- The unadopted road is not a quiet road, heavy farm vehicles as well as cars use this throughout the day;
- The proposals will lead to increased visitor parking on Town Lane on a section of road which is already an accident blackspot;
- Serious concerns regarding drainage and sewage
- Would set a precedent for the future;
- The proposed plan does not specify that the building should be built of matching material and be of a style with cottages and buildings in the immediate area;
- The cottages and path are subject to flooding, this will be exacerbated;
- Would cause over development of the site;
- Danger to pedestrians;
- Loss of garden due to increased hardstanding;
- The scale of the building is not in keeping with the area, it will be higher than existing cottages;
- The appearance and design of the proposed new dwelling would be inappropriate, having a negative impact to the character and aesthetic of the area;
- Increased noise and disturbance caused by the additional number of vehicles manoeuvring, accessing and exiting the plot;

Following receipt of the first set of amendments the following additional comments were received:

- The amended application does not solve the parking problems, it will be dangerous to pedestrians;
- Express concern about the impact on the local environment, there are two important walks which involve using the public footpath;
- The proposed build is higher than the existing dwelling and the cottages opposite, it will have a greater impact on the openness of the Green Belt;

- The proposed dwelling is situated across from the cottages, set at an angle with the closest point approximately 17m from the terraced front elevation;
- The property will be using the existing vehicular access;
- Part of the replacement buildings is a studio above one of the garages, therefore there will be no increased loss of privacy;
- There is no right in law to a view;
- Increased traffic by the proposed development will be inconceivable in comparison with the alleged amount of traffic using the lane;

Following the receipt of revised plans they make the following additional comments:

- The proposed parking arrangement is an improvement on the present arrangement whereby cars reverse onto the lane. Most neighbouring properties do not have turning facilities within the curtilage.

<ul style="list-style-type: none"> <li>• The original footprint has doubled with the loss of 50% of the garden area, the size of the new development is twice the size of the existing extensions;</li> <li>• On the plan the width of the public footpath is inaccurate;</li> <li>• The proposed turning area is inadequate;</li> <li>• Materials should be in keeping with the surrounding buildings;</li> </ul> <p>Further to further amendments to the proposed layout the following comments were received:</p> <ul style="list-style-type: none"> <li>• The application including parking is now at least twice the size of the original extension and occupies most of the original garden resulting in overdevelopment of the site;</li> <li>• The building is unnecessary and not required by any housing needs for this Green Belt area;</li> <li>• Each amendment has reduced the garden area;</li> <li>• The position of the exit is too close from the junction of Town Lane at a spot that has seen numerous accidents over the past few years;</li> <li>• The land is waterlogged;</li> <li>• Can the developer reassure the residents that an independent certified specialist will carry out an asbestos survey on all extensions to be demolished;</li> </ul>	
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**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
Cllr Gordon France	Request that the application go before Development Control Committee as a number of residents' raised a privacy issue with window's overlooking their property. The other issue is traffic exiting on to a busy road on a bad bend with parking at a premium. This is a significant change to building in the area and needs to be decided at full committee.
Chorley Council Planning Policy	A financial contribution towards the provision and improvement of public open space is required.
Environment Agency	Local and national guidance is that the first presumption is to discharge into the public sewer. Their records indicate that there is a public sewer along Town Road and they would expect the proposed dwelling to connect to this, unless the applicant can demonstrate that it is not feasible in terms of cost or practicality to do so.

Greater Manchester Ecology Unit	<p>No further survey effort for bats is required. Should any be found at any time during works then work should cease immediately and advice sought from a suitably qualified bat worker.</p> <p>It is recommended that a condition be attached to secure that demolition works and any works to trees or shrubs, including site clearance, should not be undertaken in the main bird breeding season (March to July inclusive), unless nesting birds are found to be absent, by a suitably qualified person.</p> <p>Opportunities for biodiversity enhancement should be incorporated into the new development.</p>
Lancashire County Council Highways	<p>Initially raised concerns that the space shown on the plan was inadequate for the proposed car parking spaces. As the proposal would be accessed via a public Right of Way, therefore for pedestrian safety reasons, there is a need for vehicles to access and egress the site in forward gear.</p> <p>Following receipt of amended plans the Highways Engineer confirmed that the layout of the access was acceptable, however they expressed concerns that all four proposed parking spaces are located within the red edge, and that should there be a change of ownership in the futures the existing property no. 145 might not have access to use any of the parking spaces.</p>
Lancashire County Council Public Rights of Way	No comments received
Ramblers Association	No comments received

**Assessment**Principle of the Development

1. The application site is wholly located within the Green Belt. The Framework confirms at paragraph 89 that the construction of new buildings should be regarded as inappropriate in the Green Belt unless they fall within certain specified exceptions. The exceptions include 'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and on the purpose of including land within it than the existing development.'
2. The definition of previously developed land is set out in the Framework as land which is or was occupied by a permanent structure, including the curtilage of the developed land. Land that is or has been occupied by agricultural or forestry buildings is excluded from the definition, as are private residential gardens in built up areas, and it is also emphasised that it should not be assumed that the whole of the curtilage should be developed. It therefore follows that residential gardens outside of settlement areas may be considered to be previously developed land (brownfield). A recent High Court decision (*Dartford Borough Council v Secretary of State for Communities & Local Government (CO/4129/2015)*) has also held this to be the case. It is accepted that the land that would form the application site is previously developed land.
3. Policy BNE5 of the Local Plan reflects the guidance set out in paragraph 89 of the Framework that the redevelopment of previously developed sites in the Green Belt is not inappropriate, provided that it does not have a greater impact on the openness of the Green Belt and the purposes of including land within it. Policy BNE5 additionally states that in the case of redevelopment of previously developed sites in the Green Belt proposals must ensure that the appearance of the site as a whole is maintained or enhanced and should be put forward in the context of a comprehensive plan for the site as a whole.
4. It is clear within the Framework that the redevelopment of existing previously developed sites within the Green Belt may only be acceptable where it would not cause harm to the openness of the Green Belt, nor conflict with the purposes of including land within the Green Belt. The purposes of including the land within the Green Belt include: to check the unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another and to safeguard the countryside from encroachment.
5. The application proposes the demolition of a series of extensions that are attached to the north east elevation of the application property, and the erection of dwelling within the adjoining garden. The existing extensions comprises a single storey extension to the house, which was linked to a two storey, flat roofed extension comprising a garage on the ground floor and a studio/workshop on the first floor. Attached to the side of this is a wooden shed/store. Planning permission was granted for the studio/workshop (to be built over an existing garage) in 1957 (application reference 5/5/01890). There is some correspondence on the application file between the occupant and the Council in the 1970s with regard to whether the use of the premises as an architectural studio was ancillary to the main use of the dwellinghouse.
6. Together these extensions occupy a footprint of approximately 91m<sup>2</sup> and have a volume of around 323m<sup>3</sup>. The proposed replacement building would have a footprint of approximately 54m<sup>2</sup> and a volume of 323m<sup>3</sup>. The footprint of the proposed dwelling would be located largely within the garden area to the northwest of the original dwelling and extensions; only a small part of the building would be located on the footprint of the structures to be demolished.
7. The proposal also involves the formation of a shared driveway and turning area, which would largely occupy the footprint of the existing buildings to be demolished and two off road parking spaces for each dwelling, which would be located parallel to each other, within the garden area to the rear of the existing structures. A small part of the footprint of the existing structures would form part of the garden area to the front and side of the



proposed and existing dwelling. The shared drive, turning area, and parking spaces (excluding the tarmac drive to the highway) would occupy a footprint of approximately 97m<sup>2</sup>.

8. The footprint of the new dwelling, together with the associated proposed hardstanding would therefore occupy a larger footprint than the existing extensions to be demolished. However, the actual built development proposed would only occupy around a third of this footprint. The overall ridge height of the proposed dwelling would be 6.7m. The maximum height of the existing buildings on the site is 5.4m.
9. Whether the proposed dwellings will have a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing buildings, the footprint of the existing building and the height of the existing buildings although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exceptions of paragraph 89 of the Framework, which is reflected in policy BNE5 of the Local Plan, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site.
10. Although the footprint of the new building differs slightly to that of the existing buildings, it is still within the curtilage of no. 145. Given that the volume of the building is not larger than the volume of the buildings to be demolished it is considered that the impact on the openness is very similar to the existing situation, albeit in a slightly different location. The result of locating the dwelling further into the existing garden results in the removal of a large extension and will create a visual break between the existing and proposed dwelling.
11. The increase in height is not considered to be unduly harmful to the openness of the area, particularly given the reduction in spread of buildings across the site and the improvements in design (discussed further below).
12. The proposed hardstanding would have some impact on openness however the size of the hardstanding is not considered to be greater than is necessary and it will result in an improvement in parking and access arrangements within the site. It would not be unusual to see a driveway and parking area of this nature within a residential curtilage, even within a rural setting. A condition could be imposed to secure sympathetic materials that are permeable.
13. Taking these factors into consideration, it is not considered that the proposed development will have a greater impact on the "openness" of the Green Belt or have a greater impact on the purposes of including land in the Green Belt.

#### Impact on Neighbour Amenity

14. Policy BNE1 of the emerging Local Plan states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
15. The proposed dwelling would be located opposite nos. 137 and 135 Town Lane, although off set at an angle. At its closest point it would be 16m from no. 137. The dwelling has been designed so that there is just one first floor window to a habitable room. This window would be a minimum 21.5m from the facing elevation of no. 135 Town Lane, at an angle. This complies with the Council's interface standards. There is no significant difference in levels between the neighbouring properties and the proposed finished floor level of the proposed dwelling that would require an increase in this standard.
16. As discussed above the height of the proposed dwelling would be approximately 1.3m greater than that of the existing buildings on the site, although the spread of buildings across the site would be less than at present (the width of the proposed dwelling would be approximately 9.3m, the extensions to be demolished have a width of 15.4m). The

outlook experienced by neighbouring properties would be different to that experienced at present, however it is not considered that this would be so detrimental as to warrant refusal of the proposals.

17. Concerns have also been raised with regard to proposed drainage arrangements. The plans have now been amended so that the proposed dwelling will be served by mains drainage, rather than utilising a septic tank. With regards to surface water runoff conditions can be attached requiring hard standing to be constructed from permeable materials

#### Highway Safety

18. It is proposed to provide two off road parking spaces and a shared drive and turning area for both dwellings utilising the existing vehicular access point off the public right of way leading to Wilson Nook Farm to the north. The number of parking spaces proposed would comply with the parking standards set out in policy ST4 of the Local Plan. It is accepted that it is not desirable for parking spaces to be located in tandem however this is not unusual for private dwellinghouses and not sufficient reason for refusal of the application.
19. Existing off road parking space is limited and it would not be possible to enter and exit in a forward gear or pull a car clear of the access road if the garage doors were closed. It is considered that the ability to turn within the site would be an improvement on the existing situation.
20. The concerns of the highway engineer regarding the fact that the parking spaces for both dwellings appear to be shown within the curtilage of the new dwelling are noted, however it is not considered that the plans do show this. All four of the parking spaces would be separated from both of the adjacent garden areas by a fence/wall. This has been confirmed by the agent. The red line on the site plan does not indicate that they will be within the curtilage of either one property or the other (in the same way that the red edge of a large housing development encompasses the whole site, and is not drawn around each individual property). A condition could be imposed to ensure that two spaces remain available for each property in perpetuity.
21. Concerns have also been raised by the neighbouring residents that the site plan submitted does not accurately reflect the width of the access road. This is outside of the application site; however measurements taken on site indicate that the road is narrower than shown on the plan, particular towards the westernmost pint of the site boundary. The Highways Engineer has not expressed any concerns with regard to the width of the access road (they have been made aware of the discrepancy in the plans). The proposal would result in one extra dwelling using the road, for a short distance close to the junction with Town Lane. The road also serves Wilson Nook Farm to the north, and it is understood from comments made by neighbouring residents that a number of farm vehicles use the road as well. Against the level of existing use it is not considered that one dwelling using the access road for a short distance would give rise to such a significant increase in traffic movements that would be so detrimental to highway safety to warrant refusal of the proposals.

#### Design and Appearance

22. The proposed dwelling would be a two storey, with a simple design that reflects the appearance and proportions of the original dwelling at no. 145. It is indicated on the application form that the building is to be constructed from stone with either a slate or slate effect tiled roof. This is considered to be in keeping with neighbouring properties. A condition could be added to require samples to be provided to ensure that high quality materials in keeping with the area are used.
23. As the dwelling would have a finished floor level 1.25m lower than the adjacent original dwelling, the ridge height of the proposed dwelling would be lower than that of the existing house by approximately 0.5m. The overall ridge height of the proposed dwelling would be 6.7m. The maximum height of the existing buildings on the site is 5.4m.

24. The design and appearance is considered to be in keeping with surrounding properties and an improvement on the existing structures to be demolished, which are constructed from a mixture of materials and not in keeping with the original property.

#### Ecology

25. The applicant has provided a survey and assessment of the site in respect of bat species, nesting birds and barn owls with the application. The survey comprised daytime evidence and opportunity bat survey, an evening bat emergence survey and a nesting bird survey (including barn owls) of the buildings, trees and shrubs within the site boundary.
26. No current or historic evidence of roosting bats was found in any of the buildings on the site. No evidence of roosting barn owls was found either.
27. It is recommended that conditions/informative as advised by Greater Manchester Ecology Unit are added to any grant of approval. The findings of the survey are considered to demonstrate that the proposal would not give rise to any harm to protected species and is considered to comply with policy BNE9 of the Local Plan.

#### CIL

28. 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.

#### Sustainable Resources

29. 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.”*

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

#### Section 106

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

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

**Overall Conclusion**

- 34. The proposal would involve the redevelopment of a previously developed site within the Green Belt. For the reasons outlined above it is not considered that the proposed development would have a significantly greater impact on the openness of the Green Belt than the buildings to be demolished. It is also considered that the proposal would not give rise to undue harm to the amenities of neighbouring residents or highway safety and is accordingly recommended for approval.

**Planning Policies**

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

**Planning History**

Reference	Description	Decision	Date
5/5/01890	Erection of studio - workshop	Approved	1957

**Suggested Conditions**

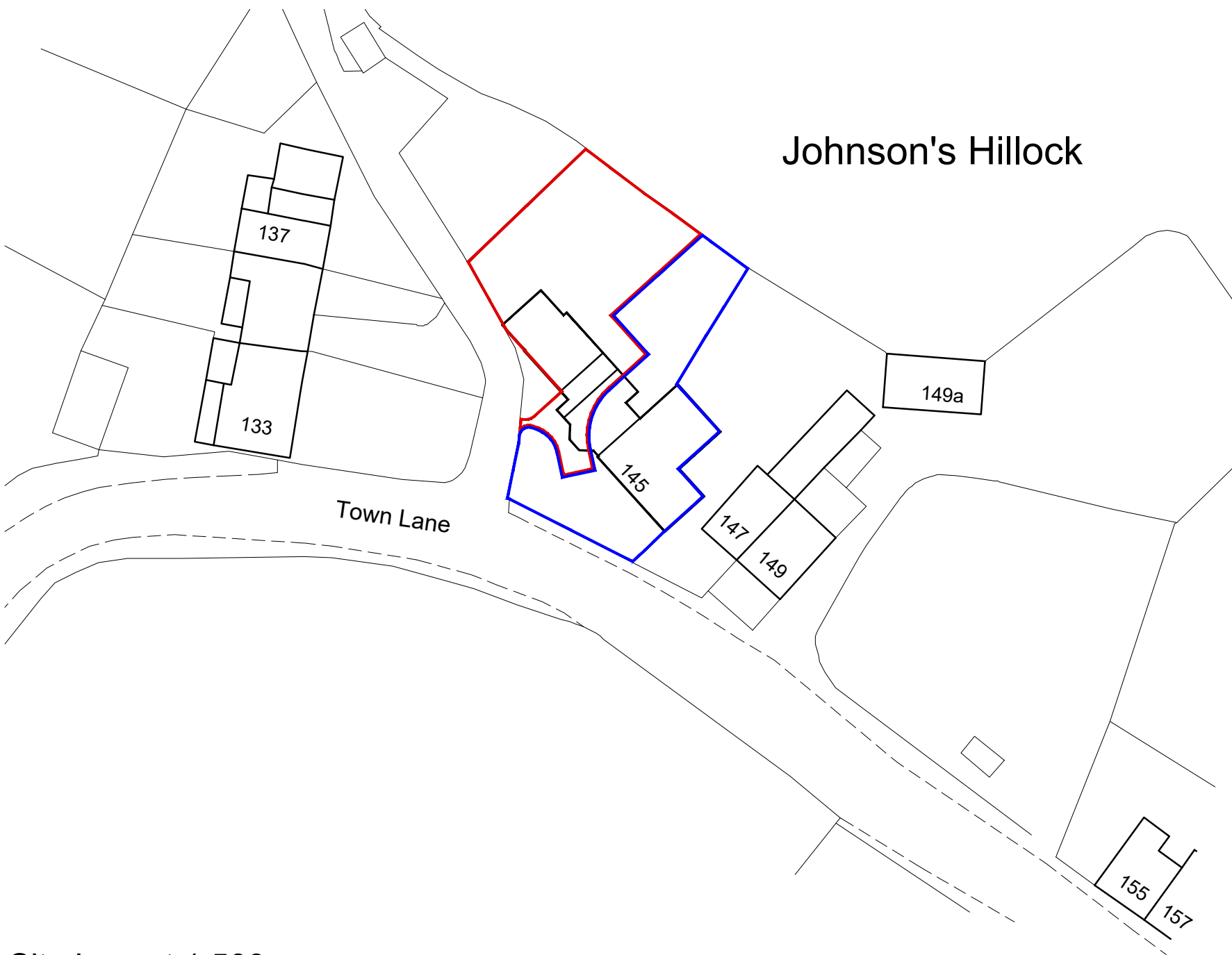
No.	Condition																					
1.	<p>The proposed development must be begun not later than three years from the date of this permission.  <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>																					
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plan</p> <table border="1" data-bbox="320 539 1302 1088"> <thead> <tr> <th data-bbox="320 539 655 600">Title</th> <th data-bbox="655 539 940 600">Drawing Reference</th> <th data-bbox="940 539 1302 600">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 600 655 663">Existing Site Layout</td> <td data-bbox="655 600 940 663">15/094/E02</td> <td data-bbox="940 600 1302 663">21 October 2015</td> </tr> <tr> <td data-bbox="320 663 655 763">Existing plans and elevations</td> <td data-bbox="655 663 940 763">15/094/E01</td> <td data-bbox="940 663 1302 763">21 October 2015</td> </tr> <tr> <td data-bbox="320 763 655 864">Proposed dwelling plans and elevations</td> <td data-bbox="655 763 940 864">15/094/P02</td> <td data-bbox="940 763 1302 864">21 October 2015</td> </tr> <tr> <td data-bbox="320 864 655 927">Proposed site layout</td> <td data-bbox="655 864 940 927">15/094/P01</td> <td data-bbox="940 864 1302 927">27 January 2016</td> </tr> <tr> <td data-bbox="320 927 655 1028">Existing site Plan and location plan</td> <td data-bbox="655 927 940 1028">15/094/L01</td> <td data-bbox="940 927 1302 1028">27 January 2016</td> </tr> <tr> <td data-bbox="320 1028 655 1088">Proposed Street Scene</td> <td data-bbox="655 1028 940 1088">15/094/P03</td> <td data-bbox="940 1028 1302 1088">27 January 2016</td> </tr> </tbody> </table> <p data-bbox="320 1151 1214 1182"><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Existing Site Layout	15/094/E02	21 October 2015	Existing plans and elevations	15/094/E01	21 October 2015	Proposed dwelling plans and elevations	15/094/P02	21 October 2015	Proposed site layout	15/094/P01	27 January 2016	Existing site Plan and location plan	15/094/L01	27 January 2016	Proposed Street Scene	15/094/P03	27 January 2016
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3.	<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.  <i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>																					
4.	<p>Prior to the commencement of any development, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.  <i>Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.</i></p>																					
5.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should</p>																					

	<p>comprise only native plant communities appropriate to the natural area. 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>
6.	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing/parking area 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>
7.	<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 dwelling(s) hereby approved shall not be occupied until the approved Scheme has been implemented.</p> <p><i>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.</i></p>
8.	<p>The parking and / or garaging and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site.</i></p>
9.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal 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.</i></p>
10.	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as</i></p>

	<i>part of new residential schemes in the interests of minimising the environmental impact of the development.</i>
11.	<p>Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</i></p>
12.	<p>The parking spaces hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space. Two spaces shall be kept available for the use of the occupants of no. 145 Town Lane and two spaces shall be kept available for the use of the dwelling hereby approved at all times.</p> <p><i>Reason: To ensure adequate off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.</i></p>
13.	<p>No development shall take place until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme has been implemented in accordance with the approved plans.</p> <p><i>Reason: To secure proper drainage and to prevent flooding.</i></p>

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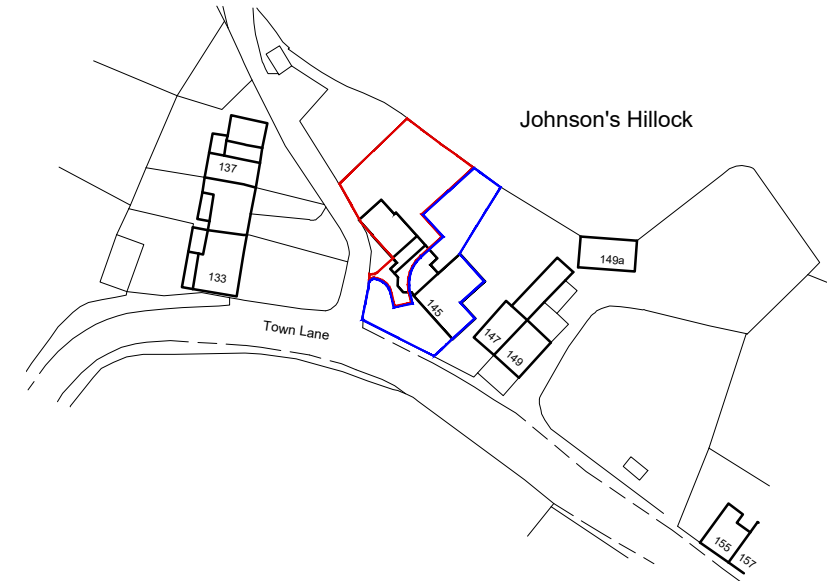
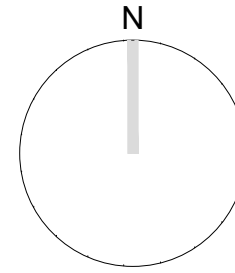


Site Layout 1:500

0m 25m 50m

Scale: 1:500

Johnson's Hillock



Location Plan 1:1250

Johnson's Hillock

Revision Notes:

A: Adjustment made to the red and blue edge boundary.

WA 27/01/16



<b>CLIENT</b> D. S. Connor Ltd.				
<b>PROJECT NAME</b> Proposed Dwelling in Lieu of Existing Extensions Proposed for Demolition at				
145 Town Lane, Whittle-le-Woods, PR6 8AJ.				
<b>DRAWING NAME</b> Existing Site Plan & Location Plan.				
<b>SCALE</b>	<b>DRAWN BY</b>	<b>DATE</b>	<b>DRAWING NUMBER</b>	<b>REVISION</b>
varies @ A3	GJF	22.10.2015	15/094/L01	A

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