

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 26TH APRIL 2016, 6.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

- 1 **MINUTES OF MEETING TUESDAY, 5 APRIL 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 seven 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 **15/01246/FUL - LAND ADJACENT TO 75 TOWNGATE, ECCLESTON**

(Pages 5 - 20)

- B **15/01057/FUL 145 TOWN LANE, WHITTLE LE WOODS**

(Pages 21 - 36)

- C **16/00118/FUL - GELSTON, DAWSON LANE, WHITTLE-LE-WOODS, CHORLEY, PR6 7DT**

(Pages 37 - 46)

- D **16/00242/REM - HW MOON, 56 WOOD LANE, HESKIN, CHORLEY, PR7 5NU**

(Pages 47 - 56)

E 16/00132/FULMAJ - W M LAWRENCE AND SONS, LYONS LANE, CHORLEY, PR6 0PJ - TO FOLLOW

F 16/00169/FUL - WILCOCKS FARM CARAVAN SITE, DEAN HEAD LANE, RIVINGTON, BOLTON, BL6 7SJ

(Pages 57 - 66)

G 16/00162/FUL - WOODVIEW, PRESTON NOOK, ECCLESTON

(Pages 67 - 78)

4 APPEALS AND OTHER DECISIONS

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

5 ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR

GARY HALL
CHIEF EXECUTIVE

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

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MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE Tuesday, 5 April 2016

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

RESERVES: Councillors Eric Bell, Jean Cronshaw, Gordon France and Paul Leadbetter

OFFICERS: Paul Whittingham (Development Control Manager), Nicola Hopkins (Principal Planning Officer), Ian Heywood (Senior Planner (Conservation)), Alex Jackson (Legal Services Team Leader) and Ruth Rimmington (Democratic and Member Services Officer)

APOLOGIES: Councillors Aaron Beaver, Martin Boardman, Paul Clark and John Dalton

16.DC.183 Minutes of meeting Tuesday, 15 March 2016 of Development Control Committee

RESOLVED - That the minutes of the Development Control Committee held on 15 March 2016 be approved as a correct record for signature by the Chair.

16.DC.184 Declarations of any Interests

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

16.DC.185 Planning applications to be determined

The Director of Public Protection, Streetscene and Community submitted three 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: Yvonne Hargreaves (objector), Helen Fothergill (supporter) and Katie Lewis-Pierpoint (applicant).

A motion was proposed, and seconded, to refuse planning permission on the grounds that the application was inappropriate development in the greenbelt and the separation distances between the properties. When the motion was put to the vote, the vote was lost (5:9:1).

RESOLVED (9:5:1) - That full planning permission be approved, subject to conditions detailed in the report.

b 15/01246/FUL - Land Adjacent To 75 Towngate, Eccleston

Registered speakers: Sophie Turbfield (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.

c 15/01057/FUL - 145 Town Lane, Whittle le Woods, Chorley, PR6 8AG

Registered speakers: Anne Patrick (objector).

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

16.DC.186 Any urgent business previously agreed with the Chair

The Chair reported that there was a need for an additional Development Control Committee on Wednesday, 4 May 2016.

There would be a single item on the agenda which related to the Digital Office Park at Euxton. The need for this additional Committee had arisen because the formal consultation period ended on 3 May and the deadline for the Council to submit the full grant application to DCLG was 16 May.

The proposal was to have a site visit at 4pm followed by the meeting at 5.30pm or 6.30pm. The clerk would email members to check their preference so the Chair could determine the start time.

Chair

Date

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

Recommendation

That the application is approved.

Members will recall this application was deferred at the committee on 5th April to allow Members to undertake a site visit.

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

Representations

<p>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).</p>

<p>In total 14 representation has been received which is summarised below</p>
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<p>Objections</p>

<p>Total No. received: 14</p>

<p>Eleven objections were received to the initial notification of the application:</p>
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| <ul style="list-style-type: none"> • 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 |
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- 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	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 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. The agent has confirmed their client is willing to make this via a direct payment prior to a decision notice being issued. Therefore a legal agreement or condition would not be required.

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

No.	Condition
1.	The proposed development must be begun not later than three years from the date of this permission.

	<p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
<p>2.</p>	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate. <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>3.</p>	<p>Prior to the construction of the superstructure 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. <i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
<p>4.</p>	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved 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. <i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
<p>5.</p>	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be submitted to and agreed in writing with the Local Planning Authority before any dwelling is commenced. <i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
<p>6.</p>	<p>A scheme for the landscaping of the development shall be submitted prior to the construction of the superstructure 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. 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. <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>

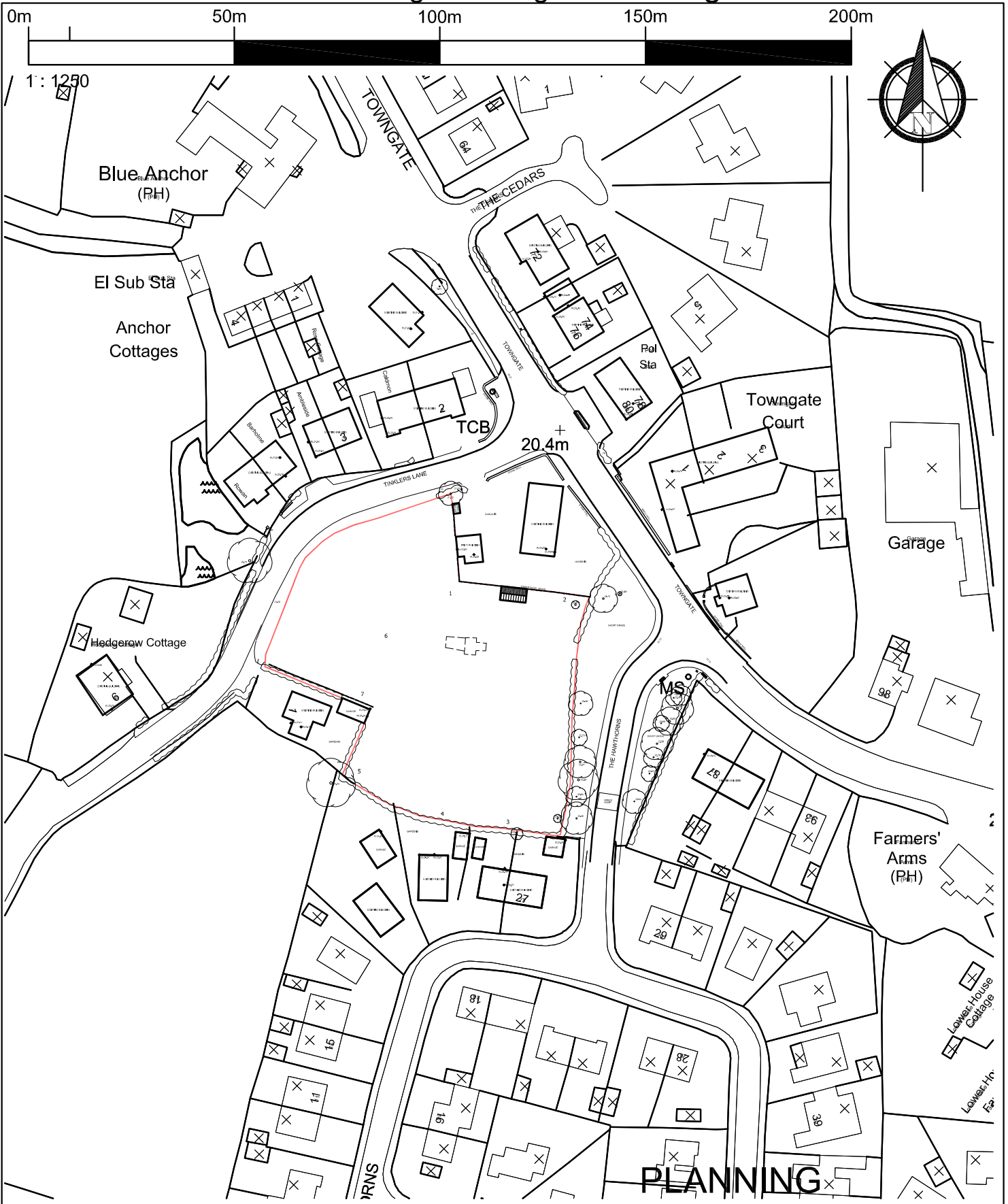
7.	<p>At least one of the garage car parking spaces (one half of the double garage) hereby approved on plots 1, 4, 6 and 7 shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 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 external parking for all the plots and at least one of the garage parking spaces on plots 1, 4, 5 and 7 and associated manoeuvring facilities shown on the plans</p>

	<p>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 and enabling 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 and enabling 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>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 achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. 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</i></p>

	<p><i>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>																											
18.	<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>Proposed Site Layout</td> <td>AL-001 Rev H</td> <td>11th March 2016</td> </tr> <tr> <td>Quad Garage Block</td> <td>G-101</td> <td>11th March 2016</td> </tr> <tr> <td>Planning Elevations & Floor Plans House Type B Plot 5</td> <td>2005 Rev A</td> <td>19th December 2015</td> </tr> <tr> <td>Planning Elevations & Floor Plans House Type C Plot 6</td> <td>3005-1 Rev C</td> <td>19th December 2015</td> </tr> <tr> <td>Planning Elevations & Floor Plans House Type C Plot 1</td> <td>3005 Rev D</td> <td>19th December 2015</td> </tr> <tr> <td>Planning Elevations & Floor Plans House Type D Plot 4 & 7</td> <td>4005-1 Rev A</td> <td>19th December 2015</td> </tr> <tr> <td>Proposed Enclosure Details</td> <td>E-001</td> <td>19th December 2015</td> </tr> <tr> <td>Proposed Double Garage</td> <td>GAR-001</td> <td>19th December 2015</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Drawing Reference	Received date	Proposed Site Layout	AL-001 Rev H	11 th March 2016	Quad Garage Block	G-101	11 th March 2016	Planning Elevations & Floor Plans House Type B Plot 5	2005 Rev A	19 th December 2015	Planning Elevations & Floor Plans House Type C Plot 6	3005-1 Rev C	19 th December 2015	Planning Elevations & Floor Plans House Type C Plot 1	3005 Rev D	19 th December 2015	Planning Elevations & Floor Plans House Type D Plot 4 & 7	4005-1 Rev A	19 th December 2015	Proposed Enclosure Details	E-001	19 th December 2015	Proposed Double Garage	GAR-001	19 th December 2015
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19.	<p>No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.</p> <p><i>Reason: To ensure the streets are managed and maintained to a satisfactory standard for the occupants of the approved properties.</i></p>																											
20.	<p>The construction of any road, or part of a road that will be proposed for adoption shall not commence until full engineering, drainage, street lighting and constructional details of the road proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.</p> <p><i>Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</i></p>																											
21.	<p>For the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.</p> <p><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</i></p>																											

	<i>users.</i>
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Client: Westchurch Homes

Project: Residential Development at Tinklers Lane, Ecclestone

Drawing Title: Site Location Plan



associates limited

architecture | building surveying | urban design

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Drawn: SCK	Checked:	Scale: 1:1250	Date: Nov 15
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Job No: 15-108	Drawing No: LOC-001	Rev:
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Item 3B	15/01057/FUL
Case Officer	Helen Lowe
Ward	Pennine
Proposal	Proposed dwelling in lieu of existing extensions to be demolished including off-road parking provision for existing and proposed dwelling.
Location	145 Town Lane, Whittle le Woods
Applicant	Mr David Connor
Consultation expiry:	5th February 2016
Decision due by:	8th April 2016
Recommendation	Approve
Executive Summary	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.

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

Objection	Support
Total No. received: 13 (from 6 households)	Total No. received: 2 (from one person)
<ul style="list-style-type: none"> • 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; 	<ul style="list-style-type: none"> • The existing buildings are of poor quality construction and incongruous with the original residence;

- 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"> • 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; • On the plan the width of the public footpath is inaccurate; • The proposed turning area is inadequate; • Materials should be in keeping with the surrounding buildings; <p>Further to further amendments to the proposed layout the following comments were received:</p> <ul style="list-style-type: none"> • 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; • The building is unnecessary and not required by any housing needs for this Green Belt area; • Each amendment has reduced the garden area; • 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; • The land is waterlogged; • Can the developer reassure the residents that an independent certified specialist will carry out an asbestos survey on all extensions to be demolished; 	
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Consultees

Consultee	Summary of Comments received
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

Members will recall that this application was deferred from the previous committee meeting for a site visit to take place.

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 91m² and have a volume of around 323m³. The proposed replacement building would have a footprint of approximately 54m² and a volume of 323m³. 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 97m².

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

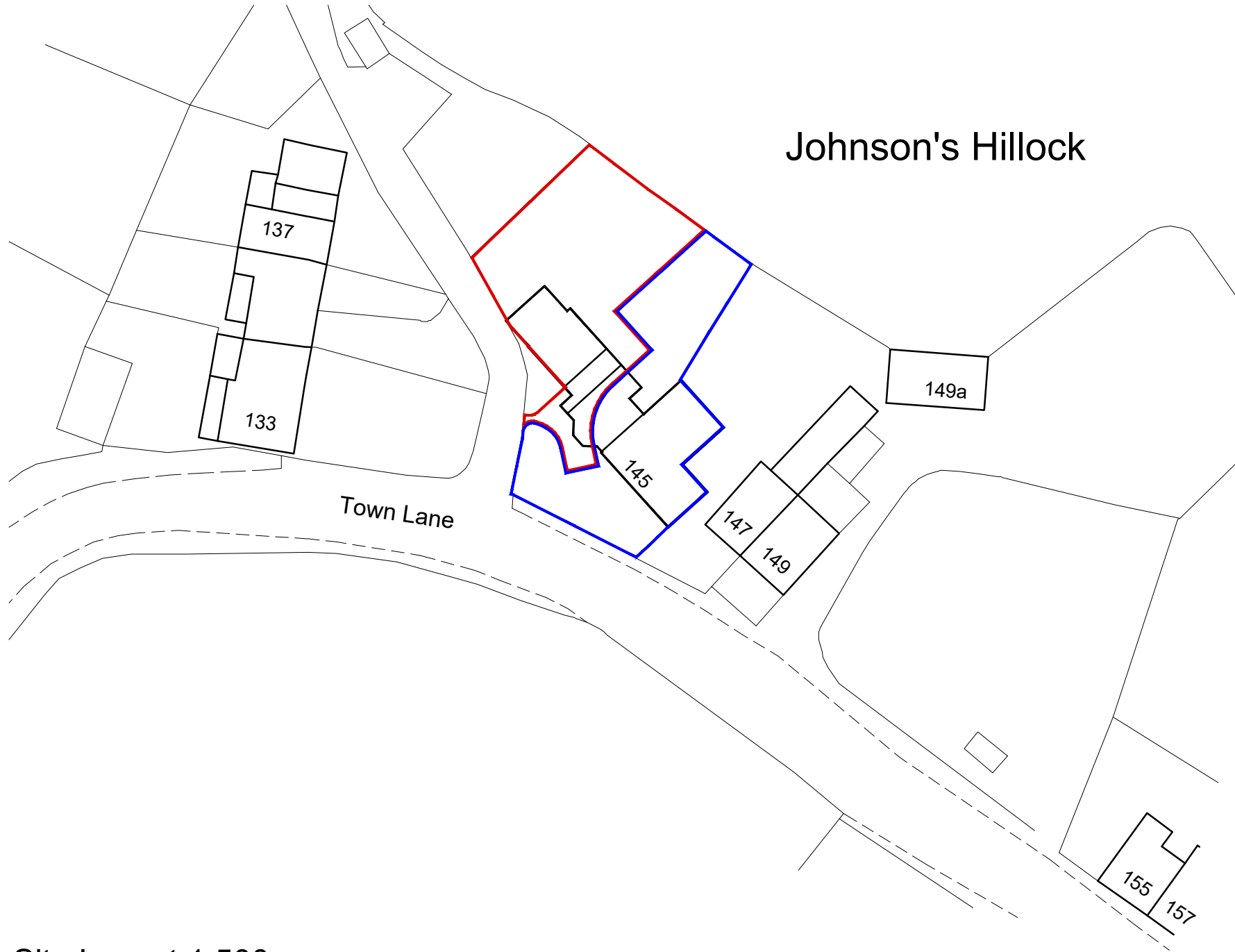
No.	Condition																					
1.	<p>The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>																					
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plan</p> <table border="1" data-bbox="320 539 1305 1084"> <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 1305 600">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 600 655 660">Existing Site Layout</td> <td data-bbox="655 600 940 660">15/094/E02</td> <td data-bbox="940 600 1305 660">21 October 2015</td> </tr> <tr> <td data-bbox="320 660 655 763">Existing plans and elevations</td> <td data-bbox="655 660 940 763">15/094/E01</td> <td data-bbox="940 660 1305 763">21 October 2015</td> </tr> <tr> <td data-bbox="320 763 655 866">Proposed dwelling plans and elevations</td> <td data-bbox="655 763 940 866">15/094/P02</td> <td data-bbox="940 763 1305 866">21 October 2015</td> </tr> <tr> <td data-bbox="320 866 655 927">Proposed site layout</td> <td data-bbox="655 866 940 927">15/094/P01</td> <td data-bbox="940 866 1305 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 1305 1028">27 January 2016</td> </tr> <tr> <td data-bbox="320 1028 655 1084">Proposed Street Scene</td> <td data-bbox="655 1028 940 1084">15/094/P03</td> <td data-bbox="940 1028 1305 1084">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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Proposed Street Scene	15/094/P03	27 January 2016																				
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. <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. <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. <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). <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. <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. <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>

	<p><i>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 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. <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>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. <i>Reason: To ensure adequate off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.</i></p>
<p>13.</p>	<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. <i>Reason: To secure proper drainage and to prevent flooding.</i></p>

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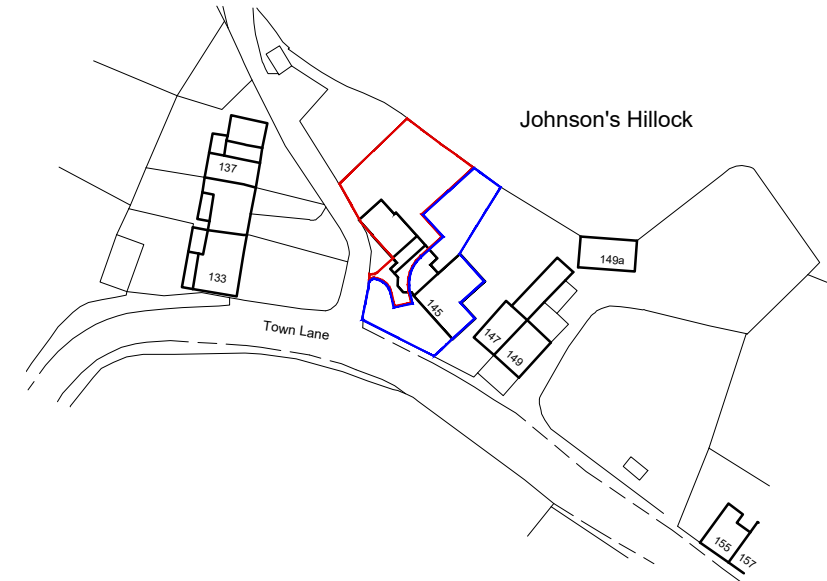
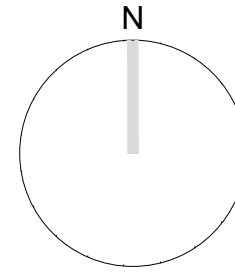
Johnson's Hillock



Site Layout 1:500

0m 25m 50m

Scale: 1:500



Location Plan 1:1250

Revision Notes:

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

WA 27/01/16



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

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Item 3C **16/00118/FUL**

Case Officer **James Appleton**

Ward **Clayton-le-Woods and Whittle-le-Woods**

Proposal **Section 73 application to vary condition 8 of planning permission 14/00508/FUL to "no more than 99 children shall be in attendance at the nursery at any one time"**

Location **Gelston
Dawson Lane
Whittle-Le-Woods
Chorley
PR6 7DT**

Applicant **Mr Neil Ward**

Consultation expiry: **14 April 2016**

Decision due by: **12 April 2016 (extension of time agreed to 29 April 2016)**

Recommendation
Approve Full Planning

Executive Summary

The main issue to consider is whether or not the proposed variation to condition 8 of planning permission 14/00508/FUL, that will effectively allow up to 99 children to be in attendance at the nursery at any one time, will have any greater impact than the approved scheme.

Representations

Whittle-le-Woods Parish Council have made no comments on the application
No representations have been received

Consultees

Consultee	Summary of Comments received
LCC Highways	No objections.

**Assessment
The Site**

1. The application site is a detached children’s day nursery located on Dawson Lane, Whittle- le- Woods. The building is located in the Green Belt and adjacent to Buckshaw Village.
2. There is an existing drop off / pick up area and a car parking area and the building is located approximately 65m away from the highway.

Background Information

3. The use of the building as a children’s day nursery was approved in August 2014 (14/00508/FUL). A condition was attached to this approval restricting the number of children allowed to be in attendance at any one time to 41.
4. In March 2016 planning permission was granted (16/00073/FUL) for elevational changes to the garages to enable these buildings to be used as part of the nursery. The submitted documentation suggested that this additional accommodation would allow a further increase in the number of children to 58.
5. The below table details the amount of floor space the existing building will provide for each age group the nursery caters for. In respect of the floorspace split proposed OFSTED have specified spacing standards for each age range and the table demonstrates how many children, in each age range, the existing floorspace can accommodate. The table also details the child to staff ratio for each age range based upon the standards already established at this nursery (this ties into OFSTED’s guidance in terms of staff to child ratios).

	Floor Area	Children allowed per spacing standards	No of staff (as per ratio)
Pre-School	61.42	27	4
Toddlers	101.51	44	11
Babies	98.7	28	9
TOTAL :	261.63	99	24

The Proposal

6. This application seeks consent under Section 73 of the Town and Country Planning Act to vary the condition to enable the nursery to accommodate up to 99 children in attendance at any one time.

Assessment

7. The main issues are as follows :-
Issue 1 – Impact on the character and openness of the Green Belt
Issue 2 – Impact on highway safety.

Impact on the Character and Openness of the Green Belt

8. The National Planning Policy Framework (The Framework) states that there is a general presumption against inappropriate development in the Green Belt and advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It advises that development which is harmful to the Green Belt should only be permitted in ‘very special circumstances’ and that these will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
9. The building on site already has consent to be used as a nursery and no further building works are proposed as part of this application. The applicant originally applied to increase the number of children to 150 however following an assessment of the floorspace within

the existing building it was confirmed that there was not enough floorspace, in accordance with OFSTED’s spacing standards, to accommodate 150 children. As set out within the above table the existing building is large enough to accommodate 99 children and as such the increase in children applied for will not necessitate the need for new buildings/ extensions which could potentially impact on the openness of this Green Belt location.

Impact on highway safety

- 10. The other consideration in respect of increasing the number of children in attendance at any one time is the impact on the highway network, increase in vehicle movements, and parking at the site.
- 11. The Highway Engineer at Lancashire County Council Highways originally objected to the application as additional off-street parking has not been provided. Following these comments the applicant has submitted a parking allocation plan showing the proposed parking provision.
- 12. The plan details 30 car parking spaces available on site including a manoeuvring and turning area for a drop-off and pick up service. As set out above the increased number of children has an associated requirement for 24 staff. In addition the Highway Engineer at Lancashire County Council Highways has no objections to the application.
- 13. As such it is considered that there is sufficient car parking provision and manoeuvring space for both staff and drop-offs/ pick-ups such that there will be no adverse impact on highway safety in accordance with Policy ST4 of the Adopted Local Plan 2012-2026.

Overall Conclusion

- 14. It is considered that the proposal will not result in any significant harm to the openness of the Green Belt nor will it cause any significant harm to or highway safety. It is therefore recommended that the application is approved.

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
11/00128/FUL	Erection of a single storey rear extension (orangery) and raised terraced area to the rear	Approved	1 April 2011
11/00434/FUL	Proposed 3 car garage extension	Approved	13 July 2011
12/00214/FUL	Erection of an attached triple garage following the demolition of the exiting garage and stables, the creation of a new access and erection of entrance gates.	Approved	25 July 2012
14/00508/FUL	Change of use of existing property from residential (Use Class C3) to children's day nursery (Use Class D1)	Approved	8 August 2014

14/00943/DIS	Application to discharge condition nos. 3 (junction details), 4 (drop off/pick up area details), 5 (cycle/motorcycle storage details) and 6 (ground surfacing materials) of planning permission no. 14/00508/FUL which permitted the change of use of the existing property from residential (Use Class C3) to children's day nursery (Use Class D1)	Approved	23 October 2014
16/00073/FUL	Elevational changes to existing day nursery facilities.	Approved	21 March 2016

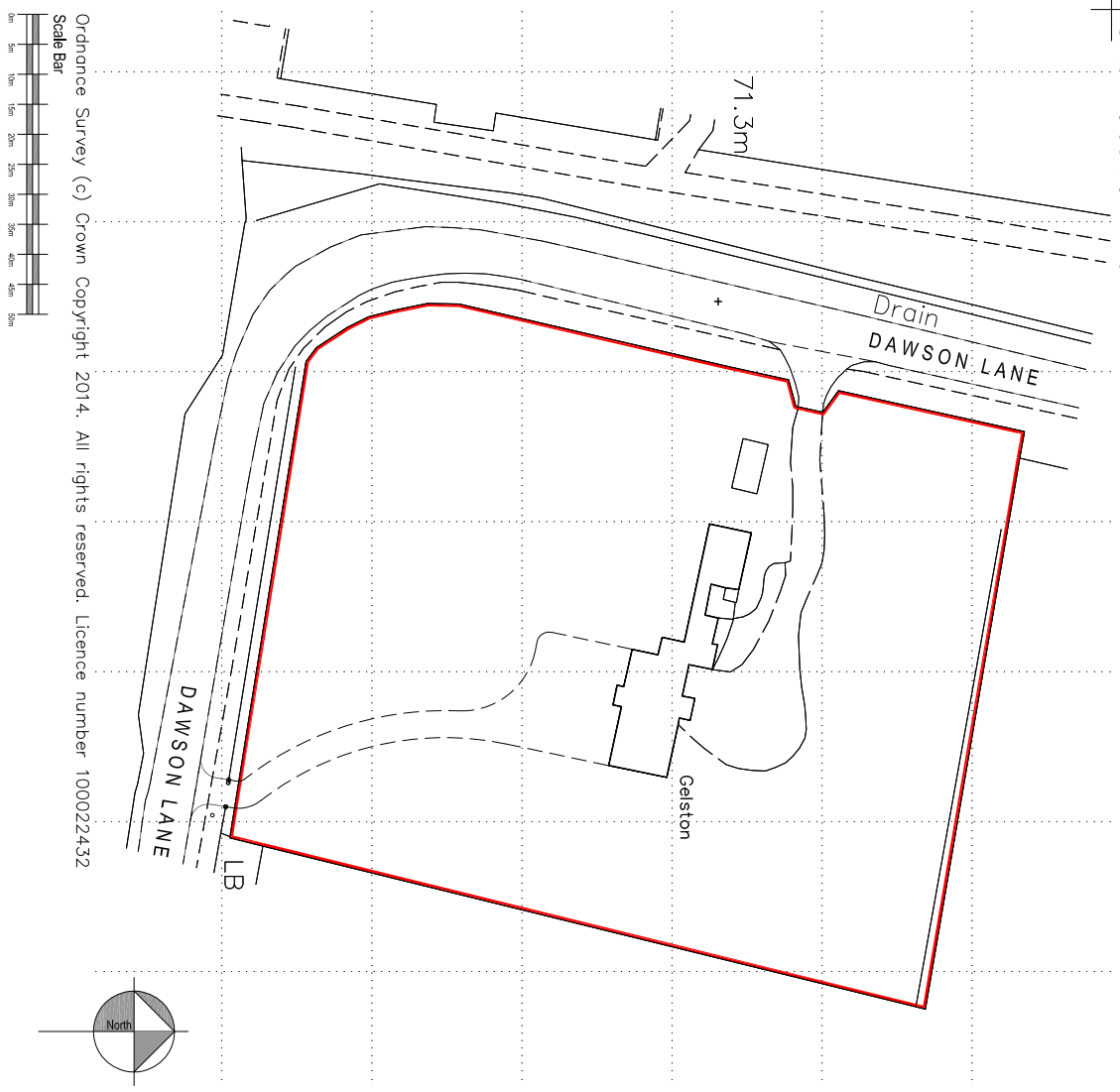
Suggested Conditions

No.	Condition										
1.	<p>The children's day nursery hereby permitted shall only operate between the hours 7:30am to 6:00pm Monday to Friday. The children's day nursery shall not operate outside of these hours or at weekends and on bank and public holidays. <i>Reason: To safeguard the amenities of local residents</i></p>										
2.	<p>Within 30 days of the planning approval full details of secure and covered cycle storage; and motorcycle parking area have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the Chorley Parking Standards. The scheme shall be implemented in accordance with the approved details within 30 days of the Local Planning Authority confirming that the submitted scheme is acceptable. The facilities shall be retained at all times thereafter. <i>Reason: To encourage sustainable transport modes and due to the fact that the approved cycle storage area will now be used as nursery space.</i></p>										
3.	<p>No more than 99 children shall be permitted to attend the children's day nursery, hereby permitted, at any one time split between the following:</p> <p>Pre-School 27 (maximum in attendance at any one time) Toddlers 44 (maximum in attendance at any one time) Babies 28 (maximum in attendance at any one time)</p> <p><i>Reason: Based upon the submitted information and the amount of floorspace available.</i></p>										
4.	<p>No more than 24 full time staff or the equivalent number in part time staff or the equivalent number in a mixture of full time and part time shall be employed at the children's day nursery hereby permitted. <i>Reason: Based upon the submitted information and the amount of floorspace available. To define the permission, in the interests of highway safety and to ensure the protection of the openness of the Green Belt.</i></p>										
5.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 1305 967 1727"> <thead> <tr> <th data-bbox="320 1305 644 1368">Title</th> <th data-bbox="644 1305 967 1368">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 1368 644 1435">Location Plan</td> <td data-bbox="644 1368 967 1435">16th February 2016</td> </tr> <tr> <td data-bbox="320 1435 644 1532">Existing car park allocation plan</td> <td data-bbox="644 1435 967 1532">10th March 2016</td> </tr> <tr> <td data-bbox="320 1532 644 1628">Proposed parking allocation plan</td> <td data-bbox="644 1532 967 1628">18th March 2016</td> </tr> <tr> <td data-bbox="320 1628 644 1727">Proposed internal floor space plan</td> <td data-bbox="644 1628 967 1727">23rd March 2016</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Received date	Location Plan	16 th February 2016	Existing car park allocation plan	10 th March 2016	Proposed parking allocation plan	18 th March 2016	Proposed internal floor space plan	23 rd March 2016
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Proposed internal floor space plan	23 rd March 2016										
6.	<p>The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the increase in children in attendance at the nursery approved as part of this application; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General</p>										

	<p>Permitted Development) Order 2015).</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site.</i></p>
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Site Location Plan



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Item 3d	16/00242/REM
Case Officer	Adele Hayes
Ward	Chisnall
Proposal	Reserved matters application pursuant to outline planning permission 15/00596/OUT for the erection of 9 no. dwellings. Appearance, layout, scale and landscaping to be considered.
Location	H W Moon Ltd 56 Wood Lane Heskin Chorley PR7 5NU
Applicant	Warwick Construction (NW) Ltd
Consultation expiry:	29 April 2016
Decision due by:	7 May 2016

Recommendation

It is recommended that this application is approved subject to no material representations being received before the expiry of the consultation period (29 April 2016) and that the decision is delegated to the Chair and Vice Chair in consultation with the Executive Director of Public Protection, Street Scene and Community.

Proposal

1. The application site is located within the Green Belt on Wood Lane, close to the junction with Park Hall Road. It was formerly occupied by a Toyota dealership although the building has now been demolished. There are houses on The Warings to the rear and east of the site and residential properties to the west of the site on Wood Lane itself.
2. Outline planning permission was granted for the means of access to 9no. town houses in July 2013 and a subsequent application for the reserved matters was approved in May 2015.
3. A further application for planning permission for an additional dwelling, which will effectively result in 10 dwellings being built on site, in two blocks of 5no. dwellings, was approved in June 2015.
4. A Section 73 application involving variation of condition no.10 and removal of condition no.11 attached to the outline planning approval, both of which related to the Code for Sustainable Homes standards, was approved in August 2015.
5. The acceptability of the principle of the development has therefore clearly been established.
6. This application is a further reserved matters application submitted pursuant to the Section 73 consent and is for all reserved matters, namely layout, scale, appearance and landscaping of the development. There are no changes to the previously approved details and the application has been submitted for technical reasons only so that the reserved matters consent relates to the amended outline planning approval.

Representations

7. The application has been publicised by way of individual letters sent to the occupiers of neighbouring properties and a site notice has been displayed. As a result of this publicity no representations have been received.

Consultations

8. Lancashire County Council Highway Engineer – comment that there are no overriding highway objections to the proposed development subject to the imposition of conditions.
9. Heskin Parish Council have not made any comments.

AssessmentPrinciple of the development

10. The principle of redeveloping the site with housing has been established as being acceptable by the grant of outline planning permission in July 2013 and approval of the subsequent reserved matters and Section 73 applications.
11. This application is for the consideration of matters reserved for subsequent approval pursuant to the recent Section 73 application.

Design and character of the development

12. The proposed layout indicates that the front elevations of the proposed dwellings will be built on line with the front elevation of the existing hairdressing salon adjacent to the site and the terraced properties starting with number 48 Wood Lane providing a suitable relationship with the existing building line along this part of Wood Lane.

13. The dwellings will be built in two separate two storey terraces with access in between leading to a communal parking area with provision for 18 cars. Each dwelling will have three bedrooms.
14. The proposed scheme is considered appropriate in respect of its layout having regard to the character of its surroundings.
15. There are residential properties immediately adjoining the site to the south. The proposed layout of the dwellings has considered the relationship the new development will have with the existing properties and is acceptable.

Impact on the neighbours

16. The nearest residential properties to the site are those on The Warings that adjoin the site to the south. These are dormer bungalow properties, some with rear conservatories, with first floor rear windows facing towards the site. To the west is a single storey building operating as a hairdressing salon with a car park beyond. Number 48 Wood Lane is the nearest residential property to the west, it has no windows in its end gable and although it has a single storey rear extension with a small side facing window, this window will be screened from the proposed houses by the intervening existing hairdressing salon building. To the east are nos. 56 and 58 The Warings that face towards the side of the site. The only property opposite the site is High Barn Farm, which is set back from the road by over 30m. The Council's interface distances require there to be 21m between first floor facing windows, 10m between first floor windows and the boundaries with other properties they face and 12m between first floor windows and a blank wall. The proposed layout complies with these interface distances and therefore it is considered that the relationship with adjoining properties is acceptable.
17. The proposed boundary treatment to the rear of the site comprises a 1.8metre high timber fence.

Highway safety

18. The means of access to the site was approved at outline stage and comprises a single access to the site between the proposed terraces of houses. LCC Highways consider the access point and visibility from it to be acceptable. The footway and the kerbs in front of the development will be required to be reinstated to their original levels at the applicant's expense through the S278 agreement of the Highways Act 1980.
19. The proposed layout shows the provision of 20 no. parking spaces as it includes 2no. spaces for the additional single dwelling that was also been approved. The Council's standards require 2 spaces for two or three bed dwellings and accordingly the proposed car parking provision is adequate for the dwellings that are proposed.
20. In relation to the hairdressing salon next to the site, which has limited off road parking to the front, there is only one access proposed to the site. The Council cannot guarantee that future property owners will not be allowed to drop kerbs to the front of the properties in the future. Such works would require planning permission as Wood Lane is a classified road, but the Council cannot prevent such applications being made nor can it predetermine the outcome of such applications if they are made, which must be determined on their own merits in accordance with policies in force at the time such applications are made taking into account the advice of LCC as the Highways Authority.

Overall Conclusion

21. The reserved matters details are considered acceptable and indeed have been previously approved. The application is recommended for approval. The applicant is bound by the conditions placed on the outline permission.

Planning Policies

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

Planning History

Ref: 87/00749/FUL **Decision:** PERFPP **Decision Date:** 1 December 1987
Description: Refurbishment and extension of existing car showroom

Ref: 90/00832/ADV **Decision:** PERFPP **Decision Date:** 6 November 1990
Description: Display of internally illuminated fascia signs and double sided freestanding illuminated forecourt sign

Ref: 02/00499/ADV **Decision:** PERADV **Decision Date:** 27 August 2002
Description: Display of illuminated and non-illuminated advertisement signs,

Ref: 03/01178/FUL **Decision:** PERFPP **Decision Date:** 13 January 2004
Description: Erection of 3m acoustic fencing at rear of 27 & 29 The Warings,

Ref: 07/00661/OUT **Decision:** WDN **Decision Date:** 31 July 2007
Description: Outline application for residential development of 9 town houses (layout & access only),

Ref: 08/00704/OUT **Decision:** WDN **Decision Date:** 18 November 2008
Description: Demolition of existing buildings and erection of 9 town houses

Ref: 13/00365/OUT **Decision:** PEROPP **Decision Date:** 10 July 2013
Description: Outline application for the demolition of existing buildings and erection of 9no. town houses (specifying access only).

Ref: 14/00352/DEMCON **Decision:** PERDEM **Decision Date:** 28 April 2014
Description: Demolition of structure above ground level of former showrooms, offices and workshops

Ref: 15/00281/REM **Decision:** PERRES **Decision Date:** 29 May 2015
Description: Reserved matters application pursuant to outline planning permission 13/00365/OUT for the erection of 9 no. dwellings. Appearance, layout, scale and landscaping to be considered.

Ref: 15/00282/FUL **Decision:** PERFPP **Decision Date:** 19 June 2015
Description: Erection of 1no. dwellinghouse

Ref: 15/00596/OUT **Decision:** PEROPP **Decision Date:** 10 August 2015
Description: Section 73 application to vary condition 10 (Code for Sustainable Homes) and to remove condition 11 (Carbon Reduction Statement) attached to outline planning approval 13/00365/OUT

Ref: 15/00683/DIS **Decision:** PEDISZ **Decision Date:** 25 September 2015

Description: Application to discharge conditions numbered 1 (time limit for submission of reserved matters), 2 (details of reserved matters), 3 (boundary treatments), 4 (surface water regulation), 5 (samples of materials), 6 (site access and highway improvement works), 9 (ground contamination) and 12 (parking provision for contractors) attached to outline planning permission 13/00365/OUT

Ref: 15/00684/DIS **Decision:** PEDISZ **Decision Date:** 25 September 2015

Description: Application to discharge conditions numbered 8 (estate phasing and completion), 10 (management and maintenance of streets), 11 (streets for adoption), 13 (construction plan) and 14 (site access and highway improvement works) attached to reserved matters consent 15/00281/REM

Ref: 15/00685/DIS **Decision:** PEDISZ **Decision Date:** 25 September 2015

Description: Application to discharge conditions numbered 9 (estate phasing and completion), 11 (management and maintenance of streets), 12 (streets for adoption), 14 (construction plan), 15 (site access and highway improvement works), 17 (ground contamination), 18 (samples of materials), 19 (surface water regulation), 20 (dwelling emission rate) and 21 (dwelling emission rate) attached to planning permission 15/00282/FUL

Ref: 16/00325/DIS **Decision:** REC **Decision Date:** Pending

Description: Application to discharge conditions numbered 1 (time limit for submission of reserved matters), 2 (details of reserved matters), 3 (boundary treatments), 4 (surface water regulation), 5 (samples of materials), 6 (site access and highway improvement works), 7 (ground contamination), 8 (Dwelling Emission Rate), 9 (Dwelling Emission Rate), 10 (SAP assessment) and 11 (parking provision for contractors).

Conditions

The following conditions are suggested:

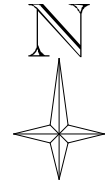
No.	Condition									
1.	<p>The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters.</p> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>									
2.	<p>The proposed development must be begun not later than two years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>									
3.	<p>The approved plans are:</p> <table border="1" data-bbox="347 1771 1401 1995"> <thead> <tr> <th data-bbox="347 1771 678 1845">Plan reference number:</th> <th data-bbox="678 1771 1155 1845">Title:</th> <th data-bbox="1155 1771 1401 1845">Date received:</th> </tr> </thead> <tbody> <tr> <td data-bbox="347 1845 678 1919">D146/P01</td> <td data-bbox="678 1845 1155 1919">Location Plan</td> <td data-bbox="1155 1845 1401 1919">12 March 2016</td> </tr> <tr> <td data-bbox="347 1919 678 1995">D146/P04</td> <td data-bbox="678 1919 1155 1995">Proposed Site Plan</td> <td data-bbox="1155 1919 1401 1995">12 March 2016</td> </tr> </tbody> </table>	Plan reference number:	Title:	Date received:	D146/P01	Location Plan	12 March 2016	D146/P04	Proposed Site Plan	12 March 2016
Plan reference number:	Title:	Date received:								
D146/P01	Location Plan	12 March 2016								
D146/P04	Proposed Site Plan	12 March 2016								

	D146/P05	Proposed Site Plan + Levels	12 March 2016
	D146/P07	Proposed Site Plan + Highway Works	12 March 2016
	D146/P06	Proposed Site Drainage Plan	12 March 2016
	D146/P09	Proposed Floor Plans – 5 Unit Block	12 March 2016
	D146/P10	Proposed Elevations – 5 Unit Block	12 March 2016
	D146/P03	Proposed Site Plan + Parking of Vehicles	12 March 2016
	D146/P12	Proposed Road & Highway Works Detail	12 March 2016
	<i>Reason: To define the permission and in the interests of the proper development of the site.</i>		
4.	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>		
5.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>		
6.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any dwellings or the completion of the development within the relevant Phase, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p> <p><i>Reason: In the interest of the appearance of the locality.</i></p>		
7.	<p>The car parking spaces shall be surfaced or paved, drained and marked out all in accordance with the approved plan before any dwellings are first occupied. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.</p> <p><i>Reason: To ensure adequate on site provision of car parking and manoeuvring areas.</i></p>		
8.	<p>No dwelling or dwellings shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Lancashire County Council</p>		

	<p>Specification for Construction of Estate Roads.</p>
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Reasons: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

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 WARWICK consultancy Tel: 01257 450938 Fax: 01257 450939 E Mail: David@Warwick-Homes.co.uk	TITLE: LOCATION PLAN Redevelopment of former Toyota Garage 56, Wood Lane, Heskin, Chorley, Lancashire. PR7 5NU.	DRAWING No. D146/P01	
		REVISION:	SCALE: 1:1250

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Item 3f **16/00169/FUL**

Case Officer **Ian Heywood**

Ward **Heath Charnock & Rivington**

Proposal **Variation of condition 9 to permission granted under application 02/00722/FUL to allow continuous occupation of caravan pitches between 1st March and 31st October.**

Location **Wilcocks Farm Caravan Site,
Dean Head Lane,
Rivington,
Bolton
BL6 7SJ**

Applicant **Mr & Mrs David and Julie Wood**

Consultation expiry: **21 March 2016**

Decision due by: **22 April 2016**

Recommendation **Refuse Full Planning Permission**

Executive Summary

The main issues to consider are whether the proposals accord with the policies contained within the current and emerging Local plan. For the reasons set out below it is considered that the proposals are inconsistent with the aims of the development plan and the Framework and do not represent a sustainable form of development within the Parish of Rivington.

Representations

Parish Council: Rivington Parish Council has not made any comments on the application.
In total one representation has been received which is summarised below
Objection
Total No. received: One
<ul style="list-style-type: none">One neighbour (actually a visitor to the area rather than a neighbour) has objected to the application on the grounds that in his view if this application were to be granted it would lead to inappropriate development in the Green Belt in the future as further buildings would be erected and all the caravans would become a permanent fixture. He sees this, together with other development of stables at the farm as over-commercialisation of this farm site within this Green Belt location.
Support
Total No. received: Nil

Consultees

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

Description of the site

1. The site is an established touring caravan park set on a rural farm within the Green Belt in the rural area of Rivington on the eastern boundary of the Borough. It is adjacent to a working farmstead including a number of agricultural barns, stables and the grade II listed farm house. Consent for the touring caravan site was granted in 2002 at which time permission was also granted for an amenity block.
2. The nearest neighbours to the site are at Morris Barn, over 315 metres to the north, Bradleys Farm, 350 metres to the south and Moses Cockers Farm, over 580 metres to the south west of the site.
3. Given the elevated and exposed location the site is visible from a considerable distance and a number of public footpaths pass nearby.

AssessmentPrinciple of the Development

4. Pertinent policies are: Central Lancashire Rural Development SPD (2012); Adopted Chorley Local Plan 2012 – 2026, policy BNE1. Also of relevance is the Framework, section 9, paragraphs 87 - 92.
5. The application seeks to vary a previously applied condition that states, '*The caravan site hereby permitted shall only be used for the parking of touring caravans whilst occupied and, in particular, no permanent or mobile homes shall be stationed on the site nor shall any unoccupied caravans be stored or parked on the site*', which was imposed so as to allow the development of a tourism facility but at the same time maintain as far as possible the openness of and therefore limit the harm to the Green Belt, to allow touring caravans to be sited or parked on the site continuously, whether occupied or not, between March and October.
6. This change will completely alter the basis upon which the original permission was granted. Rather than the pitches being occupied on a temporary basis for short periods of time at any one time, this application, if approved, would allow the permanent occupation of pitches continuously between March and October, effectively creating an open caravan storage facility.
7. The applicant claims to have made the application on the basis of requests received from current users of the site who wish to be able to leave their caravans on site continuously during the caravanning season rather than repeatedly towing them to and from the site on a regular basis.
8. Section 9 of the Framework deals with Green Belt land. Paragraphs 87 - 88 of the Framework state: (para 87) '*As with previous Green Belt Policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*' (para 88) '*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*'
9. The Adopted Central Lancashire Rural Development SPD (2012) mirrors paragraph 89 of the Framework. Policy HS9 of the Adopted Chorley Local Plan 2012 - 2026 sets out exceptions where development need not be considered to be inappropriate in the Green Belt and Other Designated Rural Areas. In this case the following are considered to be pertinent:
 - a. The proposal does not have a materially greater impact on the openness of the Green Belt and the purposes of including land in it;
 - b. The proposal would not harm the character or quality of the countryside or landscape;
10. The Adopted Chorley Local Plan 2012 – 2026, policy BNE1 states, *Planning Permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development:*
 - a. *The proposal does not have a significantly detrimental impact on the surrounding*

area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials;

11. In this case the creation of permanently occupied caravan pitches, albeit only between March and October, falls to be considered as inappropriate development in the Green Belt. Furthermore the applicant has failed to provide any very special circumstances that might outweigh this inappropriateness or any other harm caused. The proposal will not enhance the tourism potential of the site and does not contribute to the enhancement of the rural economy. The proposed development is therefore considered to be contrary to the aforementioned paragraphs of the Framework.
12. The application fails to meet any of the exceptions cited within the Rural Development SPD as indicated above and is considered to have a significantly greater detrimental impact upon the openness of the Green Belt and the purposes of including land within it and would be harmful to the open character of the Green Belt at this point. The proposed development is therefore considered to be contrary to the requirements of the Rural Development SPD.
13. It is considered that the development will have a significantly detrimental impact on the surrounding area as the introduction of permanently parked caravans will cause significant blight to the appearance of the area. The proposed development is therefore considered to be contrary to policy BNE1 of the Local Plan.

Impact on the appearance of a listed building and the significance of a designated heritage asset

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

15. Section 66 states:

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

16. Section 72 states:

- *In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

The provisions referred to in subsection(1) are the planning acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953

17. Paragraphs 129, 131, 132, 133, 134, 136 and 137 of the Framework (National Planning Policy Framework) are pertinent as are policy 16 of the Adopted Central Lancashire Core Strategy (2012) and policy BNE8 of the Adopted Chorley Local Plan 2012 – 2026.
18. Paragraph 129 states that, '*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*'
19. Paragraph 131 states that, '*in determining planning applications, local planning authorities should take account of:*
 - *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - *The desirability of new development making a positive contribution to local character and distinctiveness.'*

20. Paragraph 132 states, *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*
21. Paragraph 133 states, *'Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- *The nature of the heritage asset prevents all reasonable uses of the site; and*
 - *No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - *Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
 - *The harm or loss is outweighed by the benefit of bringing the site back into use.'*
22. Paragraph 134 states, *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*
23. Paragraph 136 continues by stating that, *'Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'*
24. Paragraph 137 states that, *'Local planning authorities should look for opportunities for new development within Conservation Areas or World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the heritage asset should be treated favourably.'*
25. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, *'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by: Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'*
26. The Adopted Chorley Local Plan (2015), Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, *'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate, the enhancement of the setting of heritage assets.'*
27. In this case the permanent siting of caravans within close proximity of the listed building is considered to cause harm to the setting of that building and thus cause harm to its appearance. It is the degree of permanence of the caravans compared to the existing consent and the potential for additional paraphernalia associated with their location on a more permanent basis – the use of awnings and other touring caravan related equipment - that all have the capability of degrading the setting of the listed building that is considered to be unacceptable. The proposed development is therefore considered to be contrary to S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
28. It follows also therefore that the proposed development will also cause unacceptable harm to the significance of the designated heritage asset by eroding its setting. The mostly rural surroundings will be replaced by a sea of permanently parked caravans, potentially including awnings and other related equipment, that is considered harmful. The proposed development is therefore considered to cause less than substantial harm to the significance of a designated heritage asset whilst at the same time fails to demonstrate

any compensatory public benefits. It is therefore considered to be contrary to the aforementioned paragraphs of the Framework, specifically paragraph 134, Policy 16 of the Core Strategy and policy BNE8 of the Local Plan.

Highway Safety and Parking

29. Pertinent Policies are: Adopted Chorley Local Plan 2012 – 2026, Policies BNE1 and ST4.

30. It is considered that the proposed development could result in a reduction in the number of caravan movements to and from the site and could therefore be beneficial in terms of highways safety.

Impact on the amenity of neighbours

31. Pertinent Policies are: Adopted Chorley Local Plan 2012 – 2026, Policy BNE1(b) and (g).

32. Given the considerable distance to any neighbouring property it is considered that the proposed development will have no material impact on the amenity currently enjoyed by those properties.

Ecology

33. Pertinent policies are: Adopted Central Lancashire Core Strategy (2012), policy 22; Adopted Chorley Local Plan 2012 – 2026, policy BNE9. Also of relevance is the Framework, section 11.

34. There is no evidence to suggest that the continuous parking of touring caravans from March to October inclusive will have any greater impact on the ecology of the area than a site operating purely touring caravans during the same period.

Overall Conclusion

35. The application is recommended for refusal

Planning Policies

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

Planning History

Ref: 02/00722/FUL **Decision:** PERFPP **Decision Date:** 30 October 2002

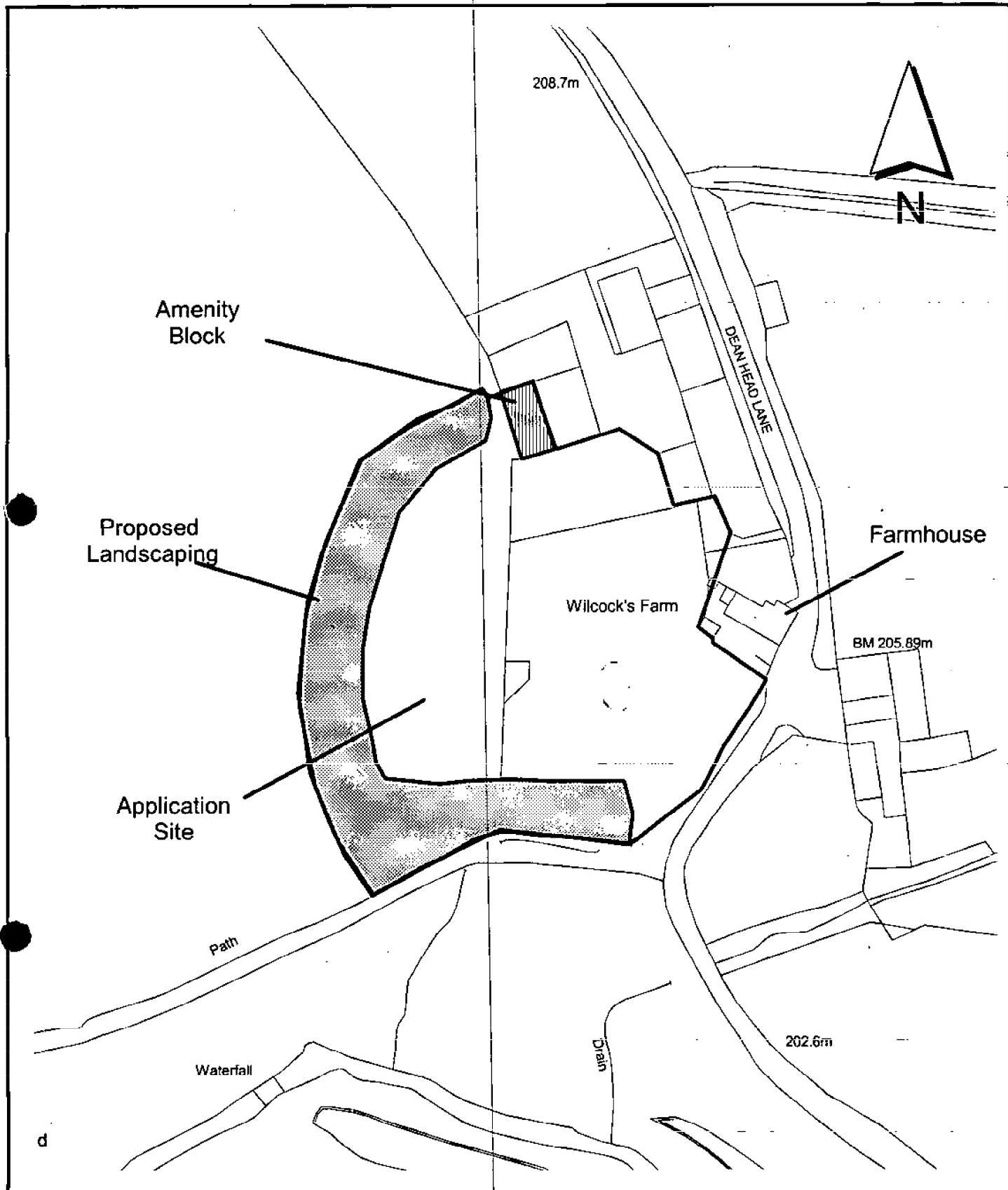
Description: Extension of existing touring caravan site and replacement of an existing lean to building to form amenity block

Proposed Reasons for Refusal

No.	Reason
1.	The proposed development falls to be considered as inappropriate development within the Green Belt that will cause unacceptable harm to the openness and special character of the area and the reasons for including the land within it.

2.	The proposed development will cause harm to the appearance of a listed building by causing harm to its setting. This will result in less than substantial harm to the significance of this designated heritage asset, however no compensatory public benefit of the proposal has been demonstrated.
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Alan D Croston BA(Hons), MRTPI, MIMgt
 Head of Planning Services,
 Chorley Borough Council

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Application No.
 02/00722/FUL

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Item 3g **16/00162/FUL**

Case Officer **Nicola Hopkins**

Ward **Eccleston And Mawdesley**

Proposal **Erection of a detached dwelling**

Location **Woodview, Preston Nook, Eccleston**

Applicant **Mr Michael Miller**

Consultation expiry: **5th April 2016**

Decision due by: **5th May 2016**

Recommendation
Approve full planning permission

Representations

Eccleston Parish Council no comments received

In total 3 representations have been received citing the following grounds of objection:

- Loss of privacy/ overlooking
- Loss of light
- The proposed dwelling is beyond the natural building line on the south aspect and adjacent to the footpath running adjacent to Syd Brook
- The proposed development is not infill
- Land for the proposed dwelling is not developed; this application would extend the natural boundary.
- The proposal does not adequately consider modification of Woodview to achieve the applicant's base retirement of providing additional living space for elderly relatives
- The highway (Preston Nook) is not practically able to accommodate any additional vehicles and parking associated with an additional dwelling
- There is no benefit to the local community
- The proposed development is within regular flight paths of barn owls that nest in the tree canopy adjacent to Syd Brook and this will unnecessarily disrupt them
- The proposed development extends into habitat for bats, newts and frogs, erosion is unnecessary
- Out-of-character for the area and will be a significant feature from the south
- In considering this need for elderly relatives, proposed development could be altered to a single storey, connected to existing dwelling and not extending more than 9 metres
- The area is a very natural piece of woodland within Eccleston which should be protected
- There will be a definite risk to the children's health and safety when either cycling or scootering to school and during time when they are able to play out
- Further housing will spoil the natural beauty of an area of Eccleston that is still unbuilt

Consultees

Consultee	Summary of Comments received
United Utilities	No objection
Environment Agency	Originally objected due to the lack of a Flood Risk Assessment however on receipt of the Assessment withdrew their objection
CBC Waste and Contaminated Land Officer	No comments to make
LCC Highways	No objection

Assessment

Proposed Development and Site

1. The site is located within a predominantly residential area on a cul-de-sac and is occupied by a detached bungalow set within a large curtilage. The proposed development involves the erection of a detached two storey dwellinghouse on land to the south west of the existing dwelling with vehicular access off Preston Nook. The existing attached garage at Woodview will be demolished to provide an access to the new property which will be a shared access with Woodview. The new dwelling is proposed for the parents of the owners of Woodview although it will be a completely separate dwellinghouse and not a granny annexe.

Principle of the Development

2. The site is located within the settlement area of Ecclestone as identified within the Local Plan. The Local Plan identifies that development within settlement areas may be for an appropriate use such as housing, offices, community facilities or green infrastructure. This should be read in conjunction with other policies and proposals in the plan and with Core Strategy Policy 1: Locating Growth. Within Core Strategy Policy 1 Ecclestone is identified as a Rural Local Service Centre where limited growth and investment will be encouraged to help meet local housing and employment needs and to support the provision of services to the wider area.
3. The proposal involves redeveloping part of the existing residential curtilage and as such Policy HS3 of the Local Plan is applicable. Policy HS3 states:
Applications for development within private residential gardens on sites not allocated in the Housing Allocations Policy will only be permitted for:
 - a) Appropriately designed and located replacement dwellings where there is no more than one for one replacement.
 - b) The conversion and extension of domestic buildings.
 - c) Infill development on gardens. 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 garden sites, the Council will also have regard to:
 - 1) Sustainability, such as access to public transport, schools, businesses and local services and facilities.

Proposals which significantly undermine amenity and harm the distinctive character of an area will be refused.

4. Policy HS1 of the Local Plan expressly states that development on private residential gardens is not required as a matter of principle. The preamble to Policy HS3 confirms that the Council will resist proposals for garden development considered to harm the character and local amenity and biodiversity balance of an area and the policy confirms that proposals which significantly undermine amenity and harm the distinctive character of an area will be refused. As such development will only be considered to be acceptable in exceptional circumstances, subject to other material planning considerations.
5. There is no presumption in favour of developing this greenfield site (the National Planning Policy Framework excludes private residential garden curtilages in built up areas from the definition of previously developed land) as the Council has a deliverable five year housing supply including the additional buffer of 5%.
6. All of the land to the rear of Woodview is garden area associated with the dwellinghouse. However, there are significant levels changes from the rear of the dwelling to Syd Brook (at the rear boundary of the site) with the land dropping away significantly. These level differences affect the amount of land which the property can reasonably use as outside amenity space and it is clear on site that the formal areas of the site which are used as garden associated with Woodview are a hardsurfaced patio area to the immediate rear of the dwelling and a lawned area which is at a slightly lower level than the patio area. After this lawned area, the levels drop significantly and it is here that the dwellinghouse is proposed on an area of unkempt land. The main areas of private amenity space

associated with Woodview will be retained as part of the proposal and will not lead to a reduction of the used parts of this rear garden. As such the proposed development will not adversely impact on the level of private amenity space currently enjoyed at the property.

7. Additionally, the land to the rear of the neighbouring property, Ricmarlo, has planning permission for the construction of three new dwellings (15/00719/FUL). Whilst this land was not considered to be garden, this consent is a material planning consideration and demonstrates that the area is not characterised by low density housing set in generous mature gardens. As such it is not considered that the proposed development will adversely impact on the character of the area.
8. In addition, whilst the development does involve development within garden land, it is important to note that the proposal, given the sustainable location of the site, the character of the area and its position in relation to other dwellings nearby, is consistent with the aims of the Framework and the thrust of policy HS3 and is acceptable in principle.

Levels

9. There are significant level changes from the rear of the existing dwelling to the rear of the site. The proposed dwelling will be located on the part of the site where the levels drop away significantly and the proposed finished floor level of the dwelling is approximately 4m lower than Woodview. This level difference results in a ridge height, although 2 storey, which is lower than the existing bungalow and reduces the visibility of the new dwelling when viewed from Preston Nook. This level change will be secured through the use of a retaining wall structure and steps down to the dwelling with parking provision proposed at the higher land level.

Design and Appearance

10. The proposal involves the erection of a detached modern dwellinghouse in an area where there is a mix of dwelling types, sizes and ages within the street scene and as such the erection of a modern detached two storey dwelling will not be out of character with the appearance of the area.

Impact on the neighbours

11. The immediate neighbours to the site are Woodview, Ricmarlo and Treetops. There are also the approved but yet to be constructed dwellings to the rear of Ricmarlo.
12. Woodview is a detached modern bungalow located to the north east of the application site and the proposed dwelling will share vehicular access with this existing dwelling. The proposed dwelling is located approximately 16m from the rear elevation of the existing dwellinghouse although the submitted plans detail a proposed single storey rear extension at Woodview (which may be being constructed as permitted development) which will mean the new dwelling is approximately 13m from the rear elevation of the extended part of the dwelling. Due to the level changes, the windows in the rear of Woodview will directly face the first floor of the proposed dwelling. There are no habitable room windows on the rear (north elevation) of the proposed dwelling which ensures that the proposed dwelling will not result in loss of privacy in respect of the habitable rooms at Woodview or result in overlooking to the private amenity space at Woodview. The proposed windows in this facing elevation will serve a hall and landing area. These windows can be obscurely glazed to maintain an acceptable relationship with Woodview.
13. The proposed dwelling will be sited to the south west of the existing property. Given the degree of separation and the level differences it is not considered that the proposed dwelling will result in loss of light to the windows or the garden area of Woodview to a degree which warrants refusal.
14. Ricmarlo is a detached two storey dwelling located to the north of the application site which is set a higher land level than the proposed dwelling. Given the positioning of the proposed dwelling and the location of Ricmarlo and its associated amenity space it is not

considered that the proposed dwelling will create loss of privacy to the detriment of the neighbour's amenities.

15. There is dense vegetation along the common boundary with Ricmarlo which effectively screens it from current views from the garden. Although the dwelling will be located to the south of Ricmarlo, it will be set at a much lower land level and the dwelling will be sited approximately 8m from the garden area to Ricmarlo's (due to the intervening garage) and over 24m from the rear elevation of the property itself. Given the degree of separation and the level difference it is not considered that the proposed development will adversely impact on the neighbour's amenities.
16. Treetops is a detached dwellinghouse which appears to be a bungalow at the front and is two storey at the rear. Planning permission was granted for the dwelling in 1988 (87/00764/FUL) and the dwelling that exists on the site reflects the approved scheme although limited alterations to the dwelling have occurred in respect of the part of the dwelling closest to the application site. The property has a rear first floor bedroom window and a rear ground floor lounge window closest to the boundary with the application site. The proposed dwelling however is proposed to be located approximately 22m from the boundary with Treetops and in excess of 27m from the dwelling itself. The proposed dwelling will be located to the west of Treetops and given the degree of separation proposed it is not considered that the proposed dwelling will result in loss of light to Treetops. The proposed development will not create any directly facing habitable room windows in respect of the relationship with Treetops and although the proposed development includes side habitable room windows facing the garden area of Treetops these are well in excess of 10m from the boundary (the Council's standard spacing distance) and as such it is not considered that these windows will adversely impact on the neighbour's amenities.
17. The land to the rear of Ricmarlo has planning permission for three detached dwellings (15/00719/FUL). Approved plot 3 borders this application site and has a similar finished floor level to the proposed dwelling. Approximately 19m is retained between the rear elevation of plot 3 and the side elevation of the proposed dwelling. There are no first floor habitable room windows in the side elevation of the proposed dwelling (the two first floor windows serve a bathroom and utility room which can be obscurely glazed). The ground floor kitchen window does not meet the Council's standard of 21m however the extensive hedging along the boundary screens the application site from the neighbouring land and given that the distance maintained is just below the normal standard it is not considered that the proposed ground floor kitchen window will result in loss of privacy to a degree which warrants refusal.
18. The approved dwelling on plot 3 is a 2.5 storey dwelling with rear dormer windows. These windows will face the part of the dwelling where pedestrian access will be obtained and as such will not face the private amenity space associated with the new dwelling. It is not, therefore, considered that plot 3 will result in overlooking to the detriment of the proposed development.
19. Approved plot 2 is located to the south west of the application site and will be approximately 1m lower in terms of finished floor levels. The orientation of both the proposed dwelling and approved plot 2 ensures that the rear windows will not result in overlooking to the detriment of the neighbour's amenities.
20. The side elevation of approved plot 2 faces the application site however this plot includes the following condition:
All windows in the north east elevation of plot 2 hereby permitted shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.
Reason: In the interests of the privacy of occupiers of neighbouring property.
This ensures that there will be no windows in the side elevation of plot 2 which will result in overlooking to the detriment of the proposed dwelling.

21. The original scheme incorporated a rear first floor balcony. This balcony is sited over 26m from the boundary with Treetops ensuring that this feature will not create overlooking to the neighbour's private garden. The balcony would, however, enable overlooking to two of the approved dwellings on land to the rear of Ricmarlo which was a particular concern due to the fact that plot 2 is 1m lower than the proposed dwelling. The applicant was advised of this and the first floor rear balcony has been omitted from the scheme. The balcony has been replaced with a Juliette balcony which will not enable direct views into the neighbours' garden areas.

Highways and Traffic

22. Concerns have been raised about the impact of additional traffic along Preston Nook. However, the Highway Engineer has reviewed the proposal and has no objection to this single dwelling.
23. The proposed dwelling is a one bedroom property which in accordance with Policy ST4 of the Local Plan requires one off road parking space which is detailed on the proposed plans. There are no details of the number of bedrooms at the existing property although three additional off road parking spaces are included on the submitted plans which is the standard required for 4+ bedroom properties and as such is acceptable for this existing dwelling.
24. The Highway Engineer has commented that he does not consider that the positioning of the proposed parking space is well placed as to allow for vehicles to be safely and conveniently parked and reversed. However, given that there is adequate space within the overall site to accommodate a single car, no objection is raised by the Engineer in this regard.

Trees

25. Within the vicinity of the site there is mature vegetation and trees. However, this vegetation will be unaffected by the proposed development.

Open Space

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

Sustainable Resources

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

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

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard

equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

28. 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.

Drainage and Flood Risk

29. United Utilities have no objection to the proposal and have not requested any conditions.
30. The application site is partially within Flood Zone 3 (given its proximity to Syd Brook), which is defined as having a high probability of flooding in the National Planning Practice Guidance. As such the Environment Agency originally objected to the application due to the lack of a Flood Risk Assessment. Following receipt of the submitted Assessment the Environment Agency have confirmed that as the proposed dwelling will not be located in Flood Zone 2 or 3 they are satisfied that the proposed development would be safe and that it would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.

Community Infrastructure Levy

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

Overall Conclusion

32. The proposal is considered to be acceptable in terms of planning policy and as such is recommended for approval.

Planning Policies

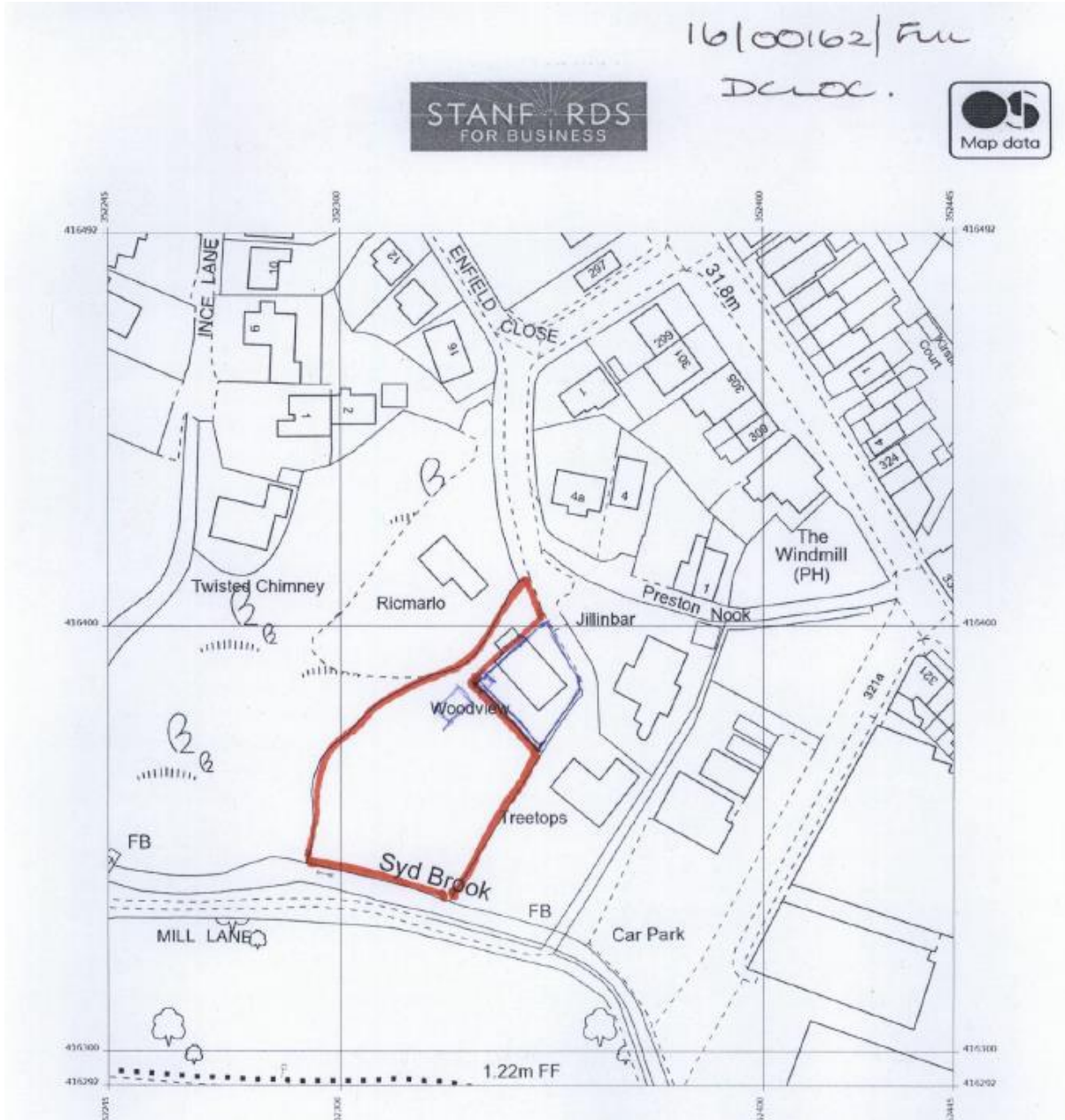
In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations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

Suggested Conditions

No.	Condition
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>Prior to the commencement of the development, due to the sensitive end-use of the development (residential housing with gardens), a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The report should include an initial desk study, site walkover and preliminary risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.</p> <p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.</p> <p>Reason: It is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</p>
3.	<p>All trees being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines (e.g. BS5837:2012 Trees in relation to design, demolition and construction - Recommendations).</p> <p>Reason: In the interests of ensuring the continued protection of the trees on the site.</p>
4.	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway hereby approved following the demolition of the existing garage 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>Reason: In the interests of highway safety and to prevent flooding.</p>
5.	<p>Prior to the commencement of the construction of the dwelling hereby approved samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>
6.	<p>The new dwelling hereby approved are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>
7.	<p>Prior to the commencement of the construction of the dwellinghouse details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the dwellings will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p>

	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.												
8.	The dwelling hereby approved shall not be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate. Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.												
9.	Prior to the occupation of the dwellinghouse hereby approved full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development. Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.												
10.	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (Schedule 2, Part 1, Classes A, B, C and E) or any subsequent re-enactment thereof no extension to the dwelling, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission. Reason: In the interests of neighbour amenity and due to the proximity of the site to the Flood Risk zone in respect of Syd Brook.												
11.	The development hereby approved shall be carried out in accordance with the following plans: <table border="1" data-bbox="320 1603 1275 1765"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td></td> <td>10th March 2016</td> </tr> <tr> <td>Site Plan and Section</td> <td>DD/1290/3</td> <td>10th March 2016</td> </tr> <tr> <td>Proposed Plans and Elevations</td> <td>DD/1237/2 Rev A</td> <td>10th March 2016</td> </tr> </tbody> </table> Reason: For the avoidance of doubt and in the interests of proper planning.	Title	Drawing Reference	Received date	Location Plan		10th March 2016	Site Plan and Section	DD/1290/3	10th March 2016	Proposed Plans and Elevations	DD/1237/2 Rev A	10th March 2016
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12.	The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans. Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.												
13.	All windows in the north east elevation and the first floor windows in the north west												

	<p>elevation shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.</p> <p>Reason: In the interests of the privacy of occupiers of neighbouring property.</p>
14.	<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>Reason:- The provision of off-site public open space is a requirement of the Development Plan and therefore a scheme or mechanism to deliver the requirements of the development plan are essential to make the development acceptable. A suitable scheme has not been submitted as part of the application and is needed prior to the commencement of the development to ensure a suitable scheme can be agreed.</p>



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